Engagement and Innovation in Criminal Justice:

Case Studies of Relations between Indigenous Groups and Government Agencies

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This research aims to draw attention to the way government and Indigenous groups engage in community settings and explores the potential of this sphere of political activity as a source of innovation and reform.

Indigenous people have many good ideas about managing crime and justice in their communities, but what happens to those ideas when they are presented to an agency of the criminal justice system? To investigate the fate of Indigenous ideas and how they might be progressed through western bureaucracies, I conducted four case studies – two in New Zealand and two in the Australian state of Queensland – that represent examples of what occurs when government and Indigenous groups come together to develop a local crime and justice project. This thesis presents an empirical record of the events in each case, a comparative analysis of what occurred and my hypothesis of what might be likely to occur in other similar cases.

I found that Indigenous leaders responded to government projects by challenging the government’s intentions, venting their anger, hijacking the agenda and contesting the projects’ assumptions. My analysis of the policy background to the cases shows that although governments currently favour community ‘capacity building’ strategies, these policies mistakenly assume that Indigenous communities are capacity deficient. Indigenous leaders tend to interpret policies that encourage devolved decision-making arrangements as government support for self-determination, and ‘whole of government’ strategies continue to disappoint because the public sector is unable to coordinate its resources. Instead, successful local projects often depend on the accidental convergence of a good idea, a committed and enthusiastic leadership, some degree of political will and sufficient resources. To maximise these opportunities for reform, bureaucrats need to feel comfortable in the ‘community space’, to learn to operate within the Indigenous domain and be willing to put Indigenous ideas into practice.

The thesis concludes that Indigenous communities are highly capable of developing reform projects and effective forms of governance on Indigenous terms, but government actors are often unsure of how to utilise the expertise of Indigenous people. Effective Indigenous leaders are experts in the history, conditions and aspirations of their communities. They are also experts in the practice of consensus decision-making, can mobilise community support for a good idea and have learned to negotiate with unresponsive and uncoordinated government agencies. When government and
Indigenous groups are willing to engage, and each acknowledges the potential contribution of the other, then there is potential for a new way forward in the relationship between government agencies and Indigenous people.
STATEMENT OF ORIGINAL AUTHORSHIP

This work has not previously been submitted for a degree or diploma in any university. To the best of my knowledge and belief, the thesis contains no material previously published or written by another person except where due reference is made in the thesis itself.

Signed:
___________________________________________________________

Date:
___________________________________________________________
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<th><strong>English Translation</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Haka</td>
<td>A group performance of song and dance. Traditionally, it is performed as a challenge to a visiting group.</td>
</tr>
<tr>
<td>Hongi</td>
<td>To greet another person by touching noses. The hongi is an exchange of two people’s breath, which unites them.</td>
</tr>
<tr>
<td>Hui</td>
<td>A meeting of people; typically run according to traditional protocols.</td>
</tr>
<tr>
<td>Iwi</td>
<td>A tribe or a population of people.</td>
</tr>
<tr>
<td>Karakia</td>
<td>Prayer</td>
</tr>
<tr>
<td>Kaupapa</td>
<td>Philosophy or principles. A Maori community group is likely to have an agreed ‘kaupapa’ or a set of guiding principles that embodies the group’s vision, objectives, rules of conduct and so on.</td>
</tr>
<tr>
<td>Koro</td>
<td>Affectionate term of address for an elder man, similar to ‘granddad’.</td>
</tr>
<tr>
<td>Kuia</td>
<td>Female elder.</td>
</tr>
<tr>
<td>Mana wahine</td>
<td>The social and spiritual authority of women. The inherent prestige of the female sex.</td>
</tr>
<tr>
<td>Marae</td>
<td>A marae is a traditional meeting place on tribal land. Typically considered the focus of a tribe’s history and tradition, many marae maintain infrastructure such as meeting houses, teaching facilities, communal kitchens and sleeping accommodation.</td>
</tr>
<tr>
<td>Matua whangai</td>
<td>An adopted parent or adopted older person. A <strong>whangai</strong> is an adopted child. The word <strong>matua</strong> refers to a parent (usually a father). When Apirana Ngata used this term to describe Norman Perry (see chapter four), he was making a public declaration that he had ‘adopted’ this adult person into his tribe.</td>
</tr>
<tr>
<td>Pakeha</td>
<td>(noun) European person or people; (adjective) of European character.</td>
</tr>
<tr>
<td>Tikanga Maori</td>
<td>Maori practices. The cultural rules that cover the correct way to conduct activities such as teaching, meetings, funerals, ceremonies.</td>
</tr>
<tr>
<td>Tupuna</td>
<td>Ancestors</td>
</tr>
<tr>
<td>Wairua</td>
<td>The spiritual dimension of a place, person or activity. The spiritual part of a person’s nature.</td>
</tr>
<tr>
<td>Waka</td>
<td>A canoe or vehicle, also a project or journey. A community group might refer to itself as a group of people that belong to same <strong>waka</strong>. Other metaphors arise from this use of the word; such as people ‘rowing the <strong>waka</strong> together’ or ‘keeping the <strong>waka</strong> going in the right direction’.</td>
</tr>
<tr>
<td>Wananga</td>
<td>A gathering for the purpose of learning. Traditionally, a closed learning environment where teachers and students live and sleep together communally over a period of about three days and nights.</td>
</tr>
<tr>
<td>Whanau</td>
<td>Family, extended family.</td>
</tr>
</tbody>
</table>
ACKNOWLEDGEMENTS

Nga kupu tuatahi ki te atua, nga kupu tuarua ki nga tangata whenua, nga kupu tuatoru ki a koutou katoa. Tena koutou, tena koutou, tena koutou katoa.

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My warmest thanks to all of you, here is my contribution. He mihi mahana kia koutou, tenei taku koha. Tena koutou katoa.
Taku Mihi

Ko Mamaru te waka
Ko Taipa te moana
Ko Oruru te awa
Ko te Maunga Taniwha te maunga
Ko te Poho o Ngati Kahu te whare nui
Ko Kauhanga te marae
Ko Ngati Kahu te iwi
Ko Deirdre Green taku ingoa
Tena koutou katoa

My Greeting
Mamaru is the canoe
Taipa is the sea
Oruru is the river
Te Maunga Taniwha is the mountain
Te Poho o Ngati Kahu is the meeting house
Kauhanga is the marae
Ngati Kahu is the tribe
My name is Deirdre Green
Greetings to you all

Footnote: 1 The watermark picture is the meeting house of my marae, Te Poho o Ngati Kahu at Peria, Far North New Zealand.
INTRODUCTION

This thesis intends to draw on the fields of criminology, political science and post-colonial studies to inform my exploration of the working relationship between the state and Indigenous communities. This dissertation presents the results of a qualitative comparative case study of how bureaucracies and Indigenous groups interact when they come together in projects to change the criminal justice system. I conducted two case studies in Queensland and two in New Zealand that provided examples of this type of engagement; each case involved the implementation of a local justice initiative.

In each jurisdiction I selected one case that concerned policing and crime prevention, and one that concerned the conditions of detention. The aim of my research was to investigate what takes place when Indigenous people seek to progress their ideas and projects through western bureaucracies. I wanted to provide information to those researching, working within, or otherwise navigating this complex and volatile domain.

Sector exploration: the reason for the research

I first became interested in the subject of this thesis in 1996, when, as a Maori community worker, I represented a community group that wanted to implement a Maori language and culture program in Brisbane’s youth detention centres.

I was the committee member who liaised between the community group and the government department to negotiate the terms of the program's implementation. It was my task to defend the community group’s decisions about how to develop the program, especially when Maori culture-based knowledges and practices clashed with those of the detention centre. That initiative was successful, and at the time of writing, the youth detention centre’s Maori program is celebrating its thirteenth anniversary. This experience demonstrated to me that small victories are possible, that public institutions are interested in new ideas and that crime and justice initiatives can be negotiated on Indigenous terms.

My experience may be viewed as an isolated case where a small ethnic group, which was

1 In 1996, the Brisbane based Maori community group Te Kohanga Ote Whenua Hou (The Language Nest of the New Land) delivered the inaugural Takahia Whakamua Puutahi (Moving Forward Together from the Crossroads) program at Brisbane’s John Oxley Youth Detention Centre.

2 Refer also to Warhaft, Palys and Boyce (1999), a Canadian case study that explored how a government and one Indigenous community responded to an initiative to address the community’s high rates of sexual abuse. That study, which I discuss further in chapter one, concluded that justice on Indigenous terms is possible.
overrepresented in the criminal justice system, gained the favourable attention of one department. It was, perhaps, not a particularly remarkable achievement to develop and implement such a program in a policy environment that strongly encouraged community groups to offer themselves as service providers, largely on a voluntary basis, to the juvenile justice system.

Nevertheless, the experience of negotiating between two cultures, an Indigenous culture and a western bureaucracy, profoundly affected my understanding of such relationships. Firstly, I discovered they existed. There were places where those representing the ethnics, the blacks, the delinquents and the incarcerated could negotiate a better deal. Secondly, I discovered that by moving into these places of negotiation, outsiders could make successful claims on the governmental domain.

I was interested in Rowse’s (1992, 2002) notion of a third Indigenous sector. If, as Rowse (2002) describes, the Indigenous domain represents a unique type of public sector activity that emerges from the interaction between government and Indigenous people, I wondered if I went into the field to search for it, how would I recognise it and what could I expect to find there? To investigate this idea further, I perceived the site at which this interaction occurs as the ‘point of engagement’ and conducted several case studies that reflected that type of activity.

I was also interested to explore the characteristics of the working relationship between Indigenous people and government agencies. Garland (1999) and O’Malley (1996) describe the enlistment and recruitment of community-based actors into broadly based forms of governance. Just as I have done as a community-based volunteer, Garland (1999) notes that there are increasing numbers of non-state actors agreeing to stand as guardians positioned between the state and offending populations (Garland 1999). I wanted to explore the importance of these positions and the relationships between the groups involved.

From an Indigenous point of view, it often seems that whenever the state seeks to impose its will on marginalised people, it almost always succeeds. Nevertheless, as all pervasive as the state might appear to be, and despite the sometimes brutal reality of its campaigns and their effect on the lives of Indigenous people, it must be the role of the critical researcher to find the gaps and consider the possibility of alternative relationships. Toward
this end, more needs to be done to catalogue the occurrence and characteristics of successful Indigenous projects and to systematically describe them as politically important events (King, Keohane and Verba 1994).

The pessimism of the left leads to arguments that appear deterministic, especially those that suggest the future holds 'more of the same' (see Garland and Sparks 2000), or that the expressed intentions of the right are shaping the landscape that lies ahead. The literature and my own research shows it is possible for Indigenous people to successfully reshape the practices of the criminal justice system in ways that give importance to the ideas and practices of Indigenous people.

Rather than taking an over determined pessimistic position, I believe that criminology must explore the engagement between the state and the marginalised before we conclude that there are no opportunities for disadvantaged groups to form productive relationships with public institutions. Unless we pay some attention to the weaknesses of the state, the possibility of unintended consequences and the gaps through which new ideas can be launched, we make the mistake of treating what is really a series of political trials and errors, fumbles and recoveries as a cohesive plan of action destined to prevail.

The ‘Point of Engagement': a site of interaction

I chose the term ‘point of engagement’ to describe the focus of my study. It refers to the empirical site of interaction between government agencies and Indigenous groups; where they meet to negotiate, exchange ideas, develop new programs and improve practice. Such an engagement may take many forms, it may for example, be a series of meetings about a particular initiative or it may emerge from a more established arrangement, like a reference group, advisory committee or action group.

From my experience as a community worker, I have observed that during a period of conflict or disagreement between an Indigenous group and a government department, Indigenous people sometimes suppress rights-based arguments in the interests of working cooperatively with government. Members of an Indigenous group may complain among themselves about departmental racism for example, but refrain from raising their concerns in meetings with department staff. This type of tension can still affect the relationship whether the big problems make it onto the official agenda or not. I wanted to learn whether community-based actors continued to raise deeply felt grievances, like the history of social harm caused by colonial administrations, and if so, how government actors respond to
these claims. My case studies suggest that when negotiating new initiatives with government, Indigenous people in New Zealand and Australia sometimes want to discuss the problems caused by colonisation and dispossession, and they treat the point of engagement as an opportunity to assert their right to exercise self-determination as Indigenous people. My research also found that although these debates can be time consuming, they do not necessarily cause the project’s failure.

We are living in an era of governmentality that places high symbolic value on working ‘partnerships’ between governments and communities. During the 2000s, both the Queensland and New Zealand governments have shown significant enthusiasm for the partnerships model, especially in regard to the governance of Indigenous communities. One result is that those parts of the public sector that are responsible for Indigenous people are under pressure to engage with communities and share power. The places where these two groups engage are not just theoretical spaces, or policy-making spaces; they are also physical spaces. Government actors can find participating in these partnerships uncomfortable, professionally, culturally, ideologically, personally and sometimes physically, if for example, the meeting and accommodation facilities in an Indigenous community are not as well furnished as their own. These discomforts can lead to reluctance on the part of government actors to visit and spend time in Indigenous communities.

Community-based actors can also find these engagements challenging. For example, community groups entering discussions with a government department might find it hard to get their ideas across. A government department might ‘set the agenda’ by deciding what will be discussed and what will be placed outside the scope of the meeting. Non-government groups setting out to influence government can sometimes feel as though everything of importance has already been decided before they arrived at the table. My research project explores these and other problems.

I give more attention to the Indigenous perspective because much of the information available on the policies and practices of the criminal justice system (including information about the Indigenous sector) is produced by government agencies. This means that the policy-making environment tends to be flooded with information that reflects the government’s views (Christie 1997). To address this imbalance, I aim to contribute the views and experiences of Indigenous people to this field of knowledge, and in this way, provide new information about the nature of the relationship between Indigenous people and the criminal justice system in Queensland and New Zealand.
Thesis Questions

My research addresses these questions:

1. What happens to the ideas of Indigenous people when they set out to engage with government agencies?

2. What occurs during the interaction between Indigenous people and government?

3. How might we predict the passage of other similar projects?

Structure of the thesis

There are eight chapters to this thesis, as outlined below.

In the first chapter I weave together the relevant theoretical and empirical work on this subject. I draw from the arguments that seek to explain the ideological undercurrents driving different forms of governance in the late modern era. Authors such as Garland, O'Malley, Stenson, Blagg and Smandych are some of the prominent writers in this field.

The second chapter presents my methodology. I begin by discussing the theories that support my choice of method and then describe how I developed and applied the method to conduct the research.

The case studies are then presented in four consecutive chapters (chapters three to six). Each case represents an engagement between an Indigenous group and a government agency or agencies. I have written each case study as an historical account, and each was heavily reliant on information gathered during face-to-face interviews with those who were involved.

The format of each of these four case studies follows a pattern determined by the research method. In each of these chapters, the data are assembled into five thematic categories of information. These are 1) the ideas and visions articulated by those involved in the case, 2) the catalysts that prompted people to take action, 3) how power was shared and the agenda set, 4) the challenges encountered, and 5) the project’s breakthroughs and facilitating factors.
Chapter seven gives a descriptive comparative analysis of the four cases, and in chapter eight, I discuss the implications of my findings, compare them to other studies and attempt to typify the features of the engagement between governments and Indigenous groups.
I was interested to research the interaction between government and Indigenous people, but the available literature is sparse. Although some academics are theorising the interaction between the state and the Indigenous domain, this work would be better informed if the research produced a greater number of empirical studies. My research contributes to the theorisation of state/Indigenous relations because it provides new material in the form of case studies, it focuses on Indigenous ideas and aspirations and it presents a normative conclusion about how we might predict and improve the way government and Indigenous communities engage.

Three sets of literatures set the political and social contexts for the interaction between the state and Indigenous people: the political science about sovereignty and the power of western bureaucracies; criminological theories about governance and social control; and post colonial studies, which blends the social and the political as two features of the colonisation story. Where these literatures overlap there is a dialogue about sovereignty and its contested meanings, and they each contribute to the critical theorisation of the Indigenous sector.

Political science theorises the power of public institutions and this is important because western bureaucracies play an essential part in the colonisation process. In political science, the historical institutionalists give significance to the relationship between public institutions and civil society, because, they argue, public institutions have power and agency in their own right and can be directed by new ideas. In criminology, there is a discourse about the ‘governance’ of crime and justice in liberal democratic societies and some of these writers are concerned with the governance of crime in Indigenous communities. Finally, post-colonial studies draw from the social and political literatures to critically appraise relations between the state and colonised people.

One explanation for the shortage of empirical research about the Indigenous domain is that

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crime and justice research often takes the ideas and actions of the dominant group as its starting point. Most researchers remain fascinated with the structures and behaviours of the state without affording comparable value to how others respond to these arrangements (Christie 1997). When we privilege official discourses in this way, we cannot recognise the way resistance and rule overlap (O’Malley 1996). Thus, there is a need to acknowledge the significance of the interaction between the two forces, identify the places where this engagement is taking place, and scrutinise both sides (Becker 1974; Garland 2001). This thesis explores both sides of the relationship between government and Indigenous people. To do this I first conceived the research field as three distinct sites of activity: that of government agency, where policies and programs are developed largely in isolation from Indigenous communities; the site of community-based agency, where Indigenous people organise to address a local crime and justice problem; and the site I term the ‘point of engagement’, where the two groups come together to negotiate.

In this chapter I argue that despite the emphasis in the literature on the limits of progressive change, I propose there are openings for transformation. Crime and justice policy-making is an ongoing contest of ideas, and within this environment there are opportunities for innovation and reform. Power relations have changed in the past and continue to change, and historically, this is a favourable time for small non-government interests, like Indigenous community groups, to invest in the development of grassroots initiatives.

**Terms and definitions**

In the language of international relations a ‘nation state’ is a sovereign entity that exists within geographic borders. It is a mythical and imperfect political construct that allows governments to claim they rule a country legitimately (Loughlin 2004; McLean 1996). Here and throughout this thesis, I discuss the liberal democratic state (which is also a nation state) as a collection of institutions that includes a party political system of government, a judiciary, police and defence forces, a civil service and other public agencies. The state can prevail in ways that governments cannot; liberal democratic governments are subject to the rule of law for instance, and historically, public institutions can be observed to possess agency in their own right. Thus, the ‘state’ is a nation’s combined public institutions and services, which includes the elected ‘government of the day’ The term ‘government actors’ refers to elected politicians and the bureaucrats who are responsible for implementing government policies and programs. Non-state entities, such as the media, welfare agencies, lobby groups and community-based organisations also exercise political power,
and I use the word ‘governance’ to refer to the activity of governing, which may involve participation by state and non-state entities.

I chose not to use the term ‘neo’ to describe the liberal democratic state. The term ‘neo-liberal’ refers to a set of ideas that promote the twin virtues of the free market and small government. The promotion of neo-liberal views was prevalent during the 1980s and 1990s, and although it profoundly modified the operating culture of the welfare state, it did not completely abolish it (Loughlin 2004). The rise of neo-liberalism resulted in new approaches to social policy-making, but it did not cause a fundamental transformation of the liberal democratic system. The neo-liberal era, which Loughlin (2004) suggests is already being replaced by other reforms, was one phase in the ongoing evolution of the liberal democratic state and was in concert with the philosophies from which it first emerged (see Loughlin 2004; O’Malley 1999).

Right, left, right: where are we now?

Garland and Sparks (2000) refer to the conservative and practical programs of scientific criminology and how for much of the 20th century, the field was concerned with social order in a modern world. And, they say, ‘until very recently, everyone from Michel Foucault to Sir Leon Radzinowicz imagined that the future was more of the same’ (Garland and Sparks 2000:12). However, sociologists and criminologists are not very good at predicting the future (O’Malley 2000; Hood 1997); and in the 1970s, the situation changed when criminology turned its attention to the development of critical thought and debates about broader sociological problems (Garland and Sparks 2000).

These developments generated a degree of hope for transformative change. The emerging field of critical criminology promoted the view that there was a way for the dispossessed, the marginalised and the criminalised to rise up, reconstruct their position within society and repair the injustices that had characterised their experience of the criminal justice system. One of the major works of the period, Taylor, Walton and Young’s (1973) *The New Criminology*, was introduced as a work that would make criminology ‘intellectually serious, as distinct from professionally respectable’ (Gouldner in Taylor et al 1973: ix).

By the late 1970s, this moment of radicalisation foundered. A broad intellectual shift to the right began as conservatives and small government enthusiasts attempted to recapture liberal governments and their public policy processes. In America, liberal intellectuals drifted toward a ‘neo-conservative’ position, partly as a reaction to what they considered to
be the excesses of the New Left (Wilenski 1986:24-25). Epstein suggests the left of the late 1970s were viewed as hysterical conspiracy theorists:

It took the political madness committed in the name of the left to make conservatism not merely intellectually respectable but to many intellectuals deeply appealing ... The new conservatives [have] answered with the soothing voice of social science ... cool displays of statistics ... [and] historical perspective (Epstein 1977, cited in Wilenski 1986:25).

These different perspectives raise questions about whether criminology should focus on the technologies of crime and justice or whether it should take a more philosophical approach. In a critique of the former view, Van Swaaningen writes that in the mid-1980s, criminology was focussed on positivist and policy relevant research and that this was seldom innovative. He continues,

Criminologists hop rather frivolously from one scientific fashion and political priority to the next, retreat in number-crunching, or do both at the same time. Consequently, there are too many nimble, unconstituted and superficial studies, and probably very few which will still be worthwhile reading in 10 years (Van Swaaningen 1999).

Other academics, such as Feeley and Simon (1994) focus on the technologies of the state. These writers argue that evidence of a New-Right campaign can be found in the new forms of surveillance, offender profiling techniques, and other crime control tools of the neo-conservative practitioner. From this perspective, research on the administration of crime control can address problems like the overrepresentation of certain groups within a criminal justice system. Others, such as Pavlich (1999) and Van Swaaningen (1999) counter that a focus on administrative solutions will result in less intellectual effort going toward explaining the larger sociological and theoretical aspects of criminology.

Beginning in the late 1990s, a third position emerged that said reform is possible under certain conditions and this perspective focused on crime as a problem of governance. Garland, O'Malley, Stenson and Smandych are some of the more prominent of these writers. This approach to criminal justice reform gives importance to the prevailing ‘governmentality’, or themes, of government. Examples include community/government ‘partnerships’, community ‘capacity building’ projects, devolved responsibility and ‘whole of

government’ policy models. Stenson (1999) refers to governmentality as the ideological undercurrent of the socio-political world of the late modern era.

These writers are concerned with the development of new forms of governance in an era characterised by a shift from the welfare politics and practices of the mid-20th century to an expansion of neo-liberal rationalities across the western democratic world. Their focus is the shift from the principles of 'big government' to dispersed forms of governance, governance from a distance and the importance of identifying the characteristics of the current era of penal reform (Garland 2001; Mazerolle and Ransley 2005). The governance literature is concerned with the relationship between the state and civil society, and part of this work focuses on relations between the state and Indigenous people.

The shift to small government

The post-World War II welfare model featured in an era when the liberal democratic state was the direct provider of social services, industry subsidies and civil infrastructure. With the decline of the welfare state, one of the big burdens for governments trying to do less was the extent of their social and civil service provision (O’Malley 2000). During the last quarter of the 20th century, liberal democratic states began promoting the efficiencies of small government and sought to reduce its responsibilities as a service provider in all sectors. The state reduced its involvement in the criminal justice sector by contracting out responsibility for the operation of prisons, supporting the idea of private policing and attempting to devolve responsibility for crime prevention to 'communities' (Hood 1997; Garland 1996; O’Malley 1996; Garland and Sparks 2000; Braithwaite 2000; Mazerolle and Ransley 2005).

Wilenski argues that a major element of the strategy of the small government movement was to remove social justice projects from the public policy agenda altogether (Wilenski 1986). It is politically important for governments to announce big plans to do more; however, often the practical objective is to be a government that does less, and preferably, does it from a distance (see Mazerolle and Ransley 2005). Despite the advances of the contract state, liberal democratic governments will not be able to extract themselves from the crime problem. Governments are responsible for crime control because they make laws, decide criminal justice policy and fund crime control projects. Governments are also embroiled in the political drama generated by crime (Christie 1997). This is most evident in the amount of time, money, research and political manoeuvring that governments invest in crime control projects (Garland and Sparks 2000).
**Whole government**

During the mid-1980s and early 1990s, to correct some of the failings of the highly decentralised forms of governance that had evolved over previous decades, Westminster systems began experimenting with more coherent or collaborative models of government (Christensen, Lie and Laegried 2007). Different administrations developed different descriptive terms for their reform strategies; in Australia and New Zealand it was ‘whole of government’, in Great Britain it was ‘joined up government’ and phrases such as ‘reassertion of the centre and ‘horizontal management’ were also part of the lexicon (Christensen et al 2007). While the focus of different governments varied, one of the common features of this reform period was the aim to improve coordination between two or more agencies to achieve more than one agency could achieve working alone (Christensen et al 2007). In particular, it was expected the reforms would more effectively address intractable social problems, or in public policy language, ‘wicked issues’ (Australian Public Service Commission 2007). Other common features were a shift from formal to informal approaches to policy making and reducing the reliance on the ‘vertical silo’ model of service delivery (Christensen et al 2007; see also Lowndes 2002). During the 2000s, the New Zealand and Queensland governments both developed whole of government strategies for the Indigenous sector. In New Zealand it was the Closing the Gaps policy (Humpage and Fleras 2001) and in Queensland it was the Meeting Challenges Making Choices strategy (Queensland Government 2005).

**Disrupted and dispersed: race and power in a free market**

Some criminologists use neo-liberal rationalities to explain penal reform in an era of transformed social life under market economies, changes in the structure of households and families, changes in social ecology, the impact of the mass media on criminal justice policy- making and the rise of moral individualism (Garland and Sparks 2000). In broad terms, Garland and Sparks explain these social changes as part of ‘late modernity's massive disruptions’, which caused the reorganisation of class and race relations (Garland and Sparks 2000:15).

Smandych argues that the state is no longer central to the problem of social control because power is dispersed across various ‘governable places’. These numerous and various sites of authority provide opportunities for non-government interests, such as community-based groups or welfare organisations, to develop and deliver new programs (Smandych 1999). It has been argued that late modern society is marked by a dispersal of
power that makes governments vulnerable to challenge (O’Malley 1996), but these dispersed power arrangements, if and where they exist, do not appear to have improved Indigenous peoples’ prospects at all. Instead, dispersed forms of governance (like the big government model that preceded them) continue to exercise control over colonised populations (see Garland 1996:452-455 and O’Faircheallaigh 2006).

The discussion about the liberal democratic state’s loss of power to non-government interests is not new to political science. In the late 1950s, these developments were theorised as a form of emerging ‘pluralism’\(^5\), where both powerful and marginalised groups could influence government. In the late 1960s, there developed a critique of the pluralists’ assertion that the state had positioned itself as a fair-minded referee mediating between competing interests. According to the critics\(^6\), despite the apparent dispersal of political power, the most powerful and well resourced interest groups will typically prevail in the contest to influence government (Ham and Hill 1984). From these debates, a consensus emerged that political power had become dispersed, but not equally, and although many non-government groups could operate successfully in this environment, the least powerful groups remained marginalised (Bottomley and Parker 1997). This disparity is particularly evident in the conflict that occurs at the border between different cultures, as in colonised countries for example (Vold, Bernard and Snipes 2002; see also O’Faircheallaigh 2006). This revised perspective termed socio-political relations of the mid-20\(^{th}\) century as ‘neo-pluralist’.

Within this discourse, it is important to remember that life in a pluralist political system has unique implications for colonised people. Within these arrangements, engaging with government may bring together more players, such as multiple government departments, local business owners and community groups, but power is not distributed equally among these interests. As Garland (1996) suggests, a various mix of government agencies, mass media and non-government interests have virtually replaced the once big state, and yet this mix of interests still combines as a force that successfully advances the dominant view (Ham and Hill 1984).

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\(^5\) Robert Dahl (1961) *Who Governs?: Democracy and Power in an American City* was a major empirical study of political power in the town of New Haven.

The ‘steering/rowing’ metaphor of the state’s role in civil society is a common reference in the literature. It alludes to a shared form of governance where the state ‘steers’ or ‘sets the course’, often by regulation, while non-government actors do the ‘rowing’ by providing the required goods or services (Garland 1996; Braithwaite 2000; Crawford 2006). The metaphor is commonly used to explain the development of the contract state (Crawford 2006; Braithwaite 2000; Hood 1997; Mazerolle and Ransley 2005), and represents a normative view of an effective regulatory state, one that values self-regulation and voluntary compliance over coercion and control (Garland 1996; Crawford 2006).

However, this model of governance does not always work for Indigenous communities. One reason is that the model assumes that it is the government’s prerogative to set a very strong agenda. In mainstream applications, the duties and responsibilities of the service provider are often formalised by written contract. When an Indigenous community is to be the service provider, of a local juvenile justice program for example, government departments often expect to be able to choose which community members will be involved in the program, what kind of information and support it will provide to the community, and what problems will be targeted (O’Malley 1996). Despite the cultural, political and social differences, if an Indigenous community rejects a government’s proposal, government actors often complain that community members have failed to take their duties seriously, have shown no interest in taking up the reins of power and have attempted to take the government’s program in another direction (O’Malley 1996).

Government by intervention

In contrast to the literature’s emphasis on the shift to ‘small government’ and government from a distance, some academics argue that the liberal democratic state is highly interventionist. Modern penal policy making is a volatile and contested activity that results in the trial of many and various crime and justice experiments (O’Malley 1999). Some of these are law and order projects that require a high level of state intervention while others focus on the development of informal community-based solutions (Stenson and Edwards 2001; Crawford 2006). At the community-based end of the continuum, a non-government organisation might receive a small grant to conduct a discrete project which otherwise attracts very little interest from government. In contrast, the Australian Government’s (2007) response to a report on the sexual abuse of children in the Northern Territory (titled Ampe Akelyememane Meke Mekarle – Little Children are Sacred) was to declare a state of
emergency in Northern Territory Indigenous communities. The government announced an 'intervention' that included sexual health examinations for all children living in these communities. Indigenous leaders and others objected to the suggestion of compulsory sexual health checks for children, and following further objections from the medical profession (whose members the government expected to conduct the examinations), the government was forced to soften its position. Nevertheless, the Australian Commonwealth Government’s decision to suddenly despatch teams of army personnel, police, health workers and bureaucrats into the Northern Territory was an overt campaign to increase the state’s control and regulation of Indigenous people, and is at the highest end of the continuum of crime and justice interventions.

Rather than governments finding social control a burden, Crawford (2006) argues that there has been an increase in the regulation of civil society and that this development is accompanied by a deeply embedded moral dimension. Crawford describes a recent trend in British social policy making as a form of contractual governance where a ‘moralised conception of agency’ is used to regulate the behaviour of individuals of all ages in public, at school and within their own homes (Crawford 2006:455). Developed by an ambitious and interventionist British Government, the regulatory tools of this approach include fixed public disorder penalties, punishments for the parents of truant school children, attaching new conditions to welfare payments and the introduction of ‘parenting agreements’ (Crawford 2006). In recent years, all of these types of regulatory tools have formed part of the Australian Commonwealth Government’s raft of Indigenous affairs policies. Crawford’s (2006) article illustrates the way governments, which in theory are supposed to be doing less, are actually becoming increasingly interventionist.

**Theorising the third sector**

Since the early 1990s, Tim Rowse has theorised about a particular sphere of public activity that he first described as the ‘Aboriginal domain’ (1992) and later as the ‘Indigenous sector’ (2002). When conducting research on the employment of Indigenous Australians, Rowse found that Indigenous non-government organisations employed significant numbers of Indigenous people, but these positions could not be accurately categorised. Rowse concluded that attempting to categorise them as either public or private created a ‘barrier to understanding the evolution of new institutions of governance’ (Rowse 2002:232). He argued that this domain was neither private nor public, but a ‘third thing’ that arose out of

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7 Australian Broadcasting Corporation 27/06/2007 for an interview with the Federal Government’s then Indigenous Affairs Minister on the subject.
the special forms of interaction between governments and Indigenous people (Rowse 2002:13; see also Cunneen 2001; Blagg and Valuri 2004; Blagg 2008).

Rowse describes this Indigenous or third sector as a semi-autonomous jurisdiction that is left largely un-theorised by social science (Rowse 2002). Drawing on Rowse’s work, Blagg and Valuri (2004) depict Aboriginal self-policing initiatives as a potential example of this sector. They argue that researchers tend to overlook this third sector, which results in a lack of understanding about how local initiatives can develop in partnership with, or as alternatives to, broader reforms (Blagg and Valuri 2004). Cunneen (2001) suggests that the success of Aboriginal self-policing initiatives shows that despite colonial rule, the social, cultural and political space of Aboriginal people, or the ‘Aboriginal domain’, is surviving. In theory, therefore, the Indigenous sector is characterised as a site of resistance to colonial rule (O’Malley 1996; Cunneen 2001), it is a site of engagement between Indigenous people and government, and a rich source of examples of Indigenous forms of governance and self-determination.

State sovereignty

The governance writers tend to occupy contradictory positions on the importance of the state as an agent of social control. While some focus on the efficiencies of neo-liberal forms of social control (Pratt 2000), others claim that the state has been diminished as an agent for social change because it is so often successfully challenged by non-state forces (Garland 1996; O’Malley 1999; Crawford 2006).

Some criminologists argue that we are witnessing a rapid rise of a New Right, an emerging form of conservative rule buoyed by the support of a frightened population ready to punish. In this view, there is little hope that sensible public policy will emerge from such a reactionary political environment. We are living in a world where election campaigns have become law and order auctions, incarceration rates are increasing, police profiling techniques threaten civil liberties and elected representatives shape policy according to popular sentiment (Feeley & Simon 1994; Pratt 1999, 2000a, 2000b, 2002a, 2002b; O’Malley 2000; Garland and Sparks 2000; Hirst 2000; Carcach & Chisholm 2000). Pratt (2002b) warns that we are witnessing the ‘rise of the mob’, a new coalition between elected politicians, the mass media and a public determined to punish. Garland and Sparks say that:

… penal policy is increasingly based not upon research findings and expert advice, but instead upon highly politicised articulations of
public sentiment that strike many criminologists as ill-informed, explicitly punitive and downright anti-modernist in character (Garland and Sparks 2000:12).

Garland and Sparks (2000) further predict that criminologists will not be able to retrieve the crime problem and return the matter to the ranks of professionals while it suits politicians to dramatise crime in their campaigns. Pratt (1999) argues that these trends point to future increases in the rates of imprisonment, not only because incarcerating greater numbers of people is a plausible strategy in this age of new technologies, but also because it is a source of political strength, a way of giving assurances to an increasingly frightened public. Hirst (2000) agrees, saying that in the United States, and to a lesser extent in the United Kingdom, the adoption of zero tolerance policing strategies, the increasing use of custodial sentences, mandatory sentencing policies and prison building programmes are the result of a populist political response to the public’s fear of rising crime. From this perspective, the forces of populism, the demands of the mass media, economic pressures and other interests have joined the state in a campaign for increased social control (Stenson 2001; Stenson and Edwards 2001; Pratt 2002b).

Stenson argues that in the global struggle to maintain the sovereignty of the liberal state, there is likely to be a ‘continued reliance on harsh, despotic technologies of rule to bring government to areas and groups deemed to be most troublesome’ (Stenson 1999:46). However, he questions the emphasis the literature tends to place on the role of the state as an instrument of change. He is concerned that within the governance literatures lies an ‘implicit celebration of the resilience, creativity and triumph of liberal rationalities’ (Stenson 1999:48). Crawford (2006) says that despite the literatures’ focus on the state’s achievements, strong government objectives are not always realised, as proved by the history of crime control policy, which is full of failures.

It is generally conceded within political science that the act of pressing ahead with a strong agenda for change is a highly contested process disrupted by endless challenges (Starr 1993). At this point in the history of public administration, governments actually find it difficult to launch cohesive, precisely targeted projects for change, and yet much of the criminological literature on governance and social control tends to overlook this reality. O’Malley argues researchers should investigate the failures of government programs for evidence of ‘government from the ground up’ or resistance against rule, otherwise, he says:
No space is created for a productive and incorporative relationship with resistance – such as would exist where rule and resistance form each other reflexively. ... But, if resistance is positive and productive, if resistance and rule actively engage with each other, then rule is at least potentially destabilised and subjected to a transformational politics (O'Malley 1996:311-312).

*Indigenous peoples’ sovereignty*

Few challenges to a nation state’s authority could be more profound than a counter claim for sovereignty. When we introduce race and the position of colonised people to the debate about the strengths and weaknesses of the liberal democratic state, we need to take a more expansive approach to the meaning of sovereignty. When Indigenous people make claims for sovereignty, non-Indigenous people, who understand the word in the context of international law, see such claims as ‘radical, subversive and dangerous’ and they are therefore strongly opposed to them (Behrendt 2003a:95). These claims would, however, be more accurately treated as the reiterations of Indigenous people who seek recognition of their continuous sovereignty over lands and ways of life that they never relinquished (Behrendt 2003a).

Indigenous people define sovereignty differently, and the ongoing dispute embedded within the terms of New Zealand’s Treaty of Waitangi is an example. The Maori version of the Treaty translates the word ‘sovereignty’, which the Maori people were asked to sign over to the Queen of England, as ‘kawanatanga’, which in Maori, means ‘governance’ or ‘governorship’. Additionally, the Treaty contains a promise that Maori would retain ‘te tino rangatiratanga’ and this phrase is most accurately translated as ‘sovereignty’. Therefore, Maori signed the Treaty believing they were allowing the Queen to govern while Maori retained a kind of inalienable authority in relation to the Indigenous world; a world that included their lands, fisheries and other natural resources (Pocock 2000; King 2003). The treaty’s full text, including notes on the debate about its two versions, is included in Appendix 1.

Indigenous claims of sovereignty do not necessarily represent a contest for the reins of government. Ideas about sovereignty, what it constitutes and how it is exercised, can mean different things to different people (Behrendt 2003a). It can be the constructed authority of a nation state, or it can be a deeply imbedded element of the rights-based aspirations of colonised people (Maaka and Floras 2000; Ivison, Patton and Sanders 2000).
Where governments aim to devolve responsibility for good governance to the community, some ask if Indigenous communities are in a position to take advantage of these developments (O'Faircheallaigh 2006). We might expect to find, for instance, that Indigenous communities who have been subjected to a history of colonial rule are now challenging the power of the state at the community governance level. Australian Aboriginal people, for example, have demonstrated considerable capacity for resistance (Blagg 2008), but unfortunately, little empirical attention has been given to depicting these types of challenges (O'Malley 1996). According to O'Malley, treating observable ‘collisions’ or community-level conflicts as simple program failures produces a literature that overlooks more deeply located forms of resistance to government projects. In researching the engagement between Indigenous people and governments in particular, the focus should be on how governments try to ‘neutralise, eliminate or transform these resistant [Indigenous] elements’ (O'Malley 1996:313).

Over time, the liberal democratic state has developed different approaches to the management of resistant groups. One of the most theorised of these is the use of ‘manufactured consent’, where the state and elite groups exercise power by manipulating a false consensus between all interested parties (Lefebvre 1968; Bottomley and Parker 1997; Ham and Hill 1984). Durkheim theorised about collective consensus and its importance in well functioning societies (Morrison 1995), but this idea has since been criticised for overlooking the influence of powerful interests and a lack of empirical support for the existence of a ‘collective consciousness’. From a critical point of view, others argue that those in power depend on the illusion of a general social consensus because it side-lines dissent and bolsters the legitimacy of their rule (Bottomley and Parker 1997).

Murphy (2000) suggests that public sector reform has resulted in a participatory model of consultation that imposes a false consensus upon participatory fora. According to Murphy, the imposition of manufactured consent is consistent with the practices of institutional assimilation, where Aboriginal people are merged into mainstream administrations (Murphy 2000). These ideas warrant exploration, and academics will be better able to theorise the manipulation of consent if the empirical research on this type of practice increases.
Innovation and institutions: getting new ideas over the wall

An important aim of my research was to explore the ways in which Indigenous community groups can convince governments to support a grassroots project. Despite the assertions that public power is now dispersed, the question of how this relates to the Indigenous sector remains largely unexplored. The left now rarely uses the argument that the state exercises control as a monolith, but according to Blythe (2002), instrumentalist arguments are still used to explain certain democratic processes that have emerged in late-modern societies. From this perspective, the criminal justice system can be observed as a network of institutions or a set of agencies in action; and to understand the nature of public institutions, we must turn to the theories of political science.

The power and vulnerability of public institutions

In political science there are two main views on the function of public institutions. Rational choice theorists argue that governments manipulate and ‘use’ institutions (such as bureaucracies) to further their political advantage and that self-interest drives the activity of the public sector (Blythe 2002). In contrast, historical institutionalists take the view that government actors come and go, but public institutions exist a priori. In this latter view, certain ideas shape the development of institutions over time, and an endless procession of government actors are made to ‘fit into’ these pre-existing restraints (Blythe 2002). Therefore, public institutions are not mere instruments, they possess considerable agency in their own right, and they use this agency to develop and implement new ideas (Blythe 2002).

Historical institutionalists theorise that governments are ideologically vulnerable because new ideas find purchase within public institutions (Blythe 2002). It is likely that a newly elected government campaigned from a particular ideological position, but non-government groups should not overlook the power of institutions - as it exists separate to the power of governments - to make policy. Both the government of the day and its bureaucracies can either frustrate or support grassroots projects. According to Garland and Sparks (2000), we need to begin seeing criminology not as a science for policy or a type of knowledge about power, but as a discourse about a particular set of institutions at a particular point in history.

Public sector reform projects can improve relations at the interface between western bureaucracies and Indigenous communities. In New Zealand, in 1982, then Secretary for Maori Affairs, Kara Puketapu, produced a paper titled Reform from Within, which outlined
his vision for a new type of community-based administration. He argued that bureaucracies need to develop a ‘soul’, relinquish decision making power, think past the standard practices of their own organisation and begin to work in the ‘community space’. Upon implementation of the reform, Puketapu acknowledged the discomfort his staff experienced during the transition to the new model, noting that western governmental approaches are not familiar with the Maori method of making decisions in large open forums. He insisted, however, that consensus decision making is a skill that is acquired and one that bureaucrats need to learn. According to Puketapu, the reform challenge was to change the site of decision making from the office, where he claimed bureaucrats tended to operate from a position of ‘splendid isolation’, to within the community itself (Puketapu 1982:1).

*The power of the grassroots initiative*

I take the view that 21st century public institutions are not highly efficient executors of the government’s will. Most are struggling to implement a long list of government policies and projects, many of which will prove to be poorly conceived, under resourced and short lived. It can be difficult for bureaucracies to deliver a government initiative, and for many different reasons, some prove impossible to implement. On the other hand, a well presented community-based initiative, especially one that is supported by a ready and willing team of volunteers, is likely to appear to a bureaucracy as an attractive, inexpensive and low risk alternative.

Government departments occupy a dominant position in community/government partnerships. However, while departments can go to considerable lengths to control the partnership, this does not mean that alternative Indigenous agendas will be totally eclipsed (Blagg and Valuri 2004). Community groups can exercise their power as cost-effective service providers with local knowledge. According to Stenson (1999), even barely organised groups can play a significant role in the governance of particular domains.

*The empirical frame*

According to O’Malley (1996), academics tend to emphasise the success of state-initiated projects, and sometimes justify a lack of attention to failed projects by saying that

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8 Puketapu described this reform program as the ‘tu tangata / kokiri’ approach. The term ‘tu tangata’ means to acknowledge the stance of the people, and ‘kokiri’ means ‘to advance on all fronts’. New Zealand’s department of Maori Affairs was restructured and named Te Puni Kokiri in 1992.
government strategies may suffer occasional setbacks, but the reasons are too complicated to fathom (O’Malley 1996). Social phenomena, including the behaviour of the state, may be too complex and immeasurable to be explained by a single general theory (Hopkin 2002), but a good descriptive case study, whether effectively explained or not, still makes a valuable addition to the research pool (King, Keohane and Verba 1994). Scott, for instance, conducted a study of what he describes as ‘everyday forms of peasant resistance’ in a Malaysian village. His study explores such forms of opposition as ‘foot dragging, dissimilation, desertion, false compliance, feigned ignorance, slander, arson, sabotage and so on’ (Scott 1985:xvi).

My research takes a similar focus to three other studies: O’Malley’s (1996) case study of a Western Australian glue sniffing program, E. Barry Warhaft, Ted Palys and Wilma Boyce’s (1999) case study of a Canadian family violence and sex abuse program and Blagg and Valuri’s (2004) research on Aboriginal self-policing initiatives. Like my research, each of these studies explored Indigenous crime and justice initiatives with a focus on the relationship between government and Indigenous groups. I give a brief account of each study next.

*The Ngaanyatjarra case*

O’Malley’s research on the Indigenous domain explored the way governments seek to rule from a distance and how this is achieved by a process of translating and appropriating Indigenous forms of governance (1996). O’Malley asserts that this process involves the encouragement of only those aspects of Indigenous governance that are desirable from the perspective of western public administrations. Policies of self-determination that are hostile to, or incompatible with the project of rule are, by a subterranean process, corrected, ignored or otherwise excluded.

O’Malley analysed a Western Australian project involving an Aboriginal community of Ngaanyatjarra people and the state government’s Department of Community Services (DCS). The purpose of the ‘Marlba’ project was to address the problem of glue sniffing. Glue sniffing was prevalent in the community, particularly among young men, and interventions by criminal justice agencies had proved ineffective. The DCS wanted to encourage the community to ‘own’ this problem and develop ways of operating and managing the new reform with minimal outside intervention (O’Malley 1996).
The DCS assumed that glue sniffing was a symptom of broader problems within a community of demoralised people. The department aimed to provide community members with a kind of ‘moral technology’ that would help them to manage the new program with ‘minimal or no white intervention’ (O’Malley 1996:317). The department wanted to take an Indigenous approach rather than impose non-Indigenous arrangements, and it based the program on a mentoring framework that aimed to restore ‘traditional order’ (O’Malley 1996:317). The department perceived criminal justice interventions to be ineffective because they undermined the capacity of the community to manage the problem on its own. Thus, the department’s vision was to introduce an alternative approach that stressed the importance of community involvement, promoted self-determination and created new pathways to the effective governance of Aboriginal people with minimum state involvement (O’Malley 1996).

Negotiations between the department and community lasted ‘three to four years’ before an agreement was reached on the design of the program (O’Malley 1996:318). O’Malley asserts that within this period, the department ‘translated’ and selectively valorised three major elements of the Ngaanyatjarra culture: violence, toleration and the power of traditional male elders. On the first of these, despite the department’s declaration that it wanted the community to manage the glue sniffing problem autonomously, department staff rejected the community’s suggestion that the glue sniffers’ behaviours could be corrected by subjecting them to traditional forms of violence, such as spearing or clubbing. The topic of violence as a solution caused conflict between the two parties, and without exception, department staff took the view that violence was morally unacceptable and would solve nothing. Some department staff went further and challenged the claim that violence was a legitimate traditional practice, arguing that such responses were instead the outbursts of people who were angry and intoxicated (O’Malley 1996).

The second element of Ngaanyatjarra culture considered by the department was ‘toleration’, a reference to the tendency within Aboriginal society to respect the autonomy of the individual to the extent that it is considered unacceptable to interfere in another person’s behaviour. This perspective partly explained the community’s apparent social acceptance and lack of intervention in regard to glue sniffing. However, some community members and department staff took the view that glue sniffing was a new problem that required a different, more interventionist approach. On this subject, traditional practice was not rejected, as the use of violence had been, it was acknowledged and set aside (O’Malley 1996).
The third aspect to be negotiated was the power of men. Department staff recognised the power of the Ngaanyatjarra elders, particularly male elders, to either permit or reject the Marlba scheme. O’Malley suggests that department staff mistakenly assumed that glue sniffing was a ‘men’s business’ problem and partly because of this, women were rarely consulted. This was despite the ‘indisputable fact’ that it was mainly women who cared for glue sniffers (O’Malley 1996:320). Nevertheless, O’Malley says,

… having constructed a vision of ‘traditional’ Ngaanyatjarra society, the DCS then acted upon it. The Marlba scheme was based on a vision of male kinship roles, which, while no doubt appropriate in many respects, was not as immutable and pervasive as the DCS assumed (O’Malley 1996:320)

O’Malley was interested to explore signs of resistance to the government project and found that although the development of the program involved the reconstitution of certain aspects of Aboriginal governance, the community also reconstructed the initiative to make it more acceptable to Ngaanyatjarra people. Therefore, the development of the program was a reciprocal exchange of knowledges and perspectives. O’Malley concludes that in this case,

In order to access the Aboriginal subjects and render them self-determining subjects of liberalism, it became necessary to incorporate their forms of indigenous governance into the organisation of the state. The entire character of the program reflects a far more constitutive role for the resistant Aboriginal domain than is compatible with its interpretation only as an obstacle to rule or a source of failure (O’Malley 1996:322).

O’Malley argues the Ngaanyatjarra case represents an example of how governance from a distance can leave the state vulnerable to the importation of ‘alien elements’, such as Indigenous forms of governance, which then become sites of resistance within rule that may cause significant problems for the liberal state (O’Malley 1996:323).

The Canim Lake case

During the mid-1990s, the Canim Lake Band community of British Columbia, Canada, developed an initiative that targeted sexual abuse. Warhaft et al (1999) conducted a case study of the project to explore community and government responses to Aboriginal justice initiatives. Their research methodology was similar to my own in that it focussed on what occurred during the development of the initiative, or how it came about, rather than simply on the project’s outcomes.
In the initial phase, the Canim Lake’s community leaders responded to a regional report on sexual abuse. Community leaders acknowledged the extent of the problem and defined the nature of it in their own terms. A large number of community actors then set the agenda and framework for a program. The mandate for the project was to ‘create a safe place for our children’, while the underlying aim was to work towards physical, emotional, spiritual and mental well-being for the whole community, including victims and offenders (Warhaft et al 1999).

Once the community had decided its priorities and how to achieve them, it then approached the government for support to implement an innovative seven-phase program. A feature of the program was that if an accused person admitted to an offence, he or she could enter the program and avoid prosecution in a court. Despite the community’s controversial decision to subject each person who confessed to a polygraph test, government and service agency support was forthcoming and the program was implemented.

Drawing on the Canim Lake case, Warhaft et al assert that justice on Indigenous terms is possible, especially when the initiative emerges from within the community and the government has the political will to address the problem the community wants to target. It is also important that government actors are open and receptive to the community’s ideas and that they are prepared to take an expansive and imaginative approach to the interpretation of government policy (Warhaft et al 1999). All of these elements were found to be present in the Canim Lake case. The research found the participation of a responsive government and a constructive engagement between community and government actors were key to the success of the Canim Lake project (Warhaft et al 1999). Despite this achievement, the program struggled to gain ongoing funding. Warhaft et al concluded that because the success of Aboriginal initiatives is dependent on government funding, the government is, to a large extent, responsible for the realisation of Indigenous justice.

*The Night Patrol as a third sector activity*

Blagg and Valuri’s (2004) research on Aboriginal self-policing initiatives aimed to sketch a national picture of Australia’s Community Patrols, or Night Patrols. The authors propose that community-based self-policing initiatives are an example of an activity that occurs within the non-private / non-public ‘third space’ that is the Indigenous domain. Like my own research, Blagg and Valuri completed an empirical study of a site of interaction between government and loosely organised Indigenous groups.
They contacted 110 known Night Patrol services and 63 responded. While some services were well supported and successful, others had struggled or folded. The research showed that acknowledging the authority of local elders, adhering to social and cultural protocols, a balanced mix of gender and age among patrollers, sound management, sufficient funding, training and community support were all factors that contributed to the success of a night patrol service. Research respondents indicated that a lack of funding, training and/or community support would cause a service to struggle. The research found that various catalysts prompted the emergence of Night Patrols, including both under policing and over policing of Indigenous communities, the Royal Commission into Aboriginal Deaths in Custody, substance abuse, anti-social behaviour by young people, family violence and high rates of incarceration (Blagg and Valuri 2004).

In a later publication, Blagg (2008) revisits the Night Patrol research and discusses the different expectations that Indigenous and non-Indigenous groups tended to have for Night Patrols. In one case, the local business community wanted the patrols to remove young Aboriginal people from public areas that were used for outdoor dining. Local business owners expected the Night Patrol to act as a kind of private security service, but that did not fit with the patrol’s objective, which was to provide a support service. In another community, where a new ‘sobering up shelter’ was built, local police expected the Night Patrol to transport intoxicated people to the shelter and to make this the patrol’s primary purpose. This was in direct conflict with the Aboriginal people’s expectation that no person would be transported anywhere without his or her conscious consent. The shelter was not popular and people did not usually give consent to be transported there if they were sober enough to object. In the first case, local business interests successfully lobbied government to introduce a curfew for Aboriginal youth, and in the second case, the Night Patrol was defunded and attempts were made to establish a new patrol that would be run by the police for the purpose of transporting people to the sobering up shelter (Blagg 2008).

Although there were often competing agendas between the Night Patrols and state and business actors, Blagg and Valuri (2004) depict Night Patrols as ‘pods’ of justice and examples of ‘nodal governance’. They further argue that Night Patrols are a category of social action that is beyond pluralism and diverse types of policing; rather they are

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10 In particular, the report’s recommendations that refer to the over-representation of Aboriginal and Torres Strait Islander people in the criminal justice system
instances of self-determination located within the Indigenous domain (Blagg and Valuri 2004:5).

Blagg and Valuri (2004) suggest that Night Patrols are good examples of third sector activity for several reasons. Patrols are resourced by a mix of private and public sources; and although patrollers may be trained by government, they remain accountable to the grassroots community. The patrols also demonstrate that Indigenous people are able to provide their own services rather than seek to reform the practices of non-Indigenous agencies. Blagg and Valuri suggest that constructive engagement between government and Indigenous communities offers opportunities for Indigenous people to address social problems in their own way. In some cases, this may be achieved by interacting with state-based agencies without becoming subordinate to them (Blagg and Valuri 2004).

Policy disorder, gaps and new ideas

Governments make Indigenous affairs policies that point in numerous and sometimes competing directions. Policy objectives can range from the promotion of grassroots initiatives to highly interventionist and repressive campaigns. Some encourage greater autonomy for Indigenous communities while others seek to force the community to comply with the government's agenda.

Government/community partnership models, which imply a shift toward greater autonomy for Indigenous communities, are popular with governments, but conflict occurs when Indigenous leaders respond to ideas about devolved autonomy with their own ideas about sovereignty and self-determination. From an Indigenous point of view, the new contract state, where government steers the course but remains at a distance, could have advantages. However, when Indigenous leaders expect a government project to deliver greater self-determination, they can be disappointed to learn that the government has set them the task of 'rowing' the government's agenda.

In my view, contradictory policy responses occur because governments experience a kind of 'policy panic' when dealing with an intractable problem like crime, especially when it is connected to another political hot spot like the Indigenous domain. Faced with the predicament that nothing seems to work, governments can be willing to try everything (see Garland 2001). This is a 'scatter gun' approach to policy-making, where a government is prepared to trial any feasible method to target a challenging problem. One of the political drawbacks of this approach is that it puts governments in conflict with proponents and
opponents of all persuasions simultaneously. Despite these political risks, some governments remain open to innovation, and in this environment, those attempting to influence policy from the ground up are likely to gain the government’s attention.

The world of politics and public policy is a highly contested sphere of decision making. I suggest that there is room within this environment for the articulation, promotion and development of Indigenous ideas and concepts. The many practical experiments already occurring suggest that transformative change is possible, and for this reason, it is important to record the histories of these projects and to theorise the interface between the Indigenous and non-Indigenous domains. While the obstacles may at times seem too overwhelming to surmount, openings do exist for Indigenous people to progress their ideas and projects through western bureaucracies.
CHAPTER TWO

METHODOLOGY

Using a comparative case method, I selected and conducted four case studies, two in Queensland and two in New Zealand, that represented examples of what happens when government agencies and Indigenous communities come together to address a crime and justice problem. In each jurisdiction, I selected one case that concerned policing and crime prevention and one that concerned the conditions of detention. I discuss the reasons for these choices below.

One of my research objectives was to locate and explore the 'Indigenous or 'third' sector, which Rowse describes as a site of interaction between Indigenous people and western bureaucracies (Rowse 2002). I constructed a methodology that defined the interaction between these two groups as an engagement, and the location in which this occurs as the 'point of engagement'. I then searched for crime and justice projects that I could select as case studies.

This methodology resulted in a robust and effective research design. It was flexible, yet resilient enough to cope with the challenges of fieldwork, and it provided me with the means to investigate 1) the workings of the public sector in the modern democratic state, 2) crime as a problem about governance and 3) the Indigenous sector as a third sphere of governance.

In this chapter, I first discuss the rationale for my research method and then describe how I designed and applied it. Then, I reflect upon how the method developed as the research unfolded.

Theory decides the method

In his preface to Culture and Control (2001), Garland writes that as we try to make sense of social life, we cannot avoid the tension between the general and the empirically specific. All researchers must ‘go back and forth between the general and the particular … as one kind of study provokes and facilitates the other, in a scholarly dialectic that requires them both (Garland 2001:vii)’. When a researcher draws on findings emerging from everyday occurrences and uses them to theorise about the broad conditions that surround them, the
comparative case method allows for movement between the particular and the general (Burawoy 1998; Mackie and Marsh 1995; Neuman 1999; Garland 2001). Burawoy argues that theorising about this relationship requires a constantly shifting focus between the mundane and grand themes of social life (1998:5).

At its broadest, the subject of this thesis is the nature of the working relationship between Indigenous people and the state. Christie (1997) warns researchers to be careful when investigating the behaviour of the state, not to become overly concerned with all that governments say and do. Government agencies produce such a great volume of material, that if we begin our research with this data, we rarely get to the point where we feel we have finished with it and start seeking information from other sources. Christie argues that when we settle for state-generated data, with all its associated meanings already decided, ‘we do not meet the acts, the actors, the conflicting interpretations about what really happened, the original meaning given by the actors in the middle of the drama’ (Christie 1997:21).

Stenson also argues there is a need for different forms of evidence, such as that produced by fieldwork, to examine the complex interrelations of governance and how they are applied in practice. Stenson writes that we must move beyond the data gathered and reported by government agencies or risk falling into a state-centric view. Non-state, or indeed, ‘barely organised’ groups can play a significant role in the governance of particular domains, and therefore serve as valuable sources of information. Research conducted as fieldwork is important because it is among the ‘messiness, tensions and ambiguities of everyday practices’ that we are most likely to discover how agendas are constrained in real life (Stenson 1999:59-60).

**Fieldwork forms the view**

To avoid a state-centred analysis I concentrated on collecting first-hand accounts from Indigenous leaders about their dealings with government agencies. Generally, I did not turn to government-produced literatures until research participants directed me to them. There was some advantage to arriving in the field without first gathering a lot of government-produced material. My general approach was to gather a small amount of background information by speaking to key players, reading introductory documents recommended by them and then to move quickly into the field ready to be informed by the perspectives and experiences of those who were directly involved in the case. The people I met in the field directed me to those literatures that had meaning for them. In this way, community
members identified the ideas, aspirations and policies they considered to be central to their particular case. In these instances, the research participants took on the role of educator.

The academic literature contains an argument that researchers pay insufficient attention to both sides of the interaction between government and civilian groups (Becker 1974; Garland 1999). I addressed this problem by scrutinising both sides of the field. While I was most concerned to gain the views of Indigenous people operating at the grassroots level, I also recorded the views of those on the government side of the engagement. Table 2.5 shows the research participants’ representative characteristics.

**Solving unique and universal problems**

Some of the strengths of the comparative case study method are that it is sensitive to the historic context of social phenomena, it can expose weaknesses in research design (such as ethnocentricity) and it can help identify aspects of social life that are general across cultures (Hague, Harrop and Breslin 1998; Neuman 1999; Mackie and Marsh 1995). The method also expands a study’s analytical power because each case is an instance of a more general category and such investigations can have significance beyond their boundaries (Hague et al 1998).

Making comparisons across a number of cases helps avoid drawing inaccurate conclusions about the uniqueness, or conversely, the generalisability of a study’s findings. A comparative analysis can be used to check claims about the universality of certain phenomena by finding cases that contradict such assertions, and it can also check claims about the singular nature of a case where cross-comparisons discover similar occurrences elsewhere (Mackie and Marsh 1995; Neuman 1997).

Even a relatively simple comparative analysis can contribute to a complex debate. Blagg (1997) for example, examined the assumptions driving New Zealand’s ‘family conference’ juvenile justice model and the appropriation of those assumptions by those who developed the ‘Wagga model’ of conferencing in Australia. Blagg criticises this importation of the New Zealand model as an attempt to promote universal truths about the nature and function of shaming in Indigenous cultures. He suggests that a more careful comparison across Maori and Aboriginal cultures would reveal important differences in tribal and family structures, in notions about whether individuals can legitimately represent the concerns of groups, and in the use of shame as a form of social control. Ethnocentric claims can be exposed when
they are checked across cultures, and this can sometimes be achieved by comparing no more than two cases (Blagg 1997; Neuman 1999).

Ideas as everyday events

Ideas manifest in ways that can have a profound impact on the reality of people’s lives. The ideas of governments are especially likely to have an effect because governments have considerable power to put their ideas into practice. All members of liberal democratic societies are sometimes subjected to the scrutiny of a public authority, but for the most criminalised people in these societies, which includes colonised Indigenous people, this scrutiny can often be overwhelming.

Laws, regulations, policies and the activities of public institutions can occupy a huge space within the lives of criminalised and otherwise disadvantaged people. The state looms very large indeed in the lives of people in prison or on probation, for example, or in households that are dependent on social welfare, or for families that struggle to keep their children lawfully attending school. The state can also be a prominent presence in the lives of people who depend on the courts and police to control violence in their own homes. Some people find themselves dealing with the state on all of these fronts simultaneously, and these people might not agree with the academic argument put forward by some criminologists (see Van Swaaningen 1999 and Pavlich 1999) that the ordinary machinations of public institutions are of little consequence in the big scheme of things. Research that endeavours to present the views of those most often subjected to the authority of the state, such as Blagg and Valuri’s (2004) research on Aboriginal Night Patrols, can be an important source of information on the exercise of different forms of political and social power.

An important reason for my choice of method was that I wanted to collect ‘stories’ about the fate of Indigenous ideas. The documentation of the four cases that informed this research is a key outcome of the project, and in many ways, it was this aspect of the research that interested me the most.

Empirical description a valid result

According to Lange (2005), social science has turned to empirical research as a third phase in the development of colonial and post-colonial studies. During the first of these phases (prior to the 1970s), scholars tended to view colonisation in a positive light. Most
supported modernisation theories and described colonialism as a period of trusteeship, during which time Europeans were delivering new technologies and improving the lives of colonial subjects. From the 1970s onwards there was a powerful backlash against this view, and academia institutionalised 'post-colonial studies' as a new field of research that corrected previous biases.

During the early 2000s, as more empirically driven social scientists began to analyse both the positive and negative effects of colonial rule, a third perspective emerged within political science. According to Lange (2005), this third approach favours empirical methodologies, although many would argue that political scientists have always emphasised the importance of empirical work because much of what political scientists do is to systematically describe important political events; often by collecting and comparing the same information across carefully selected units (King, Keohane and Verba 1994).

The comparative case method is the method of choice for many political scientists because comparison across several cases (usually countries) builds theory while discouraging parochial responses to political problems (Hopkin 2002). The method allows the researcher to assess whether a particular phenomenon is a local concern or whether it represents a previously unobserved general trend (Hopkin 2002).

These types of studies can produce highly descriptive accounts without necessarily drawing causal inferences (King et al 1994). Nevertheless, such accounts are important because we cannot possibly explain what we have not yet managed to describe, and in most cases, 'good description is better than poor explanation' (King et al 1994:45; see also Jones and Newburn 2002). Becker (1974) also points out that sociologists tend to prefer the mysterious over the mundane and we typically lose interest in the more ordinary things people are doing, in spite of the fact that recording these details would allow us to theorise more effectively about the act itself. Scholars who are interested in advancing theories about the behaviour of the state, must first 'drop down' from the macro level of analysis to explain small ground-level occurrences (Blythe 2002:308). I approached this thesis with a plan to document everyday exchanges within a particular sphere of public activity so that I might theorise about what I found.

I developed a methodology that resembles those favoured by a group of political scientists
known as historical institutionalists\textsuperscript{11}. From this perspective, public institutions are ‘crystallised ideas about how to organise things’ and as such, they are vulnerable to challenge. Institutional change can be, and very often is, achieved by challenging the ideas upon which such institutions rest (Blythe 2002:309). Historical institutionalism uses

\textit{... qualitative comparative analysis to emphasise the peculiarities and specificities of individual cases, rather than to establish generalisations applicable across large numbers of cases. Reacting against the grand theorising of the ‘behavioural revolution’\textsuperscript{12} of the 1960s and 1970s, historical institutionalists often use comparison to show that large-scale social, economic and political forces can produce divergent outcomes in different countries as a result of the diversity of their institutional arrangements (Hopkin 2002:263).}

The comparative case method is important because whether it is principally conducted as qualitative or quantitative research, the method delivers empirical knowledge. Like many fields of social inquiry, crime and justice research suffers from a shortage of empirical studies on the role of the state (i.e. all levels of government, government departments, the justice system and other public institutions) (Hood 2001; Christie 1997; Garland 1999; Stenson 1999). The governance literature argues that the field needs more research that reports on ground-level events, and when the actions and behaviours of government are the subject of investigation, the qualitative comparative cases method is an effective approach.

**Scope**

The scope of this study could have been set in different ways. While developing the research project’s comparative framework, I considered four combinations of jurisdiction from which to draw and compare cases. These were:

1. all of Australia’s states and territories,
2. New Zealand and all of Australia,
3. New Zealand and one or two Australian states and/or territories, or
4. any combination of the above and Canada as a third jurisdiction\textsuperscript{13}.

\textsuperscript{11} Historical institutionalism is a school of thought that blends the perspectives of the left realist and state theorists (Hopkin 2002; Blythe 2002).

\textsuperscript{12} Behaviouralist research is criticised by some political scientists because it searches for general laws based on phenomena that is easily measured and observed while overlooking the importance of deeper and more complex social forces (Sanders 2002).

\textsuperscript{13} Australia, New Zealand and Canada were all British colonies and each is governed by a Westminster parliamentary system. Canada and Australia are both federations, and the
I chose option 3 for the following reasons:

- I decided against limiting the study to cases within Australia because I wanted to investigate potentially suitable New Zealand cases. As a Maori person motivated to build knowledge about the experiences of Maori people, I wanted to include New Zealand as one of my jurisdictions.

- The option to compare cases from New Zealand and all of Australia would have set the scope too wide to be manageable within the limits of the research.

- Including Canada as a third jurisdiction was not feasible because the research was heavily reliant on fieldwork, and I could not carry out the additional travel.

Although there is considerable diversity among the Indigenous peoples of Australia, I was interested to compare the experiences of communities within Queensland and New Zealand because these are the two places in which I live, work and study. It was therefore a mix of material constraints, personal attachments and methodological concerns that influenced my selection of New Zealand and the state of Queensland as two jurisdictions.

In New Zealand, which has a unitary parliamentary system, jurisdiction over the police, courts and prisons operates at the national level. In the federated nation of Australia, most of these responsibilities fall to the governments of each state and territory. Other comparative political features between the two jurisdictions are that both are former British colonies and both are governed by a form of Westminster system. A significant difference is that a treaty exists between the New Zealand government and Maori people while there is no treaty between the Australian government and Australia’s Indigenous people. Table 2.1 compares Queensland and New Zealand’s populations, imprisonment rates and comparative life expectancies.
Table 2.1 COMPARATIVE POPULATIONS, IMPRISONMENT RATES AND LIFE EXPECTANCIES

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Population @ 2001</th>
<th>Indigenous Population @ 2001</th>
<th>Percentage of adults in custody who are Indigenous</th>
<th>Life Expectancy (Non-Indigenous)</th>
<th>Life Expectancy (Indigenous)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Queensland</td>
<td>4,053,000 (1)</td>
<td>125,900 (3.5%) (1)</td>
<td>24.8% (at 30/09/2004) (3)</td>
<td>Males 75 years</td>
<td>Males 56 years</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Females 81 years</td>
<td>Females 64 years</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(5)</td>
<td>(5)</td>
</tr>
<tr>
<td>New Zealand</td>
<td>4,100,000 (2)</td>
<td>526,281 (11.1%) (2)</td>
<td>45.7% (at 20/11/2003) (4)</td>
<td>Males 77 years</td>
<td>Males 69 years</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Females 82 years</td>
<td>Females 73 years</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(6)</td>
<td>(6)</td>
</tr>
</tbody>
</table>

1) Australian Bureau of Statistics 2001 Census. The 2001 Census shows that 27.4% of Australia's Indigenous people live in the state of Queensland.
2) Statistics New Zealand (2001). Between 2001 and 2006, the Maori share of NZ's population increased from 11.1% to 17.7%.
3) Cunneen, Collings and Ralph (2005)
4) New Zealand Department of Corrections, 2003 Inmate Census
5) Queensland Health Department (1996, reviewed 2004) *Health of Queensland's Aborigines and Torres Strait Islanders; status report.*

With the two jurisdictions selected, I narrowed the scope again to focus on cases that concerned corrections and crime prevention. This approach required four case studies. If I had tried to cover the usual assembly of the criminal justice system's three core institutions by including the two jurisdictions’ court systems, I would have needed to conduct an extra pair of cases (one ‘courts case’ in each of the two jurisdictions). With limited resources, I could not extend the scope of the research to cover six case studies. Fortunately, the Cairns case study featured the involvement of the judiciary in a crime prevention initiative, so in this case, a court made an appearance by default.

**Defining community**

Considering the current popularity of the word *community* among authors of social programs, policies and research projects, I want to clarify my use of the word throughout this thesis. Over the past decade or so, the word ‘community’ has gained prevalence but
lost meaning. Thus we hear about government strategies and research projects that are pertinent to Indigenous communities, school communities, ethnic communities, gay and lesbian communities, religious communities, aged communities and so on. You can belong to a community that numbers one hundred or one million, and you can be a member of many different communities at once.

Throughout this thesis, I use the word *community* to refer to a geographic place such as a township. I use the phrase *Indigenous community* to refer to either the Maori, Australian Aboriginal or Torres Strait Islander people who live together in that same township or geographic place. My use of the phrase *community representative* refers to an Indigenous person, such as an elder or other kind of leader, who belongs to an organised and politically active group that primarily meets and operates within that township or place.

**Selecting the four cases**

I developed the following six case selection criteria:

1) The case represents an engagement between an organised Indigenous group and a criminal justice agency.

2) The case concerns the implementation of an innovative crime and justice project.

3) The project challenged a current practice in corrections or crime prevention.

4) The parties involved negotiated new forms of crime and justice practice.

5) The case featured the active involvement of Indigenous community-based leaders.

6) The events of the case took place between 1994 and 2004 (so they could be studied retrospectively).

I identified potential cases by searching academic and criminal justice agency publications and by conducting preliminary fieldwork. I contacted individuals from criminal justice agencies and non-government agencies by phone, in writing, and in person to explain my research and to ask if they knew of a particular project or initiative that might meet my selection criteria.

Table 2.2 describes the key features of the four selected cases and Table 2.3 shows how well they matched my stated criteria.
There were a number of potential case studies, which for various reasons I decided not to pursue. In Queensland in 2005, for example, the Queensland Government’s *Meeting Challenges Making Choices* (MCMC) project\(^{15}\) had established a representative consultation forum, a ‘Negotiation Table’, in 19 remote Aboriginal and Torres Strait Islander communities. The establishment of any one of these Negotiation Tables was a potential case study for the purpose of this thesis. However, the MCMC project was strongly driven by the Queensland Government and firmly targeted the regulation of alcohol in a large number of communities. The map on the following page shows the location of 21 Aboriginal communities in Queensland. In contrast, I wanted to study small pockets of grassroots activity in diverse places; cases that were unique in context as opposed to being part of a large and pre-determined government campaign. For the same reason, I did not elect to study a Queensland Justice Group. The Justice Groups are another government initiative where committees of Indigenous community members act as advisors to police, courts and justice agencies on local matters\(^{16}\). Both of these government strategies warrant an independent study in their own right.

I also discovered, but did not select, two cases in New Zealand. One of these concerned the construction of a new prison near the small rural township of Ngawha. This was a proposal that divided the local Maori community. Some welcomed the prospect of new employment opportunities and the convenience of having friends and family incarcerated in a nearby facility, while others were strenuously opposed on the grounds that the prison would encroach on the habitat of a spirit entity and disrupt the healing powers of nearby thermal pools. A group of objectors took their concerns to the environmental court, which ruled it could only consider harm done to real people, not spirit entities. The objectors lost their case and the prison was built\(^{17}\). Nevertheless, the case represented a powerfully articulated clash between Indigenous and western ideas within the criminal justice domain. The Ngawha case was rich in philosophical material, but I eventually selected the Hawke’s Bay prison program (as the New Zealand corrections case) because it provided a focus on new forms of correctional practice.

\(^{17}\)Newspaper reports and interviews on the Ngawha case appeared in the New Zealand Herald 24/09/02, 09/11/02, 18/12/02 and 24/09/02; and in the Northern Advocate 21/06/02.
<table>
<thead>
<tr>
<th>Case Name</th>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/ The Cherbourg Case</td>
<td>Corrections Queensland</td>
<td>The Queensland Department of Families and the Aboriginal community of Cherbourg negotiated new ways to escort detained young people to the community for funerals. The aim of the project was for the department and the community to share responsibility for the supervision of these young people.</td>
</tr>
<tr>
<td>2/ The Hawke's Bay Case</td>
<td>Corrections New Zealand</td>
<td>A community group negotiated the introduction of a traditional Maori culture program in a New Zealand prison. Community-based advocates maintained their vision for reform for over 40 years, until a new manager arrived at Hawke's Bay Prison and decided to risk a trial.</td>
</tr>
<tr>
<td>3/ The Huntly Case</td>
<td>Crime Prevention New Zealand</td>
<td>The Huntly project was a police initiative to engage local Maori in a strategy to address a range of social problems. Police wanted to mobilise community members to help reduce Huntly's high crime rates.</td>
</tr>
<tr>
<td>4/ The Cairns Case</td>
<td>Crime Prevention Queensland</td>
<td>A court initiated diversion and rehabilitation strategy that aimed to address public drinking in one of Queensland's regional cities. This is an example of how people in positions of power can act autonomously to achieve significant results with minimum consultation.</td>
</tr>
</tbody>
</table>
Table 2.3 THE MATCH BETWEEN THE CASE SELECTION CRITERIA AND THE FEATURES OF THE SELECTED CASES

<table>
<thead>
<tr>
<th>Selection Criteria</th>
<th>Case 1: Cherbourg</th>
<th>Case 2: Hawke’s Bay</th>
<th>Case 3: Huntly</th>
<th>Case 4: Cairns</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The case represents an engagement between an organised grassroots Indigenous group and a criminal justice agency.</td>
<td>Yes; the parties were a group of community-based representatives and a government department responsible for juvenile justice.</td>
<td>Yes; the parties were a community-based program provider and the management of a New Zealand prison.</td>
<td>Yes; the parties were a group of community-based representatives and a collection of government agencies, including the police.</td>
<td>Partly; the case involved an agreement between magistrates and police and an Indigenous service provider, but there was little consultation with the grassroots Indigenous community.</td>
</tr>
<tr>
<td>2) The case concerns the implementation of an innovative crime and justice project.</td>
<td>Yes; the project developed a partnership approach to the escort and supervision of detained young people while visiting the community.</td>
<td>Yes; the project implemented a Maori prison program where community members and prisoners ‘live together’ for three days at a time.</td>
<td>Yes; the project established a grassroots decision making forum that aimed to mobilise the community to address crime and disadvantage.</td>
<td>Yes; the initiative provided magistrates with a new diversionary option when sentencing Indigenous people for public drinking offences.</td>
</tr>
<tr>
<td>3) The crime and justice project central to the case challenged current correctional or crime prevention practice.</td>
<td>Yes; Community leaders voiced long held objections about the way government departments were escorting incarcerated people to and from the community.</td>
<td>Yes; current correctional practices were challenged with transformative results.</td>
<td>Yes, indirectly; this was a whole of government experiment of which crime prevention was a part. The project challenged current modes of local governance.</td>
<td>Yes; the project aimed to break the cycle of arrest and incarceration for public drinkers by diverting them into rehabilitation.</td>
</tr>
<tr>
<td>4) The parties involved negotiated new forms of practice.</td>
<td>Yes; prior to reaching agreement, the project was characterised by protracted and sometimes heated debates.</td>
<td>Yes; the case involved negotiations concerning risk management within a prison setting.</td>
<td>Yes; there were negotiations between community and government, and also between various factions within these groups.</td>
<td>No; there was minimal negotiation between the grassroots community and criminal justice agencies.</td>
</tr>
<tr>
<td>5) The case featured the active involvement of Indigenous community-based leaders.</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>
During the search for a New Zealand crime prevention case, I investigated a community governance initiative in the township of Upper Hutt. The Tamaiti Whangai project\(^{18}\) was the initiative of former Department of Maori Affairs head Kara Puketapu that established a decision making forum comprising members of the local Maori community and representatives from a number of government agencies. I had a meeting with Mr Puketapu where he expressed his views about the history of the New Zealand public sector’s relationship with Maori people and described his vision for public sector reform. However, I selected the Huntly case because it had a greater focus on crime prevention.

**Selecting research participants**

I applied three criteria to the selection of research participants. Each participant was to be a person who was:

1. directly involved in the events of the case,
2. in a leadership position, and
3. engaged in the decision-making processes that surrounded the case.

The Griffith University Human Research Ethics Committee granted ethics approval for my research in May 2004. I then began enlisting research participants. I did this by first contacting one key person in each of the four cases, introducing myself, providing a short written introduction to the research and asking if they would be willing to participate in the study. Once this person agreed to support the research, I asked them to identify other potential participants and repeated the process until I had sufficient numbers to proceed.

Of all the individuals and organisations I approached, most immediately agreed to participate in the study. No individual formally declined to participate in the study, but a small number did not respond to my communications. New Zealand’s Department of Corrections initially declined to support my study of the Hawke’s Bay prison program, but later granted permission for an interview with a prison manager. I interviewed six to seven key actors for each case study. Table 2.4 provides a detailed list of the people who participated in the research and the nature of their contribution. Table 2.5 shows the number and representation of research participants, and the proportion of each group who were Indigenous.

\(^{18}\) [http://www.atiawa.com/programmes.htm](http://www.atiawa.com/programmes.htm)
Table 2.4 RESEARCH PARTICIPANTS AND THEIR CONTRIBUTIONS

<table>
<thead>
<tr>
<th>Case</th>
<th>Participant's position at time of events of case</th>
<th>Descent</th>
<th>Representing</th>
<th>Contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cherbourg Case</td>
<td>The Mayor of Cherbourg.</td>
<td>Aboriginal</td>
<td>Community</td>
<td>Two face-to-face interviews.</td>
</tr>
<tr>
<td></td>
<td>Female elder, coordinator women’s shelter.</td>
<td>Aboriginal</td>
<td>Community</td>
<td>Face-to-face interview.</td>
</tr>
<tr>
<td></td>
<td>Female elder, coordinator Local Justice Initiative.</td>
<td>Aboriginal</td>
<td>Community</td>
<td>Face-to-face interview.</td>
</tr>
<tr>
<td></td>
<td>Male elder.</td>
<td>Aboriginal</td>
<td>Community</td>
<td>Face-to-face interview.</td>
</tr>
<tr>
<td></td>
<td>Coordinator, Cherbourg Youth Justice Initiative.</td>
<td>Aboriginal</td>
<td>Community</td>
<td>Face-to-face interview.</td>
</tr>
<tr>
<td></td>
<td>Dept. Families staff, Cherbourg MOU project manager.</td>
<td>Aboriginal</td>
<td>Government</td>
<td>Primary informant, face-to-face interview, access to records, assistance with gaining approvals, feedback on draft report.</td>
</tr>
<tr>
<td></td>
<td>Acting Director Youth Justice Operations.</td>
<td>Non-Indigenous</td>
<td>Government</td>
<td>Face-to-face interview.</td>
</tr>
<tr>
<td>Hawke’s Bay Case</td>
<td>Founding member Mahi Tahi Trust board.</td>
<td>Claimed by Maori</td>
<td>Community</td>
<td>Face-to-face interview.</td>
</tr>
<tr>
<td></td>
<td>Former MP, member Mahi Tahi Trust board.</td>
<td>Non-Indigenous</td>
<td>Community</td>
<td>Primary contact, face-to-face interview, written feedback on draft report, documents.</td>
</tr>
<tr>
<td></td>
<td>Former gang member mentor.</td>
<td>Maori</td>
<td>Community</td>
<td>Face-to-face interview.</td>
</tr>
<tr>
<td></td>
<td>Elder, member Mahi Trust board.</td>
<td>Maori</td>
<td>Community</td>
<td>Face-to-face interview.</td>
</tr>
<tr>
<td></td>
<td>Minister with three justice portfolios.</td>
<td>Non-Indigenous</td>
<td>Government</td>
<td>Face-to-face interview, written feedback on draft report.</td>
</tr>
</tbody>
</table>

---

19 This participant, Sir Norman Perry (who gave me permission to use of his name) was European by descent. However, Sir Apirana Ngata claimed Sir Norman as a ‘matua whangai’ or an adopted adult. These adoptive relationships are legitimised by a deeply located set of cultural norms and practices. I have no cultural authority to challenge this particular claim and I acknowledge Sir Norman as Maori.
### Table 2.4 continued - RESEARCH PARTICIPANTS AND THEIR CONTRIBUTIONS

<table>
<thead>
<tr>
<th>Case</th>
<th>Participant's position at time of events of case</th>
<th>Descent</th>
<th>Representing</th>
<th>Contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Huntly Case</strong></td>
<td>Community-based coordinator of the <em>Tiaki Tangata</em> community governance pilot project.</td>
<td>Maori</td>
<td>Community</td>
<td>Primary informant, face-to-face interview.</td>
</tr>
<tr>
<td></td>
<td>Activist and member of the <em>Tiaki Tangata</em> board.</td>
<td>Maori</td>
<td>Community</td>
<td>Face-to-face interview.</td>
</tr>
<tr>
<td></td>
<td>Acting District Commander, National Manager Cultural Affairs, NZ Police.</td>
<td>Maori</td>
<td>Government</td>
<td>Face-to-face interview, assisted with approvals, introductions and access to the field.</td>
</tr>
<tr>
<td></td>
<td>Police sergeant, <em>Iwi (Maori) Liaison Unit</em> (ILO).</td>
<td>Maori</td>
<td>Government</td>
<td>Conversations, assistance in the field, introductions, invitation to meeting.</td>
</tr>
<tr>
<td></td>
<td>Regional Director Te Puni Kokiri (Dept. Maori Affairs), member of the <em>Tiaki Tangata</em> board.</td>
<td>Maori</td>
<td>Government</td>
<td>Face-to-face interview.</td>
</tr>
<tr>
<td></td>
<td>Former head of the department of Maori Affairs. Not directly involved in the Huntly case.</td>
<td>Maori</td>
<td>Community</td>
<td>Face-to-face interview, background information on community governance models in NZ.</td>
</tr>
<tr>
<td><strong>Cairns Case</strong></td>
<td>Program coordinator.</td>
<td>Cook Islander</td>
<td>Program provider</td>
<td>Face-to-face interview, documents, media reports</td>
</tr>
<tr>
<td></td>
<td>Police prosecutor.</td>
<td>Aboriginal</td>
<td>Police</td>
<td>Face-to-face interview, phone conversations.</td>
</tr>
<tr>
<td></td>
<td>Magistrate.</td>
<td>Non-Indigenous</td>
<td>Courts</td>
<td>Face-to-face interview.</td>
</tr>
<tr>
<td></td>
<td>Defence lawyer.</td>
<td>Non-Indigenous</td>
<td>Indigenous client group</td>
<td>Face-to-face interview.</td>
</tr>
<tr>
<td></td>
<td>Program counsellor.</td>
<td>Aboriginal</td>
<td>Program provider</td>
<td>Face-to-face interview.</td>
</tr>
<tr>
<td></td>
<td>Legal defence staff.</td>
<td>Aboriginal &amp; Torres Strait Islander</td>
<td>Indigenous client group</td>
<td>Face-to-face interview.</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td>26 research participants. 19 Indigenous and 7 Non-Indigenous participants. 16 community and 10 government representatives. 25 formal face-to-face interviews</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Managing the data: five categories of information

I collected and assembled data according to five thematic categories of information. This method served two main purposes: firstly, the five themes reflected the core elements of the investigation and thus ensured the data I gathered directly addressed the thesis questions. Secondly, for the purpose of managing and analysing the data, the method yielded five groups of findings that I could use as points of comparison. Table 2.6 lists the five categories of information, the research objectives from which they emerged and the strategies I employed to investigate them.

Table 2.5 RESEARCH PARTICIPANTS’ REPRESENTATIVE CHARACTERISTICS

<table>
<thead>
<tr>
<th>Description</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number of research participants</td>
<td>26</td>
<td>100%</td>
</tr>
<tr>
<td>Indigenous participants</td>
<td>19</td>
<td>73%</td>
</tr>
<tr>
<td>Non-Indigenous participants</td>
<td>7</td>
<td>27%</td>
</tr>
<tr>
<td>Community-based representatives</td>
<td>16</td>
<td>62%</td>
</tr>
<tr>
<td>Government-based representatives</td>
<td>10</td>
<td>38%</td>
</tr>
<tr>
<td>Proportion of community-based representatives who were Indigenous</td>
<td>16</td>
<td>100%</td>
</tr>
<tr>
<td>Proportion of government-based representatives who were Indigenous</td>
<td>5</td>
<td>50%</td>
</tr>
</tbody>
</table>

An effective comparative analysis clusters data around certain points of juxtaposition. These are selected as references to the same elements in each case, thus providing the framework for comparison (Lieberson 1992).
Table 2.6 FIVE THEMATIC CATEGORIES OF INFORMATION

<table>
<thead>
<tr>
<th>Category of information</th>
<th>Research objectives</th>
<th>Investigative strategies</th>
</tr>
</thead>
</table>
| 1) Vision and Ideas     | Identify the ideas and aspirations expressed during engagements between government and community.  
                          | Track the development of ideas within each case over time.                           | Searched written records for vision statements and stated project objectives.          |
|                         | Address the question of what happens to the ideas of Indigenous people during these engagements. | Questioned research participants about their visions and ideas for the project.          |
|                         |                                                                                     | Explored the earliest phases of the project to discover whether the ideas that first drove the project survived the negotiating process. |
| 2) Catalysts            | Identify the triggers for action.                                                   | Questioned research participants about what was happening in the community that made people want to take action. |
| 3) Challenges           | Identify the source and nature of any objections to the initiative.                 | Questioned participants about what was most frustrating about the project and what pressures and obstacles they faced. |
|                         | Investigate the types of pressures and constraints that might have hindered the progress of the initiative. | Searched for evidence of resistance to the project and identified the source of the resistance. |
| 4) Breakthroughs and Facilitating Factors | Discover how people overcame obstacles and challenges.                           | Questioned participants about what they considered to be the ‘breakthrough moments’.    |
|                         |                                                                                     | Identified the factors that contributed to the project’s progress.                    |
| 5) Power Sharing and Agenda Setting | Analyse the power arrangements in each case.                                       | Questioned participants about what happened during meetings.                           |
|                         |                                                                                     | Searched written records for minutes, agenda items and other evidence of how the agenda was determined and who prevailed during meetings. |
|                         |                                                                                     | Questioned participants about which people and priorities appeared to drive the project. |
The Interviews

Prior to commencing fieldwork, I drafted two sets of interview questions; one set to ask government representatives and another to ask community representatives. However, once I entered the field it became apparent that the two groups of participants were not as distinct as I had anticipated, thus I decided that one set of questions, provided they were strongly focused on the five thematic categories, would be just as effective. The interview instrument is included at Appendix 2.

I conducted all interviews face-to-face, and each went for about one hour. Most were tape-recorded while I recorded others by handwriting. All participants gave informed consent.

In presenting my findings for the four case studies, I preserve the participants’ anonymity by referring to them by the position they occupied at the time of the events of the case. Some participants, after reading a draft copy as part of the feedback process, spontaneously offered permission to publish their names. These people occupied prominent positions within the case or in public life generally, and they did not consider attempts to preserve their anonymity to be either sensible or important.

Fieldwork

Because I lived in Brisbane, fieldwork involved travel to New Zealand, Cherbourg and North Queensland. In total, I conducted the interviews in 13 different towns and cities. Table 2.7 summarises the fieldwork sites I undertook to complete this research and I have included maps that show the location of these places (see the following pages).

My first field trip, in December 2003, was to the Aboriginal community of Cherbourg, three and a half hours’ drive north-west of Brisbane. I made three trips to Cherbourg; on the first two I spent two days conducting interviews, staying overnight in the nearby town of Murgon. The third was a day trip. On the first trip to Cherbourg, my friend and Maori Anglican minister Murphy Pukeroa accompanied me. I also spent two days at the Brisbane offices of Queensland’s Department of Families examining the department’s files on the Cherbourg MOU project.
I conducted fieldwork for the two New Zealand cases simultaneously. The first of my two New Zealand tours lasted four weeks. I arrived in June 2004, and began with a visit to my own tribal area in the Far North to seek the blessings of my extended family and elders before I went south into tribal areas unfamiliar to me. I then spent a month travelling to Auckland, Wellington, Upper Hutt, Rotorua, Opotiki, Hamilton and Huntly. I returned to New Zealand again in November 2004 and spent a week completing fieldwork in Hawke’s Bay and Huntly.

For the fourth case in Cairns, I began by meeting with staff of the Queensland Police Service’s Cultural Advisory Unit in Brisbane to familiarise myself with the service’s current strategies and policies on crime prevention in Indigenous communities. In March 2006, I spent a week conducting interviews in the north Queensland towns of Cairns and Mareeba (a day trip from Cairns by road), and conducted one interview in Ipswich, near Brisbane.

Table 2.7 – FIELDWORK TIMELINE

<table>
<thead>
<tr>
<th>Date</th>
<th>Cases</th>
<th>Locations</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003 – December</td>
<td>Cherbourg Case (Qld.)</td>
<td>Cherbourg, Brisbane City</td>
</tr>
<tr>
<td>2004 – May</td>
<td>Cherbourg Case (Qld.)</td>
<td>Cherbourg, Brisbane City</td>
</tr>
<tr>
<td>2004 – June</td>
<td>Hawke’s Bay Case (NZ)</td>
<td>Auckland, Wellington, Rotorua, Opotiki</td>
</tr>
<tr>
<td></td>
<td>Huntly Case (NZ)</td>
<td>Upper Hutt, Hamilton, Huntly</td>
</tr>
<tr>
<td>2004 – November</td>
<td>Cherbourg Case (Qld.)</td>
<td>Cherbourg</td>
</tr>
<tr>
<td></td>
<td>Hawke’s Bay Case (NZ)</td>
<td>Hawke’s Bay</td>
</tr>
<tr>
<td></td>
<td>Huntly case (NZ)</td>
<td>Huntly</td>
</tr>
<tr>
<td>2005</td>
<td>No fieldwork conducted this year.</td>
<td></td>
</tr>
<tr>
<td>2006 – March</td>
<td>Cairns case (Qld.)</td>
<td>Cairns, Mareeba, Brisbane City, Ipswich</td>
</tr>
</tbody>
</table>
MAP 2 – FIELDWORK SITES, QUEENSLAND
MAP 3 – FIELDWORK SITES, NEW ZEALAND
Data sources

The main source of information for this thesis were data gathered during face-to-face interviews and from documents such as meeting notes, reports and project evaluations. The types of data that informed this research were:

- Face-to-face interviews
- Conversations with key people
- Observation of three meetings (the Huntly case)\(^{48}\)
- Two evaluation reports (the Hawke’s Bay and Huntly cases)
- Documents such as program descriptions, vision statements and meeting notes
- Research participants’ feedback on early drafts.

Feedback process

All research participants received a draft copy of the case study to which they had made a contribution, and all were invited to respond with their comments, although most chose not to reply. I received detailed written responses from three of the Hawke’s Bay case study participants, and these informed and improved subsequent drafts.

Analysing the data

I took four examples of a particular occurrence (i.e. an engagement between an Indigenous group and a government agency), reported on the events, ideas and key features of each case, and bundled my findings according to the five categories of information described earlier. I then juxtaposed these sets of data for the purpose of making a comparative analysis. The method yielded 20 sets of findings upon which to base my comparative analysis. Refer to chapter seven for the results of this exercise.

\(^{48}\) These meetings were: 1) a meeting between a group of five Iwi Liaison Officers stationed at Hamilton Police Headquarters; 2) a meeting between Huntly’s social service agencies and police; 3) a meeting between Huntly’s domestic violence service agencies, Maori community representatives and the police about plans for a new response strategy for domestic violence incidents.
Limits

This research project required extensive fieldwork and although resources were limited, I managed to cover the necessary ground and complete all the tasks the research required.

I limited the scope of the project to reduce the risk of following leads that, however interesting, would not serve the core purpose of the research. For example, it was not my intention to conduct evaluations and I was not looking for initiatives that had successfully reduced crime or reformed prisoners. Although participants in all four cases said each of the subject initiatives had achieved good results, I made few inquiries in regard to outcomes. In this way, I remained focussed on the origins of each case, the events surrounding the emergence of each case and the relationships between the key actors. At the time of writing, the two New Zealand cases I selected have been evaluated and I have been told there are plans to evaluate both Queensland cases in the future.

Reflections on the method

According to Burawoy (1998), the case study method is a reflexive science that has emerged out of the gap between positivist science and what the researcher can achieve in practice. This view of the case study method accords with my experience in this research project. Once I entered the field, I found new information that prompted me to review my methods and in some instances, I made changes to my research design.

Qualitative studies tend to improve as they proceed because as data are gathered, the nature of the inquiry becomes clearer. Qualitative researchers also tend to be less concerned with controlling the collection of data and more interested in seeing where the data lead (Becker 1992). For example, one characteristic of the case study method, particularly when it involves elements of ethnography, is that as the data come in, even the researcher’s definition of a ‘case’ is likely to change. Becker has argued that while conducting qualitative research, an investigator should not be overly concerned to begin with a firm view of ‘what is a case’; rather, as the research proceeds he or she should constantly be asking, ‘what is this a case of?’ (Becker cited in Ragin 1992:1).
The most important adjustment I had to make related to my assumption that the government and community actors would more or less fall into two distinct groups. I had expected to find a contest between two opposing sides and to identify some kind of location where the two sides met to engage. Figure 2a shows how I conceptualised the field as three sites of action: the site of community-based action, the site of government action and the ‘bit in the middle’ where the two groups came together to negotiate new ways forward. I anticipated this third domain would be the ‘point of engagement’ that I had constructed as the focus of my investigation.

Theoretically, the comparative case method requires strong assumptions about what will comprise each case. It is common for example, to find that a methodology assumes a set of forces, like the media or an interest group, is determining policy outcomes, not because the researcher is certain this is true, but because it is a necessary position to take before proceeding with an investigation that aims to examine positive cases (Lieberson 1992).

**Figure 2a: Three Anticipated Sites of Action within the Field**

At the beginning of this research project, I purposely developed some bold assumptions and arrived at a simple view of a complicated set of relationships. I reasoned that such simplifications would bring order to the collection of the data and over the course of the project, this proved to be an effective approach. I was able to focus on the data found within the parameters of pre-defined spheres of activity and I found this approach yielded a manageable quantity of good quality data.

The presumptive approach was effective because it defined and located the Indigenous sector I was interested to explore. I was surprised, however, to discover the boundaries I presumed
existed between the different sites of activity were highly porous. I had conceived three spheres of activity (as shown at Figure 2a). However, I found there was considerable cross membership between these three sectors. Some people involved in a case occupied all three places simultaneously.

**Was this Indigenous research?**

Finally, I want to say something about whether or not this project qualifies as Indigenous research. In my view, a study does not qualify as Indigenous research simply because Indigenous people are the subject of the study. I would argue that Indigenous research is produced when the research team and the people who are the subject of the study begin the project together, and as a merged group, conceive, develop, conduct and report the research. This is more than ethnographic research, where the investigator gathers data by living and moving among the people he or she is investigating, it is research that can be described as ‘by the people for the people’. I did not do this; instead I applied western theories and approaches to the development of this methodology. In addition, although I identify as a Maori person, this does not make my study an exercise in Indigenous research. Not all Maori researchers apply what Tuhiwai-Smith (1999) describes as ‘*Kaupapa Maori*’ research methods.

Tuhiwai-Smith provides a Maori perspective on Indigenous research methods. She argues researchers cannot discuss the concept of Indigenous methodologies without first understanding the complex ways in which the pursuit of knowledge is deeply embedded in colonial practices. In her view, an Indigenous approach to research takes into account the right of Maori people, as the research subjects, to exercise their authority over how the research should be conducted. She links the right to exercise control over the research process to the broader right of colonised people to exercise self-determination and maintain autonomy over their own cultural well being (Tuhiwai-Smith 1999). Marchetti, (2006) also discusses the way white methodologies control the collection and treatment of knowledge about Indigenous people. Her research found that the Australian Royal Commission into Aboriginal Deaths in Custody, despite its intention to embrace the views of Indigenous people, inadvertently practised a form of ‘deep colonisation’. The inquiry’s methods marginalised its Indigenous researchers and reinforced the perception that only the dominant white colonisers could properly decide what was needed to change the lives of the colonised other. The views of the

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49 Philosophically Maori
commission’s Indigenous researchers, their concerns about how the research breached cultural protocols and their distressful fieldwork experiences were treated as less important than ‘getting the job done’ (Marchetti 2006).

I suggest that to qualify as Indigenous research, a project needs to do more than employ an Indigenous researcher or focus on Indigenous subjects; rather it can be achieved by any person or group that is immersed in Indigenous methods or ways of gathering and disseminating knowledge. Defining Indigenous research is a complex topic and here I can only offer a personal view. If I was to be involved in a project that I wanted to present as Indigenous research, I would immerse myself in the world of the subject group and that group would be Maori. In fact, my preference would be to locate the research within my own tribal area and work alongside members my own extended family and tribe. I would offer my services as a researcher to investigate a problem identified by the tribe. There would be few distinctions between myself as a researcher and the subjects of the research. I would enter a Maori decision-making process where all interested members of the community would reach consensus on the ‘what, why and how’ elements of the project and without broad agreement on the value and purpose of the research and its methods, the project would not proceed. In the case of this dissertation, I did not do this. I arrived at each community with a pre-conceived plan and enlisted the support of the subject communities by presenting the merits of the research and its purpose.

Nevertheless, Maori practices and values influenced my approach to the research, particularly in relation to ethical matters. I used my knowledge of Maori protocol in the field, and although I am sure I made many mistakes, none were brought to my attention. When I reached the end of the project, I was satisfied with the way I had conducted myself in the field.

If I were to give this matter more attention, it would not be as part of a discussion about methodology. Rather, I would turn to my field notes where I recorded my cultural, as opposed to my scientific, concerns. These notes contain drafts of the speeches I made to introduce my ancestors and tribal landscapes to the people I visited. They contain the words to the songs I wanted to sing during cultural exchanges, my feelings about travelling to tribal lands other than my own and my thoughts about the spiritual elements of my research journey. While these things are personally important to me, they did not determine the outcome of this research project.
Therefore, on this occasion, I have painted myself out of the picture. The following chapters are the result of an expedition that traversed four unique and significant sites of human activity. They record the aspirations, frustrations and successes of Indigenous people who volunteered their time and efforts to improve the conditions and circumstances of their own communities.
CHAPTER THREE

CASE STUDY 1: CHERBOURG

During 2001 and 2002 Queensland's Department of Families and the Indigenous community of Cherbourg came together to negotiate a new approach to the escort of young people from detention to the community to attend funerals. The outcome of these negotiations was a memorandum of understanding (MOU) that provided for the department and the community to share the supervision of young people during these escorts.

This chapter describes what prompted the Cherbourg MOU project and what took place during negotiations. My findings are presented in five thematic categories: 1) the catalyst for action, 2) visions and ideas, 3) how power was shared and the agenda set, 4) the constraints, pressures and challenges that affected the process, and 5) the project’s facilitating factors and breakthroughs.

I interviewed seven people that were key to the MOU project, two from the Department of Families and five from Cherbourg. All but one were Aboriginal people. Table 3.1 shows the make up of the research participant group. In addition to formal interviews, I drew on the department's records, such as the minutes of meetings and written accounts of the MOU project.

Figure 3a: Time Line, Cherbourg Case

<table>
<thead>
<tr>
<th>Year</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000:</td>
<td>Three detained young people escape while on escort to Cherbourg for a funeral.</td>
</tr>
<tr>
<td>March 2000:</td>
<td>The department's report on the escape incident was completed and recommended negotiating a MOU with the Cherbourg Council.</td>
</tr>
<tr>
<td>June 2001:</td>
<td>The subsequent <em>Information Paper</em> was distributed, and discussions between the department and the Cherbourg Council commenced.</td>
</tr>
<tr>
<td>September 2001:</td>
<td>The first formal MOU meeting took place.</td>
</tr>
<tr>
<td>November 2002:</td>
<td>The MOU agreement was signed by all parties.</td>
</tr>
</tbody>
</table>
Table 3.1 – CHERBOURG CASE STUDY: RESEARCH PARTICIPANTS

<table>
<thead>
<tr>
<th>Participant’s position at time of events of case</th>
<th>Descent</th>
<th>Representing</th>
<th>Contribution</th>
<th>Referred to in this report as</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Mayor of Cherbourg</td>
<td>Aboriginal</td>
<td>Community</td>
<td>2 face-to-face interviews.</td>
<td>Mayor Ken Bone</td>
</tr>
<tr>
<td>Female elder, coordinator women’s shelter</td>
<td>Aboriginal</td>
<td>Community</td>
<td>Face-to-face interview.</td>
<td>female elder</td>
</tr>
<tr>
<td>Female elder, coordinator Local Justice Initiative</td>
<td>Aboriginal</td>
<td>Community</td>
<td>Face-to-face interview.</td>
<td>female elder</td>
</tr>
<tr>
<td>Male elder</td>
<td>Aboriginal</td>
<td>Community</td>
<td>Face-to-face interview.</td>
<td>male elder</td>
</tr>
<tr>
<td>Coordinator, Cherbourg Youth Justice Service</td>
<td>Aboriginal</td>
<td>Community</td>
<td>Face-to-face interview.</td>
<td>youth justice coordinator</td>
</tr>
<tr>
<td>Dept. of Families staff member (Cherbourg MOU project manager)</td>
<td>Aboriginal</td>
<td>Government</td>
<td>Primary informant, face-to-face interview, access to records, assistance with gaining approvals, feedback on draft report.</td>
<td>project manager</td>
</tr>
<tr>
<td>Acting Director Youth Justice Operations</td>
<td>Non-Indigenous</td>
<td>Government</td>
<td>Face-to-face interview.</td>
<td>acting director</td>
</tr>
</tbody>
</table>

**Background**

The Department of Communities (the Department of Families at the time of the case study) has responsibility for the administration of Queensland’s *Juvenile Justice Act (1992)* and operates the state's two youth detention centres: the Brisbane Youth Detention Centre at Wacol and the Cleveland Detention Centre at Townsville.

Cherbourg is a former Aboriginal reserve or Deed of Grant in Trust (DOGIT) community with a population of about 3000. Built on Wakka Wakka tribal land, the township is a 3.5-hour drive northwest of Brisbane. Cherbourg became self-governing under the *Community Service*

Throughout their respective changes in name and formation, the Cherbourg community and the Department of Families have shared a long history. A former staff member of the department told me that he had been present at a training session where the department presented material on the history of its dealings with Cherbourg. He was struck by how clearly it was shown that the Cherbourg children on his caseload were coming from the same families that were on the department's caseload 100 years ago.
Indigenous young people are overrepresented in Queensland's juvenile justice system, and this is reflected in the number of young people from Cherbourg who come to the attention of the courts. A Cherbourg-based youth justice worker estimated that before support services improved, up to 30 local children were attending court each month, and there were about 10 or 12 children in detention at any given time (youth justice staff member, personal interview 2004). Since Cherbourg’s community-based juvenile justice support service (Jumbunna) was established in 1995, these figures have reduced significantly. According to this agency worker, at the time of our interview, only two or three Cherbourg children were known to be in detention.

The Catalysts

In 2000, three young people absconded while on escort from Brisbane's John Oxley Youth Detention Centre to Cherbourg for a funeral. As a standard response, the department conducted an internal review of the incident, and the Cherbourg Council was consulted as part of this review. One of the report's recommendations was for the department to develop a memorandum of understanding with the council that would allow for a shared role in the supervision of young people under escort.

During 2001, the department pressed ahead with its plan to negotiate an MOU with the Cherbourg Council. A first step was the appointment of two of its staff, both mature Aboriginal women, as the project manager and a liaison person. The liaison person was from Cherbourg, and both were well regarded by the Cherbourg community. Prior to the first formal meeting, two representative groups had formed, one from the department and one from Cherbourg (see Figure 3a on page 68). All meetings were scheduled to take place at Cherbourg.

Different views on the catalysts

If viewed as a government initiative, the catalyst for the MOU project was the escape incident. However, the escape incident did not feature in the accounts given to me, whether by community or department-based participants. The Cherbourg community had been troubled for some time by the way in which escorts were managed, and when asked what had been happening that made people want to take action, community members identified a whole range of problems associated with the escort of prisoners to funerals. Their concerns included
escorts from both juvenile and adult correctional facilities. The Cherbourg community had two main complaints, and the most important of these was a deeply felt objection to the use of handcuffs, particularly when used on children or the aged and frail, and when worn in church or at a graveside. The second main objection related to the Department of Corrective Service’s (DCS) use of sniffer dogs during escorts. The presence of these dogs at a graveside was said to be particularly distressing.

Cherbourg residents viewed the use of handcuffs as an unnecessary humiliation in most cases, especially when the prisoner seemed too small, frail or docile to be considered an escape risk. Cherbourg’s Mayor, Ken Bone, said:

> When someone comes to a funeral in handcuffs, it's not a nice sight. Some of them were only about 10 or 11 years old. One boy in handcuffs was so small it really didn't look right. The adults are still kept in handcuffs. Not even 12 months ago, there was an elderly gentleman in his 70s, he could hardly see and hardly walk, but they had him in chains. He's here now, released about 6 months later (Ken Bone, Mayor of Cherbourg, personal interview 2004).

Apart from being publicly humiliating, handcuffs were said to cause physical discomfort. With handcuffs on, hugs are awkward and cannot be returned, and it is difficult for a prisoner to be included in the physical affection between other mourners. During one of the MOU project’s meetings, a Cherbourg representative complained that young people had been seen handcuffed to poles during funeral proceedings.

While the escape incident might have been the reason why the department took action, the community saw the trigger for action as being a longer history of more general concerns about the treatment of people under escort. Another distinction that can be drawn is that officially, the department was motivated to prevent future escapes (although individual staff members took a broader view of the MOU project’s potential), while the community was motivated to engage in the process because they saw it as an opportunity to improve the escort experience for prisoners of all ages, their families and the whole community.
Visions and ideas

The earliest ideas driving the MOU Project were found within the recommendations of the department’s escape incident report, and one of the first tasks for the newly formed group of community representatives was to express a vision for the project.

The department’s expectations

The department’s report emphasised the need to consider new ways of sharing responsibility, involving community leaders and families, spreading risk, and sharing information. The report also recommended a review of the decision making guidelines for funeral attendance to ensure they adhered to the principles of the youth detention centre’s case management framework. It recommended the development of a preventative, rather than reactionary, culture to escort arrangements. It was also suggested that the community be made aware of the importance of effective static and dynamic security measures\(^{50}\), especially if, as a result of any new agreed practices, the number of escorts were to increase.

The department distributed an *Information Paper* that framed its intentions in regard to the MOU project. The *Information Paper* included a reminder that the department was constrained in its capacity to effect change by its obligations under Queensland’s *Juvenile Justice Act*, and that statutory responsibility for detained young people would always remain with the department.

Cherbourg’s vision

The earliest mention of the Cherbourg community’s vision for the MOU project was found in the department’s records. In its first draft, Cherbourg’s vision was to establish a community-based support group that would help manage funeral escorts, and that this group would not only support young people but also adults, and work to address ‘other relevant issues’ (Qld. Department of Families 2001:3). A department staffer noted in the margins of this document that this vision statement should be clarified and that it did not seem very explicit or inspirational. Elsewhere in the file, the Cherbourg MOU project manager confirms the

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\(^{50}\) In correctional settings, ‘dynamic security’ refers to security through fostering good relationships between staff and inmates, and ‘static security’ refers to the use of surveillance equipment, searches and hardware such as handcuffs and locked doors.
statement accurately reflects Cherbourg’s vision. She elaborates by describing it as a ‘longer vision’, which includes the community’s hope that the MOU would lead to a general increase in support for a more holistic, cultural approach to helping young people, and that this new approach would involve the young person’s extended family. The ‘other relevant issues’ mentioned in the vision statement referred to the youths’ feelings of grief and loss, their sense of isolation from family and community, and their need to be accepted back into the community upon release from detention (Qld. Department of Families 2001).

Cherbourg representatives believed that the aim of the MOU project was two-fold: firstly, to improve practice and to share these developments with other Indigenous communities; and secondly, to extend these new practices to improve escort arrangements for adult prisoners (Qld. Department of Families 2001). The belief that other Aboriginal communities would be involved first appeared as a suggestion within the department’s incident report, so it is understandable that Cherbourg residents would have this expectation. Aspirations to extend the benefits of the MOU to the adult prison system would have required the involvement of the Department of Corrective Services, and this did not happen. Cherbourg community members also considered the MOU project to be an opportunity to find new ways to treat young people more respectfully and to encourage young people to show respect to others. On the matter of respect, the department’s project manager said:

From my position, I felt the community wanted to be able to have young people come home in a much more respectful manner for sorry business, to show respect in the proper way when they came home and for [the young person] to not be humiliated. The biggest thing was they wanted some kind of control over the process and the actions of that young person from a cultural perspective. They didn't want to get involved in the bureaucracy, or the transport, or the things that happened at the centre. There was cultural stuff that needed to happen for this young person to be able to enter the community. I felt [the community's] aim was to not have the trouble they had in the past, so they didn't have to feel the interruption of the natural cultural flow of sorry business when it occurs (project manager, personal interview 2004).

Other research participants supported this account of the community’s expectations. Many in the community had strong hopes that the project would end the humiliating elements of the escort experience and improve the department’s recognition of how Aboriginal people conducted funerals.

51 Aboriginal people refer to funeral proceedings and grieving as ‘sorry business’.
By the time formal meetings began there were two sets of ideas and expectations on the table. Cherbourg representatives had expressed their extended vision, which aimed to maximise the benefits of the project, while the department wanted to achieve a more limited set of objectives. In contrast to the community’s expansive aspirations, the department was focussed on the primary task of addressing the matters raised by the report on the escape incident. As negotiations progressed, a series of 'mutual agreements' were developed to reshape these two sets of expectations into one.

A number of agreements were reached between all MOU participants. It was agreed that:

- The MOU would meet young people’s emotional needs in times of grief and loss and improve practices in order meet these needs,
- A new way would be developed for the department, the community and families to share responsibility for funeral escorts, and
- The MOU would ‘enhance’ the **Juvenile Justice Act**.

Eventually, the group decided on three objectives for the MOU:

1. To develop a safe, secure and culturally appropriate framework for best practice, policy and procedures whilst escorting young Aboriginal people back to their respective communities for a funeral
2. To develop a shared understanding of language in the form of a MOU
3. To develop a culturally appropriate and relevant framework for the implementation of the MOU (Qld. Department of Families 2001)

**Cherbourg’s vision scaled back**

Contrary to initial expectations, it was later decided that the MOU project and its outcomes would not extend to other Aboriginal communities (as implied in the first objective listed above). Initially, it was decided to limit the number of communities involved to Cherbourg and just one other, but this second community was excluded.

Cherbourg's vision for the MOU project can be summarised as a broad call for the elimination of handcuffs, sniffer dogs and other practices causing humiliation for prisoners of all ages while
they attended funerals in Indigenous communities throughout Queensland. Cherbourg representatives wanted incarcerated young people to be able to visit, not just for funerals, but to spend time with dying relatives or to talk with the elders about their life; and to able to come home for a funeral even it meant coming from the youth detention centre in Townsville, over 1000 kilometres away. Reaching agreement on the aims of the MOU provided a focus for discussion, but it is important to remember that the department had gradually narrowed the scope of the project until it became wholly concerned with the escort of young people to attend funerals in one particular community. The department prevailed in this contest over scope while the community's aspirations were pared back.

A compromise was eventually reached on the use of handcuffs, but the department argued it was 'bound by law' to handcuff children while under escort, and there had been very little room to negotiate on this point. Although many of the community’s important ideas did not eventuate, Cherbourg representatives reported that they were satisfied with the final outcome. During my interviews, Mayor Ken Bone described the MOU as a ‘significant step forward’. A female elder said, ‘We had a good outcome; we wouldn’t have signed it otherwise’ and a male elder said he was ‘very well pleased’ with the results of the MOU and that he was glad I was writing everything down for posterity. He hoped the government would take notice of what had been ‘said and done’ because it had been an experience where things had been ‘put into action’ (male elder, personal interview 2004). Generally, community-based research participants understood that government departments were constrained, and they had no complaints about the final agreement falling short of original expectations, although most expressed hope that unresolved matters might still be addressed in the future.

**Power sharing and agenda setting**

Power sharing arrangements are an important feature of any engagement between government and civilian groups, and participants on both sides reported they had been conscious of the need to acknowledge the authority of the other from the beginning. In this case, a significant amount of time was spent negotiating various contested aspects of the project. One of these contests surfaced as arrangements were being made to establish the MOU forum and select its membership. 

*The department approaches the community*
The project manager was the first person to take responsibility for the way the department approached the community. She thought it was important to begin by acknowledging the status of Cherbourg's elders and community leaders:

As a departmental officer, I had to take into consideration that Cherbourg was an Indigenous community, so there were certain protocols that I had to follow. Seeking permission to enter the community for a start, regardless of whether I was a departmental officer or not, I would have to do that, and then clearly letting the community know the reasons why I was going to be coming to them, why I was going to be talking to them, and what outcomes the department was looking for (project manager, personal interview 2004).

The project manager tried to demonstrate that the department was willing to acknowledge the authority of Cherbourg’s elders and abide by Indigenous protocols. In a similar way, the community-based research participants I interviewed also emphasised the need to acknowledge the authority of high-ranking bureaucrats. Both sides gave this mutual recognition of the other some symbolic importance, but the first practical task tested the relationship.

The department’s decision to hold the MOU meetings at Cherbourg was regarded as a positive contribution to the relationship-building aspect of the project. Community members expressed the view that when officials, especially those of high rank, are willing to travel and meet with Indigenous people on their own ground, it demonstrates a commitment to good relations and good outcomes. One of Cherbourg’s elders said that all engagements of this kind are important, and as an example, she said the Queensland Premier had recently visited Cherbourg and that these meetings had brought the Premier ‘on side’ (female elder, personal interview 2004).

*Decisions about representation*

From the outset, there were different views and assumptions about who would be involved in the MOU project. Initially, the Cherbourg representatives’ suggestions about who should be invited did not include some key people from the department, and the department wanted to add some people from the youth detention centre to the list. According to the project manager, it was necessary to re-negotiate the matter of who should take part:
We put on the table the people we needed to have there, the reasons why those people would be there and that we wouldn't have a cast of thousands. So we confined our presence in the community, given that we were talking about a very sensitive issue (project manager, personal interview 2004).

The project manager said that this misunderstanding arose because the department had mistakenly assumed that Cherbourg’s representatives were familiar with the detention centre’s management structure and that they would readily accept the need for certain centre staff to be involved. Instead, the department had to justify and explain its reasons for wanting to add certain centre staff to the community’s list of preferred participants. In part, this was a problem about power sharing, as the project manager went on to explain,

I knew that if this was going to work, then we needed to have power on both sides. It took a period of probably a year and a half to get through that process, just to work out who was going to be at the table and when the table talks would occur (project manager, personal interview 2004)

The year and a half spent working out who should be included represents a significant proportion of the project's overall time frame. Both sides actively sought a fair share of the balance of power, and all those I spoke to commented positively about the level of representation eventually achieved.

The MOU forum membership is shown in Figure 3b. It was comprised of a total of 22 people, 2/3’s of whom were Cherbourg community representatives. Cherbourg-based participants said the involvement of so many elders and service agencies was unusual. This was viewed as a facilitating factor overall, and a positive achievement in itself.
Figure 3b Forum Membership (Cherbourg MOU Project)

<table>
<thead>
<tr>
<th>Department of Families Representatives</th>
<th>Cherbourg Community Representatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Acting Director, Youth Justice Operations</td>
<td>- Mayor of Cherbourg</td>
</tr>
<tr>
<td>- Centre Manager, Brisbane Youth Detention Centre (BYDC)</td>
<td>- Local Councillors X 5</td>
</tr>
<tr>
<td>- Principle Policy Officer, Youth Justice and MOU project manager</td>
<td>- Cherbourg Elders Group X 2</td>
</tr>
<tr>
<td>- Program Support Officer, BYDC</td>
<td>- Youth Justice Service (Jumbunna) Coordinator</td>
</tr>
<tr>
<td>- Indigenous Youth Workers (x2) BYDC</td>
<td>- Women’s Group (Jundah) Coordinator</td>
</tr>
<tr>
<td>- Senior Legal Officer, Youth Justice and Development Unit</td>
<td>- Cherbourg Men’s Group Representative</td>
</tr>
<tr>
<td>- Program Development Officer, Operations</td>
<td>- Local Justice Initiative Coordinator</td>
</tr>
<tr>
<td>Total = 8</td>
<td>- Community Members X 2</td>
</tr>
</tbody>
</table>

Also Consulted

- Queensland Aboriginal and Islander Legal Service
- Department of Aboriginal and Torres Strait Islander Policy, regional office staff
- Union Representatives (BYDC)
- Department Families, Wide Bay Burnett Regional Director and Murgon Area Office staff
- A small group of Cherbourg’s young people who had contact with the juvenile justice system
Contesting the agenda

When I asked Cherbourg-based participants if they were satisfied with the way the agenda had been set and if everyone had been free to raise their concerns, most said they were satisfied with this phase of the project. According to Mayor Ken Bone, ‘the elders were the people driving it’ (personal interview 2004). Another community member also took this view, saying:

The chairperson was one of the appointed Indigenous government workers, but most of it was driven by the community itself: what changes we wanted and how the department would deal with these issues. It was really community driven. Even though [the department] was there to put together an MOU, other issues also came up. That always happens in Aboriginal communities, our people don't wait for the right moment … they just put it to anyone who's there to listen to them (youth service staff member, personal interview 2004).

According to this person, if a government department was present, and the people were willing to meet with it, then Aboriginal people will raise all kinds of problems, whether they specifically concerned the current discussion or not. The department’s acting director and project manager also said that controlling the agenda can be difficult when meeting with Aboriginal people; thus, they decided to take an open approach. The project manager said:

Initially, I set the agenda out and asked [the Cherbourg people] if they wanted anything else on it. They were happy for us to structure the whole day and to run with the agenda, but I knew straight up that if they wanted to hijack it, they would. It wouldn’t have mattered what I had on paper … It didn’t make any difference, but we still do the bureaucratic thing (project manager, personal interview 2004).

The minutes of the meetings show that the community challenged the department to respond to a range of problems, especially during initial meetings, when the project manager recalled there was a lot of ‘venting and dumping’.

During the first two-day meeting the general feeling was a certain amount of hurt, a certain amount of anger, the blaming stuff, and that was from both sides. So there was a lot of that venting and settling and dumping in the discussions that went on for probably half of that first day. I felt some people would have vented in that way in any arena, until their voices got heard. That's what we do anyway; even as bureaucrats we do that (project manager, personal interview 2004).
The community expands the agenda

The department’s project manager had expected the meetings to be dynamic, and she and her colleagues preferred to arrive at the meetings without a strong agenda. The acting director said that his broad objective was ‘get as many kids as possible to visit the community with the least amount of problems’ (acting director, personal interview 2004). Overall, community members approved of the department’s approach to the MOU project. The department had sought permission to visit the community to explain its intentions, and community members reported the department had arrived with an ‘open mind’.

Cherbourg’s representatives raised five concerns about the problems facing Cherbourg’s young offenders, but these did not specifically centre on funeral escorts. One concern was that the department did not understand or recognise the Indigenous extended family. Some community members said the department was making decisions about whether to allow a detained young person to attend a funeral without taking these extended relationships into account. As an example, the department was told that there had been a boy who was not permitted to attend a funeral because he told his caseworker that he ‘hadn’t seen his family recently’. It seems that the boy’s remark was taken to mean that his relationship with family was weak. The department was told its staff lacked training in how these family relationships worked, and sometimes this made it hard for the community to accept the department’s case management decisions. Community representatives asked the department’s staff if there was a policy in place regarding extended families and if so, could they describe it? (MOU meeting minutes, September 2001).

A second concern fell outside the department’s jurisdiction altogether. Cherbourg representatives expected the MOU project to help solve some of the problems the community had been experiencing with the Department of Corrective Services’ escort procedures for adult prisoners. One Cherbourg-based research participant elaborated on this point, saying that the Department of Corrective Services expected families to pay for the cost of escorts, which could be a thousand dollars or more. She said that the cost was high because ‘they don’t send just one escort; they send three or four, and the dogs too’ (youth service staff member, personal interview 2004).
The third matter was a complaint that staff from both the Department of Families and the Department of Corrective Services had a negative perception of the community generally, and this needed to change. Fourthly, the department was asked how well it was dealing with the ‘hidden problems’ facing Cherbourg’s young people, such as sexual and physical abuse; and finally, community members wanted to learn in detail how young people’s criminal records might affect them later in life (MOU meeting minutes, September 2001).

As the department’s project manager predicted, Cherbourg’s representatives did attempt to hijack the agenda, at least temporarily, although the department viewed this as a normal and expected occurrence. The project manager had described this initial ‘venting’ phase as unavoidable, and in some respects, even desirable. Drawing attention to bigger problems expanded the scope of the engagement between the two parties, and it allowed grievances on both sides to be heard. The project manager viewed this phase of negotiations as a necessary precursor to more task-oriented discussions.

**The department shrinks the agenda**

Although the department’s project manager (who was also the department’s appointed chairperson) tried to make time for other concerns to be heard, she couldn’t afford to allow the discussion to stray too far from the specifics of the MOU. She said that members on the government side did attempt to redirect the discussion away from discussions about domestic violence or the adult correctional system, for example, and toward the details of the MOU. She recalled:

> We had to cut some things off because it started to stretch into the adult prison system, and we had to be very clear on what our boundaries were. We were only there, in Cherbourg, to talk with this group about young people being escorted home from the Brisbane Youth Detention Centre, on a detention order, back to Cherbourg for sorry business. That was the core reason we were there. We could not divert from that. All we could do was take on board the issues about the adult prison system … about having sniffer dogs coming into funerals and all the adult system’s staff. These were things that we didn’t have control over (project manager, personal interview 2004).
Figure 3c lists the matters raised in meetings. This information was drawn from copies of informally kept minutes of the meetings. The problems in relation to the adult correctional system were not recorded in these minutes and so they do not appear in this figure.

As negotiations progressed, certain matters were culled. Although these were originally important to Cherbourg, they were set aside by two agreements. One was that the MOU would not involve a change in practice for the adult system, and the other was that the MOU would not involve any other community apart from Cherbourg.

An elder who had taken part in the MOU project said she believed that the department gets into difficulty because it doesn't know how to respond to the bigger problems, like the abuse and neglect suffered by many of the community's children. When asked whether she felt the department had taken an open approach to the MOU negotiations, she said that in this case the discussions had been good, but added:

I don't think the department ever comes with an open mind. They give you that impression, (that) they come to hear your views, but sometimes they turn it around to suit themselves (female elder, personal interview 2004).

Challenges

The MOU project faced a number of challenges. Chronologically, the first of these was laying the groundwork. More than half the time spent on the entire project was taken up before the first formal meeting even took place. The department had wanted to reach an agreement fairly quickly, but progress was slow. Initially, everyone involved had agreed that negotiations would be finalised within 12 months. In reality, it took 18 months just to decide who would be invited to take part. Two and three quarter years passed by the time the MOU document was signed by all parties in November of 2002.

Delays

The progress of the MOU project depended on the ongoing endorsement of all parties. Each development had to be approved by both the department's head office and the Cherbourg Council. The department's project manager said she had felt accountable to her department as well as to the community, and that meant checking back and forth between the two groups to
**Figure 3c: Extract from minutes, listing most matters recorded at meetings between the Department of Families and Cherbourg representatives during September 2001.**

<table>
<thead>
<tr>
<th>Escort Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Young people stop off at the Murgon watchhouse on the way, why?</td>
</tr>
<tr>
<td>• Handcuffs – young people cuffed to ‘poles’.</td>
</tr>
<tr>
<td>• When are handcuffs needed and why?</td>
</tr>
<tr>
<td>• Young people cannot sit with family or show affection.</td>
</tr>
<tr>
<td>• Handcuffs are not appropriate in church, at the gravesite or in private family time.</td>
</tr>
<tr>
<td>• The young person needs some private time.</td>
</tr>
</tbody>
</table>
| • A family meeting could be secured, church service could be secured, but not the gravesite or any ‘open ground’.

<table>
<thead>
<tr>
<th>Decisions and Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Young people should be able to choose the escort.</td>
</tr>
<tr>
<td>• Who decides who belongs to the young person and who the young person belongs to?</td>
</tr>
<tr>
<td>• Departments don’t understand extended families, staff need training.</td>
</tr>
<tr>
<td>• The department needs more knowledge about the child and the community can help with this, the community knows ‘the way the child thinks, the way they do things and why they do these things’.</td>
</tr>
<tr>
<td>• The community needs information on the young person’s ‘risk status’ and what that means. Whether it means self-harm or an escape risk and so on.</td>
</tr>
<tr>
<td>• The community support group needs to see the psychological reports, needs all the information.</td>
</tr>
<tr>
<td>• Young people need all the information too and should have input into protocols.</td>
</tr>
<tr>
<td>• Young people should be able to visit not just for funerals, but to visit terminally ill relatives before they die.</td>
</tr>
<tr>
<td>• Young people should be able to visit just to talk about their life.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Department / community relations</th>
</tr>
</thead>
<tbody>
<tr>
<td>• BYDC Uniforms are not appropriate apparel for a funeral.</td>
</tr>
<tr>
<td>• BYDC staff are sometimes abused.</td>
</tr>
<tr>
<td>• The support group wants to change the negative perception held by staff.</td>
</tr>
<tr>
<td>• How well does the department deal with ‘hidden issues’, what the child is going through, not just at the detention centre, but also in their families?</td>
</tr>
<tr>
<td>• Would the community support group be held liable for the actions of the child?</td>
</tr>
</tbody>
</table>

Note: The records do not clearly show how many meetings took place. The project manager estimates that there were four or five meetings with various representative groups to introduce the project and four workshop days to decide the details of the MOU (email correspondence, 2009).
make sure key people understood and approved the direction the project was taking (project manager, personal interview 2004). This all took time.

Shifting priorities also caused delays whenever the department or community were distracted by more pressing matters and events. The department’s project manager said that while progress was slow, it could not be rushed. If she had not heard from the Cherbourg group for some time, she was inclined to ‘leave it alone’ because she considered there were probably ‘talks going on that we [the department] didn’t need to be involved in’ (project manager, personal interview 2004). She also admits that in some ways, this was a period of procrastination, but she was aware that other things were happening in the community. During this time, young people were still being escorted from the detention centre to Cherbourg for funerals and the project manager thought this would give community members time to observe the escort process in more detail, and to think practically about what changes might be possible (project manager, personal interview 2004).

During this preparation phase, the project manager made contact with the Cherbourg group at different intervals to discuss the next steps. She also used this time to become familiar with the escort process herself, saying: ‘I needed time to get my head around the legislation and how it covered escorts. I spent six months reading and researching and talking to people’. She was also conscious of the spiritual and cultural implications of the project and said she needed time to think about how to approach the community, because she said, ‘This was sorry business; but not the same as my own’.

*Handcuffs*

Handcuffs presented a big problem for both sides, but for different reasons. The department wanted to reduce the risks associated with escorts, and handcuffs were an important part of that plan. Cherbourg’s representatives viewed handcuffs as a painful intrusion during times of mourning. These positions were supported by two competing sets of claims: the department claimed that it had to retain its statutory authority over detained young people at all times, and that the law demanded that handcuffs be used during escorts; while Cherbourg representatives objected to handcuffs on the grounds that the community must be able to retain cultural authority over its own sorry business. Cherbourg representatives suggested that there were people in the community who would be capable of supervising young people on
escort and that this would make an effective substitute for handcuffs. This was a crucial aspect of the MOU negotiations, as one Cherbourg elder explained:

These people are coming out of jail for a funeral, for someone they've lost, into church with handcuffs hidden under their jackets. There are no hugs. Handcuffs is my big issue. The departments have got to learn to trust the community. We tell them all the time, we know all these people better than anyone else. So it's a trust thing. The government mob has to learn to trust [the community] because we all work very hard (female elder, personal interview 2004).

Department staff members were able to reflect on the ‘poor fit’ between the Juvenile Justice Act\(^{52}\) and the needs of young people. The department’s project manager said that the legislation in place was explicit about when an escort may be approved, how it must be managed and the special considerations that might be taken into account. In her view, the legislation laid out the escort process in specific terms, but was silent on important cultural matters. The legislation did not take into consideration the cultural factors, the underlying sensitivities that people are reluctant to speak about. On reflection, she thought that allowance for different grieving processes of any culture should be in the legislation, saying: ‘It’s not just about the Murri kids, sorry business is very much an individual thing. … The way we all do it is different\(^{53}\)’ (project manager, personal interview 2004).

Cherbourg representatives were confident that the community’s elders could control young people without handcuffs, but the department argued it could not negotiate away its legislative responsibilities. This was significant because while community members were trying to find ways to minimise the use of handcuffs, the department responded that it was ‘bound by law’ to use them. However, the legislation only states that handcuffs may be used, if there is a reasonable likelihood that the child will attempt to escape. The legislation imposes a duty on the department to maintain custody, and the department makes the decision about whether it will use handcuffs to do that. It could be argued, therefore, that the department cut short the debate by claiming it could not negotiate on the use of handcuffs, when in fact, it could.

\(^{52}\) The Queensland Juvenile Justice Act 1992 was amended in 1996 and 2002. At the time of the Cherbourg MOU project, the legislation said that handcuffs ‘may’ be used if there is a reasonable likelihood the child will attempt to escape, and that the department is required to maintain a register about the use of restraints. The department was not, in fact, required by law to use handcuffs during escorts.

\(^{53}\) Murri is a word that refers to Aboriginal people from Queensland, although Queensland’s tribal and political geographic boundaries are not the same. ‘Sorry business is a term Aboriginal people use to refer to grieving or funeral proceedings.
**Learning about culture**

Two Cherbourg-based participants described some of the misunderstandings about funeral proceedings. In general, they said, government departments needed to have a better understanding of the various cultural practices that take place during funerals, and to acknowledge that certain ceremonies relieve people’s distress during these times. A Cherbourg-based youth agency worker said that part of her role was to prepare for young peoples’ escorts to funerals by consulting with the elders who perform some of these rituals. She said that government staff sometimes claimed that they understood the conflict that occurs when Indigenous people are ‘overtaken by different culture groups’, but they often have very limited knowledge. Many do not realise how strong the Aboriginal culture is in some places, and many do not know important things, such as the way ‘clan groups are all different to each other’ (youth service staff member, personal interview 2004). In her view, even though many government staff were trained psychologists, their universities had not taught them about Aboriginal culture, and the kind of problems associated with funeral escorts were partly caused by this lack of understanding (youth service staff member, personal interview 2004).

In the Cherbourg case, the department's project manager said she was conscious from the beginning that the MOU project would bring two cultures together, the bureaucratic and the Indigenous, and that each group would be working under the constraints of its own protocols. She said that one of her most important and difficult tasks had been to ensure that department staff understood that they would be working with people from a different culture and that the nature of the matter to be discussed required sensitive handling. She said,

> I strived all the way to make sure that we were very aware that we were talking about another culture, a culturally sensitive issue, because I certainly didn’t, as a black woman, go through the same sorry business processes as they did in Cherbourg. I had to be conscious of that, and I made everyone else conscious of that (project manager, personal interview, 2004).

**The community’s challenge**

The challenge for Cherbourg was to make a success of the MOU project, to achieve collaboration between all key community groups and agencies and to make the most of the opportunity to engage with a government department.
Initial reservations had to be overcome. According to one of Cherbourg’s former justice group coordinators (personal interview 2004), when government departments set out to engage with Aboriginal communities, Aboriginal people tend to hesitate at first, thinking it will simply involve a lot of red tape with few useful outcomes. An elder also complained that the government expected too much, saying: ‘as soon as we achieve something, the government gives us something else to do. Who cares for the carers? We burn out’ (female elder, personal interview 2004).

Cherbourg’s leaders needed to work collaboratively, not only with the department, but also among themselves. Cherbourg representatives said it was unusual for the council, the various agencies, elders and other interested groups to all come together for a project of this kind. The community successfully assembled a broad representation, and its members maintained their commitment to the project over a considerable period of time.

_Different kinds of pain and injury_

Handcuffs had been used during the escort when the three young people had absconded, but even so, one of the department’s escort officers had been injured during the escape attempt. In a meeting, detention centre staff talked about this aspect of the escape and about how they found escorts to be generally challenging. Community members agreed to assist by taking some responsibility for the safety of escort staff in the future.

The MOU discussions also triggered painful memories for some community members. Some elders who took part in the MOU discussions had been separated from their families as children and detained in institutions, and the MOU meetings reminded them of the hardships that children endured in these situations (youth service staff member and male elder, personal interview 2004). One participant said:

_I guess our people were thinking of how they were treated in the past, and when they were separated for long periods of time and over a long distance. It makes things difficult for families to come together to be part of the grieving. We were asking the department to assist, even if there were children in Cleveland [in Townsville], to bring them back home (youth service staff member, personal interview 2004)._
Although most community members expressed a general sympathy for young offenders, some had lost patience with certain young people. Mayor Ken Bone said he understood that people sometimes get frustrated:

It's hard sometimes to stay patient with the young people because they're offending against the community. Sometimes families and agencies put more effort into their own children, which is very understandable, but we need to find a way to help all young people equally (Mayor Ken Bone, personal interview 2004).

The meetings also included a difficult debate about whether the community could veto certain young people from attending a funeral. Some community members did not want every young person to be allowed to come home for sorry business, while others, along with key department staff, wanted a more lenient approach. This became a sticking point that was never completely resolved. The department’s acting director and project manager were both reluctant to become embroiled in this debate, but they and other staff were concerned that sending young people to funerals might require managing objections from some members of the community. The department took the position that in those cases, if the detention centre considered that attending the funeral was important for the young person’s emotional health and well being, then that would have to be weighed against any objections raised by the community. The department wished to avoid being drawn into this type of conflict and it was suggested steps could be taken to ensure that escorted visits were only arranged for good reasons (project manager, personal interview 2004).

Costs

The cost of escorted visits was one of the practical constraints to consider. Escorts cost the department money because of the extra staff, transport and paperwork involved. Some Cherbourg representatives said that elders and other residents would be responsible for providing the department with escort support and that the community should be able to charge the department a fee to recover costs. The department's acting director said it was not clear what these costs might be, or what the department would be buying for its money. One of Cherbourg's elders stepped in to successfully argue against the idea of a 'fee for service', explaining to other community members that higher costs might result in fewer escorts. As an official responsible for a budget, the acting director remembered being very grateful for the way this elder understood and explained the detention centre’s financial constraints (acting director,
personal interview 2004). Although a potential sticking point, the question of costs seems to have been resolved when the Cherbourg-based Jumbunna Youth Justice Centre, a service already funded by the department, offered to take the lead role in the support of escorted visits.

Pressures

Those involved were under several pressures. Department staff faced three in particular; they were under pressure to negotiate with an aggrieved Aboriginal community about a sensitive matter; to achieve not only a practical solution in the form of a memorandum of understanding, but to also realise symbolic objectives, such as improved respect and trust between the department and the Cherbourg community; and to reshape the community’s originally expansive vision into a more manageable set of practical tasks (acting director and project manager, personal interviews 2004). One explanation for the ‘scaling back’ of the project is that the department’s primary objective was to prevent young people from absconding and this very narrow view of the project’s purpose became the focus of everyone’s attention. This was despite the fact that the department’s report recommendations had contributed some innovative ideas to the project, and key staff were personally supportive of the community’s broader vision. The final outcome appears to be a small gain when compared to the participants’ original expectations.

The main pressure facing the community leaders was to take full advantage of the opportunity to negotiate with government, which required them to enter an unusually cooperative working relationship with each other.

Capacity for collaboration

One achievement was of particular significance. The MOU project was an opportunity for each side to demonstrate its capacity for collective action, and in this case, the community was more successful at cooperating as a group of different agencies and individuals than the government. The Department of Families was only able to gain the cooperation of one of its two detention centres, and the Department of Corrective Services, which could have made an
important contribution, did not participate\textsuperscript{54}. While Cherbourg was able to take a 'whole of community approach' to the problem, on this occasion a 'whole of government' approach was not possible.

With respect to the potential extension of the MOU to the adult correctional system, it is understandable that the Department of Families was reluctant to involve the Department of Corrective Services at the outset. Governments promote the 'whole of government' approach as highly desirable, but the Cherbourg case shows that this becomes complicated, even when it only involves two departments, or two facilities run by the same department. Under current public sector arrangements, the most direct and expedient path for a bureaucracy to take is to act alone. One of Cherbourg's community members said that the lack of collaboration among government agencies is a problem that needed fixing. In his view, departments tended to protect their own silo of resources and were not willing to share information, and that this mentality tended to produce poor outcomes (former justice group coordinator, personal interview 2004).

The Department of Families responded to Cherbourg's concerns about adult prison visits by offering to pass the community's complaints to the Department of Corrective Services, and it offered to help community members negotiate with this other department. In my interview, the department's then acting director said that he still hoped Cherbourg's MOU concept would be developed further. He explained that it can be hard trying to progress an idea through a bureaucracy over a period of time because key people move on to take up other positions, and eventually, no one is left that remembers what was supposed to happen next. He said that because bureaucrats are always on the move, departments tend to lose 'corporate memory' (acting director, personal interview 2004).

**Breakthroughs and facilitating factors**

Research participants identified a number of facilitating factors. Cherbourg participants said that one of the most important of these was the department's choice of liaison people. The staff members were praised for the way they explained the different aspects of the escort problem and made all the arrangements for the meetings to take place. A second important

\textsuperscript{54} The Department of Aboriginal and Torres Strait Islander Policy took an advisory role, but I refer here to agencies with a role in the escort of prisoners.
factor was the high level of interest among Cherbourg’s community members: the involvement of so many of Cherbourg’s people and agencies gave the project its impetus. An elder said the MOU project was different because everyone approached it together as a community and that was how they ‘got things done’ (female elder, personal interview 2004).

**Breakthroughs**

Reaching agreement on the use of handcuffs was a significant breakthrough for everyone. The agreement allowed for handcuffs to be removed for a short, supervised ‘private time’ with family. The local youth justice centre offered to be the venue for a family gathering and made staff available to help secure the centre. While the detention centre’s escort officers would be present, the young person’s hands would be freed for family time. This would take place prior to moving to open ground, such as at the graveside, where handcuffs would have to be worn.

Another breakthrough was the department’s agreement to share information about the assessed risk and security status of the young people. The information would refer to the conditions of the escort, what decisions were made about the use of handcuffs, and the assessed physical and emotional state of the young person. Cherbourg representatives had said that this information would help the community’s newly formed ‘escort support group’ to prepare for these visits more effectively (project manager, personal interview 2004).

A significant turning point from the department’s perspective was an exchange that took place between the Cherbourg group and some escort staff from the youth detention centre. The project manager described what took place:

> We actually had a couple of escort officers who came with us, the Murri [Aboriginal] officers in particular, to tell the community how they felt as escort officers coming home to the community, to let them know that it wasn’t always fun for them and that it wasn’t a great ride for them, that they actually got ostracised and treated badly … It was a really sensitive issue, sitting in a room full of very key people in a community. So for me, that decided whether anything would go ahead or not, that actually decided the outcome there and then that very first day (project manager, personal interview 2004).

The department viewed this exchange between the escort officers and the community as significant because it served as a reminder that there were two sides to the problem. The
project manager felt that Cherbourg’s willingness to take the escort officers’ position into account introduced a crucial sense of partnership to the negotiations.

Potential for future development

At the time of my research, all research participants expressed a belief that future breakthroughs may yet be possible. Although the department’s early documents referred to the involvement of Indigenous communities in the plural, I found no explanation for why the MOU had not been introduced to other communities or to the other youth detention centre in Townsville. I asked some research participants why they thought the MOU had not been implemented in Townsville. One suggested that while the Brisbane detention centre was willing to support a closer working relationship with its surrounding Indigenous communities, the Townsville detention centre was not. Another suggested that the Townsville detention centre was already managing escorts appropriately and did not have the same need to review its practices.

Mayor Ken Bone said that each detention centre probably liked to do things its own way, but he did wonder why the MOU had not been ‘passed on’, saying the MOU had been a positive achievement and should be presented to other communities as an example (Mayor Ken Bone, personal interview 2004). He said that while he hoped the model would be introduced elsewhere, it could not be forced. In his view, any attempt to impose the idea might cause resentments and this might impact negatively on the young people. Another Cherbourg participant also warned against trying to press the idea of an MOU onto others, saying, ‘you need a model, but it may not work for all communities. Throwing up ideas is what it's all about’ (former justice group coordinator, personal interview 2004).

Since the completion of the MOU project, there have been some encouraging developments. Mayor Ken Bone said he was pleased when the manager of one of the adult prisons visited Cherbourg to ‘touch base’ with the council and to ask if there were any problems that needed to be discussed. The Mayor said he appreciated the way the prison manager had taken the initiative to meet with the council and that he had been genuine about wanting to do so. According to the Mayor, achieving a similar MOU with the adult correctional system would be hard, but not impossible. He expected it would be difficult because the adult system is more stringent, and people tend to have more sympathy for young offenders, but he suggested that
one way to progress this idea would be to begin as the Department of Families did by appointing good liaison people (Mayor Ken Bone, personal interview 2004).

Facilitating factors

I was interested to learn what the research participants thought needed to be in place for an engagement like the MOU project to be successful, and I asked some of them what advice they would give others. One suggested that an open community meeting should be called first, perhaps by the local justice group, to strategise about how to approach the project (former justice group coordinator, personal interview 2004). An elder said that the project’s liaison person should have a good understanding of what incarcerated people go through, and all said the department's decision to appoint Aboriginal liaison people had been important.

Cherbourg’s Mayor took the view that the support of high ranking people within a department was crucial. He thought the MOU project had worked because ‘the manager at the top wanted to be involved, he was genuine and that was important’. The Mayor also thought it was essential for the community to acknowledge these officials, saying: ‘we need to recognise the people at the top, once you acknowledge them, it helps’ (Mayor Ken Bone, personal interview 2004). Another elder also considered high ranking government support was important. Speaking of the relationship between the Cherbourg community and the Queensland Government, and referring to the Premier’s visit mentioned earlier, she said: ‘we have the Premier on side now, that's important; 38 of the 58 matters on our ‘critical issues list' are being addressed’ (female elder, personal interview 2004).

Indigenous community-based research participants identified sincerity and frankness as valuable traits to bring to the negotiating table. Mayor Ken Bone suggested that people ask the department what its ‘true feelings are’ in regard to the problem being discussed, and another elder's advice to community people was to ‘speak out, tell the government how you feel, speak out, and speak from the heart’ (personal interviews 2004).

On the government side, the acting director said it was important for a department to choose a liaison person who will be respected in the community, someone who understands that their job is to ‘break down barriers’ and champion the project. He said such projects also need the leadership of a strong community-based person, someone who is not likely to be distracted by
a personal agenda, and who knows what the community wants (acting director, personal interview 2004).

Three contests

This case contained three important contests. The first was a contest between different ideas and expectations. The community's original vision for the MOU project reached beyond what the department considered manageable and was eventually scaled back. Secondly, each side had a different view of the reasons for the MOU. The community was prompted into action because it hoped to address a range of historical problems, while the department was acting in response to one recent incident. However, both sides were eventually satisfied with the outcome because community members had an opportunity to air their grievances and the department finalised the MOU. The third contest involved a clash between two sets of non-negotiable claims: Cherbourg's representatives claimed that the practices of government departments were undermining the community's cultural authority, while the department claimed it could not agree to reforms that conflicted with its statutory responsibilities. Although compromises were reached, this conflict was not fully resolved.

Shared understandings

Despite these differences, there were also shared understandings. The department staffers I interviewed were able to describe what they remembered about the Cherbourg representatives' vision for the MOU in a way that accurately reflected those aspirations and their meanings. Cherbourg representatives understood the constraints the department worked under but made the most of the opportunity to make small gains. Both sides were aware that the project would involve an engagement between different cultures, but each group made an effort to respect these differences. Even when the meetings became heated, participants on both sides treated this as typical of engagements between government and Aboriginal people and proceeded undeterred. Participants viewed these disputes as part of the process, not an impediment to it, and remained committed to the project.

All Cherbourg-based research participants said the department responded positively to their concerns and ideas and that the staff had been very cooperative and supportive. Mayor Ken Bone said that the department had been 'open to all ideas' and showed 'no resistance' to the
community's plans for change (personal interview 2004). Community members were pleased that the meetings took place at Cherbourg, that the community's elders were involved and that all the important groups and agencies were represented.

One implication of this case study is that government departments need to be prepared for projects to take longer than expected. A department might initially expect things to proceed according to a plan, perhaps with a few minor disruptions and cultural misunderstandings along the way, but it may not anticipate the extent to which an Indigenous community is able to set the pace, direction and tone of such projects. This engagement was remarkable because it shows how government departments successfully manage their projects to keep them focussed on small, manageable aspects of the deeply felt concerns of Indigenous people.
Case Two is an engagement between New Zealand’s prison system and a group of Indigenous leaders seeking to establish a program to teach Maori culture and traditions in a prison. Mahi Tahi is the name of the organisation at the centre of the case. Originally formed as a group of Maori leaders from the Bay of Plenty district, it later incorporated as the Mahi Tahi Trust. Mahi Tahi initiated and developed the New Life Akoranga prison program (referred to here as the ‘Akoranga program’ or the ‘project’).

The chapter begins with background to the case, some methodological notes and a short description of the Akoranga prison program’s historical origins. I then report on five key aspects: 1) the vision for the Akoranga project, 2) the catalysts that prompted the action taken, 3) the challenges, pressures and constraints affecting the project, 4) facilitating factors and key breakthroughs and 5) the way power relations played out and who set the agenda.

Background

A small group of prominent Indigenous leaders were the driving force behind the Akoranga vision. Some research participants viewed the catalyst for the Akoranga project as emerging from post-war welfarism, referring to this as an era when social problems increased for Maori. The other catalyst identified was the *Ministerial Committee of Inquiry into Violence (1987)*, headed by Sir Clinton Roper. Mahi Tahi’s engagement with this inquiry shifted its leadership closer to officials with influence and gave the Akoranga project new momentum. As the Akoranga project moved toward the point of implementation, it faced significant challenges, many of which were overcome by unorthodox means.

The power relations in this case featured at two levels: at the political level where the Akoranga program gained support from high-ranking public figures, and on the ground in the prison itself, where the arrival of the program disrupted the dynamics of prison life and challenged the positions occupied by both staff and inmates.
The first Akoranga prison program took place in 1995 at a men’s medium/high security prison at Hawke’s Bay on the east coast of New Zealand’s North Island. This program tested new ground by bringing 20 inmates, two former gang member mentors and visiting elders together over three nights and four days. This type of live-in or ‘sleep over’ arrangement is known as a ‘wananga’, a traditional approach to teaching still common in contemporary Maori culture. At the time of the field work (2005) the Mahi Tahi Trust continues to deliver the Akoranga program under contract to the Department of Corrections in nine men’s prisons.

The first Akoranga program prompted the development of New Zealand’s Maori Focus Units. These are specialised Maori immersion residential units created to support inmates taking part in Maori programs. In 2005, five men’s prisons had established a Maori Focus Unit.

For additional background information, refer to the New Zealand Ministry of Justice publication, Research on the New Life Akoranga Programme of the Mahi Tahi Trust (Wehipeihana, Porima and Spier 2003), which evaluates the program.

Methodological Notes

This case study yielded first-hand accounts of decades of activity. All of the data were important; some of it had not been previously recorded, and much of it shed insight on my broader inquiry about how Indigenous projects can be progressed through western bureaucracies. This created a methodological problem because my intention had been to select cases that featured an identifiable period of engagement between an Indigenous group and a government agency. I decided to focus on the events surrounding the Roper Inquiry of 1987 and the first Akoranga program that took place in a prison in 1995. The time line (Figure 4.1) summarises these developments.

I conducted face-to-face interviews with six people who had a role in the development of the Akoranga project; some provided additional information and comments by phone or mail. Table 4.1 shows who participated in the study. In addition to the interviews, I gathered data from government publications and a small number of Mahi Tahi’s written records.
Table 4.1 HAWKE’S BAY CASE STUDY RESEARCH PARTICIPANTS

<table>
<thead>
<tr>
<th>Indigenous Status</th>
<th>Organisation at 1995</th>
<th>Referred to in this report as:</th>
<th>Position at 1995</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maori</td>
<td>Mahi Tahi Trust</td>
<td>Norman Perry</td>
<td>Claimed by Maori, founding member of original Mahi Tahi group and founding trustee.</td>
</tr>
<tr>
<td></td>
<td>Mahi Tahi Trust</td>
<td>founding elder</td>
<td>Founding trustee and elder.</td>
</tr>
<tr>
<td></td>
<td>Mahi Tahi Trust</td>
<td>the mentor, or one of Mahi Tahi’s mentors</td>
<td>Founding Akoranga mentor and program facilitator.</td>
</tr>
<tr>
<td>Non-Maori</td>
<td>Mahi Tahi Trust</td>
<td>Ian McLean</td>
<td>Former Member of Parliament, Mahi Tahi trustee.</td>
</tr>
<tr>
<td></td>
<td>Dept. Corrections</td>
<td>Peter Grant</td>
<td>Manager of the first prison to run the Akoranga program.</td>
</tr>
</tbody>
</table>

Historical Origins

Mahi Tahi (working together as one) was the name first taken during the late 1930s by a group of Maori leaders concerned with improving the position of Maori living in New Zealand’s Bay of Plenty district. The Mahi Tahi group first emerged under the leadership of prominent scholar, parliamentarian and Maori land reform activist Sir Apirana Ngata (1874-1950) of the Ngati Porou tribe.

Ngata was the first Maori to complete a degree at a New Zealand university. He was first elected to parliament in 1905, and he spent over 40 years moving in and out of party politics. While serving as Minister for Native Affairs (1928-1934), he drafted land reform legislation that allocated funds to Maori farming their own land. Whatever his paid employment, Ngata spent

55 Bachelors in Arts degrees in political science (1893) and law (1896).
most of his active life campaigning for the Maori land reform movement (King 2003; Sorrenson 2005) and remained at the forefront of national debates on the impact of government policy on the Maori way of life. Ngata wrote about a clash of cultures and values, the loss of tribal lands, and the confusion over the meaning of the term ‘sovereignty’ as it appears in the terms of the Treaty of Waitangi (Ngata 1940:144-5). He criticised western forms of public administration as instruments of the colonisation process, and he argued against a welfare system that provided benefits that were ‘highly individualised and cut across the system of tribal support’ (Ngata 1940:172).

Figure 4a: Time Line, Hawke’s Bay case (shaded area shows period central to my case study)

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1937</td>
<td>Mahi Tahi constitution written.</td>
</tr>
<tr>
<td>1940</td>
<td>Maori Battalion goes to war.</td>
</tr>
<tr>
<td>1950</td>
<td>Death of Sir Apirana Ngata; the Maori Welfare Officers struggle for autonomy. Norman Perry and John Rangihau begin working with released prisoners in the community.</td>
</tr>
<tr>
<td>1990</td>
<td>Mahi Tahi forms as a charitable trust and receives funds to develop community work.</td>
</tr>
<tr>
<td>1995</td>
<td>First Akoranga program piloted at Hawke’s Bay prison.</td>
</tr>
<tr>
<td>1996/7</td>
<td>First cultural immersion residential unit created at Hawke’s Bay prison; this later evolved as the Maori Focus Unit.</td>
</tr>
<tr>
<td>2005</td>
<td>My case study completed.</td>
</tr>
</tbody>
</table>
Mahi Tahi started as a group of leaders from different tribes that resolved to act against the continuing erosion of Maori autonomy over traditional lands and culture. According to the people I spoke to, three men in particular, Sir Apirana Ngata, John Rangihau\(^{56}\) and Norman Perry, were at the core of this group. I was fortunate to interview Norman Perry. When I met with him, he was 90 years of age.

With the Mahi Tahi constitution in place, World War II broke out and many of the group’s active members left for Europe to serve with the Maori Battalion\(^{57}\). On his wartime experience, Norman Perry said:

> Apirana Ngata wanted me to be in the Maori Battalion as a field secretary. He convinced the minister to let me go as a *Pakeha*\(^{58}\) who could relate to Maori. So in 1940, I went as the only *Pakeha* in the Maori Battalion. Apirana was like my father, my mentor (personal interview 2004).

The end of the war saw the return of many highly distinguished veterans to the Bay of Plenty and surrounding districts. The Mahi Tahi group reconvened and turned its attention to the social problems facing Maori at the cusp of the post-war era. Ngata’s broad plan was to restore the economic, social and cultural well-being of Maori who were already suffering the impact of colonisation, and who now faced the threat of an expanding, culturally foreign welfare system. Ngata claimed Norman Perry as a matua whangai (an adopted adult), and Perry and his family were thus regarded as belonging to Ngata’s tribe. The two men continued to work together, with Perry acting as Ngata’s personal secretary.


\(^{57}\) The Maori Battalion was formed as a special army unit for service in WWII (see Gardiner 1995 for a history).

\(^{58}\) European
The idea of taking a program into prisons was first promoted by Ngata as relevant to the *Maori Social and Economic Advancement Act* (1945). This legislation aimed to harness the Maori Battalion veterans’ leadership skills to assist with social reform on the domestic front (Gardiner 1995:179). Under the Act, local tribal committees were established and the first Maori Welfare Officers were employed (King 2003). During the early 1950s, Perry was involved in a dispute with the Maori Affairs Department over the autonomy of the welfare officers. Perry argued that welfare officers working directly in the communities were the real experts on health, housing, employment and crime problems; and it was essential they be allowed to operate ‘outside the constraints of the department’ (Gardiner 1995:182). Norman Perry would continue to challenge bureaucratic constraints for many years to come, and in the case of the Akoranga project, very successfully.

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According to Gardiner (1995:182), this was not to be; despite the veterans’ ‘firepower’ they failed to persuade the bureaucracy.
Visions and Ideas

The information I gathered reflected the development of the Akoranga project over time, and I found that different kinds of ideas took prominence at different stages. The data was of three types. The first characterised the project’s formative years; the second emerged as early aspirations were expressed as organisational goals; and at a third stage, Mahi Tahi successfully persuaded a particular prison manager to allow the group to demonstrate its ideas in practice.

A vision with a long history

For New Zealand’s Maori leaders, the post war years generated big ideas about the processes and effects of colonisation, the growth of welfarism and the causes of social problems for Maori (King 2003). Norman Perry said that one of Apirana Ngata’s earliest concerns was that the social welfare system would lead to a loss of self-sufficiency for Maori people; and in Ngata’s mind, ‘the idea of ‘idle hands’ could also mean ’locked up” (personal interview 2004). The premise was that a return to traditional values and disciplines had the potential to restore social well-being; this became the Mahi Tahi message. It was also believed that if this message was to reach the most disaffected, then it was essential to take it to the growing numbers of Maori men in prison.

Another of Ngata’s arguments was that Maori were most likely to advance their own interests by learning to engage with western bureaucracies. By encouraging people like Norman Perry to act as liaisons, Ngata ensured the idea of an Indigenous approach to prison reform would move between Maori and Pakeha decision makers and therefore increase its chance of success.

Following Apirana Ngata’s death in 1950, Norman Perry and John Rangihau established a community-based program for released prisoners and their families. In Perry’s view, this was a good start, but an innovative program conducted within the prisons continued to be the long-term goal. In his interview, Perry commented on Mahi Tahi’s progress during these years:

We were able to buy a big block of land in the bush to work with released prisoners, but to break in to the prisons themselves, well,
that was John Rangihau, Apirana Ngata\textsuperscript{60} and me. The main thing was to get Maori right in there, into the prison with the inmates. I tried to get permission, but for a long time it was not allowed (personal interview 2004).

\textit{Ideas about violence}

Mahi Tahi’s records show that the group’s principle aim was to ‘challenge and encourage gang members and other ‘prospects’\textsuperscript{61} to discover or recover traditional Maori values and disciplines’. The program also aimed to show gang members that their crimes offend against the Maori culture and heritage (Mahi Tahi c1998). The following year, Norman Perry was invited onto the \textit{Ministerial Committee of Inquiry into Violence}, headed by Sir Clinton Roper. This provided Mahi Tahi with a forum for engaging with government and other prominent figures, and strongly boosted Mahi Tahi’s efforts to communicate its vision to those in public positions. In relation to Maori violence, Roper had argued that there was a need for new ideas and that the \textit{Pakeha} had not provided any answers to this problem so Maori should be given an opportunity to do so (Mahi Tahi c1998).

Mahi Tahi also sought to reduce Maori offending and violence. This objective was acceptable from the perspective of those in government, but like Apirana Ngata before them, Mahi Tahi actually had ‘other ideas’ (McLean, personal interview 2004). Mahi Tahi’s leaders viewed the government’s approval of their focus on crime reduction as an opportunity to ‘straddle the boundary’ between the Maori and bureaucratic cultures and to press ahead with their other plan, which was a prison program (McLean, personal interview 2004).

The success of the Mahi Tahi project can be partly attributed to the people prepared to carry the vision forward. By all accounts, the person most responsible for the successful carriage of the Akoranga concept was Norman Perry. One person, reflecting on the years he had worked with Perry, said it had been ‘a privilege to walk his dream’ (Mahi Tahi mentor, personal interview 2004).

\textsuperscript{60} Apirana Ngata died 45 years before, and John Rangihau 10 years before the first Akoranga program took place in a prison, but this respondent still named them as people who made it possible.

\textsuperscript{61} A \textit{prospect} is a person with the potential to become a gang member; typically, a young male in the process of being considered for membership.
Thinking positively

I interviewed Peter Grant, the prison manager who was involved in the first trial of the Akoranga program in 1995. When asked how he had first responded to Mahi Tahi’s ideas, he said:

There was no doubt in my mind that Mahi Tahi was only interested in a positive outcome for Maori in a Maori way. The integrity of the whole process allowed me to go forward with some confidence … because it was not about making a quick buck out of corrections, it was not about egos, it did not have any of those negative connotations, it was all about trying to assist Maori not to come to prison (Grant, personal interview 2004).

Prior to meeting with Mahi Tahi, Grant had already formed a strong view about the need to reduce the numbers of Maori in prison. He thought it might be possible to ‘unlock the Maori psyche’ in a way that would reduce offending and that Mahi Tahi’s proposal might be a step in this direction (personal interview, 2004).

The Akoranga project had progressed on the assumption that Indigenous practices held the potential to guide offenders toward a new way of life that was positive, healthy and healing for body, mind and spirit (Perry, personal interview 2004). Part of this process involved assisting gang members to embrace a positive outlook. Norman Perry reiterated an important guiding principle advanced by Apirana Ngata. ‘Right from the beginning,’ said Perry, ‘Mahi Tahi’s philosophy was not to explore the bad, but to discover the good and encourage it… this is why nearly all of the Akoranga program’s mentors are ex-gang members’ (Perry, personal interview 2004). In an interview, one of these former gang member mentors said,

Koro Norman taught us to look for the good and magnify it, not to focus on the negative. Over the years, I developed a way to find the good in people. I left the physical for the spiritual. To be honest, humble, responsible, and patient and to show respect; these are the values we teach. We teach the disciplines of our tupuna [ancestors] for all (Mahi Tahi mentor, personal interview 2004).

Norman Perry strongly believed that the message delivered by the Akoranga program was more important than its format. Recalling his efforts to enlist inmates for the first Akoranga program, he said,
We asked the management which inmate was a real leader, and who seemed most moved by the message. Not the idea of the program itself, but the message behind it, and it turned out to be the president of Black Power (Perry, personal interview 2004).

Exploring this notion further, I asked one of Mahi Tahi’s mentors to describe the message he took into the prison. As a mentor, he said that he talked to the men about how to be a good husband and father. He said he drew from his former life as a member of the Mongrel Mob:

I tell them they have been offending against the culture. Everything I wore on my back, the [British] bulldog and the Nazi cross, those symbols buried my ancestors. We don’t realise the consequences. The red and black, the [Mongrel Mob’s] colours, are the only symbols belonging to Maori (Mahi Tahi mentor, personal interview 2004).

By all accounts, the most important aim of the Akoranga program was to cause a change in thinking. In an interview, one of Mahi Tahi’s mentors spoke of his move away from gang membership:

For me, I joined Mahi Tahi to stay out of jail, I tried it and it worked. I loved every minute of it. I didn’t have any formal qualifications, but being a Mahi Tahi mentor gave me life and communication skills. I found out I could make friends easily, that I was good with people. I remember when I was only nine years old my grandfather told me I would grow up to be a useful person. He saw that in me (Mahi Tahi mentor, personal interview 2004).

Spiritual and cultural ideas

Many of the ideas that shaped the Akoranga program have a spiritual dimension. When referring to the spiritual aspects of the program, all research participants, from the former gang member mentor to the former justice minister, spoke of Maori concepts of spirituality. The mentor said that in the past, Mahi Tahi had discussed whether the program should include Christian elements, but he had argued against the idea. As a mentor, he said, his personal beliefs were important because he ‘couldn’t go in and tell the men to do one thing and come out and do another’, and referring to the fleets of canoes that carried the first migration of Maori to New Zealand, he argued that Christianity ‘didn’t come in on the waka (canoes), our tupuna (ancestors) didn’t bring that with them’ (Mahi Tahi mentor, personal interview 2004).
Although not wanting to take a Christian view into the prisons, the mentor believed that neglecting the spiritual nature of the work would be a mistake. He said, ‘the men don't need to have physical things emphasised; it’s the physical stuff that got them there’ (Mahi Tahi mentor, personal interview 2004). As an example, he said the program had always been open to both Maori and Pakeha, and after one wananga, a Pakeha inmate wanted to transfer over to the Maori Focus Unit. The mentor said, ‘The staff freaked out. They will never understand what shifted that man; the wairua (spiritual force) does it. No other program starts with a karakia (prayer), and people wonder why they don't work’ (Mahi Tahi mentor, personal interview 2004).

The program’s mentors are presented as real life examples of how living by Indigenous principles can support personal reform. Discipline is maintained by setting a routine governed by specific cultural rules. Inmates are introduced to Maori spirituality by practicing the different ways Maori acknowledge a spiritual dimension. Other practices acknowledge the position held by women within Maori culture. A female elder participates in all the Akoranga ‘live-ins’, which includes sleeping alongside the inmates, and she is the only female permitted to do so. Norman Perry said that through the self-reflection process, inmates come to realise that when Maori talk about what is sacred and who has the most authority, women always figure most strongly. I asked whether the value of women is deliberately emphasised as part of the program, but he insisted

   No, definitely not, it just becomes clear as part of the coming together. It comes out of the principle of traditional Maori values and disciplines. What follows the passing of the stick is the realisation that ‘mana wahine’\textsuperscript{62} always comes out on top, that women are sacred (Perry, personal interview 2004).

This concept is not unique to the Akoranga program. A common feature of the present day wananga environment is the presence of a female elder who holds the highest rank among the group.

\textsuperscript{62} The authority of women
Strange ideas

I interviewed Sir Douglas Graham who was Minister of both Justice and Corrections at the time of the first Akoranga programs. Although he was aware of Mahi Tahi’s community-based programs, by the time the prison program came to his attention, it had already begun operating. When I asked how he had first responded to the idea of Mahi Tahi’s prison program, Sir Douglas explained:

At first, I was naturally sceptical. There were hundreds of people wanting contracts to do strange things in prisons. One example was the idea of using transcendental meditation as a panacea for recidivism. The meditation programme did go into Mount Eden prison, it didn’t work, but then again, it couldn’t do any harm. With the Mahi Tahi program, Norman Perry was my closest link. We had so much respect for Norman, whatever he wanted, we supported, but generally yes, you do have to be a bit sceptical, there are so many ideas (Sir Douglas, personal interview 2004).
Sir Douglas said that governments found plans to reduce recidivism ‘politically irresistible’ and at the time, many of his officials were focussed on this type of result. On the other hand, he believed that different approaches were worth exploring. He recalled,

‘Mahi Tahi’s aim was to bring harmony to the inmates ... the wairua [spirituality]. There was an idea that there is a Maori world that if you can instil, it will do good, but recidivism? I don’t know. It deserved a pilot (Sir Douglas, personal interview 2004).

*Blended ideas*

My study showed that when Mahi Tahi’s views prevailed, it was mainly due to the persuasive power of a small number of Indigenous representatives. Likewise, government support for these ideas gained impetus once the right people with sufficient power and influence were assembled in the right places. In this case, the efforts of individuals working from both community and government positions resulted in a change in practice based on Indigenous principles. In 2004 (a decade later), the corrections department produced a document that showed it had adopted some of these Indigenous principles into policy.

On the matter of compatibility between Maori and western approaches, Peter Grant (manager of the prison) said that he was concerned that attempts to mix the two risked diminishing the effectiveness of both. He said that trying to add western perspectives to Maori programs distracts people from the original intention of the Maori approach. One of the most negative effects is that many Maori elders have difficulty relating to western psychotherapeutic concepts and find it hard to commit to such blended frameworks (Grant, personal correspondence 2005). Grant commented that programs that try to incorporate both perspectives do not take into account the fact that traditional practices focus on Maori cognitive thinking, saying:

‘This has not occurred in the Mahi Tahi *wananga*, which remain as developed by Mahi Tahi. But it does impact on other *tikanga*-based programmes, particularly the newly implemented Maori Therapeutic Programs (MTPs). It is significant that those programmes are having difficulties, and in my view, always will. The mix, driven by western-based ideologies related to psychology, takes no cognisance of the reality that *tikanga* is in itself therapeutic and deals with the Maori psyche in a Maori way (Grant, personal correspondence, 2005).
According to some research participants, despite the Department of Corrections’ preference for Maori prison programs to include western therapeutic elements, the Akoranga program remained unaffected by this development. People in government positions had confidence in the Akoranga program because it emerged from a long history of ideas about the transformative benefits of traditional practices, and the people I spoke to who were involved in delivering the Akoranga program, continued to express their understanding of the program’s benefits in these terms. I found traditional ideas remained dominant among Mahi Tahi’s practitioners.

The Catalysts

With respect to the events that acted as catalysts, the Akoranga project was partly propelled by ideas, arguments and debates about social problems. This was particularly evident during the formative years, when Mahi Tahi’s leaders were campaigning for broad social change. Although these arguments remained a driving force, the decade between the mid-1980s and the mid-1990s saw a convergence of events that pushed the project toward implementation. Three developments had this effect: 1) an outbreak of gang warfare in the local area, 2) rising numbers of Maori in prison and 3) the Roper Inquiry.

Gangs and gunfights

A founding elder of the Mahi Tahi Trust said that during the 1980s, there was a need to do something about the gang problem in the township of Opotiki (see Map 3). The Mongrel Mob and Black Power gangs were at war and there had been a gunfight in the main street. According to this person, the problem was about lost identity:

When Maori get into a crisis, they will go back to the culture for rest and recovery, but it's only a shelter. Gangs always respect the marae [tribal meeting place], they do come back to it, but they are really suffering from lost identity. I tell them the problem with you gang members is that you can't identify the real enemy, so you beat up on each other (Mahi Tahi founding elder, personal interview 2004).

This elder went on to say that the gangs were engaged in a battle of ‘Maori against Maori’. Gang members were moving in and out of prison, their families were suffering and violent
crime was becoming a public problem. In 1986, as a direct response to these problems, Mahi Tahi formed a sub-committee of elders who intervened with some success. The following year, when Norman Perry joined the Roper Inquiry, he was able to point to the gang wars as a clear indication of the need to address the problem of Maori violence. Norman Perry used the inquiry to promote the idea of reform based on Indigenous principles, and to introduce powerful Pakeha to the Maori world. One of these people was Roper himself. Perry said:

> Our plans for prison work were boosted by the Roper Inquiry into Violence. Roper came to me with a problem, the inquiry had received hundreds of letters but very few from Maori. He couldn't understand it; they had advertised in the newspapers, seeking submissions from Maori but had no response. He said, 'I'm looking for help, we can't go on with these hundreds of Pakeha ideas and plans'. I said, 'it's not a problem, if we want Maori ideas we just have to go and get them' (Perry, personal interview 2004).

The Roper committee

Perry was determined to introduce Roper to the Maori perspective:

> I suggested Roper come to a hui at a marae near Wellington. He didn't really want to go, but I told him I had two mattresses, one for him and one for me, so we went. I had arranged for a former inmate to speak at the hui, and when he entered the room, he swung the door hard and gave it a huge bang. Everyone was startled. He asked how we would like hearing that sound all day every day. His speech made a big impact (Perry, personal interview 2004).

Perry taught Roper how to hongi (greet by pressing noses); the discussions went very well and Perry recalled that Roper ‘was so enthralled he wanted to help launch the Mahi Tahi Trust’. Perry said, ‘It started not in a big way, my philosophy was to keep it low key. There was the trust, and then there was a committee for the work with prisoners’ (personal interview 2004).

Most research participants nominated the Roper inquiry as an important step forward. A founding elder identified the Roper Report as the key turning point, saying:

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63 Mahi Tahi established a local wooden crate manufacturing business. It operated as a cooperative and employed members of the rival gangs. The project was successful as a provider of employment and it helped to ease tensions, but it was not commercially viable and eventually folded.

64 A formal gathering (hui) at a traditional meeting house built on tribal land (marae).
It was the Roper Report that was driving it. That was the catalyst, and Norman Perry. He was a master at getting funds from the Crown. Nothing really happened until our first contract with the prisons, and then the work took place mainly in the prisons (Mahi Tahi founding elder, personal interview 2004).

The rise in gang violence had introduced a sense of urgency to the task of reducing Maori offending and the Roper inquiry provided Mahi Tahi with an opportunity to convince the government to act.

Overrepresentation

The third driving force behind the Akoranga project was that the justice system was under pressure to respond to the problem of overrepresentation of Maori in prison. It was the high numbers of Maori in prison that motivated the manager at Hawke’s Bay prison to run the first Akoranga program. In an interview, Peter Grant said when he took up his position at the prison, he had only recently moved to corrections after a career in the army. He said that he was surprised by the overrepresentation of Maori in both places. Mahi Tahi first approached him in 1995, the high number of Maori in prison was of concern to him:

The parallel between what I had experienced in the army and what I saw here in the prison, the percentage of Maori, was incredible. I had spent 26 years in the army as an infantryman and more than half my soldiers were Maori, and when I came to the prison more than half the inmates were Maori. I wondered why we had all these Maori in prison, while at the same time we had so many proud and wonderfully effective soldiers in the army (Grant, personal interview 2004).

Grant recalled that during the mid-1990s, there was not a lot happening in the way of Maori prison programs. He said there were some, like haka (cultural performance) classes that were popular, but these tended to be informal and limited in their scope. Without criticising these efforts, he said there was nothing that ‘reached deeply into all aspects of Maori culture’ (Grant, personal interview 2004). As a prison manager, he felt existing programs were not contributing directly to a reduction in re-offending and he was looking for something that would ‘switch on some light’. He was prepared to consider a different approach, and when Mahi Tahi presented him with a proposal to trial the Akoranga program, he thought it was an opportunity to test something new.
Breakthroughs and Facilitating Factors

Breakthroughs

The Akoranga project achieved its most significant breakthrough when the program was trialled at the Hawke’s Bay prison. A number of research respondents described this event as the point where, after 50 years of trying, Mahi Tahi finally ‘broke in’ to the prison system. Mahi Tahi’s first meeting with Peter Grant at Hawke’s Bay prison was remarkable for both the tactics employed and what they achieved. In an interview, Grant recalled:

Out of nowhere really, Mahi Tahi rang to ask for a meeting because they wanted to bring *Tikanga Maori* programs into the prison. I always remember, I said, ‘I’m going to have to go to Wellington and get approval for this’, and Sir Norman actually challenged me as a soldier. He said, ‘If you were a soldier and the enemy were sitting at the top of the hill, would you attack or would you ring headquarters to ask permission?’ I said, ‘I’d bloody well attack’, and he said, ‘Well attack’. So that was the first approach … Norman Perry challenged me as a person, and he challenged my ego and vanity I guess, and he got it right (Grant, personal interview 2004).

In his interview, Norman Perry also described this meeting. Perry knew Grant had a military background, and he said,

We used army talk. He knew I was in the Maori Battalion and I took a *kuia* [female elder] with me. We asked for 3 nights and 4 days, sleeping with up to 20 inmates. I told him head office had already said no, so don’t ask again, they’d just refuse … but we could still explore the idea. I asked him to let us go ahead, and if anyone asked, we should just call it ‘action research’ (Perry, personal interview 2004).

Grant agreed to go ahead with a pilot program without official approval from the head office. He said that he decided against seeking approval partly because he had learnt during his time in the army that if you don’t want to hear ‘no’ for an answer, then it’s best not to ask the question, and partly because it was to be conducted as a trial without cost to the department.

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65 Maori protocol and social rules
66 This female elder’s role in the prison program was to be an example of female authority and a person who would maintain discipline among the program participants.
One of Mahi Tahi’s founders said that this meeting was the genesis of the Akoranga prison program. After this, the newly persuaded prison manager ‘became the gleam in Norman’s eye’ (McLean, phone conversation 2004).

Leadership and recruitment

Personal leadership was an important facilitating factor. Perry was the Akoranga project’s most prominent and long serving champion, and by all accounts it was his leadership that made the project a success. Grant’s leadership was also critical. The breakthrough at Hawke’s Bay prison was possible because he was willing to take a risk. He allowed the trial, persevered in the face of objections from staff and resistance from inmates, and when the first group of participants found moving back into the mainstream population difficult, he created a special residential unit to overcome the problem.

As a community-based leader, part of Norman Perry’s role was to recruit supporters. One of Mahi Tahi’s mentors told the story of how Norman Perry found his first mentor when he discovered a former inmate managing a local gym. Perry, in the company of the Justice Secretary, watched the gym manager at work and decided that he would make a good mentor. Perry reportedly said to the justice secretary, ‘we need him, let’s take him’. Duly recruited, this person went on to work as a Mahi Tahi mentor and program manager for many years (Mahi Tahi mentor, personal interview 2004).

Norman Perry also recruited trustees for the Mahi Tahi board. Perry said he remembered the day he was listening to the radio and heard Ian McLean, a recently retired Member of Parliament, explaining how he would not be returning to parliament because he wanted to ‘rejoin the human race’. On hearing this, Perry said, ‘I called him and joined him up’ (Perry, personal interview 2004).

Challenges

With permission to run a pilot program, the Akoranga project faced a new set of challenges. The prison manager’s decision to allow the pilot had been made under pressure. Grant had felt compelled to do something about the overrepresentation of Maori in prison and he took up the personal challenge laid down by Mahi Tahi’s leaders. There was also pressure on his position
as a prison manager to act within certain operational constraints. The implementation of the Akoranga program challenged the prison’s security procedures and disrupted the relationships between and within groups of staff and inmates. Peer pressure made it difficult for some inmates to participate in the program, and finally, at the end of the first program, participating inmates faced problems returning to the mainstream population.

**Challenges to security**

Before the trial, Mahi Tahi made five stipulations: 1) the most hardened inmates would be encouraged to participate, 2) the program’s facilitators and mentors would be former inmates and gang members, 3) elders from the surrounding community would be present, 4) the whole group would spend four days ‘living together’ outside the prison’s normal routines and 5) custodial staff would not be permitted to attend. The managers of most modern prisons would likely view any one of these as posing a security risk. In combination, they represented a significant departure from the norm.

Staff objected to the program taking place without their presence and tried to change this element. Norman Perry said when he first learned there were plans to have staff present during the wananga, he recalled, ‘we said no; we couldn’t have guards at all. I said there would be two former inmates as mentors and a special ‘security person’ of our own choice’ (Perry, personal interview 2004). Mahi Tahi insisted the inmates would not be as frank as they needed to be if staff were present, and promised to provide security and take responsibility for the consequences (Perry, personal interview 2004).

Norman Perry said that at first, staff accepted the idea of a special security person, but they baulked when told that this person would be a female elder. In response to the concerns of staff, Perry told Grant (the prison manager) that with this elder present, there would be no need for any other security (Perry, personal interview 2004). Mahi Tahi also had rules. Inmates were expected to behave in a disciplined manner, there would be periods of fasting, a ban on gang behaviour and no drugs of any kind, including cigarettes (Mahi Tahi mentor, personal interview 2004).

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67 While staff did not participate in the first programs, this changed over time. Some of the prison’s staff were particularly interested and began to attend in support of the program (McLean, personal correspondence, 2005).
Initially, Grant had reservations; he was ultimately responsible for security, and these arrangements were untested. Apart from agreeing to the dynamic forms of security provided by Mahi Tahi, such as the presence of elders, Grant said he set some other rules and took care to select participants that had a high level of commitment to the program. He agreed to allow the female elder to participate as the security person, and, he said, 'It worked; she laid down the rules, and everybody did as they were told' (Grant, personal interview 2004).

Despite the range of measures in place, many staff remained uncomfortable. Grant said:

> I think the staff felt they were responsible for mustering, and if there was an escape, or if someone got injured ... they just felt very vulnerable and very suspicious. They were not happy. In the end, I had to make it clear I was carrying that [responsibility] personally, and that the program would be going ahead. Some of the staff were against it. Probably a number of the Pakeha staff in particular were against this Maori thing happening. It was something so much out of left field ... I think they felt vulnerable. So those dynamics were there, but all credit to the staff, they let it happen (Grant, personal interview 2004).

On reflection, Grant wondered about the risks he took with the first Akoranga program:

> I thought the risks were worth it. You get the biggest gain from the biggest risk and it was something we had to do. We ran the *wananga* in here [at the prison] with no staff, no staff at all, and the inmates lived in for four days. They brought their mattresses and they lived in one of the rooms and ran through a program decided by Mahi Tahi. The staff used to come in regularly and muster the inmates so they knew they were still there, but in the meantime, almost anything could have happened (Grant, personal interview 2004).

*Culture and identity*

The first Akoranga program also drew attention to complex tensions between different groups of inmates. Gang culture is dominant among Maori within the prison system in New Zealand. Members and associates are expected to adhere to the same loyalties and alliances inside prison as out, and when the Akoranga program was introduced at Hawke’s Bay, many inmates found themselves under pressure not to participate (Grant, personal interview, 2004). Grant said:

> In my experience, gang culture is diametrically opposed to Maori [culture]. Some Maori gang members try to use some aspects of [the
culture] to legitimise themselves … but when it comes to making a total commitment to being Maori, they’re not there. If you’ve got a staunch gang member and he starts this awakening of his culture, it’s almost like a head on clash. Some of them will go through that … and some rebound back to their gang culture. In some cases, they can be fairly bad gang members because of it, because they’re denying their true culture … and in my experience, for Maori, that can be very traumatic. But those that do go through it are some of our most wonderful success stories, guys who have been [gang] presidents68, like Mahi Tahi’s mentors, who are now committed to their Maori culture (Grant, personal interview 2004).

These pressures made it difficult for some inmates to express their interest in the Akoranga program, and in some cases, they acted as a barrier to participation.

According to Grant, gang resistance was not the only challenge facing inmates contemplating entering the Akoranga program. Another difficulty was that many Maori inmates did not identify as Maori. Some had no knowledge about this part of their background, others were raised in urban areas away from traditional lands and had weak ties to the culture, and some knew, but did not want to accept their Maori identity (Grant, personal interview 2004).

The first immersion

Despite initial difficulties, 20 volunteers were selected, and the first Akoranga program took place in 1995. Norman Perry said staff were amazed to see, one of the prison’s most notorious inmates sitting humbly on the floor at the female elder’s feet, ‘hanging on her every word’ (Perry, personal interview 2004). Perry believed that the program delivered its own security solution because the people involved connected as ‘Maori on Maori’ and because it was fundamentally about teaching traditional values and disciplines.

The first wananga went smoothly until the fourth and final day, when staff interrupted because they expected the program to finish on time. According to one person who was there, five minutes prior to the scheduled finish time, staff arrived in the room and started ‘singing orders and telling inmates to get across to their units’, but the program had not finished. The group

68 Some New Zealand gangs comprise localised groups called ‘chapters’ and each of these is led by a ‘president’.
had not completed the proper closing ceremonies, and it became a very ‘contentious’ situation, with a stand off between the Mahi Tahi mentors and prison staff (personal interview 2004). Eventually, Mahi Tahi’s program facilitator told the inmates to do as the staff instructed, and the group dispersed. Also on this problem, one of Mahi Tahi’s mentors said,

*Wananga* are different from other things that happen in a prison because usually corrections people are ‘schedule’ people. They get used to starting things at certain times, but it’s wrong thinking; in a *wananga*, you must let the *wairua* [spiritual flow] be the guide (Mahi Tahi mentor, personal interview 2004).

According to Grant, custodial staff were accustomed to strict routines and had expected the program to run on time, but they soon accepted the need to be more flexible in the future, and that the program would run on ‘Maori time’, meaning it would end when all the proper protocols had been observed.

*Returning to the mainstream*

Problems arose next when the first group of program participants returned to the regular prison population. Grant said that he believed the program had created a change in the inmates’ thinking, that they had ‘discovered the fact that they were Maori, and they were going to use that as a positive in their lives’. He said that at the end of the first program, he had a group of 20 highly motivated inmates⁶⁹, ‘wanting to leap out of their skins to do things; very motivated inmates who didn’t want to come back to prison’ (Grant, personal interview 2004). The inmates had emerged invigorated from an intense learning experience, but there was no support for practising this new knowledge when they returned to their units. Not only were traditional beliefs and practices unsupported, they were actively disrespected, or ‘abused’ by other inmates and staff (Grant, personal interview 2004).

Grant said participants were ‘brought back to earth with a real bad crunch’ and that for many, it had a negative impact. Some complained they had been lifted up only to be let down, and that they needed ongoing support if the prison wanted them to use the Maori culture as a way to

⁶⁹ Grant qualified these comments by saying this result was probably helped by the decision to select participants who were highly motivated from the beginning.
stop offending. Some Akoranga participants took a stand by refusing to attend other programs, saying they were no longer interested in Pakeha programs (Grant, personal interview 2004).

The work that went into solving this problem led to an initiative that would have an impact on New Zealand’s entire prison system. With input from Mahi Tahi and others, the Hawke’s Bay prison established the first version of the Maori Focus Unit to provide residential support for inmates who chose to immerse themselves in culture-based programs and practices70.

Power and Agenda Setting

Eight key groups or individuals exerted their influence in the Akoranga project. Most successful was the Mahi Tahi group, which comprised prominent community-based leaders and public figures. The Justice Minister, Sir Douglas Graham, and Peter Grant, the prison manager, were also key to the project’s success. Those who objected to the program, such as some prison staff and groups of inmates, exercised their power to challenge the project, and although these challenges made an impact, these objectors did not prevent the implementation of the program.

Powerful people

In many ways, it was not the idea of the Akoranga program that opened doors for Mahi Tahi, but rather the calibre of the people promoting it. By the mid-1980s, Mahi Tahi had already spent decades building a reputation for its work with Maori offenders in community settings. Mahi Tahi’s engagement with the Roper Inquiry was an important catalyst because it suddenly introduced Mahi Tahi’s members to a group of powerful and influential people. Mahi Tahi responded to Roper’s suggestion that the government turn to Maori for new ideas by proposing that the government support the Akoranga project.

70 The Maori Focus Units are specialised Maori immersion residential units created to support inmates taking part in Maori programs. In 2005, five men’s prisons had established a Maori Focus Unit.
I was able to interview Sir Douglas Graham who played a key role during the establishment of the Akoranga program. Sir Douglas served in multiple and overlapping positions while the Akoranga program was building momentum. During the mid-1990s, he was Minister in Charge of Treaty of Waitangi Negotiations (1991-99), Minister for Justice (1990-97), Minister for Courts (1995-98), Minister for Corrections (1996-97) and Attorney General (1997-99).

Sir Douglas recalled that Norman Perry met with him to explain that he wanted to send former gang members into a prison as part of a program that would involve sleeping overnight with inmates. Sir Douglas viewed Norman Perry as a highly respected figure, whom he admired. Perry had spent many years Apirana Ngata, he suffered pain from bullet wounds inflicted during his service with the Maori Battalion, and he was prepared to sleep on prison floors to achieve his vision. ‘That was good enough for me’, he said (Sir Douglas, personal interview 2004).

According to Sir Douglas, at the time the proposal for a prison ‘sleep over’ came to his attention, three enthusiasts supported the project. They were Norman Perry, Ian Mclean (who had spent many years as a Member of Parliament and member of the National Party caucus), and Rodney Gallen, a judge of the High Court who was fluent in the Maori language. All were influential public figures.

The minister prevails

Sir Douglas advised his Department of Corrections staff that he wanted them to cooperate with Mahi Tahi, but there was initial resistance. Some officials wanted evidence that Mahi Tahi’s previous programs had achieved positive results in relation to offending behaviour. Sir Douglas argued that this was not possible. Mahi Tahi had no money to gather the kind of data that would produce this kind of evidence, it was unlikely that released prisoners could be traced and there were no resources to apply to such a task. He also had doubts about how well prisoners would respond to such a survey. They were likely to say things like the program was ‘good’, and he didn’t think it would be possible to get data other than anecdotal evidence. The minister prevailed, although he said, ‘I didn’t do much, other than express my view to

71 A series of trial programs took place at Hawke’s Bay prison during 1995 and 1996, and at the same prison, in 1997, the first Maori culture residential unit was set up to support the program.
corrections’. Thus, apart from a few letters from inmates about how the program had benefited them personally, the Akoranga project gained official support. Sir Douglas said given the calibre of the people backing the idea, he was prepared to, ‘give it a try ... even if it did nothing more than stop the men bashing their wives, it would be worthwhile’ (Sir Douglas, personal interview 2004).

Sir Douglas had also argued in favour of shorter prison sentences based on international research that showed that the length of a sentence had little impact on recidivism rates. In his view, part of the problem was that New Zealanders were generally punitive. In an interview, he said:

New Zealanders want long sentences whether they work or not. There was research that indicated long and short sentences had the same recidivism rates. One Scandinavian country tried to reduce sentence lengths but could only do so with the cooperation of the media because public criticism would have stifled the initiative. It would have been the same in New Zealand. Any shortening of sentences was politically very difficult, even though it may have been sensible (Sir Douglas, personal interview 2004).

Sir Douglas said that by the time the Akoranga program came to his attention, some of his colleagues already regarded him as ‘soft on crime’. He said,

Many inmates are violent and angry, but there’s a lot of bravado. Underneath, they are very soft, so when someone comes along and introduces them to Tikanga Maori, there’s interest. It might be a bit of time filling, but it’s still worthwhile (Sir Douglas, personal interview 2004).

*Resistance by officials, inmates and custodial staff*

Sir Douglas said that generally, government departments did as their minister directed, but if department officials disagreed with a decision or policy, they could be ‘tardy’. In relation to prison reform, he said, many Department of Corrections officials agreed with him as minister that shorter sentences and innovative programs such as Mahi Tahi’s were logical, but they had experienced problems convincing Treasury to release the funding (Sir Douglas, personal interview 2004).

In the prison environment, the power relations took on a different dimension. Not ministers or bureaucrats, Mahi Tahi was a group of Indigenous community workers, who arrived at the
prison with the aim of drawing Indigenous inmates away from gang membership. Some gang leaders, who wanted to maintain their own influence over Mahi Tahi’s target group, viewed such advances as an intrusion and they resisted.

A Mahi Tahi mentor said that initially, staff ‘kicked up’, but it was the presence of the female elder that settled these problems. ‘She brought a different feeling to the wananga, she calmed things down between the staff and the men’ (Mahi Tahi mentor, personal interview 2004). Grant said that although some custodial staff did not support the Akoranga program, we basically moved them out of the way … as we do in implementing any new initiative, taking along as many as we could and also taking the time to change the mind set of everyone we could. There were also a large number of other staff who were totally committed to making the concept work, and as we went on, the number of supportive staff grew (Grant personal correspondence, 2005).

Initially, then, Mahi Tahi’s leadership and a supportive prison manager faced a group of objecting custodial staff and inmates, but the project's supporters prevailed.

*Culture drives the agenda*

For many in government positions, the priority was to reduce offending, while for those in the Indigenous group the focus was on the restoration of well-being. The official agenda was concerned with measurable outputs, while the Indigenous agenda was to heal hearts and minds. Within the prison itself, Grant reconciled these two agendas. Lowering recidivism rates would reduce the level of overrepresentation of Maori in prison, but like his department’s minister, Grant was open to the idea that an Indigenous approach might be an effective intervention, even if the results were going to be difficult to measure.

Taking a broad view of the Akoranga project over time, Mahi Tahi was highly successful at driving the agenda, both politically and within prisons. Mahi Tahi had engaged with government primarily to take advantage of policies that contained elements favourable to the group’s aims. A significant first achievement was when Mahi Tahi advanced its own agenda by linking its aims to those of the *Maori Social Advancement Act*. Later, Mahi Tahi used a similar strategy when it developed objectives that were in accord with the recommendations of the Roper Report.
As Indigenous concepts and programs became more prevalent within the prison system, the corrections department reconstructed the agenda by incorporating Indigenous ideas into its own prescriptive frameworks. Indeed, by 2004, some of Mahi Tahi’s original principles were part of the department’s official policy.

The Akoranga prison program is unique in several ways: the longevity of the project’s leadership, the decades spent building capacity and reputation in the community, the confluence of the right people at the right time – all these factors would be hard to duplicate in other settings. Nevertheless, this case provides a rich example of what can be achieved where there is both government and public interest in a crime and justice problem, a group of people prepared to campaign for change and government actors willing to respond to challenging ideas.
The Tiaki Tangata concept (which I refer to as the Huntly project) was not a discrete program; rather it was a strategy to involve a collection of Maori community groups in the management of government spending in one particular town. It started with a three-year pilot that focussed on building networks, establishing the project’s principles and management structure, and encouraging community members to identify Huntly’s priorities for government funds. Police representatives were instrumental in the selection of Huntly for the trial because they wanted to engage the Huntly Maori community in crime reduction strategies.

I first provide background and some methodological notes, then report my findings on the five themes of catalysts, challenges, power and agenda setting, breakthroughs and facilitating factors and the visions and ideas that shaped the Huntly project.

Background

In New Zealand during the 1990s, the relationship between the police and Maori people was characterised by an undercurrent of antagonism, high levels of mutual distrust, and a high number of complaints from Maori about police treatment (acting district commander, personal interview 2004; James 2000; Maxwell and Smith 1998; Te Whaiti and Roguski 1998).

The Iwi Liaison Officers (ILO) unit was established as part of the police service’s response to these negative reports. Over four days in June 1996, thirty-seven police officers attended the Inaugural Iwi Liaison Officers’ Conference, and the following year, the outcomes of the conference were reported in a document titled Te Urupare Whikiti: Build Responsiveness to Maori Strategy, (referred to here as the Responsiveness Strategy). This strategy was a phased-in approach to building improved relationships between police and Maori people. In the police district of Waikato, the implementation of the Responsiveness Strategy was making

72 The Iwi Liaison Officers are sworn Maori police officers who specialise in operating at the interface between the police service and Maori people. The word iwi means tribe or people.
good progress when in June 2000, the government announced its *Closing the Gaps* policy, which gave the police initiative a timely boost.

A key assumption of the *Closing the Gaps* policy was that with encouragement, Maori people and communities had the capacity to address their own social problems. The new policy directed government departments to engage in collaborative projects in close association with Maori communities, and chief executives were formally required to report to government on the steps their department had taken to ‘close the gaps’ caused by disadvantage.

In September 2000, the Crime Prevention Unit (CPU) of the Department of the Prime Minister and Cabinet released *Combating and Preventing Maori Crime*\(^73\). This report presented what it described as ‘closing the gaps data’ concerning Maori offending. Overrepresentation data gathered in 1998 showed Maori aged 17 and over were 3.3 times more likely to be apprehended, 3.6 times more likely to be prosecuted, 4.1 times more likely to be convicted and 1.5 times more likely to be sentenced to prison than non-Maori. While Maori were 14% of the general population, they comprised 51% of the sentenced prison population (NZ Dept. of the Prime Minister and Cabinet 2000:18-20), and according to the CPU, these gaps were ‘widening not narrowing’ (NZ Dept. of the Prime Minister and Cabinet 2000:8).

The CPU report noted differences in the way Maori and non-Maori people perceived the criminal justice system. A 1995 survey showed that while 36% of Maori had trust and confidence in the police, 58% of the general population did. A second set of surveys conducted in 1998 showed an improvement, with 48% of Maori expressing trust in police compared to 61% of the general population\(^74\). The improved results were partly attributed to the implementation of the police service’s *Responsiveness Strategy* (NZ Dept. of the Prime Minister and Cabinet, 2000:31). Nevertheless, the CPU argued that despite recent gains, more needed to be done to address the generally negative view that Maori had of the police.

The *Closing the Gaps* policy created the **Regional Intersectoral Forum** (RIF). This was a forum for regional heads from a range of departments to gather and plan ‘whole of government’ strategies targeting disadvantage in Maori communities. The Waikato region’s RIF membership included police officials who viewed these policy developments as an opportunity...

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\(^74\) The *Combating Maori Crime* report cites these survey results and includes an appendix that presents data from 1997, 1998 and 1999 surveys without reference to the reports’ authors or titles.
to increase support for the implementation of the Responsiveness Strategy. The department responsible for Maori affairs, Te Puni Kokiri was also a forum member. This department had a budget of 48 million dollars to support the implementation of the Closing the Gaps policy\(^7\) (Te Puni Kokiri c2003).

New Zealand Police, Te Puni Kokiri and the social welfare department Work and Income New Zealand (WINZ), used their membership of the Waikato’s Regional Intersectoral Forum (RIF) to explore the possibility of a whole of government strategy for Waikato. The Tiaki Tangata project, the subject of this case study, emerged from that forum at a time of political enthusiasm for collaborative local governance models (acting district commander, personal interview 2004).

From a policing perspective, the early 2000s was a time of achievement throughout New Zealand. The Iwi Liaison Officers (ILO) unit, a Cultural Affairs Office and a Maori Focus Forum were in operation, and community-based committees had formed to provide advice to district commanders (James 2000:23). The police service was confident that due to recently improved relationships between police and Maori, the police were now ‘well positioned in their object of working progressively with Maori and the community as a whole’ (Te Puni Kokiri and NZ Police (foreword) in James 2000:4-5)

Around the same time, the Ministry of Economic Development had encountered problems attempting to introduce whole of government strategies in the Waikato district’s township of Huntly, which is in the central part of New Zealand’s North Island. The ministry had searched for economic development opportunities in the area, but found that a disjointed public sector made it difficult to develop integrated projects (Cabinet Committee for Economic Development 2000, cited in Tiaki Tangata 2004).

The Waikato RIF agencies were discussing the idea of a local pilot project, and staff at Te Puni Kokiri drew connections between the problems raised by the ministry, the aspirations of the Closing the Gaps policy, its own Capacity Building Program and the ideas emerging from the RIF that suggested an opportunity for a whole of government approach (Tiaki Tangata 2004, Te Puni Kokiri staff member, personal interview, 2004).

\(^7\) Te Puni Kokiri directed these funds into its Capacity Building Program, which aimed to engage Maori communities in various programs designed to improve the working relationship between Maori and government.
The management model

The Huntly project was modelled on Te Puni Kokiri’s approach to governance and was described in part, as an initiative of that department’s *Closing the Gaps / Reducing Inequalities Strategy* (Tiaki Tangata 2001; Tiaki Tangata 2004). The project’s evaluation report (2004:19) described the Tiaki Tangata model as comprising 6 ‘core elements’, which were (in brief):

1. The government’s *Reducing Inequalities/Closing the Gaps* policy.
2. Departments acting in concert as a ‘whole of government collective’.
3. The involvement of a high-need community (such as Huntly) where ineffective service delivery is known to be a problem.
4. A strategic partnership between the whole of government collective and the selected community.
5. Linking community-based strategies to ‘whole of government resources’ with the aim of encouraging future independence.
6. The effective management of relationships and flow of information between the various stakeholder groups.
Methodological notes

My research focused on what occurred leading up to and during the Huntly project’s three-year pilot, beginning with the first public announcement of the project early in 2001 and ending with the pilot’s evaluation report in 2004. Figure 5.1 shows a time line of events.

My case study describes the emergence and early development of the Huntly project, not the outcomes it delivered, although there were many achievements. I conducted two field trips in 2004 that yielded face-to-face interviews with four people and informal discussions with five others. Except for the Police Inspector, all participants were Maori. Table 5.1 shows the make up of the research participant group.

76 The pilot sponsored 21 projects that provided training for 58 people and permanent employment for 22. Following the three-year pilot and a positive evaluation report, the project received further funding and continues at the time of writing.
FIGURE 5a: TIME LINE, Huntly Case

2000

May  
First meeting of the Regional Intersectoral (Tumuaki) Forum to discuss the concept of a Maori community initiative for the Waikato district.

June  

July  
Pilot project planning group formed (RIF initiative). Huntly selected as the location for a pilot project. Pre-planning work groups are established.

November / December  
Research phase commences.

2001

February  
RIF agencies hold the first public meeting to announce of their plans. Huntly’s Maori community reacts negatively.

March  
The project makes some progress and the name Tiaki Tangata is chosen.

June  
First report from the Huntly project presents five service delivery priorities for Maori living in Huntly.

July  
Memorandum of Understanding signed (31 July 2001).

September / October  
Seven Maori community representatives form the Tiaki Tangata management group, later joined by five departmental CEOs.

October  
RIF agencies appoint the project’s first coordinator (seconded from a government department).

2002

September  
First coordinator vacates position after one year of slow progress.

October  
Second coordinator is appointed and the project rapidly gains momentum.

2003

July  
A series of open community-based meetings (the Key Priority Area Hui) take place and are well attended.

A second report from the Tiaki Tangata management group is produced. Huntly’s 5 service priorities have been amended and Maori concepts are given prominence.

2004

August  
The Tiaki Tangata evaluation report is released.

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Position at time of case study</th>
<th>Referred to in this report as:</th>
<th>Nature of Participation</th>
</tr>
</thead>
<tbody>
<tr>
<td>NZ Police</td>
<td>Acting District Commander (Waikato)</td>
<td>Acting district commander</td>
<td>Primary police contact; phone and personal conversations; face-to-face interview.</td>
</tr>
<tr>
<td>NZ Police</td>
<td>Iwi Liaison Officers (x4)</td>
<td>ILO Officers</td>
<td>Support in the field; Personal conversations; Invitation to ILO meeting.</td>
</tr>
<tr>
<td>NZ Police</td>
<td>Inspector</td>
<td>Police Inspector</td>
<td>Personal conversation.</td>
</tr>
<tr>
<td>Te Puni Kokiri</td>
<td>Regional Director, Waikato. Government representative on Tiaki Tangata board.</td>
<td>Te Puni Kokiri staff member or representative.</td>
<td>Face-to-face interview.</td>
</tr>
<tr>
<td>Tiaki Tangata</td>
<td>Tiaki Tangata Coordinator. Community-based liaison on Tiaki Tangata Board.</td>
<td>The coordinator or Tiaki Tangata coordinator.</td>
<td>Face-to-face interview; Primary community contact; Support in the field; Personal and phone conversations; Written communications.</td>
</tr>
<tr>
<td>Tiaki Tangata</td>
<td>Community-based representative on Tiaki Tangata Board.</td>
<td>The board member, or community-based board member.</td>
<td>Face-to-face interview.</td>
</tr>
</tbody>
</table>
I also observed three meetings: an Iwi Liaison Officers’ meeting at Hamilton’s police headquarters; a justice agency forum attended by representatives from child protection and domestic violence services, police, the courts, the restorative justice program and others; and a Local Police Maori Advisory Group meeting to discuss Huntly’s planned agency response to domestic violence call-outs over the Christmas period.

Community members refer to the project as the Tiaki Tangata ‘concept’, which alludes to the project’s philosophical elements, or the Tiaki Tangata ‘model’, which points to its status as a new form of local governance. I refer to it as the Huntly project for consistency in giving the cases place names. I term the Huntly project’s community-based participants the Tiaki Tangata group, and refer to its leadership as the Tiaki Tangata management group, which includes the board.

Catalysts

A convergence of events and influences triggered Huntly’s selection as a site for a RIF pilot. Huntly stood out as a high needs community experiencing the full range of social problems that the government aimed to address. Geographically, Huntly was within the Waikato police district, which had police among its leadership who had participated in the original drafting of the Responsiveness Strategy, and who remained committed to its implementation. Police in the Waikato district wanted to build on recent gains and were ready to engage directly with a single community to address its crime and justice problems. Thus, the Huntly project began as a police initiative that became the Regional Intersectoral Forum’s first experiment in a whole of government approach (Tiaki Tangata August 2004:5&8). The actions of a small group of government officials, along with Huntly’s social problems, were the two main triggers.

Official instigators

Several years later, an evaluation report described the Huntly project’s emergence as the result of three government officials coming together to act on the Closing the Gaps strategy for the Waikato district (Tiaki Tangata Aug 2004). These were RIF officials from New Zealand
Police, Te Puni Kokiri and Work and Income\textsuperscript{73}, who wished to experiment with a participatory model of local governance involving all key government agencies and a particular Maori community. The idea was well received by other RIF members in the district, and it was decided that Huntly would be a good place for a trial project (Tiaki Tangata, August 2004:4-8).

For some time, Huntly was a known high-risk community; it rated poorly across all the social indicators and had a high population of Maori people. There were two perspectives on the nature and causes of Huntly’s social problems. One of these, as asserted by the \textit{Closing the Gaps} policy, was that Maori communities possessed a latent capacity to address their own social problems. The other, which was the view of many in Huntly’s Maori community, was that the government was in control of the resources needed to address these problems, and it was the government who had failed the Huntly community.

At the first public meeting held to announce the pilot project, RIF officials used statistics to get their message across to Huntly’s Maori community. One set of figures showed that the government was spending an estimated NZ$49 million annually in the Huntly area for a small population of about 7,000. Of this amount, $44 million was paid in social security entitlements (Tiaki Tangata 2004:6). Census 2001 data showed that Huntly’s unemployment rate was almost four times the national average and that the number of single parent households was more than twice the average (Statistics NZ 2001). Other problems facing Huntly during the early 2000s centred on the local high school. It was reported that Huntly’s high school had poor attendance rates and the highest exclusion rates in the country, with an average of 20% of students either absent or excluded each day\textsuperscript{74}.

\textit{Community-based triggers}

I asked the Huntly project’s community-based coordinator what had been happening in Huntly that made the community take action. She replied that Huntly’s Maori community believed that a lack of government support was putting Huntly’s services and families at risk. In 2001, the community was angry about the recent murder of a child by its government-approved carer,

\textsuperscript{42} Work and Income New Zealand (WINZ) is a Ministry of Social Development agency that administers welfare benefits and employment programs.

\textsuperscript{74} A concerted effort by community-based volunteers helped to turn the school’s problems around and by 2004, Huntly’s high school was considered to be one of the town’s ‘pride and joys’ (Tiaki Tangata coordinator, personal interview, 2004).
and those working for non-government organisations wanted to prevent such tragedies in the future. Families living in debt were often in disputes with government caseworkers because they were constantly seeking grants to buy food and cover household expenses (coordinator, personal interview 2004). In addition, Huntly’s Maori community groups were competing with each other for a share of an already insufficient pool of government funds. The Huntly project came at a time when ground level actors were angry and frustrated. The coordinator said, ‘the community was saying, get your services right: because the view from the community was that all power was held by the government agencies; they were better resourced than us’ (coordinator, personal interview 2004).

The coordinator said Huntly had always been a springboard for government programs because it represented the ideal example of a town suffering the effects of disadvantage. She said,

> We call ourselves ‘pilot central’. We pilot everything here, but we don’t mind because we’re not afraid to make mistakes. We have no qualms about anything that works well in Huntly going out to other communities (coordinator, personal interview 2004).

At the time that the pilot project was announced, all key government agencies had staff working in the Huntly area. The coordinator said, ‘We all knew them; they did our statistics’. The coordinator viewed the announcement of the RIF initiative positively, saying,

> It was an absolute opportunity because we were angry about being treated badly as a community. We knew what our issues were, and we could be our own worst enemy by turning it down (coordinator, personal interview 2004).

**Challenges**

Turning the concept of the Huntly project into a functioning community-based operation was a significant challenge for all involved. I begin with an account of the first public meeting where government officials and Huntly’s Maori community challenged each other to take responsibility for local problems. I then describe some of the challenges that faced the project’s leadership, before turning to identify some of the obstacles encountered by government and community-based actors as two distinct groups.
The first meeting

RIF officials first approached Huntly’s Maori community by calling an open meeting, or hui, and according to the coordinator, this was a ‘huge hui’ (personal interview 2004). The news that representatives from fourteen government agencies wanted to put a proposal to Huntly’s Maori community attracted a lot of attention and the meeting was well attended (coordinator, personal interview 2004).

Although RIF officials had spent considerable time developing the proposal (perhaps as long as 18 months according to some sources), it was a surprise to most in the Maori community to hear that Huntly had been selected for an important trial. At that stage, the project appeared to have involved only ‘a couple of people from Te Puni Kokiri and a couple of people from the Maori community’ (coordinator, personal interview 2004). For both government and community-based actors, this first meeting was also the first major challenge for the Huntly project.

The coordinator’s description of this meeting suggests many in the community felt ambushed. She said, ‘the first people knew about the idea was when Te Puni Kokiri called a community hui and out came the fourteen government agencies. We didn’t take that very well at all, absolutely not.’ (coordinator, interview 2004). The project’s evaluation report also referred to this event:

At first, the Maori community was highly suspicious of government agencies suddenly displaying a collective interest in Huntly. At the initial consultation hui, a full turn out of Crown agencies was met with a barrage of criticism from the local people, angry at how poorly agencies respond to local needs and how difficult it was to access government resources (Tiaki Tangata 2004:5).

According to the coordinator, the police said that Huntly’s crime rates and other negative social indicators were too high, and the community needed to do something. The community reacted to this with frustration because,

We are a community with 30 to 40 different programs and projects and organisations, and we are all working really hard. So that response from the police was frustrating. We were working ... We were taking responsibility, but we were also absolutely fragmented. At the hui, the factions of the community were at odds, there was just no consensus at all (coordinator, personal interview 2004).
The information that the government spent $44 million in Huntly in each year in social security payments made an impact on the community, although it provoked mixed responses. Although the figures highlighted the concentration of resources delivered to Huntly, when placed alongside the poor social outcome data, many in the community argued that the figures proved the government had failed to get results from the large sum of money it was spending. The figures made Huntly’s problems appear large and in need of urgent attention, but in an interview, the coordinator said the community did not appreciate the government pointing out Huntly’s shortfalls. She recalled,

> As a community, we pretty much told those fourteen government agencies, don’t come out here and tell us how to close the gaps in our community, when we live it, we see it and we work with it every day (coordinator, personal interview 2004).

**Leadership challenges**

The Huntly project had two coordinators during its three-year pilot. The RIF selected and appointed a government employee as the first coordinator, but the community did not support this decision. The police inspector said that the first attempt to employ a coordinator failed mainly because it was government appointed and, ‘the Iwi didn’t like it; it was viewed as an imposition’ (police inspector, personal conversation 2004). After about one year into the pilot, the community forced a change of leadership by selecting a new coordinator. This person was actively involved in the Huntly project and the RIF agencies endorsed her. She was able to work directly and effectively with people on the ground and the project gained new momentum (police inspector, personal conversation 2004). This second coordinator participated in my study.

The second coordinator was acknowledged as the ‘people’s choice’, but she still faced significant challenges. At this stage, a representative board had been formed, some community meetings had taken place and the name Tiaki Tangata (which means ‘the weaving together of the people’) had been chosen. The coordinator stepped into a position that the Maori community had not yet fully accepted as representing its interests, and she struggled to convince the community to support the project. Nevertheless, all the other case study participants as well as the project’s evaluation report, credited her with building and
maintaining the necessary networks that made the pilot a success. A Te Puni Kokiri staff member said of the coordinator, ‘if there was anybody that was ideal for this type of position it was her, and that’s been acknowledged by all participants’ (Te Puni Kokiri staff member, personal interview, 2004).

Challenge to government

The first challenge for the government actors was to recover from the Maori community’s negative reaction to the project’s sudden announcement. This took time, but because some government staff were keen to engage with the community, the idea of conducting a pilot in Huntly remained open to negotiation and some progress was made. In addition, the government had placed political pressure on the whole public sector to shift from a contract model to a whole of government or ‘wrap around’ approach to service delivery (Te Puni Kokiri staff member, personal interview, 2004; police inspector, personal conversation 2004; Tiaki Tangata 2004). The Huntly project pushed government staff, who were accustomed to a ‘silo’ approach to service delivery, into a collaborative decision-making model75.

I spoke to a Te Puni Kokiri staff member who had been involved in the project from the beginning and still served on the Tiaki Tangata board at the time of our interview. She said Te Puni Kokiri staff were under significant pressure to make the Huntly project work. While civil servants at the highest levels had developed the project, when it came time to set it in motion, it was ‘dropped down’ to Te Puni Kokiri staff in the field to make it happen (Te Puni Kokiri staff member, personal interview 2004). Making a success of the RIF’s experiment was a challenge for this department because it was already overstretched (Te Puni Kokiri staff member, personal interview 2004). Another problem facing government staff was knowing how difficult it would be to demonstrate the project’s outcomes. The staff member said, ‘because the statistics were so negative, we wanted to show there had been some movement, [but] how do you measure that you’ve built capacity?’ (personal interview 2004).

Apart from the drain on human resources, the political pressure to perform and concerns about measuring the results, government representatives were also faced with the challenge of

75 During my 2004 conversation with former Maori Affairs head Kara Puketapu, he described the silo approach as a characteristic of modern bureaucracies, where multiple departments are each given big budgets and only a small amount of funds reach the ground. The model is criticised for delivering uncoordinated, pocketed and unsatisfactory outcomes.
learning to collaborate, not only as a set of agencies together, but with a mobilised Maori community that was ready to step forward as a collective front. Government representatives from the fourteen RIF agencies found their engagement with Huntly’s Maori community difficult, partly because the community drove it in different directions. The project’s evaluation report stated:

Some government agencies have struggled with the fluidity of the Tiaki Tangata [project], as expectations set at the commencement of the pilot have not been met and objectives have changed over time (Tiaki Tangata 2004:9).

There was also a perception among the community-based agencies that the delivery of services was suffering from the silo syndrome. The Te Puni Kokiri staff member said inter-agency collaboration did not come naturally to government representatives working on the Huntly project:

We had to sort out a lot of things; to start with, we didn’t know each other’s business. What do you do? What do you want? ... What sort of money are you putting in? Those are the questions we started to tease out ... It would have taken the government departments a good two years to learn how to work together, and they still don’t do it very well (Te Puni Kokiri staff member, personal interview, 2004).

Challenges to the community

Many on the community side initially viewed the Huntly proposal as a government plan, which was driven by officials in Wellington; thus, a distrusting community was slow to respond (coordinator and board member, personal interviews 2004; Tiaki Tangata 2004). A community-based board member said many community members were initially hostile to the idea of cooperating with government because they had concerns it would ‘suck Maori in, and sell them out’. He said, ‘Our people were coming in here swearing and yelling at government agents ... We had our policeman abused and our coordinator ... threatened even in a couple of instances’ (board member, personal interview 2004). The coordinator also recalled this period, saying it took several meetings between a small group of community-based supporters, a few key government representatives and Huntly’s broader Maori community before the clashes subsided; but, she said, getting through these meetings was a necessary first step in negotiations (coordinator, personal interview 2004).
One of the first tasks for the Huntly project was to establish a collaborative community-based decision-making forum, but to achieve this, Huntly’s Maori community had to resolve its own differences. The coordinator said that for many of the 30 or 40 different groups and agencies delivering services and programs in Huntly, a shortage of funds and resources made it difficult to remain viable. However, despite their shared predicament, the groups had not previously attempted to work together to address this problem. Instead, after spending years trying to secure a share of limited government funds, a culture of competition had developed between Huntly’s Maori groups and agencies, many of which were delivering services that overlapped. Describing the first meetings between the various community groups, the coordinator said:

Away from the government agencies, we had some heated *hui* ... heated discussions. There were [several] times ... when twenty of us would be closed in a small room and we were just arguing ... but we didn’t want the government agencies to see that (coordinator, personal interview 2004).

The early community meetings were characterised by conflict and blame. There were arguments about whether the groups that already received funding were functioning properly. Rumours were raised about the reasons for some groups’ perceived failures, and some were accused of reneging on their promises. Some community members wanted to know why local Maori service agencies had not fixed the social problems they were funded to address (coordinator and board member, personal interviews 2004). There were also clashes between Maori people who were employed by government agencies and those who were not. Community-based participants challenged government employees to do more, and some employees who were hurt, angry and under fire, reacted by declaring that they and their families lived in the community too (coordinator, personal interview 2004).

Many on the community side found it hard to accept that governments did not just hand over money, even for a good idea like an employment scheme (board member, interview 2004). The Tiaki Tangata management group tried to convince community members that they needed to learn how to write sound funding proposals and apply for government resources, but the board member said, ‘this put people off a bit, you know, ignorance leads to frustration and then there’s abuse; that’s when the abuse came out’ (board member, personal interview, 2004). The coordinator said that what the community really wanted to say to government was,
‘give us the resources and let us get on with it’, but those kinds of demands were rejected (coordinator, personal interview 2004).

During the three-year pilot, the coordinator spent most of her time trying to cultivate a more cooperative working relationship among the community-based groups and agencies. She said that Huntly’s community groups tended to jealously guard whatever they received in the way of government resources, grants and contracts. This made it difficult for the coordinator to convince the community to view available resources as a common pool that needed to be distributed in a different way (coordinator, personal interview 2004).

Breakthroughs and Facilitating Factors

Four events stood out as breakthroughs: 1) the selection of Huntly’s service delivery priorities, 2) the signing of a memorandum of understanding, 3) the appointment of a new coordinator, and 4) the community’s articulation of the Huntly project’s philosophies and practices. These events are mentioned elsewhere in the chapter as challenges or as part of project’s vision or agenda, but they were also distinct turning points in the project’s overall progress.

There were four facilitating factors: 1) the strength of the project’s leadership, 2) the improved access to government that the project delivered to the community, 3) adequate funds, and 4) the community’s willingness to participate.

Breakthroughs

Rather than attempting to establish new programs, the three-year pilot period was largely devoted to building networks, establishing the principles and management structure of the Huntly project and encouraging community members to identify Huntly’s priorities for government funds. This was in accordance with the Regional Intersectoral Forum’s objectives, and four milestones marked its progress.

Reaching consensus on Huntly’s priorities was hotly contested because project participants had different views on which of Huntly’s problems warranted the most urgent attention. The first attempt to identify Huntly’s service delivery priorities was followed by two years of debate, and in 2003, the Tiaki Tangata group again reported it had reached consensus. This was a
breakthrough because it demonstrated that the community had taken ownership of the project, drafted a tangible set of objectives and developed a carefully considered Maori framework to guide the project.

Another breakthrough in 2001 was a memorandum of understanding (MOU) signed between the Tiaki Tangata management group and the fourteen RIF agencies that initiated the project. This was crucial because the MOU secured funding. Each of the 14 government agencies agreed to contribute $5,000 annually over the three years of the pilot and funds were made available to pay the coordinator’s salary and some moderate operating costs.

The significance of the MOU diminished over time, however, because most of the agencies withdrew their financial support. By 2004, only six of the 14 agencies were still involved\(^76\) and some of them indicated a reluctance to commit funds beyond the pilot phase. The evaluation report recommended that future funding agreements be enforceable (Tiaki Tangata 2004).

A third breakthrough occurred in October 2002, when the community replaced the project’s coordinator. A major hurdle for the project had been to overcome community resistance and gain the trust of those who had doubts about the government’s intentions. The arrival of the new coordinator softened this resistance and increased the project’s momentum. She achieved strong attendance at a series of community meetings, and in the first three months of her appointment, the number of programs registered with the Huntly project increased from three to seventeen (coordinator’s report, March 2003).

The August 2003 publication of the Tiaki Tangata ‘framework’ document was the project’s fourth breakthrough. It reshaped the project’s underlying assumptions and positioned the Huntly Maori community as the project’s decision-makers. The report contained strong statements about the community’s willingness to take ownership of the Huntly project and lead. The foreword states that the Huntly Maori community is ‘willing to embark on a voyage on a waka [canoe] that holds our kaupapa [principled position] of sheer determination’ (Tiaki Tangata 2003:4). The community board member said that it took a long time to build community support for the Tiaki Tangata concept, but he said,

\(^76\) The 6 were: Te Puni Kokiri, New Zealand Police, the Tertiary Education Commission, Work and Income, the Waikato District Council and Housing New Zealand.
... We finally got it together, a format of exactly what Tiaki Tangata means ... but it took us about two years to finally say, well this is Tiaki Tangata; this is what it’s supposed to do. I don’t blame government for that because no one knew exactly what it was going to be (board member, personal interview 2004).

The Tiaki Tangata framework document was a milestone because it showed that community members had organised as a representative group and committed themselves to the project.

Facilitating factors

When I asked case study participants to identify the project’s facilitating factors, they most frequently mentioned the second coordinator’s leadership. They also said that the leadership demonstrated by government officials was a critical factor. The coordinator said that in her view, ‘if the [agency] CEO’s hadn’t got together, it would never have happened’ (coordinator, personal interview 2004).

One of the immediate benefits of the Huntly project was that it was giving community-based leaders improved access to government. The coordinator said that contact with high-ranking officials was critical. As an example, she said, it made a difference ‘when you can call the police inspector and talk on a first name basis; things happen ... you don’t have to push shit uphill’ (coordinator, personal interview 2004).

The board member said that prior to the Huntly project, local Maori service providers tended to act as a kind of ‘buffer zone’ between government officials and the rest of the community. The Huntly project gave more people direct access to officials, and he said, this gave the government an opportunity to hear the ‘flax-roots’ voices. He identified ‘improved interaction’ between members of the community and government agencies as an important factor in the success of the Huntly project (board member, personal interview 2004). Some in the community viewed this as a gain that improved the relationship between the community and government more generally, beyond the activities of the Huntly project. Speaking about these improved relations, the board member said that Maori people ‘could win some wars through the process of interaction with government’ (board member, personal interview, 2004).

77 During fieldwork, I heard the term flax-roots used as an alternative to grass-roots. Maori people value New Zealand’s native flax plant (harakeke) as a highly important resource.
Case study participants also identified funding as a vital factor in the long-term success of the Huntly project because the Huntly project had implications for the future of policy in New Zealand, and this added more weight to concerns about levels of funding. There had been talk of introducing the Tiaki Tangata model nationally if it was successful. In addition, there was a perception that this was a capacity building project that would lead to greater autonomy and better services for Huntly in the future (Tiaki Tangata 2001:5&16). Some in Huntly’s Maori community, therefore, saw the project as the embodiment of a long-term promise. The board member said that if the initiative had not received funding beyond the pilot, many in Huntly would have accused the government of ‘pulling out and leaving the community stranded again’ (personal interview 2004). In his view, if the government wanted to prove its good intentions, it must agree to fund such initiatives from beginning to end (board member, personal interview 2004). Thus, funding featured as a facilitating factor, not because it was fully available, but because of concerns about the negative impact on the project if it was not forthcoming. Careful spending, cost saving measures and constant lobbying ensured the project received adequate resources.

The eventual participation of a large number of Huntly’s Maori community representatives also featured as an essential facilitating factor. By design, the success of the project was dependent on the participation of Huntly’s Maori community, and during the first year, a lack of community involvement caused the project to falter.

I asked the board member what his advice would be to others attempting a similar venture. He replied that it was most important to get as many people involved as possible:

> Make sure that you have the community in there. Service providers are good [because] they help to lay out the process, but you’ve got to have the grassroots in there, ... the ones with no qualifications and no titles, the people that actually hurt, so you get your priorities right (board member, personal interview 2004).

The board member also said it was important to hold open meetings, not just one or two, but as many as needed, to keep the community informed and give people an opportunity to object. In his view, when Maori people had an opportunity to scrutinise a government proposal for accountability and transparency, and were able to criticise it in an open forum, it helped to relieve frustrations. Once people had voiced their concerns, they were more likely to become
constructive and get involved, although, he added, ‘there will always be some who do not’ (board member, personal interview 2004).

**Power and Agenda Setting**

The Huntly project was a government experiment in the redistribution of decision-making power. Earlier in this chapter, I reported on some challenges the project faced, and some of these, such as difficulties adjusting to a collaborative model, occurred because the project disrupted existing power sharing arrangements.

The exercise of power was demonstrated at two levels. At one level, the project involved institutionalised power. The project's official supporters drew political power from favourable government policy and newly developed collaborative decision-making forums, and in tandem to this, the Treaty of Waitangi featured as the normative prescription for Government/Maori relations. The exercise of power also occurred at the grassroots; during debates between community members about the legitimacy of the project’s representative approach, in the form of resistance from community groups that did not want to risk losing their own funding in the redistribution process, and when the community moved to replace the government appointed coordinator. The project’s management structure brought government and community power bases together, and in the process, there was conflict between the government and the community, between government departments, between different community groups and between individual community leaders. The community was most successful at adjusting to the new power sharing arrangements because over the course of the pilot, participation by community members grew while participation by government departments diminished.

*The Treaty of Waitangi*

The *Closing the Gaps* policy defined the power of Maori communities as a latent capacity to reshape their own social and economic futures (NZ Treasury 2000). The policy also acknowledged the government’s obligations to Maori under the terms of the Treaty of Waitangi and directed the public sector to demonstrate a stronger commitment to meeting these obligations (Te Puni Kokiri 2000).

78 The full text of the Treaty of Waitangi is included at Appendix A.
Initially, government agencies linked the Huntly project to the government’s policies on the economic development of Maori communities. Once the project was operational, its community-based leaders linked the development of Huntly’s Maori community to its right to self-determination in accordance with the Treaty of Waitangi (Tiaki Tangata 2003). As an indication of the Treaty of Waitangi’s institutional power, when I asked the coordinator whether one overarching body was responsible for the Huntly project, she replied,

> In New Zealand, with Maori people, our history has been with the Treaty of Waitangi and the marginalisation we have suffered for all those years after colonisation. We’re tired of that; we’re tired of an overarching statutory body trying to tell us what to do. That’s the thing about Tiaki Tangata, we have to make sure it’s community driven, that it’s bottom up. We are the overarching body; the people are [coordinator, personal interview 2004].

The Tiaki Tangata group produced three main reports during the pilot period: one to the RIF in 2001, a comprehensive set of guiding principles in 2003, and an evaluation report in 2004. All three linked the aspirations of the Huntly project to the principles of the Treaty of Waitangi.

The 2001 report referred to the Treaty of Waitangi as the basis of a ‘unique and special relationship’ between Maori people and the Crown, and emphasised that this relationship would provide the model for the Huntly project. Links were drawn between the philosophies that supported the Huntly project and those treaty principles that relate to the ‘partnership, participation and active protection’ of Maori people in their dealings with government (Tiaki Tangata 2001:9). The 2003 report stated that its content ‘embodies unique and practical solutions for Maori and recognises the rights of self-determination in accordance with the Treaty of Waitangi’ and that toward this aim, the ‘Huntly Maori community is ready and willing to lead the way’ (Tiaki Tangata 2003:6-7). The 2004 document refers to the ongoing participation of Maori in the Tiaki Tangata initiative as ‘essential’ if the government is to meet its obligations under the terms of the Treaty of Waitangi (Tiaki Tangata 2004:77).

To address a growth in such references to the implied principles of the treaty rather than its text, the Court of Appeal identified ‘partnership’ and ‘active protection’ as the treaty’s two core principles (Court of Appeal judgement in NZ Maori Council V Attorney General [1987] cited in State Services Commission (2005)).
The Huntly project raised questions about the best way to properly represent all interests. With the signing of the MOU in July 2001, community representatives sought and gained a permanent majority on the Tiaki Tangata board. Seven community and six government representatives took up board positions and technically, matters were to be decided by vote. However, the coordinator said although the community had stacked the board in its favour, in the three years of her involvement, no decision was settled by vote because the board had always reached consensus (coordinator, personal interview 2004).

The Huntly project’s representative model broadened the interface between the community and government agencies by giving more people access to government officials. One representative said this worked as a way to give those in government better information about what was happening in the community and this resulted in agencies ‘doing more than simply handing out contracts to local service providers with a Maori name’ (board member, personal interview 2004).

Although it was primarily the coordinator’s role to communicate with government officials, other members of the Tiaki Tangata group also took advantage of this more direct relationship with government. My conversations with some participants suggested that while improved access to officials delivered benefits, there were concerns that some community members used these new lines of communication to lobby the government without the endorsement of the Tiaki Tangata group as a whole.

Another problem was the question of which individuals could rightfully claim to represent Huntly’s Maori community. Some people objected when Maori people who worked for government agencies attempted to represent the community. These objections were often directed at people who were living, working and raising families in Huntly, and the problem caused many heated and prolonged arguments (coordinator and board member, interviews 2004).

The board member believed that distinctions should be drawn between Maori who were working for government and those who were not. He argued that if most of those involved in the project were government staff or contractors, the aim to engage with the grassroots would...
not succeed (personal interview 2004). In his view, those paid by the government represented a ‘buffer’ between the community and the state, and for that reason, ‘their voices could not really be those of the community’ (board member, personal interview 2004). The board member attributed this type of representation problem to the effects of colonisation. He said:

A lot of people, not just the police, but Maori people, don’t understand that if you work in government service, you are, well, colonised is the word I use. Sadly, they don’t know any better. I put it down to assimilation. They don’t understand, and when you bring it up, they’re lost (board member, personal interview 2004).

The board member was nevertheless satisfied that despite the potential pitfalls, the Tiaki Tangata group had achieved a balanced representation of all interests. He saw the Huntly project as an opportunity for Maori to show resistance to government plans and to voice objections on important matters, saying,

We can see it now, what we are driving for is Maori, but if we can’t get resources out of it, then we’ll use [the Huntly project] to oppose. It has become a sort of partnership. To me, it’s a little seed of resistance. You’ve got to plant the seed somewhere (board member, personal interview 2004).

According to the project’s evaluation report, there were concerns among some in the community that the Tiaki Tangata management group was overrepresented by Maori working for government. There was also conflict between and within government and community-based groups as they learnt to work together while taking into account all the various voices and viewpoints involved (Tiaki Tangata 2004).

Despite these problems, the project achieved a reasonably even spread of government and community representation: 43 individuals represented 34 local groups and agencies at the Key Priority Area Hui meetings, and 15 of the 43 attendees were described as community representatives. Thirty-one people contributed to the project’s evaluation study (Tiaki Tangata 2003; Tiaki Tangata 2004).
Agenda setting

When the Huntly project was launched in 2001, the government was especially concerned with whole of government strategies and improving the public sector’s response to the concerns of Maori (Te Puni Kokiri, May 2000; Te Puni Kokiri c2003; NZ Dept. of Prime Minister and Cabinet 2000; NZ Auditor General 2003). As the department responsible for monitoring public sector performance in relation to policy outcomes for Maori, Te Puni Kokiri reviewed the progress of the Closing the Gaps policy. It reported that the government needed to increase its efforts to ‘involve and motivate the Maori community…’, and that government agencies needed to place greater emphasis on developing policy in cooperation with a range of sectors (Te Puni Kokiri 2000:7).

In this policy environment, the public sector was under pressure to stop operating as discrete silos of funds targeting narrow outcomes and start collaborating with other departments (Tiaki Tangata 2004). The public sector could not manage these reforms within the confines of its own separate bureaucracies, however, and to meet the government’s expectations, department staff had to learn to engage directly with Maori communities.

The RIF’s fourteen government agencies arrived in Huntly with a strong first agenda. The agencies had already identified the problems to be addressed and the reasons for the choice of Huntly. The first batch of key players was in place, and a picture of what the new model might look like was ready to present for discussion. This was a bad start. Huntly’s Maori community reacted angrily to the government’s presumptive approach and it took many months before it began to show an interest in the RIF agenda.

In June 2001, a group loosely identified as the Huntly Maori community, reported its selection of Huntly’s service delivery priorities to the RIF. This document reports on the earliest meetings and provides the first version of Huntly’s selected priorities, as shown in Table 5.2, left-hand side.
### Table 5.2 HUNTLY’S FIVE SERVICE DELIVERY PRIORITIES (two versions)

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<td>2. Youth development</td>
<td>2. Youth Development – strength-based youth development</td>
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<tr>
<td>3. Employment and training</td>
<td>3. Employment and Training – utilising Huntly’s resources to create opportunities</td>
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<tr>
<td>4. Community pride</td>
<td>4. Health and Housing – building strong foundations at home</td>
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<tr>
<td>5. Education</td>
<td>5. Education – ‘consolidation of strength’ between Maori and education</td>
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My review of the material suggests the selection of the first set of priorities was premature because it pre-dated the involvement of a representative group of community members. The report was released in June 2001, but it was not until September that year that seven community members agreed to form the first Tiaki Tangata group. In October, the RIF appointed the project’s first coordinator[^80] (Tiaki Tangata 2002; Tiaki Tangata 2004). The 2001 report listed the fourteen government agencies, but did not identify community-based representatives of that first Tiaki Tangata group. The report was released as a precursor to the signing of the MOU and before funding was in place to pay for the pilot. Nevertheless, this first selection of priorities largely survived subsequent debate at the community level.

Two years later, in 2003, a larger group of Maori community members next set the agenda with the *Tiaki Tangata – Huntly Key Priorities Report*, which presented the outcomes of a series of community meetings. Unlike the 2001 document, this report listed 35 participating groups and individuals along with their names and contact details. This second report was the work of a larger, more representative group than the first, and clearly articulated the

[^80]: Later, five departmental CEOs also joined this group (Tiaki Tangata 2002).
community members’ decisions about priorities and their desire for the project to operate in accordance with traditional Maori practices and philosophies.

The 2003 report introduced a slightly different version of the 5 priorities selected in 2001 and added a supporting set of rationales (see table 5.2). Apart from some changes in the ranking of the five priorities, the main differences between the two versions were the removal of the ‘community pride’ priority and the additional of the ‘health and housing’ priority. The project’s evaluation report mentioned complaints from RIF members that they had not been informed of the changes and had not ‘signed them off’ (Tiaki Tangata 2004:69).

A key element of the RIF plan was that much of the responsibility for the direction of the Huntly project would pass to the community as soon as it formed a viable representative group. Community-based participants were expected to make significant decisions, and the selection of Huntly’s service delivery priorities was hotly contested. The board member found this phase of the project especially difficult:

It was hard because the first priorities [decided] weren’t my priorities and not anyone’s that I knew. Things like parental training and children training, as if to say ‘it’s all your fault’ ... but for me, housing and health ... those were the first things. I fought for it, home ownership. If you look after the body and house it, then you can start moving on to other things (board member, personal interview 2004).

One of the board member’s concerns was that the Huntly project might yet prove to be little more than a new way to get Maori to comply with the government’s agenda. Although he conceded the community had a big part in driving the agenda, he was not convinced this would guarantee results, because, he said: ‘It’s alright knowing what you want, but how do you get it?’ (board member, personal interview 2004).

Initially, the government, represented by RIF members, set a very strong agenda. It comprised significant elements, such as a newly launched Maori affairs policy, devolution of power to direct government resources and self-determination for Maori communities. The Huntly project’s 2001 report resembled a corporate model with an action plan, strategic goals, milestones and performance measures for each of the five priorities. The 2003 report showed that a series of community meetings had decided to replace this approach with a conceptual
framework that placed greater emphasis on the benefits of traditional, culture-based values and practices (Tiaki Tangata 2003:4).

**Visions and Ideas**

This case study shows how Huntly’s Maori community took the ideas and policies driving a set of government agencies and re-expressed them to reflect the community’s own aspirations. The concept for the Huntly project emerged from the New Zealand Police service’s *Responsiveness Strategy*, the government’s *Closing the Gaps* policy as implemented by Te Puni Kokiri, and the Maori community’s expressed aspirations for the project. All three of these platforms nominated the principles of the Treaty of Waitangi as the driving rationale behind their positions.

*Responsive policing*

From a Maori policing perspective, the ideas driving the Huntly project were raised, refined and endorsed some years earlier at the inaugural Iwi Liaison Officer’s Conference of 1996, and articulated in the *Responsiveness to Maori Strategy (1997)*. The outcome of that conference was a vision for reform that would lift the police service’s capacity to respond to Maori offending. The arguments supporting the Strategy were drawn from the principles of the Treaty of Waitangi, the government’s policies on public sector reform, how ‘capacity building’ applied to the police, and the anticipated benefits. The Strategy refers to the Treaty of Waitangi as fundamental to the relationship between the Crown and Maori people, and reiterates the government’s commitment to those elements of the treaty that encourage the full participation of Maori in their own social and economic development, and confirms the police service’s commitment to the Treaty of Waitangi (NZ Police 1997). The Strategy also claims relevance to broader public sector reform. In 1989, the State Services Commission summarised the government’s position as an obligation under the terms of the treaty to develop a better response to the ‘aspirations and concerns’ of Maori people. (cited in NZ Police 1997). The strategy linked the concept of ‘capacity building’ to the police service’s capacity to respond to Maori people. Implementation of the Strategy would require a commitment to ‘bringing the voice of Maori into policing decisions and operational procedures’, and a concentration on

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81 This conference was the first for the Iwi Liaison Officers unit.
projects designed to reduce Maori offending (NZ Police 1997:10). Finally, the Strategy anticipated certain benefits. Three of these were the opportunity for Maori staff to contribute more to the workplace, an improved capacity to implement crime prevention programs targeting Maori young people, and a ‘change in public perception of police as a mono-cultural, white, middle class male bureaucracy’ (NZ Police 1997:6).

One of the Strategy’s instigators gave a personal account of its aspirations and how they related to the Huntly project. The Acting District Commander who participated in this case study was the project manager for the implementation of the Strategy and the police service’s cultural affairs advisor at the time of the Iwi Liaison Officer’s conference. During our interview he described the strategy’s vision by drawing a diagram that showed the flow of social action around crime. The diagram had three groups: the offending group that police and the community react against, the participant group comprising active and involved Maori community members and organisations, and the non-participant group. He described the non-participant group as ‘tolerant spectators’ in relation to crime in their communities. He hoped that the size of this group could be reduced if it was ‘mobilised to engage with local planning and decision-making fora’. In his view, police needed to concentrate more on developing the non-participant group and less on simply reacting to offending (acting district commander, personal interview, 2004).

The participants of the 1997 Iwi Liaison Officer’s conference adopted a proverb to capture the theme of their vision for reform, one that suggests the group was bracing itself for the task ahead. In Maori the proverb reads: *E tu ki te kei o te waka, kia pakia koe i nga ngaru o te wa.* In English, this means: *Be steadfast at the prow of the canoe where you will feel the bite of the spray against your face* (NZ Police 1997: inside cover).

*Te Puni Kokiri and Closing the Gaps*

The police featured as the Huntly project’s visionary instigators while Te Puni Kokiri was the agency that took responsibility for its implementation. Te Puni Kokiri was expressly interested in trialling a whole of government experiment in a particular location.

The Tiaki Tangata literature contains four recurring policy themes: 1) closing the gaps of disadvantage for Maori people; 2) a new, whole of government approach from the public
sector; 3) a ‘bottom up’ model of community governance and decision-making; and 4) a commitment from government to build capacity within Maori communities. As the lead agency and RIF representative responsible for the implementation of the initiative, Te Puni Kokiri was a major contributor to the project’s ideas. The Tiaki Tangata evaluation report stated that the project was a RIF pilot, there were no other RIF projects around the country and that it was viewed as a ‘leading example of the whole of government and Reducing Inequalities policy in action’ (Tiaki Tangata 2004:8).

The community’s ideas

During the three years of the pilot, members of Huntly’s Maori community developed a third set of ideas. The RIF proposal anticipated that local Maori would form a representative decision-making group, prioritise Huntly’s needs and plan collaboratively to ensure available resources were targeted to meet those needs. Huntly’s Maori community achieved all these things, and in the process, developed a more traditional rationale for the project. While it might seem that Huntly’s Maori community was the last to state its aspirations for the Huntly project, when it did so, it drew from a long history of Maori philosophies and practices, and thus set the project’s future direction.

The Tiaki Tangata 2003 report documented the outcomes of several community-based meetings and provided the clearest expression of the Maori community’s vision for the project. Those attending the meetings adopted a catch phrase to give local service providers a ‘symbolic tool’, or conceptual guide to help them participate in the project (Tiaki Tangata, 2003:4). Like the Iwi Liaison Officer’s motto, the Tiaki Tangata phrase was based on the notion of a journey undertaken by canoe, or waka. This is a metaphor commonly often used by Maori to conceptualise a group effort with a firm direction. In Maori, the catch phrase reads: Kia kotahi te ta, o nga hoe, o te waka; and in English, Beat the paddles of the vessel in unison as one (Tiaki Tangata 2003:4). The Tiaki Tangata group also used other phrases to express its aspirations. The name Tiaki Tangata means ‘caring for the people’ and sometimes carries the additional title, ‘the weaving together of the people’. Other phrases used were ‘getting our services right for Huntly’ and ‘Huntly for Huntly’ (Tiaki Tangata 2001; Tiaki Tangata 2003).

The 2003 report describes the Tiaki Tangata group’s vision as ‘unified’, and states that the document contains the ‘conceptualised aspirations and thoughts of the Huntly Maori
community’. It then advises, ‘Care must be taken and respect rendered so that such vision, thoughts and inspiration may not be thrown to the air’ (Tiaki Tangata 2003:4). The following extract explains the Tiaki Tangata group’s insistence that traditional Maori practices and principles (tikanga Maori) guide the practical tasks ahead. Referring to the Tiaki Tangata group’s newly articulated framework, the report states:

At the heart of these concepts and strategies, this community has emphasised the need to nurture and incorporate tikanga Maori throughout the entire process of improving outcomes for Maori of Huntly. Huntly has a clear vision and acknowledges the need to develop practical strategies to realising the vision. The Huntly Maori community has angushed over these areas of priority and refuses to give in. This report embodies unique and practical solutions for Maori and recognises the rights of self-determination in accordance with the Treaty of Waitangi (Tiaki Tangata 2003:6).

The report also acknowledged the Closing the Gaps / Reducing Inequalities policy and confirmed the Tiaki Tangata group’s commitment to the government’s plans to improve agency response to the concerns of Maori and to build capacity within Maori communities (Tiaki Tangata 2003:7).

The Tiaki Tangata vision was to ‘reduce inequalities and improve outcomes for Maori of the Huntly community’ and the success of this objective would be ‘measured by the general feeling of the people, the recognition of moving forward and identifying positive outcomes’ (Tiaki Tangata 2003:6-7).

In contrast to the earlier report, the 2003 proposal is less specific about the design of particular programs, and more concerned with introducing traditional Maori philosophies and practices into the Tiaki Tangata framework. Table 5.3 provides an abbreviated version of Huntly’s five priorities and their supporting concepts, as they appear in the body of the 2003 report. It shows how the Tiaki Tangata group applied its knowledge of traditional Maori practices and values, such as the practice of communal (marae-based) learning and the value of the extended family, to each of the five service delivery priorities (Tiaki Tangata 2003:6-12).

I asked the board member for his views on how other communities might convince a government to put Maori ideas into practice. He replied that if the idea was written up in the right format, the government must accept it. He said:
I realised that about ten years ago when we were going to court. We were putting in affidavits, big long stories that could have been bloody novels and the courts were rejecting them. ‘Oh no, you can’t hand that in’, that’s all they said. Then we got onto it, we put it into the process ... the right format. So, we put the same thing into the right format and it was okay (board member, personal interview 2004).

A Te Puni Kokiri staff member also described the translation process of turning Maori ideas into practice. She said the community was never short of ideas, but it was a matter of working out where the idea would fit into practices developed by government. She said,

There’s translating involved: translating the community’s needs and wants into our [bureaucratic] language and how to access that. They might say they want something but it won’t fit into the box. We can box it and ... they can get what they want. I call it a translation process. It shouldn’t have to happen that way, but that’s just the way it does happen (Te Puni Kokiri staff member, personal interview 2004).

On the same subject, the board member said:

At the end of the day, it’s only Maori thought that we put into the English language. If we can’t do that by now, we’re definitely in trouble. If I can’t speak Maori thoughts in English in this day and age, then I shouldn’t be speaking it (board member, personal interview 2004).

Idea about crime reduction

My interview with the board member took place after we had both attended a Tiaki Tangata meeting chaired by a representative from the police. The board member pointed out that what I had just observed was a ‘police meeting’. My report on this meeting is included as Appendix C). Referring to a new domestic violence strategy proposed at the meeting, he said the plan was a good example of how Tiaki Tangata can create processes that benefit Maori people. He said:

You heard how we’re working on a procedure for domestic violence, and I believe in that, because that’s another part of the weapon of process. Procedures have been a weapon against our people all along, so, this is a chance for us to enter into a process and try to reverse the thought behind it (board member, personal interview 2004).
The board member also said that the Huntly project’s meetings had concentrated more on crime and ‘those type of things’ than it had on health and housing, but in his view, the community was not there to help the police do their job. He said:

Are we here to reduce crime? Of course we are, but there’s a bigger issue, we need to find out what the crimes are, then find out what’s creating that crime. We have to fix it over there, where it is happening, not at this meeting with the police (board member, personal interview 2004).
<table>
<thead>
<tr>
<th>Priority</th>
<th>Supporting Concept</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parenting and Family Skills</td>
<td>Provide families with a culturally safe environment A holistic approach that involves all generations of the extended family, with the children at the centre, ‘devolving out’ to the elders. Strengthening families requires skills taught by traditional ancestors and a return to marae-based learning. The ‘corner stones to being Maori’ lie in the spirit, the mind, the body and the family. The focus should be on families where children have been removed on a ‘care and protection’ matter, with the aim being ‘the return of our children’.</td>
</tr>
<tr>
<td>Employment and Training</td>
<td>Maori culture will provide a clear path to economic development. It involves nurturing and developing the whole person. For Maori this means knowing your genealogy, traditional disciplines, spirituality, language and local tribal history.</td>
</tr>
<tr>
<td>Youth Development</td>
<td><em>The old net is set aside as the new is cast</em> (traditional proverb). Adopt a traditional approach to supporting and protecting young people through links to extended family and community. Reinstate meaningful traditional disciplines and values. Acknowledge young people’s ‘creativity, resilience and daring’ and the reasons for their ‘volatile behaviours’.</td>
</tr>
<tr>
<td>Health and Housing</td>
<td><em>If you have land you have a home, if you have a home you have health, if you have health you have life, if you have life you have education</em> (proverb). Healthy homes: an extended family-based home improvement strategy.</td>
</tr>
<tr>
<td>Education</td>
<td>Improved educational outcomes by strengthening family and community relationships. Learning boosted by incorporating traditional methods and values into mainstream teaching practice. The Maori community is willing to introduce teachers to these traditional principles and show them how to apply them.</td>
</tr>
</tbody>
</table>
On paper, the Huntly project took a broad view of crime prevention, no specific crime seemed central. The 2003 report briefly mentioned care and protection matters involving children (page 6), using environmental design to create safe homes and neighbourhoods (page 10), and relieving the ongoing suffering of young people that causes them to engage in ‘volatile behaviours’ (page 9). The Tiaki Tangata approach to the priority of youth development was described as a ‘move from problem-based reaction to strength-based responses with a view to realistically heightening youth aspirations’ (Tiaki Tangata 2003:9).

Still referring to bigger social problems, the board member said,

> I believe most crime is caused by opportunity and need, whether it's through unemployment or dependency on drugs or other pressures. Our people react differently; we drink our medicine, or use drugs as medicine. Not to justify it, but let's clear up those areas and I'm sure those people won't be in our statistics as criminals (board member, personal interview 2004).

In Huntly, the vision for crime prevention was broad-brushed. Community members were presented with an opportunity to address crime and they chose to focus on family relationships, housing, employment and education. From the community’s perspective, broad improvements in people’s material and social conditions would address crime rates. The Huntly project was successful because a previously fractured Maori community combined its resources and formed a local governance model based on inter-agency collaboration. In the future, if the project can be credited with addressing Huntly’s crime rates, it might be partly due to these new arrangements, which includes improved relations between the community and the police.
CHAPTER SIX

CASE STUDY 4: CAIRNS

In Queensland, crime prevention in Indigenous communities often focuses on crime and the consumption of alcohol. Two government reports, The Aboriginal and Torres Strait Islander Task Force on Violence Report (Queensland Government 1999) and The Cape York Justice Study (Queensland Government 2001) identified alcohol abuse as one of the main causes of violence and general social dysfunction in Queensland’s Indigenous communities. The Queensland Government responded to the reports by developing two key strategies: the Queensland Aboriginal and Torres Strait Islander Justice Agreement (2000)\textsuperscript{113}, which aimed to achieve a 50% reduction in the Indigenous incarceration rate by 2011; and the Meeting Challenges Making Choices Strategy (2002)\textsuperscript{114}, which focussed on introducing alcohol management plans into 19 Indigenous communities.

In the north Queensland city of Cairns, the consumption of alcohol in public places has been one of the most visible signs of the effects of alcohol abuse among Indigenous people. In Cairns, over a period of many years, groups of Indigenous people settled into a pattern of congregating, drinking and sleeping in the city’s parks. The warm climate is favourable for sleeping outdoors throughout most of the year, and the parks provide a central meeting place close to the city’s services such as the local hospital and welfare offices.

Cairns has a population of approximately 130,500 people. Aboriginal and Torres Strait Islander people comprise approximately 8% of the population, with that share increasing to 13% within the inner city suburbs. Cairns is Queensland’s most northern regional centre and is positioned at the gateway to Cape York. As a statistical division of the 2006 census, Cape York’s Aboriginal and Torres Strait Islander people were 54.7% of the population, which represents Queensland’s largest concentration of Indigenous people (Australian Bureau of Statistics 2006).

\textsuperscript{113} For the full text of the Justice Agreement document, refer to; http://www.atsip.qld.gov.au/resources/documents/justice.pdf

\textsuperscript{114} For information on the MCMC strategy, refer to; http://www.atsip.qld.gov.au/partnerships/mcmc.html
This case study describes the emergence of a Cairns-based diversionary program for Aboriginal and Torres Strait Islander people facing custodial sentences for public nuisance offences. A local magistrate first proposed the initiative, which aimed to address a cycle of incarceration, release and re-arrest for a small group of mainly homeless, alcohol-dependent Indigenous people. Supported by a police prosecutor and a local Indigenous drug and alcohol rehabilitation service, in 2003, the idea was piloted as the Cairns Alcohol Remand Rehabilitation Program or CARRP.

Prior to 2003, the parks in the Cairns central business district had gained a reputation for being unsafe, particularly at night, when groups of people congregated to drink in open spaces, often behaving in a loud and disorderly manner. Fogarty Park and Munro Martin Park were known as trouble spots. In addition, just prior to the emergence of the CARRP initiative, the Esplanade (a strip of recreational land along the foreshore) was earmarked for redevelopment as a tourist attraction. This too was a place frequented by public drinkers. Map 4 shows the location of these places within the Cairns CBD.

This chapter begins with a description of the initiative, and then I present the case study data in five themes: 1) the catalysts, 2) the visions and ideas, 3) the way power was shared and how the agenda was set, 4) the challenges for those implementing the initiative and 5) the breakthroughs and facilitating factors. I conclude by summarising the initiative’s achievements.

I interviewed five people and had an informal meeting with a sixth for this research project. Table 6.1 shows the people and describes their position, descent and their contribution to the research. Throughout the chapter, I refer to each person by the position at the time of the case events.

**Description of Initiative**

A Cairns-based magistrate conceived of the Cairns Alcohol Remand Rehabilitation Program (CARRP) in around 2003. He wanted to establish a diversion and rehabilitation option for a small group of Aboriginal and Torres Strait Islander people who were repeatedly facing public nuisance and vagrancy type charges (magistrate, personal interview 2006). A supportive police prosecutor helped to progress the idea, and a series of
between stakeholders, including the local state member of parliament, resulted in a six-month unfunded pilot program, beginning in August 2003. A local non-government organisation, the Aboriginal and Islander Alcohol Relief Service (AIARS) agreed to provide the required residential care and rehabilitation programs.

The first step was to identify the homeless and alcohol dependent people who were repeatedly appearing before the court. The police prosecutor said that along with other police officers, he composed a list of about 16 or 18 people (police prosecutor, personal interview 2006). The diversion procedure was established quickly. The police prosecutor and the coordinator developed a set of protocols that made it possible for police, magistrates, prosecutors, defence lawyers and rehabilitation centre staff to facilitate the diversion process. At court, if the police had previously identified a defendant as a CARRP candidate, the prosecutor would then inform the defence lawyer and the magistrate. This new development was viewed by defence lawyers as an opportunity to keep their clients out of jail (police prosecutor, personal interview 2006).

People from the Cook Islands are Pacific Islanders, not Indigenous Australians.

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Table 6.1 CAIRNS CASE STUDY RESPONDENTS

<table>
<thead>
<tr>
<th>Participant's position at time of events of case</th>
<th>Descent</th>
<th>Representing</th>
<th>Referred to in this report as:</th>
<th>Contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Program coordinator</td>
<td>Cook Islander</td>
<td>Program provider</td>
<td>The coordinator</td>
<td>Face-to-face interview, documents, media reports.</td>
</tr>
<tr>
<td>Police prosecutor</td>
<td>Aboriginal</td>
<td>Police</td>
<td>The police prosecutor</td>
<td>Face-to-face interview, phone conversations.</td>
</tr>
<tr>
<td>Magistrate</td>
<td>Non-Indigenous</td>
<td>Courts</td>
<td>The magistrate</td>
<td>Face-to-face interview.</td>
</tr>
<tr>
<td>Defence lawyer</td>
<td>Non-Indigenous</td>
<td>Indigenous client group</td>
<td>The defence lawyer</td>
<td>Face-to-face interview.</td>
</tr>
<tr>
<td>Program counsellor</td>
<td>Aboriginal</td>
<td>Program provider</td>
<td>The counsellor</td>
<td>Face-to-face interview.</td>
</tr>
<tr>
<td>Legal defence staff</td>
<td>Aboriginal &amp; Torres Strait Islander</td>
<td>Indigenous client group</td>
<td>The legal defence staff member</td>
<td>Face-to-face interview.</td>
</tr>
</tbody>
</table>
If the defendant admitted the offence, the magistrate asked if he or she would accept participation in a residential alcohol rehabilitation program as a bail condition. In an interview, a defence lawyer said,

Once a defendant pleaded guilty to a charge and it looked like they might be going to jail for a relatively minor offence and they had an alcohol problem, then the court would say to them, rather than proceed with sentence now, we'll adjourn the sentence, usually for about a month, and make it a requirement of your bail that you go and live in an alcohol rehabilitation centre. Come back in a month and bring with you a report from the centre about how you've been going. If it's a good report, don't expect to go to jail. If it's not a good report, expect the worst (defence lawyer, personal interview 2006).

The primary criterion for participation was that a person be identified as someone who seemed to be ‘stuck on a merry-go-round of homelessness, drinking, arrest, court, and jail’ (police prosecutor, personal interview 2006). The police prosecutor explained:

It wasn't an option for someone on their first offence, the 'I got drunk and was found in the gutter' sort of offence, but recidivist offenders coming back regularly, who had probably been in custody before and were likely to get another period of imprisonment. They were offered the CARRP program in lieu of going to prison (police prosecutor, personal interview 2006).

The court used the existing *Bail Act* to offer the diversion. This avoided having to develop new legislation, as had occurred to accommodate Queensland’s drug court initiative (police prosecutor, personal interview 2006). Under the *Bail Act*, a magistrate could set a wide range of conditions. The police prosecutor said,

That was about as far as we could go with the legislation. The Drug Court legislation has a whole pile of things like sanctions and other things for people that breach rules. We never had that (police prosecutor, personal interview 2006).

The police prosecutor recalled how the magistrate who had instigated the initiative acted quickly to divert the very first CARRP candidate:

One day, once all the protocols were in place, I was still waiting for one final thing [a piece of paperwork] to come back from the watchhouse; it wasn't a big thing. I was ready to go, defence was ready to go, but we didn't have this thing back and we were going to have to delay it for a week. But [the magistrate] said 'No, I think we might implement it anyway'. He sort of took the initiative ... the magistrate wasn't going to wait another week while we had a candidate there waiting (police prosecutor, personal interview 2006).
The key events of the CARRP initiative are shown in Figure 6a.

**Figure 6a: Time Line, Cairns Case**

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>June/July 2003</td>
<td>Initial meetings and discussions, including the ‘Coffee Shop Meeting’, where some Aboriginal advocates voiced concerns about the targeted nature of the proposal.</td>
</tr>
<tr>
<td>August 2003</td>
<td>The CARRP pilot was implemented for a six month period without funding. Those involved were the Justice Department, the police, AIARS, the Aboriginal and Torres Strait Islander legal service and the Community Corrections Service.</td>
</tr>
<tr>
<td>June 2004</td>
<td>The instigating magistrate wrote a letter to Queensland’s Chief Magistrate, outlining CARRP’s successes and asking that he support the group’s efforts to secure funding to continue the program.</td>
</tr>
<tr>
<td>November 2004</td>
<td>A meeting was called to discuss the feasibility of funding a permanent program. Those present included the magistrate, the police prosecutor, the CARRP Coordinator, the CEO of AIARS, a community corrections representative, a Department of Aboriginal and Torres Strait Islander Policy representative, four staff of the Department of Communities and a representative of a local hostel.</td>
</tr>
<tr>
<td>July 2005</td>
<td>The Queensland Department of Communities agreed to fund CARRP, and resources increased. A CARRP welfare worker was employed as an additional supporting member of the CARRP team.</td>
</tr>
</tbody>
</table>

**Catalysts**

Research respondents identified a total of eight drivers, or pressures, which triggered the CARRP initiative. These were:

1. the tourism industry;
2. political pressure at the local government level;
3. the harm caused to the target group by repeated cycles of arrest, incarceration and release;
4. a lack of suitable accommodation;
5. a high level of negative media attention;
6. an increase in threatening and confronting behaviour in public places;
7. unfair policing practices; and
8. unintended consequences of the Queensland Government’s *Meeting Challenges Making Choices* strategy.

*Photograph of drawing of first landing at Cairns, 1876. Original 9.3 x 5.7cm. Creator Bennett, W. J. John Oxley Library, State Library of Queensland,*

*Making way for tourists*

Almost all respondents identified the growing tourism industry as a catalyst. Prior to the emergence of CARRP, data shows that between 1999 and 2003 the number of visitors to Cairns increased by a yearly average of 1.6%. During the financial year 2002-03, the total passenger movements through the international and domestic airports increased by 7.5% (compared to the previous year) and there was a 9.9% increase in the number of visitors arriving on flights from Japan (Cairns Port Authority, Annual Report 2002 - 2003).

In the late 1990s, the Cairns City Council started to plan the redevelopment of a 600-metre stretch of waterfront adjacent to the Cairns central business district. The $25 million *Cairns Foreshore Promenade Development Project* was awarded to a design-winning contractor in 1998, and the 2002 Federal Budget allocated $9 million over four years to the project
(Cairns City Council 2007). The following extract from a website about the esplanade project mentions the Cairns City Council’s security plans for the foreshore. It notes the council’s ‘law and order philosophy’ and concerns about security in the area:

Security for the new Cairns foreshore has been talked up, and beefed up by the council. Cairns has a strong ‘law and order’ philosophy, and inner-city security has been a major issue for residents for many years. Security guards will patrol the esplanade 24 hours a day, backed up by security cameras and police. The council has been unable to identify exactly what threat they are protecting esplanade visitors from, but the editor of the local newspaper The Cairns Post has a stark opinion.

*It will attract thousands of visitors. But among them will be the inevitable scumbags, determined to spoil everyone else’s enjoyment of this great new attraction. An extensive network of proposed surveillance cameras will contribute to providing such an overall feeling of security* (Editor, Cairns Post, Thursday March 13 2003).

The message is clear. Don’t worry; Cairns security guards will protect you from the bad people … whoever they are.

(http://www.cairnhesplanade.com/project.html, 2007)

*Political pressure*

It was politically damaging for the Cairns Council to appear incapable of preventing such highly reported and visible public offences. In an interview, a counsellor employed by AIARS said:

The public, community and tourist industry wanted it fixed. People go to tourist places to look at Aboriginal culture and art and so on, but they didn’t want Aboriginal people to be seen in the park. They had a ‘blacks should be seen and not heard’ attitude (AIARS counsellor, personal interview 2006).

The media portrayed the public drinking problem as a threat to the city’s growing tourism trade; and as dining and shopping precincts became more popular and stylish, rowdy and confrontational groups of public drinkers became increasingly unwelcome.

116 The website referred to (http://www.cairnhesplanade.com/project.html) was authored by a marketing consultancy business (cityofcairns.com) to provide local small business with commentary and background to the foreshore project.
All research respondents said that the Cairns City Council was under political pressure to take action. They talked about how the city’s retailers, restaurant owners and tourist industry representatives, supported by adverse media reports, prompted the mayor and the council to seek new ways to move the park people out of the CBD.

The magistrate said,

> I think there was some political pressure from the local mayor who had made some fairly strident comments in the press about the homeless people and the need for the courts to be better in their sentencing discretions (magistrate, personal interview 2006).

Prior to the CARRP initiative, the Cairns City Council, with assistance from the police, had attempted to have Aboriginal and Torres Strait Islander people removed from the parks by rounding them up and sending them back to their Cape communities by bus. One person, who at the time of these events, worked as a defence lawyer for the local Aboriginal and Torres Strait Islander legal service (hereafter I refer to him as ‘the defence lawyer’), said the council, under a Mayor who was a former army major, engaged in some ‘right wing tactics’. He said,

> The Mayor at one stage tried to collect all the park people and bus them back to remote communities on the Cape against their wishes. The bus broke down and a big tragedy arose, and they brought everybody back to Cairns again. The idea was very patronising; it was, the reason these people are in the parks is because they don’t really belong in the city. They’re bush people from bush communities, so we should send them back to the bush and that will solve our problem. They seemed to forget these people are Australian citizens; and if they want to live in the city, they can (defence lawyer, personal interview 2006).

**Health, welfare and homelessness**

The magistrate’s main concern was what to do with a core group of repeat offenders who were constantly before the court facing vagrancy, public nuisance and drinking charges. In an interview, this magistrate said,

> The difficulty with Indigenous persons, particularly in Cairns, is that they would be released from the watchhouse, they would have friends waiting outside for them, they would be down to Fogarty Fountain Park or some other area in Cairns, and they’d be on the alcohol drink or some other substance very quickly, and all their commitment to any rehabilitative program would be out the door (the magistrate, personal interview 2006).

117 The respondent did not elaborate on this event
The magistrate also said he had tried all sentencing options available to him:

> We’ve tried to have these people placed on probation; we’ve tried things such as suspended sentences. Generally speaking they would be set up to fail. They would be released from the watchhouse, they would be back down to their old haunts very quickly, they would re-offend very quickly, and they would then be back to serve the suspended sentence or breach of the community-based order (magistrate, personal interview 2006).

On the recurrent nature of the problem, the defence lawyer said,

> The people, because they were so regular, had reached a stage where they were going to be sent to jail even for minor offences. They had slowly climbed the ladder of alternative sentences and had been warned and warned and warned by the court system to stop doing whatever they were doing. It’s a fine, it’s a bigger fine, it’s a suspended sentence, it’s jail (defence lawyer, personal interview 2006).

The defence lawyer explained that once a person has been to jail for a particular type of offence, and if shortly after getting out of jail they commit the same offence again, then, he said, ‘there’s really not much doubt that they are going to go straight back to jail, probably for longer than they did last time’. In his view, these measures had no chance of stopping the behaviour in question (defence lawyer, personal interview 2006).

The defence lawyer also said,

> For anyone who gets out of jail it’s time to party and celebrate your release. If you’re a person who lives in the park and drinks methylated spirits out of plastic bottles stuck in the bin all day, and you go to jail for a month, the day you get back all the boys shout. You’re rotten within a day and you’re back in trouble again (defence lawyer, personal interview 2006).

A local police prosecutor supported the CARRP program because he had observed the same people returning to court many times for the same offences. This small group of people were constantly in court; they were homeless, sick, struggling with mental health problems and in need of welfare support. He said, ‘these were people who were really recidivist offenders, these were people who were chronic alcoholics. Some were back before the courts every three days or so’. He continued,

> ... When you’re a prosecutor for 10 years and you see the same face in the dock on Monday morning as was there last Monday, as was there last Monday, as was there last Monday - and you know they’ve had pre-sentence reports done, you’ve seen their past psychological
reports, looked at all aspects of sentencing options and they've breached probation, they've breached community service orders - nothing is going to happen to them other than custody. You know that, the magistrate knows that, they know that, defence knows that (police prosecutor, personal interview 2006).

A lack of suitable short-term accommodation was also cited as a reason why Indigenous people gathered in public places and slept in parks. The defence lawyer said that people travelled from Cape York to Cairns for many reasons, such as to attend the Cairns show or the Cairns hospital, either for treatment as a patient or to visit sick friends and relatives. Around the time of the Cairns Show, for example, there was a sudden increase in the number of Indigenous people seeking admission to the hospital. Once the show was over and everyone had run out of money, people started congregating in the parks, and the drinking would begin. This was followed by a flurry of court appearances, and it became a busy time for the Aboriginal and Torres Strait Islander legal service (defence lawyer, personal interview 2006).

Few places in Cairns can accommodate influxes of people as they travel to and from the Cape. According to the defence lawyer, Indigenous people were often homeless upon release from jail. He said,

> When you get released from prison in Queensland, you get a rail ticket back to the nearest rail station to where you come from. If you were jailed from anywhere on Cape York, when you get out of jail you get a train ticket to Cairns and there you stop. Cairns is flooded with Indigenous people from way up north who can't get home. They've got a ticket back to Cairns and that's it. A lot of them get stuck on the merry-go-round. They come down from Kowanyama or Lockhart or wherever for some event, they go to jail, they get out, and they go to Cairns (defence lawyer, personal interview 2006).

The defence lawyer also said that getting out of hospital was another occasion when Indigenous people found themselves in Cairns with no place to stay. All six research respondents identified homelessness and a lack of suitable short-term accommodation as a major contributor to public drinking problems in Cairns.

*Media, policing and public nuisance*

Research respondents said that an important catalyst for action was the media focus on public drinking. The local media treated the public drinking problem as a hot topic. It was a frequently reported social problem and the local council was under pressure to take action.
According to the CARRP coordinator, media reports had a negative bias that overstated the problem:

The general public acted as a catalyst. There were media campaigns dating back 10 years. There are never any positive media reports about Aboriginal and Torres Strait Islander people. The media lets the Cairns local community know that Aboriginal and Torres Strait Islander people commit various offences and it’s quite regular. If you look at the Cairns paper, every second edition has something to do with vagrancy type offences or assaults. The media also blames local service providers for not spending their money properly. I’m trying to find a word for it without being discriminatory, but there’s been a culture, a belief that Indigenous people are the trouble makers here. (coordinator, personal interview 2006).

While some respondents viewed the media treatment of public drinking as unfair, most agreed that something had to be done. The coordinator said he understood that Cairns was a tourist destination, and he knew that tourists visiting the parks were being harassed for money and cigarettes. He said, ‘there had also been an escalation of hit and run, snatch and grab, assault charges and there were street muggings against the park people; something had to be done about it’ (coordinator, personal interview 2006). The counsellor also cited the behaviour of the park people as a trigger for action. People couldn’t use the parks, she said, so the government ‘sat down to do something about it’ (counsellor, personal interview 2006). The defence lawyer also said that the high number of street offences had to be reduced. He said,

It was usually fighting in public, hassling and abusing patrons on outdoor tables at restaurants and petty theft from shops. Particularly in Cairns, a lot of tourist shops put goods on stands outside the shop, so the drunks walk past and just select a pair of sunglasses and a hat and keep walking with the price tags hanging off them. It’s not sophisticated crime, but it’s the sort of stuff that eventually the courts reach the end of their tether and they have to lock them up (defence lawyer, personal interview 2006).

The AIARS counsellor and the legal service staff member said that the police unfairly targeted Aboriginal and Torres Strait Islander people in public places, and this contributed to the extraordinarily high number of arrests for them. The counsellor said,

We’d look at some of the charges and it was ridiculous. One man had four drinking in a public place and public nuisance charges in one night. He was charged on one side of Munro Park, then the other; all four sides of the park in one night. It looked like the police waited to get him four times. Before CARRP, it was just moving them out of sight (counsellor, personal interview 2006).
Displacement by regulation

The coordinator said the Queensland Government's Meeting Challenges Making Choices (MCMC) strategy had worsened the problems of homelessness and public drinking in Cairns. As part of the MCMC strategy, many north Queensland Aboriginal and Torres Strait Islander communities developed and implemented an 'alcohol management plan'. These plans either restricted or banned the sale and consumption of alcohol. As a result, many community members who were unable to curb their drinking moved to Cairns where alcohol was freely available. The coordinator said,

That new policy has actually driven people out of the communities and into regional towns where they are allowed to drink. There have been more homeless people here due to the impact of that policy (coordinator, personal interview 2006).

All six research participants identified a combination of homelessness, alcohol addiction, alcohol restrictions in Cape communities and the over-policing of park people as causing the high rates of arrest and conviction of this group of people.

Visions and Ideas

This project was largely initiated by one person, and it was not the subject of a grassroots debate. However, those involved did have different expectations, hopes and aspirations for the initiative.

The instigators and the objectors

Research respondents identified the magistrate as the person who first proposed the diversion idea. In his interview, the magistrate said he did not want to take all the credit for the idea, because, he said, 'certainly (the police prosecutor) had as much input into it as I did' (magistrate, personal interview 2006). However, it was the magistrate who first suggested that the program could be offered as a post plea pre-sentence diversion. The magistrate recalled:

Everyone was saying we need money here, we need money there, we need to change legislation; and I said, why can’t we do it as a bail diversion program? And it sort of flowed from there (magistrate, personal interview 2006).
At an informal meeting, termed ‘the coffee shop meeting’, two or three Aboriginal activists (reports on the number of people at the meeting vary) raised concerns that the program would unfairly target and punish an already deeply marginalised and disadvantaged group. The magistrate and the police prosecutor sought to reassure them that the defendants would only be offered to undertake diversion on a voluntary basis; and if they decided to opt out, there would be no repercussions other than those the defendant already faced (magistrate and police prosecutor, personal interviews 2006). This meeting was quite heated and the magistrate recalled that in the early stages of the project these criticisms were not uncommon:

There were some concerns that it was just another oppressive measure. Some people thought this was just another way to get Indigenous people off the streets and I guess that happens; but this is not what this is about. What this is about is identifying a problem and identifying recidivist offenders that are likely, in the normal course of events to serve custodial sentences. Nobody wants to see these people go to jail, but there is a community expectation that they will be punished. It might be acceptable to everybody that people are being punished, but they also need rehabilitation (magistrate, personal interview 2006).

The optimists

The counsellor said the coordinator took a visionary approach to the program, had a ‘burning desire’ to see it succeed, and devoted many voluntary hours it (counsellor, personal interview 2006). In her view, the program would not have succeeded without him:

Someone else might have come along later, but for it to be now, it needed him. He’s taken an idea, and the problems he’s seen, and he’s worked with it. But that’s him; he does that wherever he is, in different roles. All the outcomes he worked for eventuated: to go to CARRP instead prison, to get the opportunity to turn around their lives, time out from drinking, time out from incarceration (counsellor, personal interview 2006).

The police prosecutor’s aspirations were to see a particular group offered an alternative to custody. In his view, part of the problem was that these people were constantly going to jail, but never for long enough to benefit from any of the programs. Instead of custody, the police prosecutor wanted this group to be offered rehabilitation programs and full health and welfare support. He believed that many people were caught up in the criminal justice system unnecessarily and that a lot could and should be achieved by the justice system’s
provision of assistance and support to defendants (police prosecutor, personal interview 2006).

**Aims and objectives**

CARRP’s published objectives are in an information leaflet produced by AIARS (c2005) that states CARRP’s aims were to reduce:

- Vagrancy offences and minor criminal activity caused by alcohol dependency
- Alcohol dependency in the community
- Health risks to the community caused by alcohol dependency
- Pressure on the court, police, health and prison systems
- Overrepresentation of Aboriginal and Torres Strait Islander people in prison
- Family violence in the Aboriginal and Torres Strait Islander community
- Welfare dependency in the Aboriginal and Torres Strait Islander community
- Homelessness in the community.

When I asked the AIARS counsellor for her thoughts on solving the ‘big problems’ facing this group of people, she replied:

> It won’t happen in my lifetime. You’ve got to go back to your roots; go back to your culture and have the old ones passing it on to young ones wanting to learn. Learn the culture, learn the language. I’d like to see in the future, all the Cape working together, all the [Indigenous local] councils and us getting together. To see what can be set up. You don’t just walk in there to set something up; you’d be thrown out quick smart. Sometimes I get too passionate, but my passion hasn’t died after all these years (AIARS counsellor, personal interview 2006).

**Power and Agenda Setting**

The CARRP consultation process was short and involved only a handful of people. However, there was debate about whether the program would unfairly target homeless Indigenous people and whether participation in the program would be more onerous than other available measures. The magistrate, the police prosecutor and the coordinator successfully set the agenda, which concentrated on responding to these concerns and developing the procedures and protocols necessary to implement the program.
Power

The key players were the magistrate who instigated the project, the police prosecutor who took a lead role in its implementation and one of the service provider’s employees who took the role of coordinator. The initiative did not involve broad consultation with Indigenous groups or others apart from those who came together to implement the magistrate’s proposal. This was partly because the Cairns area did not, at the time, have an operational elders group or similar Indigenous organisation with whom to consult. The magistrate said,

I’m sure [the local elders] were concerned, but we don’t really have elders groups here in Cairns. As much as we’ve tried to establish contact with elders groups, they don’t seem to be a part of the landscape in Cairns. I’m sure there were many people concerned with the Indigenous homeless people, but to my knowledge and experience, there wasn’t a core body of people able to do something about it (magistrate, personal interview 2006).

Consultation

On the subject of grassroots consultation, the coordinator said,

There was no input from the elders … mainly because there’s a lot of issues out there and most of the elders are focussing on young people and not [older peoples’] drug and alcohol problems. The board of our organisation supported the idea in principle but didn’t have the funds to pay for it. Our board of directors, we have elders on our board, there was an opportunity for them to say, no we don’t want it, but that wasn’t the case. They just stated a recommendation that CARRP be supported in principle (coordinator, personal interview 2006).

In response to consulting with Indigenous people in Cairns, the defence lawyer said formal arrangements like Justice Groups118 do not seem to work in Cairns because:

… With all these people making their way back through Cairns from all over the place, how do you get a group of half a dozen elders who know anything about all these people? They all speak different languages and they’re from different people and different areas. A lot of them have got nothing to do with each other. They don’t know each other from a bar of soap. To have a proper representative group you’d probably need 20 people on call each day, so you could ring up and say we’ve got a couple of people here from Kowanyama can so and so come down; we’ve got somebody here from

Bloomfield, can so and so come down. Otherwise it doesn’t work … Trying to find a cohesive group that’s representative is difficult because the more urbanised people become and the more diverse their backgrounds, the less likely they are to really click into that Justice Group thing (defence lawyer, personal interview 2006).

Agenda setting

Initially, the CARRP agenda was driven by a very small group of people in powerful positions. The magistrate who conceived the idea was the first to shape the direction of the project. This magistrate acted relatively autonomously to set the project in motion, he identified and described the process by which the diversionary option could be lawfully offered to a defendant and gained the support of people who were essential to the implementation of the initiative.

A second important driver of the project was the police prosecutor. He was strongly supportive of the magistrate’s decision to implement the program using the existing Bail Act. The police prosecutor was keen to avoid administrative burdens and he considered this to be quickest, least formal and most flexible approach. One of his main concerns was that he wanted CARRP to remain as an informal arrangement, free of prescriptive constraints. He said,

The Drug Court was set up under its own legislation and had its own Acts. We were hoping to do the same sort of thing but we did not have any specific legislation to support us. The only way we could see to do it was to use the Bail Act … that was the challenge; to use existing legislation written for one purpose to achieve another purpose. You have to be cautious with it; that you’re not affecting people’s rights, not doing things which are unlawful … So that was something the magistrate and I, and the people involved with defence, talked about (police prosecutor, personal interview, 2006).

The meetings

The ‘coffee shop meeting’ was perhaps the earliest group meeting, and it was significant because it was the occasion where Aboriginal activist challenged the proposal. The first formal meeting was called by the Cairns City Council. This meeting was said to be attended by a number of magistrates, a police representative and a defence lawyer from the Aboriginal and Torres Strait Islander legal service. Also attending were representatives
of AIARS, which operated local residential alcohol rehabilitation centres, and Austcare, which ran hostels.

Of the two service providers, AIARS emerged as the most suitable agency to support the CARRP initiative. The coordinator said that AIARS had 27 years experience working with local Cape York people, 95% of the organisation’s staff were Indigenous and there existed a ‘better working rapport with the client group’ (coordinator, personal interview 2006).

The CARRP pilot commenced in August 2003 and ran for six months. After the pilot phase ended, meetings were held to consider what resources were currently available and what opportunities there were for future funding\textsuperscript{119}. The CARRP project was suspended during this review period. In July 2005, the program recommenced upon gaining funding.

Those involved agreed the program had to be fully funded if it was to continue, but the police prosecutor remained concerned that the program would become over developed, formalised, legislated or lose its flexibility:

One of my biggest fears all the way along, was that the program would become entrenched in some way. It’s Catch 22, if it proceeds you’ve got to get funding for it, and when you get funding, the people giving the funding put conditions on it and the conditions must be met (police prosecutor, personal interview 2006).

The police prosecutor was worried that if the program attracted too much attention, someone within the justice system would decide to ‘…legislate the thing out of existence’ (personal interview 2006). In his view, when programs such as CARRP become formalised and subjected to new sets of conditions and requirements, the original purpose and emphasis of the initiative is often ‘overpowered’. He said,

I think that's a mistake, I don't think we need to formalise more and more agencies, I think we need to be less formal in the way we communicate and deal with each other (police prosecutor, personal interview 2006).

\textsuperscript{119} Those present at the funding meetings were the instigating magistrate, the police prosecutor, the coordinator, the AIARS CEO, staff from the watchhouse, community corrections and the local Aboriginal and Torres Strait Islander legal defence service, representatives from the local council and staff from the state government's Department of the Premier and Cabinet and the Department of Communities (coordinator, personal interview 2006).
Challenges

The CARRP initiative was challenged by a small number of critics: one or two Aboriginal activists and some magistrates and police officers. Other challenges were an unexpectedly high level of demand from defence lawyers seeking diversion for their clients, a shortage of resources, breaking a long history of people living in the parks, and achieving inter-agency cooperation so that CARRP cases could be processed smoothly.

Facing the critics

The earliest challenge facing the development of CARRP came from a small group of people who raised concerns about fairness. They wanted to know if the new strategy was a case of the city’s most powerful groups targeting the most vulnerable. When I asked the magistrate if these objectors understood that CARRP’s proponents viewed the initiative as an opportunity to improve people’s health and well being, he replied,

Not initially. There was a real concern that this was just a way – bearing in mind the tenor of some of the articles in the paper – just another way of getting our Indigenous people off the streets and out of sight (magistrate, personal interview 2006).

Research respondents understood why some people initially took a defensive position. The police prosecutor said he tried to convince them that the police were not, and would not be, ‘told to go and pinch this one or watch out for that one’. He continued,

The Queensland Police Service does look at strategies to address individual persons at times, that’s why you have intelligence officers and that sort of thing. It’s an everyday part of the job. But this wasn’t to set them up; this was to let us know when they came in, which is a very different thing. Then we would make the effort to ensure defence, prosecution and the magistrate all knew that we considered this person was a candidate for the CARRP program (police prosecutor, personal interview 2006).

Although there was no formal consultation process, there was an exchange of views at the ‘coffee shop meeting’, where concerns were raised by staff from the local Aboriginal and Torres Strait Islander legal service and an Aboriginal elder who worked with the legal service. Legal service staff were concerned that pressing people into residential
rehabilitation programs was harsh treatment and effectively deprived people of their liberty without being sentenced (magistrate, personal interview 2006). The police prosecutor said that some critics were concerned that a month in a residential rehabilitation program might be more onerous than a short stay in jail. He said that these people argued that for those who went through intensive drug rehabilitation orders, the punishment might be harsher than what another person would receive (police prosecutor, personal interview 2006).

The police prosecutor was also aware that keeping a list that identified individuals as repeat offenders was a sensitive matter, but, he said, the police did not make arrests based on the list. Unfortunately, the people on the list were highly likely to be arrested and in custody within a few days anyway (police prosecutor, personal interview 2006). The police prosecutor said the identification of individuals assisted him to alert the magistrate and defence lawyer to the fact that a particular defendant was a candidate for diversion. He said,

The group was targeted in one sense, in that there was a list of people who were brought to my attention. Just imagine call over day in the Cairns Magistrates Court; you’d have 60 to 80 people appearing (police prosecutor, personal interview 2006).

In other words, the courts were processing a large number of cases involving substance addicted and homeless defendants and CARRP could only assist a small number of them. With very limited resources, the program had to be targeted toward the group most in need, and the police who were involved in the diversion process needed help to identify the members of that group.

In an interview, the magistrate recalled that there were some initial frustrations because the legal service was reluctant to commit to the project. Also on this topic, the police prosecutor said that while most people involved were immediately receptive to the idea:

…With the Aboriginal legal service it was a bit more gently, gently. Everybody understood that we all came from a different parameter. I think some of the concerns, like those of the legal service, were that because some people were so recidivist, we were just setting them up for failure (police prosecutor, personal interview 2006).

When asked about the nature of early discussions with the project’s critics, the magistrate replied,
They were somewhat acrimonious … there was a bit of them and us; you know, why are you picking on our poor homeless people. How can I put this … Indigenous people calling out in the street are not necessarily drunk; not necessarily creating a public nuisance, that’s their culture; it’s the yakki across the street talking to friends. The attitude of some of our black population would be somewhat off putting to our tourists. I think in the first couple of meetings, there was the suggestion that the police and the magistracy hang out with the local politicians (and talk about) trying to keep these people off the street (magistrate, personal interview 2006).

Also on the objections raised, the police prosecutor responded:

I think all of us were very concerned about the attitude that European people were denoting to others what we consider is best for them. We were looking at reducing a disproportionate number of Indigenous people in custody. People who were constantly going into custody and what we could do to stop it (police prosecutor, personal interview 2006).

The magistrate said that during the ‘coffee shop meeting’,

We expressed what we thought were the advantages of it and they expressed what they thought were the disadvantages of it and I think we very quickly won them over (magistrate, personal interview 2006).

Indigenous activists were not the only people who voiced concerns; the defence lawyer thought some magistrates were not immediately receptive to the idea. He said,

I think some of the other magistrates were a bit sceptical about it at one stage and thought that it was perhaps a bit of a softly, softly approach toward these sort of recidivist offenders. You get that attitude a lot in the magistracy and the police, that recidivist offenders are like naughty dogs; they only understand one thing and that’s getting belted. If you don’t belt them, they’ll just behave even worse, and if you’re nice to them they’ll take advantage of you (defence lawyer, personal interview 2006).

The police prosecutor also said that some of his colleagues were critical of the program, he said,

Some of them, brother and sister prosecutors, didn’t particularly value the program. I suppose they thought there wouldn’t be much of a result (police prosecutor, personal interview 2006).
These concerns were debated and addressed, and perhaps ironically, one of the next challenges facing the initiative occurred when demand for the diversion program outstripped its capacity to deliver.

*Meeting demand*

The coordinator said that once the defence lawyers became aware of CARRP, managing the demand for the service was a significant challenge. Defence lawyers often tried to circumvent the referral procedure and pressured the coordinator to accept any Indigenous person facing any kind of alcohol-related charges. The coordinator said that while the defence lawyers were great advocates for Indigenous people, they did not have ‘hands on’ knowledge about how CARRP worked (coordinator, personal interview 2006). He said,

> It’s a whole new thing. In my role, knowing what the justice services were offering, I had to work with that without compromising the project. That’s why, when CARRP began its trial period, I had to make some changes, especially because the pilot was unfunded. I get calls from some of the watchhouse staff [wanting to place someone in the program] and I have to say no, it’s not going to happen. We don’t have a nurse to provide clinical care on the weekends. I have to say to them, we only have one nurse or carer to look after up to 20 people and you want me to take on someone with high needs from the watchhouse. I’m not going to risk that (coordinator, personal interview 2006).

The coordinator said many defence lawyers put him under pressure to make a bed available so they could tell the magistrate that it was all set up for their client to be directed to CARRP. He said,

> I had a number of abusive phone calls from solicitors, trying to tell me that I did not care for the client group because I’m not willing to help them address their alcohol behaviour and they’ve bashed up their wife. But I had to refer them to the policies that we’d put in place; I couldn’t go off and create something else. [The magistrate and the police prosecutor] understand that. They know government services have a lot of resources but we only have the minimum (coordinator, personal interview 2006).

*Stretching the resources*

A shortage of resources was another major challenge. As an employee of AIARS, the CARRP coordinator was actually paid to work as a drug and alcohol counsellor, not to coordinate CARRP. The police prosecutor said that the service provider’s board of
directors grudgingly allowed this staff member to take on the CARRP pilot. Not that he was being critical, he said,

... because those guys were directors of a program that was running for a particular purpose and CARRP sort of came in on top of it. They were people who were thinking outside the square of their own parameters and who allowed another program to be put on top of theirs (police prosecutor, personal interview 2006).

Prior to the pilot, the CARRP coordinator’s working days were already very busy. Without any additional funding, this person volunteered most of the time he spent implementing the CARRP pilot (police prosecutor and AIARS counsellor, personal interviews 2006). The police prosecutor was aware that the CARRP pilot strained the service provider’s resources. He said,

The people involved were still going to meetings and doing the stuff that the organisation was always doing, but every now and then, they would have to whiz back to court for CARRP. It was all extra work for [the coordinator] and he already had a heavy schedule of responsibilities (police prosecutor, personal interview 2006).

It was not only the CARRP coordinator’s work that was affected; the pilot also impacted upon other AIARS staff members. The coordinator said some staff were concerned that the program would mean working with an increased number of serious criminal offenders. Some even suggested that CARRP candidates might deserve to be in jail and warned the coordinator that they would not ‘put up with any crap’ from these people and that they would be treating them as if they were guilty. The coordinator said,

So they weren’t going to treat [the CARRP clients] the same as anyone else in the program. They had an attitude towards them. I had to try and address that. I had meetings with my staff in regards to continual training and how CARRP would work. I had to tell them to make it work; it was draining. They weren’t putting up their hands saying they would help me or support me. Eventually, they could see some of the benefits and they found there’s no difference between the CARRP client and the client who came in voluntarily. They’ve all got the same problems (coordinator, personal interview 2006).

Although staff grew to be supportive of CARRP, facilities were limited and resources were already stretched. In the early phases of the program, the instigating magistrate would ask his clerks to make phone calls to the rehabilitation centre each morning to see if there were
any available beds. If the facility had no beds, it would not be possible to offer people diversion that day (defence lawyer, personal interview 2006).

A problem with a long history

Two respondents said the problem had been going on for a long time. The coordinator said the people who frequented the parks committed crimes because they were homeless, disconnected from their communities and dependent on alcohol. Their friends and family members were also alcoholics and living homeless. He had supported a number of young people through rehabilitation programs who had left their Cape communities to come to Cairns to look for their parents. They represented the fourth generation of Indigenous people seeking help from local services (coordinator, personal interview 2006). The incoming younger members of this marginalised group tended to add to their parents’ burdens:

They have no skills to offer their parents in regards to a way out. They are burdensome on their parents. They blame their parents for not being there when they were growing up and when they got old enough, it was time to seek out the truth for themselves. I think it’s now fourth generation here in Cairns. (coordinator, personal interview 2006).

The counsellor also said that there had been generations of park dwellers. She recalled that a ‘park meals program’ was started in the mid-1980s, and those involved knew there were second and third generations of people living in the park (counsellor, personal interview 2006).

Interagency barriers

It was also a challenge to keep staff from the different agencies motivated and cooperative. The coordinator said there were some interagency barriers caused by a kind of ‘your department versus my department’ attitude. He said that there was too much criticism of how each agency operated, and sometimes the barriers were so great, people tended to give up (coordinator, personal interview 2006). The police prosecutor also mentioned the need for staff from each agency to be cooperative and flexible. He said,

These agencies included the police, the courts, community corrections, the legal service and the rehabilitation facility.
It just needs people to be willing to think outside the square they’re in, to be willing to accept something from somewhere else and be willing to give something … I think sometimes different agencies guard what they have too jealously (police prosecutor, personal interview 2006).

The coordinator said that staff from different agencies often stay motivated to implement new initiatives because they all have their client groups’ interests in mind, but it takes time to work out the differences. The police prosecutor also said it was a challenge to keep key people interested and informed. He said,

Just keeping the momentum going on something like this is a big thing. Keeping it fresh in people’s minds; that it’s working, that it’s doing okay. I’m a shocker at keeping statistics because I just don’t have the time. It’s difficult trying to maintain that so that you can have some sort of assessment of how things are proceeding (police prosecutor, personal interview 2006).

**Breakthroughs and facilitating factors**

The CARRP project was progressed by a number of breakthroughs and facilitating factors. Important breakthroughs were gaining the support of the program provider, getting the critics on board, streamlining the procedure for diversion and securing ongoing funding. Facilitating factors were the availability of a culturally appropriate service provider with facilities away from the city, motivated supporters, the good reputation of key actors, interagency cooperation and flexibility and the need for only minor adjustments to current practice.

*Program support and delivery*

CARRP’s first breakthrough was gaining the support of AIARS as the service provider and the staff member who volunteered to act as the coordinator. The project would not have progressed beyond an idea unless this person had stepped forward and agreed to coordinate it. He recalled that at an early CARRP meeting, this person responded very positively to the CARRP concept:

I thought, this bloke’s excited, you know? You don’t usually get people excited. People usually say how much is it going to cost us and what do you want us to do … they’re usually very suspicious (police prosecutor, personal interview 2006).
The critics approve

The magistrate nominated a second breakthrough as the point when the Aboriginal and Torres Strait Islander legal service and the activists, who had originally expressed concerns about the project, agreed to the support it. The magistrate said,

I think eventually they had come to appreciate that the magistrates were trying to keep people out of jail. I think it was probably a bit of a breakthrough point too, that the legal service and [community-based activists] thought this is not just a question of removing Indigenous people from public view; this is actually a device, or whatever you want to call it, for getting these people into rehabilitation as well (magistrate, personal interview 2006).

Procedural breakthroughs

It took time to develop an effective referral process and to communicate this process to watchhouse staff and defence lawyers. The coordinator fixed the problem by developing a form that confirmed the defendant was an eligible CARRP candidate and that there was a bed available at the rehabilitation centre. At court, the defence lawyer had to produce this form for the magistrate (coordinator, personal interview 2006). Instead of relying solely on verbal information from persuasive defence lawyers, this allowed magistrates to divert a defendant, knowing that the coordinator had approved the referral. From the coordinator’s point of view, this was a breakthrough because it eliminated several pressures and frustrations. Formalising the referral process reduced demand on the coordinator’s time and ended the confusion caused when incorrectly referred defendants found they were unable to enter the program.

Funding

Perhaps the CARRP initiative’s most significant breakthrough came when it gained funding to operate beyond the trial period. In June 2004, the magistrate who initiated the project wrote to Queensland’s Chief Magistrate confirming recent reports in the Cairns newspaper that police had found 60% of those who participated in the CARRP pilot had not re-offended. The magistrate expressed his concern that after the pilot ended in February 2004, re-offending rates were once again on the rise. He asked the Chief Magistrate to support the CARRP project’s search for future funding (coordinator, personal interview 2006).
The Chief Magistrate sought the backing of government departments, and in July 2005 (about a year and a half after the pilot had ended), CARRP received the funding it required. The magistrate who had instigated the project viewed the funding as a significant breakthrough:

The Chief Magistrate wrote to various people and there was a huge upsurge in interest by the local Department of Communities and the Department of Justice and the funding became available. It was made available because they could see the advantages of CARRP. The funding now is at a very much improved rate than what it was before; it was very much of a ‘by the skin of your teeth’ exercise before. I think (additional funding) can do nothing but improve the output of CARRP (magistrate, personal interview 2006).

The importance of a suitable program provider

The most important facilitating factor was the availability of an established drug and alcohol rehabilitation service with a long standing working rapport with Indigenous people. The service provider (AIARS) had the capacity to deliver the program and it was willing to absorb some of the costs for an unfunded pilot program. An AIARS counsellor said that Cairns had no other service provider capable of meeting the unique demands of the CARRP initiative. She said,

Going to white organisations wasn’t working. The clients were saying we don’t want to go there. We all knew them and all our clients prefer to come here (counsellor, personal interview 2006).

The coordinator and the counsellor both identified AIARS’ high ratio of Indigenous staff and long history of working with local Indigenous people as important facilitating factors (CARRP coordinator and AIARS counsellor, personal interviews 2006). The AIARS counsellor said it was important to have staff that understood Indigenous cultures and could relate to Indigenous clients. She said,

Say one client comes in and he wants to go in his own direction; but because he has restraints, his court orders won’t allow him to go that way. If it was a man, an Aboriginal man, I would have to be careful … The worst thing I can do to a man is to say the wrong thing; they make you pay for it. You have to sit back and let them scold you if you cross the line. I tell you, you learn very quickly. I find if you treat everyone with respect they treat you with respect. I must be doing something right, but I’ve been here 12 years and I’m still learning (counsellor, personal interview 2006).
The coordinator said to deliver a program like CARRP properly, the suitability of the service provider must be determined. He said,

> There needs to be an assessment of the service provider to be sure it can meet the needs of this specific type of group. For example, location is very important. Also, do they have good staffing and culturally appropriate programs in place for that target group? Is the rehabilitation service able to support the project? Is it able to provide drug and alcohol awareness programs? Really, that’s not enough because even after three months, a client might be strong in the mind and have a revived new attitude in the world to go out there in the community, but if they don’t have the key places, like a safe environment and ongoing support to put what they’ve learnt into practice, they’ll go to the drink. It’s very easy for them to hook up with the old mates and get back into that cycle (coordinator, personal interview 2006).

Another factor said to contribute to the success of the program was that the rehabilitation facility was some distance from Cairns. When CARRP participants, who were mainly based in the city of Cairns, went to stay at the relatively isolated rehabilitation facility, it was not easy to walk out and return to the city’s pubs, drinking circles and easy access to alcohol (magistrate and defence lawyer, personal interviews 2006). When I asked the police prosecutor what needed to be in place if another town and another group of people wanted to attempt something similar to the CARRP initiative, he replied that such a program needs a ‘comfortable and respectable’ rehabilitation facility that can accommodate clients at some distance away from their usual environment (police prosecutor, personal interview 2006).

*Motivated people*

Another facilitating factor was the involvement of motivated people. The counsellor said the CARRP initiative worked because ‘instead of sitting there doing nothing, everyone got together and did something; even the magistrates had a change of attitude’. She also said, ‘The public, community and tourist industry wanted the problem fixed (counsellor, personal interview 2006)’. From this perspective, the pressures that acted as catalysts in this case, such as media attention, political imperatives and complaints from the small business industry also sought to motivate those involved. The coordinator was one of the most important of these motivated actors. He was willing to volunteer his personal time to ensure the program succeeded (counsellor, personal interview 2006).

When the CARRP pilot was first proposed, AIARS was already stretched for resources and the organisation’s board did not want to commit to the project. The coordinator said he
convinced the board that he was not using many of the organisation’s resources. He did most of the paperwork on his home computer and he processed CARRP admissions on his way to and from work. He visited the watchhouse on his way to work in the mornings to collect people who were entering the program, and he stopped by again on the way home to conduct assessments with new candidates. He said at times it was hard to stay motivated, but the support he received, especially from the police prosecutor, helped to keep him going (coordinator, personal interview 2006).

The counsellor said that for a program like CARRP to succeed, it needed commitment from people who were willing to put in a great deal of time and effort to overcome the inevitable frustrations. She said,

> It all depends on the people in the town and what they want to do. They would need to be dedicated because it’s not a 9 to 5 job. It would take a lot of time just to set it up. While we were setting up the CARRP program we used to start at 7.30 in the morning. Then you need your core agencies like Centrelink¹²¹, Courts, and Community Corrections. You need agency back up – and a lot of blood sweat and tears – a lot of tissues went into the bin. It can be really frustrating when you can’t move where you want to move, but you have to sit down and work out another plan of attack (counsellor, personal interview, 2006).

_Reputable people_

The personal and professional reputation of the people involved was also important. The defence lawyer said the instigating magistrate was highly regarded and this helped to build support for the initiative. The magistrate was very senior, and had spent a significant amount of time working as the magistrate for the Indigenous community of Thursday Island. He was highly respected, known to be very sensible, and his willingness to commit to the program was important (defence lawyer, personal interview 2006). Research respondents also identified the police prosecutor and the CARRP coordinator as key people. All three were credited with providing the necessary leadership and integrity to implement the program.

_Achieving interagency cooperation and flexibility_

¹²¹ Centrelink is an Australian Commonwealth Government department that administers social security benefits.
Interagency cooperation was a facilitating factor. The project depended on cooperation and flexibility of procedure between the court, AIARS, the Aboriginal and Torres Strait Islander legal service, Community Corrections and the police in their positions as prosecutors, street patrol officers and watchhouse staff. The coordinator said,

> No one person can do it by himself. You’ve got to have good communication and understand that each stakeholder is going to talk about their barriers and their protocols. You have to respect that. People do respect us as a service provider, and they understand they can’t force things on to services. It is the key: there’s a responsibility on the magistrate side to make it work, there’s a responsibility on the police service to make it work and there’s a responsibility on the service provider to make it work. You can’t work it without the other. You just can’t. It’s about key people, clear communication, understanding protocols and allowing time for relations to be established (coordinator, personal interview 2006).

The police prosecutor said the program’s success was partly due to the actions of intelligent people who were not constrained by their individual agencies. These were people who used existing systems to ‘try and get a better outcome for disadvantaged people’ and that ‘in a nutshell’ he would attribute the success of the program to the efforts of those working within the justice system (police prosecutor, personal interview 2006). He also believed that flexibility was a key to success, saying ‘there were no specific boundaries other than the ones we set up ourselves (police prosecutor, personal interview 2006).

The police prosecutor noted that CARRP generated a new set of protocols between different agency groups. He said,

> There were a number of different ways that it impacted on the courts first and then perhaps defence and police, in that order. There were the magistrates, and I worked in prosecutions. We got the program started and the watchhouse staff came on board and patrolling policemen on the streets came on board. We set up protocols, the magistrates’ court set up protocols, the police service set up its protocols, the defence made their own protocols. Part of the problem is, when you’re dealing with government departments, you’ve got to put protocols in place. This was police, justice, corrections and Aboriginal legal aid … If people were a bit reticent, I would say, ‘well this is the program that we’re looking at putting in place, this is what the magistrate wants’. If it was someone who was going a bit outside the square in their thinking, they would say, ‘could you get some protocols for me and email them to me and I may have a look and see if we can work it out’ (police prosecutor, personal interview 2006).
**Minor adjustments to current practice**

Apart from service provider staff, who played a major new role, each agency had to alter its approach only slightly. For example, the magistrates only needed to be aware of the program to participate. The instigating magistrate said,

> I think magistrates have got to be aware of the program and magistrates here are very good about it. They’ve got to be aware … Not so much the police, the police charge the offenders coming before the court, but there has to be some commitment by magistrates (magistrate, personal interview 2006).

The magistrate did not think the program required a shift in policing practice. He said that the police continued making arrests in the same way as before, but because the courts were diverting CARRP candidates into a residential program there were fewer people on the streets to arrest (magistrate, personal interview 2006).

The decision to use the existing *Bail Act* was cited by most as central to avoiding the delays and complications had the project relied on amending or creating new legislation (magistrate, police prosecutor, defence lawyer; personal interviews 2006). The magistrate said,

> That was one of the beauties with CARRP as far as I was concerned. It could be done without any legislative enactments. We’d just stand the matter down, we’d put him on bail and these are the conditions of your bail. If you follow the conditions of bail, well and good … there’s no coercion except you’ll be aware when you come back to court, that if you have done some of these programs there’s going to be brownie points (magistrate, personal interview 2006).

The counsellor said that the CARRP project did not increase her client numbers:

> They were already our clients. So from our point of view, there was no distinction between CARRP people and other people. If they wanted to come, we took them. Whether it’s CARRP, parole, home detention or reporting to Community Corrections - it was the same case management approach - just different conditions (counsellor, personal interview 2006).
Achievements

CARRP achieved several positive outcomes, the most significant being a drop in re-offending rates for those participating.

Quantitative reports

The coordinator kept records, which showed that between July 2005 and March 2006, 31 people were diverted to CARRP. The group comprised 21 males and 10 females, the average age was late 30s and all were Aboriginal or Torres Strait Islander people except for one. Of the 31 people, 25 completed the one month de-toxification program, six dropped out and seven were still current at the time the figures were reported. Of the 31, 20 decided to remain in the program, which continued for a further two months (this was reported to be a higher than usual percentage of people volunteering to extend their participation). Of those 20 who started the full program, eight completed and 12 did not. The data also showed that of the original intake group of 31, 25 had not re-offended within the period between July 2005 and March 2006. Of the six who did, some of those were breach of bail offences rather than additional public nuisance offences (coordinator, personal interview, 2006).

The local newspaper reported that the police had attributed a 60% no re-offence rate among those who had participated in the CARRP pilot (coordinator, personal interview 2006; AIARS c2005). It was also reported that of the 40% who did re-offend, it was at lower levels and at longer intervals than typical of their histories (AIARS c2005).

The police prosecutor also gathered data to show the benefits of the program to the police service, such as reduced workloads for patrol officers and watchhouse staff. He said,

I worked out an approximation of the person hours it takes for an average arrest for a street offence from start to finish. Then I went through the prosecutions index and counted the number of times these people were arrested over a period of six months and then just took the mean average of that. Financially, it worked out to a saving of having an extra police officer on the street each week, or tens of thousands of dollars in actual time lost for arresting officers, watchhouse keepers, magistrates’ court time, court staff, processing documents and prosecutors. It had a positive outcome in that regard for us; we have an extra policeman or woman on the street, an eight hour shift out there somewhere not taken up dealing with these individuals. Surely that’s a positive thing (police prosecutor, personal interview 2006).
Perceived outcomes

The magistrate was positive about the program’s success rate, but said there were still some people who appear regularly each week before the court:

Some of those are recalcitrant of course. One lady, I think we’ve tried to put her in CARRP about three times, but she just won’t go. She just doesn’t want to be rehabilitated (magistrate, personal interview 2006).

The police prosecutor said he observed many positive results, and that the success of the program during its first 12 to 18 months, ‘went beyond anyone’s expectations’. He recalled,

We had two brothers doing the program together … Those blokes graduated from the program, they went right through it. They turned up in court and were congratulated by the magistrate and myself and others. When they walked in, I actually didn’t recognise them. They were fitter, healthier, one of the brothers … was quite ill when he went into the program. I initially didn’t recognise him and these were people I dealt with quite a lot in court. That’s a very positive thing (police prosecutor, personal interview 2006).

During the pilot there was a drop in the number of public nuisance arrests, although this was not attributable entirely to CARRP since there were other police initiatives in operation at the time (magistrate, personal interview 2006). The counsellor thought that one reason there were fewer people in court for public nuisance offences was that the problem had been moved on. She said the police used their ‘move on powers’. She didn’t think the problem had been solved, it had merely been ‘pushed out of sight’ and into the fringe camps on the city’s outskirts (counsellor, personal interview 2006).

On balance, however, most research participants viewed the pilot to be a success.

Postscript

The program has since evolved beyond its initial format. The coordinator developed a post-program reintegration phase to support participants in their transition from rehabilitation to independent living. The police prosecutor said that although many CARRP participants did not necessarily require post-program support, the addition of a supported reintegration phase was ‘the next logical step’ (police prosecutor, personal interview 2006). The CARRP option was extended to include the Mareeba Magistrates Court (64 kilometres south-west of Cairns).
Other subsequent developments were the drafting of the *Bail (Prescribed Programs) Regulation 2006* (made under Queensland’s *Bail Act 1980*) that listed CARRP as one of three prescribed diversionary programs; and the implementation of a similar diversion strategy, the *Queensland Indigenous Alcohol Diversion Program* (QIADP). The QIADP project manager acknowledged that their pilots owed 'a significant debt of gratitude to CARRP' (Department of Premier and Cabinet, email correspondence 21/06/07).
CHAPTER SEVEN

OVERVIEW OF FINDINGS

This chapter summarises my findings. In this chapter I present my research findings according to the five themes: 1) visions and ideas, 2) catalysts for action, 3) agenda setting and power sharing, 4) challenges and 5) breakthroughs and facilitating factors. These findings are also presented in table form at Appendix 3; Table 7.1 provides a synopsis of my findings by theme and Table 7.2 by case.

Visions and ideas

Visions and ideas were a key element in my research project. They were central to my research question, ‘what happens to the ideas and plans of Indigenous people when they set out to engage with government agencies?’ I found that vision and ideas varied in their origin and passage.

In the Huntly case, the police and other government agencies spent more than a year discussing ideas and conceptualising a project before proposing it to the community. Initially, the community rejected the proposal. People were angry and accused the government representatives of hatching schemes without seeking proper consultation. When community leaders eventually agreed to participate, a first step was to reconstruct the project’s conceptual framework. After a series of meetings, the community presented a report that articulated its vision. Community members identified Indigenous concepts and philosophies that they wanted to apply to the project. Some of these were cultural (such as the use of traditional decision making processes), while others were political, linking the project to the principles of self-determination and the Treaty of Waitangi. Once the community had re-conceptualised the project, the New Zealand Government’s Closing the Gaps policy and the police service’s Responsiveness to Maori strategy no longer featured as the project’s driving framework. In this case, the community acted authoritatively to superimpose Indigenous principles onto a concept proposed by government.

In the Cherbourg case, the ideas and expectations held by the department and the community differed in scope. The department wanted to keep the project's focus narrow, while the community wanted to expand it to include other communities, departments and age
groups. Community leaders were motivated to articulate a much broader vision for the project, one that sought to address a long history of poor treatment by the corrections system. The community voiced its grievances and expressed its aspirations, but the department rejected the community’s vision and restarted the project with a more limited scope.

In contrast to Cherbourg, the Huntly community successfully subjected the government’s ideas to review. This was possible because the original concept - to experiment with a new model of social service delivery - was broad. The Huntly community responded in equally broad terms and thus the two positions were compatible. This was in contrast to the Cherbourg case, where the government’s objective was to reach a formal agreement about a particular practice, which bounded the project’s scope.

Like Huntly, the Cherbourg community used the negotiation process to debate notions about the rights of Indigenous people. For the Cherbourg community, this included the right to retain cultural authority over its own funeral proceedings. In Huntly, the community used rights-based arguments that drew from the principles of the Treaty of Waitangi to make claims on the government’s resources. In both cases, the community initially challenged the government’s advances, but later returned to the table prepared to meet the government’s objectives.

Hawke’s Bay was the only case where the initiative originated at the grass roots. The passage of ideas began when Indigenous leaders first presented a concept to the correctional system in the 1950s, although it was continuously rejected. Eventually, community-based actors successfully implemented a program with its original foundation of ideas intact. The clash between the principles and values driving the community-based project and those in the correctional system was resolved. The program was so successful that the Department of Corrections adopted its supporting principles and concepts, representing them as the department’s new framework for the delivery of Maori culture programs within all of New Zealand’s prisons.

In the Cairns case, the idea was simple, and compared to the other three cases, it progressed largely unchallenged. The proposal did not run the gauntlet because it was not presented to an organised, grassroots group of community-based elders and leaders for approval and debate. A small number of Aboriginal leaders made an informal protest when the idea first emerged. While representatives of the justice agencies wanted to offer offenders rehabilitation instead of jail, some community leaders wanted to be reassured that
the plan was not a ‘street sweeping’ exercise designed to unfairly round up homeless Indigenous people and force them into treatment. The project’s supporters provided this reassurance, and the objectors eventually approved it.

Translation

In the Huntly, Cherbourg and Hawke’s Bay cases, the communication of ideas between community and government actors required a translation process. This was particularly evident in the Huntly case. Respondents said that the Huntly community’s ‘Maori ideas’ had to be expressed in a way that government agencies could understand, and within the government’s criteria, to be considered viable. The Treaty of Waitangi provided some common ground between the community and the government, with both groups using the treaty’s terminology to express their aspirations for the project.

The government’s liaison in the Cherbourg case reported that it was her role to make the government’s expectations clear to the community and to identify the points of conflict between the terms of the Juvenile Justice Act and the community’s cultural practices. The government’s liaison also defended the community’s expressed vision in the face of criticism from other bureaucrats and tried to explain its meaning, scope and value from the community’s point of view.

In Hawke’s Bay, the project’s grassroots leadership introduced Indigenous ideas to influential supporters by physically immersing them in cultural occasions. In this case, Maori leaders demonstrated the nature of Maori ideas by inviting non-Indigenous actors to participate in ‘live-in’ decision making forums that lasted several days.

Catalysts

Considering all four cases together, there were three main catalysts: the overrepresentation of community members in the criminal justice system, an eagerness among community members to engage with government and political pressure on governments to address a crime and justice problem.
Overrepresentation

In the Cairns, Hawke’s Bay and Huntly cases, respondents identified the overrepresentation of Indigenous people in the criminal justice system as a major catalyst for action. When asked what was happening in the community that made people want to take action, Hawke’s Bay respondents identified rising rates of imprisonment for Maori men as an early catalyst, followed by an increase in gang related violence. In Cairns, although the initiative lacked grassroots involvement, members of criminal justice agencies took action to address the high incarceration rates of a small group of Indigenous people. In Huntly, the police initiated a project to address the disproportionately high number of crimes committed by Maori offenders.

Although overrepresentation did not feature directly in the Cherbourg case, it did contribute to the problems associated with the escort of prisoners to the community. Because Cherbourg residents are overrepresented in Queensland’s youth and adult correctional systems, there are a high number of escorted visits to the community.

Political pressure

All four cases were spurred by some form of political pressure. In Cairns, the initiative was supported by local and state level governments because they were under political and public pressure to clean up a local ‘hot spot’ of alcohol-related public nuisance offences. Similarly, the government department responsible for the Cherbourg project was highly motivated to prevent future escapes and to avoid the political backlash that such incidents inevitably cause. In Hawke’s Bay, the government grew to support the Maori culture prison program as part of its political commitment to respond to the findings of a public inquiry into violence.

Political pressure also played a part in the Huntly case. There was political pressure on the New Zealand government to reduce crime in Maori communities and this objective also became an imperative for the police service. The two New Zealand cases were similar in that government actors had acted affirmatively in both. However, the Closing the Gaps policy was abandoned shortly after the emergence of the Huntly project because it was criticised as a pro-Maori, or race-based, policy. Likewise, the Hawke’s Bay program was delayed partly because culture-based correctional programs were viewed by conservatives as a soft option. The public inquiry report on violence drew attention to the lack of appropriate responses to address violence in Maori communities, and it increased government and public support for
innovative responses. This inquiry provided some of the political courage needed to endorse prison reform based on Maori principles and practices.

Communities are eager to engage

Members of the Huntly and Cherbourg communities were motivated to get involved because they saw the project as an opportunity to force the government to hear their complaints and concerns. In each case, research participants identified the chance to voice their longstanding grievances as a strong motivation for their involvement. In Huntly, community members took action because they wanted to criticise the government for its poor service delivery record. Many of Huntly’s Maori leaders blamed the community’s high rates of crime, poverty and general disadvantage on the government’s failure to respond to the needs of Maori people.

In the Cherbourg case, community members saw the government’s MOU proposal as an opportunity to express long held grievances over the treatment of prisoners under escort. Some of Cherbourg’s community leaders were motivated to take part in the MOU negotiations because they wanted to stop what they perceived as a history of humiliating treatment.

In Hawke’s Bay, community leaders spent many years engaging with government using different methods and at different levels. The Hawke’s Bay prison program was championed by community-based lobbyists who were persistent in their efforts to engage with government.

Agenda setting and power sharing

When members of an Indigenous community organise to participate in a crime and justice initiative, they can exercise their power to redirect the agenda, if only temporarily. Power-sharing arrangements were affected by arguments about who could join or represent the group, and the support of powerful people was a critically important facilitating factor in all cases.

Agenda setting

In the Cherbourg and Huntly cases, a government department approached an Indigenous community to announce a new initiative and the community reacted by hijacking the agenda.
In the Cherbourg case, the government’s project manager had anticipated this event and commented that for this reason, she had not bothered to spend a lot of time setting the agenda before the first meeting. In contrast, government representatives in the Huntly case had summoned community leaders to announce a project that was ‘ready to go’ with a firmly set agenda already in place.

In the Cherbourg and Huntly cases, the community expanded the agenda to include areas the government was not prepared to address. In Huntly, the community refused to support the government’s proposal until it had voiced its objections about generations of government neglect, service delivery failure and disregard for the principles of the Treaty of Waitangi. However, in both cases, government representatives managed to direct the project so that the government’s objectives were realised.

Like the Cherbourg and Huntly cases, the Cairns initiative was strongly supported by agencies of the criminal justice system, but unlike them, it was not formally presented to a group of community leaders for discussion. There was the coffee shop meeting, where objectors vigorously challenged the proposal, but apart from this one occasion, the Cairns agenda was set, maintained and implemented by members of two criminal justice agencies and a local service provider without dispute.

In contrast to these three cases, at Hawke’s Bay, the agenda was set at the grassroots level where it remained stable for many years. Rather than government agencies approaching a community with a plan of action, in Hawke’s Bay, Indigenous leaders drew from traditional knowledge and practice to develop their own remedy for the crime and justice problem. After the concept’s first trial in a prison, the Department of Corrections captured and re-expressed this agenda as its own model for the delivery of Maori prison programs. Thus, the community’s ideas prevailed, but then the government appropriated the Indigenous agenda to advance its own objectives.

**Power and representation**

In relation to power sharing, the Cherbourg and Huntly cases were affected by similar problems concerning community representation. In both cases, members of the Indigenous community struggled to agree on who should participate in the project and who could legitimately represent the community. In both cases, it took more than 18 months for community participants to agree on the project’s membership, leadership and representation arrangements. Huntly’s Maori community also exercised considerable power in relation to its
dealings with government agencies. At first it rejected the government’s proposal outright as a form of protest, and at one point, replaced the government’s appointed liaison with a person described as ‘the people’s choice’. After some conflict, a more united community emerged, which agreed to support the government’s project on the condition that it complied with Maori principles and practices. In the Cherbourg case, the community approved the government department’s choice of liaisons, and this was an important factor in the success of the project. However, some community members objected to the department’s selection of some of its other representatives. The community wanted a greater say in which of the department’s staff could be involved in the negotiations, but the department did not accept this and eventually the community conceded.

In relation to representation, I found considerable cross membership. Of all the 26 research participants, including community and government representatives, 73% were Indigenous. Although only 10 research participants were government representatives, half of them were Indigenous. To varying degrees, Indigenous government representatives identified as members of both sides of the engagement, simultaneously occupying positions in both camps. Additionally, most non-Indigenous government participants were strenuous and active supporters of those on the community side of the engagement. One non-Indigenous community leader had been spiritually adopted by the local Indigenous tribe. In Huntly, being Indigenous was not enough for a person to be accepted as a community representative, particularly if that person worked for government funded agency. In Hawke’s Bay, a non-Indigenous person was so well regarded as a representative of Maori people that he was ‘adopted’ as Maori. These findings suggest that differences in race can be surmounted, just as ‘sameness’ of race or community membership does not guarantee a person’s acceptance by the wider group.

_Power dispersed_

In the Cairns case, power relations were less complex. Research respondents reported that Cairns did not have an elders group or other grassroots Indigenous organisation that could be consulted for the project. This was said to be partly due to the diversity of the region’s Indigenous population, which includes both Aboriginal and Torres Strait Islander peoples, each comprising several distinct groups who speak different languages. However, elders on the board of the service provider program, and a small number of individual Aboriginal leaders were consulted. Unlike the Cherbourg and Huntly cases, the Cairns case had minimal consultation between justice agencies and community representatives. Nevertheless, those in positions of power did take the objections and concerns of community
people seriously. Specifically, the project’s two main instigators, a magistrate and a police prosecutor, treated the views of the critics as important. From the magistrate’s perspective, the point when the critics agreed that the proposal was fair and well motivated was a key breakthrough.

**Powerful supporters**

The support of powerful people was an important factor in the Cairns and Hawke’s Bay cases. In Cairns, research respondents identified the excellent reputation of the project’s instigating magistrate as a key factor, and he in turn, secured the support of Queensland’s Chief Magistrate. Research respondents in the Huntly case reported that if departmental CEOs and high ranking police officials had not acted together, the Huntly project would not have occurred.

Powerful leadership was also important in the Hawke’s Bay case, but in this case, such leaders were more numerous and occupied diverse positions. The Hawke’s Bay project’s longest serving champion, Sir Norman Perry, was an extremely influential community leader who was strongly supported by government ministers (including the Minister for Justice and Corrections), members of the judiciary and the head of a public inquiry.

The shift in power relations caused by the implementation of the Hawke’s Bay prison program was a feature of this case. The introduction of a traditional culture-based program into the Hawke’s Bay prison created conflict between those inmates who wanted to participate and those who were immersed in gang culture. Maori gang culture formed a significant power base at the prison. The program also challenged the authority of prison staff, who initially objected to the level of risk associated with the program’s security arrangements.

**Challenges**

In the Hawke’s Bay case, the greatest challenge for community-based leaders was to maintain such a long campaign for reform. In both the Cherbourg and Huntly cases, the community was challenged to reach agreement and there were arguments between community members and agency representatives that took months to resolve. Some of these disputes were about who should be allowed to participate in the project or represent the group, and some were disagreements about the purpose of the project. In Cairns, two of the
biggest challenges were achieving interagency coordination and countering negative attitudes toward the initiative’s target group.

*Disputed representation*

In the Huntly case, some community members argued that anyone who worked for a service or agency funded by the government, regardless of their other ties to the community, should not be permitted to act on the community’s behalf. The Cherbourg community also found the government’s decision about who should participate in the project to be a challenge. Resolving these matters was a significant step for both communities.

In all cases there were disagreements about the purpose or value of the project, and these had to be resolved before the project could progress. In Cherbourg, there was disagreement between community members about whether young people who had offended against the community deserved to be given the benefit of a better escort experience. Some had sympathy for the community’s young offenders, and some did not. Similarly, in the Cairns case, there were Indigenous agency staff who did not want to include repeat offenders in their program. Some police and magistrates also disputed the value of spending time and resources on a group of chronic recidivists. New Zealand’s Department of Corrections could not be convinced of the value of the Hawke’s Bay prison program for decades, and upon implementation some staff viewed it as a soft option for hardened criminals. In the Huntly case, it took some time to convince the community of the value of the community governance experiment, because many members were suspicious of the government’s motives.

*Achieving interagency coordination*

In the Cherbourg, Huntly and Cairns cases, those on the government side were challenged to achieve a coordinated interagency approach. In Cherbourg, implementing the community’s stated vision would have required cooperation and consultation between more than one department and correctional facility. The result was that while government actors failed to collaborate, community actors overcame their differences and succeeded. In Huntly, those on the government side were working under a new Maori affairs policy that directed ministers to achieve collaboration between different departments. The Huntly project was viewed as a test case for a ‘whole of government’ approach to Maori affairs and this placed department staff under pressure. Most of the departments and agencies who initially supported the Huntly project withdrew, but those who remained did achieve collaboration with positive results. Coordination between agencies was also important in the Cairns case; the project
required good communication between various criminal justice agencies, which was achieved by developing new procedures. Conversely, in Hawke’s Bay, the obstacles facing the project were overcome by proceeding secretively, when community leaders convinced a prison manager to trial the program without his obtaining prior approval from head office.

Anger

In both the Cherbourg and Huntly cases, the government was challenged to bear the brunt of the community’s anger. These two communities reacted with initial hostility to the government’s advances, and community leaders used the early meetings to complain about years of government neglect, poor service delivery and past injustices. In the Cherbourg case, the venting was comparatively short lived. Government representatives predicted it would occur and let it run its course before steering people toward their point of view. In Huntly, the government had arrived with a very strong agenda, with no consultation with the Huntly community. The community decided to punish the government for its arrogance and refused to support the project for many months.

Breakthroughs

Key actors faced numerous challenges in all four cases, but there were breakthrough moments and facilitating factors that helped to progress the projects.

The first breakthrough in Cherbourg was reaching agreement on who would participate in the project. Community members had struggled to agree among themselves on this point, and they had challenged some of the department’s choices of participants. Once this was resolved, subsequent breakthroughs were also associated with reaching agreement on specific points. Because the aim of the Cherbourg project was to develop a memorandum of understanding, breakthroughs occurred when particular points of contention were resolved. There were three: a compromise on the use of handcuffs, an agreement about officers wearing uniforms to funerals and an agreement that the community’s ‘escort support group’ would receive information about each young person prior to his or her arrival at the community. Another important breakthrough occurred when Aboriginal detention centre staff spoke to the community about how difficult they found the escort process. Once the community empathised with escort staff on a personal level, the atmosphere of the meetings became more cooperative.
Like the Cherbourg case, in Huntly, a significant early achievement was resolving the dispute about who should participate in the project, and once this was decided, subsequent breakthroughs occurred when participants reached further points of agreement. Another breakthrough for Huntly was reaching consensus on how to prioritise the community’s service delivery priorities. A major turning point for the project was when community leaders acted to remove and replace the first project coordinator. From that point on, the level of community-based participation increased dramatically and the project gained the momentum it needed to succeed.

In Hawke’s Bay, gaining permission to trial the first program in a prison stands out as the critical breakthrough. Unlike the Cherbourg and Huntly cases, the engagement between the community and the government in this case was not characterised by heated debate and lost tempers. It was more of a ‘water and stone’ relationship, where Indigenous leaders campaigned relentlessly in the face of the government’s unmoving opposition to their plans. Community-based leaders quietly persevered and their vision remained unchanged throughout decades of penal reform and changes of government until they were afforded the opportunity to put their ideas into practice.

In the Cairns case, the breakthrough moments were more operational. The first was when the service provider offered to take responsibility for the unfunded pilot program, the second was the introduction of a procedure to manage program referrals, and the third was gaining funding to continue the program beyond the pilot stage. Apart from these practical achievements, a more symbolic breakthrough occurred when the Aboriginal activists who had initially objected to the concept agreed to support it. Although this exchange between the government and community members was a small aspect of the case, it was significant, particularly from the magistrate’s point of view.

**Facilitating factors**

**Influence and power**

The success of the Hawke’s Bay project was triggered by the convergence of a committed and highly regarded grassroots leadership, a sympathetic prison manager who was willing to take a risk and a collection of influential supporters. The support and leadership of influential people was also an important factor in the Cairns case. It is unlikely the Cairns project would have succeeded had it not been conceived and then promoted by a magistrate who was well regarded by all involved parties.
In the Cairns case, the magistrate was both the project’s instigator and the person with the power to make decisions. It was he who decided to use the existing Bail Act to implement the initiative when others in less powerful positions might have been required to lobby for legislative change. Also in the Cairns case, once the Chief Magistrate lent his support, the project received the funding it needed to continue.

The Hawke’s Bay project gained momentum once it received support from a senior government minister and other influential public figures. A community leader had impressed the head of a public inquiry by inviting him to experience traditional Maori decision making processes first hand, and support for the community group’s plans grew.

Access to government

In all four cases, key community-based actors had good access to the government-based decision makers. Once such direct lines of contact were established, each of the four case study projects made good progress. In Huntly, the community’s unencumbered access to decision makers within the police and government departments was a key facilitating factor. Such access had been lacking in the past, and Huntly’s community leaders believed this was one reason they had difficulties securing benefits for the community. The mayor of Cherbourg also cited direct access to the ‘people at the top’ as a key factor. In Cherbourg, the department’s decision makers travelled by car to Cherbourg to meet with the community and spent time listening to their concerns. The department’s liaison also served as a direct link between the community and the department, and this was an important facilitating factor.

Mobilised people and willing governments

The commitment of motivated people was a key factor in all four cases. In the Cherbourg and Huntly cases, the willingness of community members to get involved was particularly significant. In both communities, it was unusual for different groups and factions to work cooperatively, but people were strongly motivated to support the project; and after a period of intra-community conflict, past differences were put aside. In the Cairns case, the project would have failed were it not for the commitment of a small group of people. Although the Cairns case did not involve a large number of community-based actors, the support of an Indigenous service provider, whose board included Indigenous elders, was crucial. If this agency had not been willing to carry the cost and responsibility of the unfunded pilot phase,
the project would have failed. The success of the Hawke’s Bay case was clearly due to the enduring commitment of a small group of community-based leaders.

In addition to motivated community members, political will was also a key factor. In the Cherbourg case, the department was highly motivated to reach an agreement with the Cherbourg community. Because it was politically important to prevent escapes from custody, the government viewed the Cherbourg MOU as a means to reduce this risk. Similarly, political actors in Cairns were strongly motivated to solve an intractable public nuisance problem. There was an extraordinary amount of political will driving the Huntly project because the government wanted to experiment with its new ‘whole of government strategy’, the police service was ready to implement the next phase of its Maori crime prevention strategy and there was a committee of high ranking bureaucrats ready to select a community for a trial project. In Hawke’s Bay, the project was blocked for years by a lack of political will, but quickly gained momentum once the government’s interest increased.

Finally, in all four cases, effective and widely respected leadership was the key to success. In the Huntly case, the project stalled until the community instigated a change of leadership. In the Cherbourg case, the leadership and communication skills of the government’s project manager were key to the success of the MOU project. In Hawke’s Bay, the project’s community-based leaders were viewed with reverence as high ranking Maori elders and war veterans. The Cairns case was also assisted by the calibre and commitment of its leadership. Nearly all respondents in all four cases nominated strong leadership as the factor that was most crucial to their project’s success.
CHAPTER EIGHT

DISCUSSION OF FINDINGS

My research aimed to address these three questions:

1. What happens to the ideas of Indigenous people when they set out to engage with government agencies?
2. What occurs during the interaction between Indigenous people and government?
3. How might we predict the passage of other similar projects?

This thesis is a study of four engagements between government and Indigenous groups. It spans distinctly different countries, Indigenous peoples, cultures and political systems, but across the cases, I found these similarities:

1. The exchange of ideas is an important part of the interaction between governments and Indigenous communities, and although bureaucracies hold administrative power, Indigenous leaders exercise power in relation to ideas. Governments tend to respond to Indigenous communities' visions and ideas in four ways: rejection, appropriation, accommodation or application.

2. Representation and leadership are essential elements in the engagement process,

3. Indigenous leaders view any opportunity to engage with government as important, and are likely to contest the scope and agenda of a government project.

There is a developing theorisation on the interaction between government agencies and Indigenous organisations (Rowse 1992, 2002, 2005; Blagg 2008; Blagg and Valuri 2004; O’Malley 1996, Cunneen 2001; Murphy 2000; Cartwright et al 2004). I have focussed on loosely organised engagements between government and community-based actors. In this chapter, I relate my case studies to the theoretical and empirical literature. I wish to draw attention to the sometimes least visible, but often most important, exchanges between governments and Indigenous people.

I now turn to discuss each of my research questions.
Question 1 – What happens to ideas?

I was motivated to ask this question because despite the fact that Indigenous people have many good ideas about how to address crime and justice, criminal justice agencies seem to be endlessly searching for ideas that ‘work’. I was interested to know what causes crime and justice projects to fail, despite a government’s apparent efforts.

I found a contest of ideas in all four cases, but whose ideas prevailed varied. In all cases, Indigenous communities had some victories, such as changing a project’s philosophical framework or decision-making arrangements. Community leaders also demonstrated the longevity of traditional ideas and principles, and initiated discussions about sovereignty and self-determination. Victories for the government included placing constraints on community members’ visions for reform. In my case studies and within the literature, when a project involves discussions about a community’s ‘vision’, the result is likely to be two visions: the one proposed by the community and the one that the government is prepared to support. Government was effective recruiting community members to its projects, many of whom drew on their own resources to participate at little or no expense to the government. Government departments also demonstrated their capacity to absorb traditional ideas as a way to achieve a government objective. Overall, while governments hold significant administrative power, there remains a contest for power over ideas.

Ideas matter

In all four cases, the exchange of ideas between government and Indigenous people was a dynamic and ongoing process. Philosophical positions and visions for the future were articulated and scrutinised, and those ideas appearing at the start of negotiations were soon followed by others. Some challenged the initial proposition, some moved the negotiation process in a particular direction, and others attempted to expand the project’s scope and reach. Ideas were sometimes used to argue a point, rationalise a course of action or express a vision for the future. In all cases, the exchange of ideas was vigorous and robust.

At the start of my fieldwork, I expected that a key factor in relation to ideas was their origin. I was concerned to identify who first proposed each initiating idea, to categorise each project as a ‘government idea’ or a ‘community idea’ and to consider how this might
influence the course of a project. I found, however, that the important factor in each case was not whether it was the government or community that first put an idea forward, but rather the ongoing exchange of ideas. In two cases in particular, the presentation of the initial idea had a ‘firecracker effect’, igniting a sudden exchange of subsequent ideas between the two camps. This finding on the exchange of ideas supports a recent theoretical focus on the dynamic interaction between government and Indigenous groups rather than a typical focus on a one way government impact on these groups (Lowndes 2002).

Four types of government responses

I identified four types of government responses to projects based on Indigenous ideas and principles. The first is rejection, a decision to block an Indigenous idea completely, or as O’Malley (1996) finds, more subtly, by ‘neutralising’ unacceptable ideas. Second is accommodation, when a government broadens its agenda to make room for the expression of Indigenous ideas (see Rowse 2005); and third is appropriation, when the government takes ownership of an Indigenous idea, re-articulates and absorbs it to suit the government’s own agenda (Blagg 2008). The fourth, and in my view the preferred response, is application, when a government successfully supports and implements an Indigenous idea in the spirit of its grassroots authors. This response requires government to act in a supporting and facilitating role, while community members become the project’s instigators, designers, operators and developers (see Blagg 2008).

In the Hawke’s Bay case, over time, the government responded to an Indigenous initiative in all four of these ways. In Huntly, the government response was a blend of accommodation and application, and in the Cherbourg case, the government rejected some ideas and accommodated others. In the Cairns case, Indigenous ideas took the form of objections to a crime and justice project and these were acknowledged and accommodated. I discuss two of these government responses, accommodation and appropriation, in more detail below.

In respect to accommodation, instead of rejecting or appropriating (and thus reconstructing) Indigenous ideas, the government attempts to ‘make room’ for them so they become a feature of the project. However, despite the fact that departments often

68 The Huntly case (NZ) and the Cherbourg case (QLD).
tout these Indigenous ideas as important, they are ‘inclusions’ rather than the drivers of the project. As Daly asserts in her critique of claims that the community conferencing model is an Indigenous form of justice, ‘... the devising of a (white bureaucratic) justice project that is flexible and accommodating toward cultural differences does not mean that conferencing is an indigenous practice’ (Daly 2002:63, emphasis in original).

Indigenous leaders should proceed cautiously when a government department decides to accommodate an Indigenous idea because it can lead to appropriation. For example, in Hawke’s Bay, the corrections department agreed to accommodate the Maori principles that featured in the Akoranga program, and then, as Maori concepts started to become more important across the prison system, it appropriated them. The department took the Akoranga program’s traditional ideas, subjected them to ‘considerable amplification and modification’; especially with respect to the addition of western behaviour modification approaches (McLean, personal correspondence 2005), and then specified them as the required framework for all Maori prison programs. The result was a ‘Maori prison program description’ document that presented western forms of intervention as enhancements to Maori forms of practice (NZ Dept. Corrections 2004:8).

From the department’s perspective (NZ Dept. Corrections 2004), it went to some effort to consult with Maori before deciding its requirements for Maori programs. It is also understandable that the department wanted to set standards and control the quality of the services it was paying for because there had been an increase in the number of Maori groups and organisations seeking to provide these programs. This case does, however, raise a question about whether blending perspectives benefits the development of Indigenous approaches or whether it merely positions Indigenous ideas as supports to western methods.

I ideas are modified with mixed results

The various government responses described above have an affect on the passage of a crime and justice project, and so does the way a community responds to government ideas. In my research, in all but one case, ideas, visions and policies were modified

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69 The department’s insertion of western therapeutic elements into Maori programs did not affect the Akoranga program itself, which remains as developed by Mahi Tahi (Grant, personal correspondence 2005).

70 In the Cairns case, ideas were only debated for a short time.
over time, and with mixed results. In Cherbourg, the community’s vision was scaled down to fit within the constraints imposed by a government department. In Hawke’s Bay, the corrections department turned a successful Indigenous program into a new policy. In Huntly, Indigenous leaders took an autonomous stance reshaped government’s ideas to be compatible with their own views. Like the Huntly case, O’Malley’s Ngaanyatjarra study reached a similar conclusion. In that case, although government actors successfully rejected traditional ideas about using violence to punish offenders, they were forced to abandon their preconceived ideas about how the program’s mentors would be recruited (O’Malley 1996).

In the Ngaanyatjarra case, O’Malley observed that Indigenous forms of governance were appropriated because these appeared to hold the potential to ‘do the job better’ (O’Malley 1996:318). He suggests further that although the ‘dark side of liberalism’ might actively reshape Aboriginal forms of governance to make them compatible with western forms of governance, this process of adjustment works both ways (O’Malley 1996:321). Although the views of government staff prevailed in some ways, staff were also actively involved in a reciprocal process in which the government’s initiative was adjusted to suit the Ngaanyatjarra people (O’Malley 1996).

These varied outcomes suggest that while it is likely that the ideas driving a community-based crime and justice project will be subjected to debate and reconfiguration, it is not easy to predict the direction of change. In my research and my community work, I have found that during the interaction between government and communities, community members sometimes try to manipulate the government’s ideas. Some community-based participants view the ability to couch the ideas and aspirations of Indigenous people in terms that government actors find palatable as a special skill. This sometimes takes the form of mimicking the language of a government department. This activity was observed most explicitly in the Huntly case, where research participants described the manipulation of the government’s ideas to their own advantage as ‘putting Maori ideas into the English language’ or making a government plan ‘fit’ with Maori ideas (see Tiaki Tangata 2003).

My research showed that while government departments and agencies exercise considerable administrative power during the course of a project, the exercise of power over ideas remains a contested domain.
Ideas can grow ‘big’

The Huntly case was a good example of big ideas at work in small communities. Some of those ideas concerned matters of sovereignty and the right of colonised people to self-determination. There were debates about the legitimacy of the government’s control of resources and the contest between Maori people, the Crown and elected governments as three separate authorities. Huntly’s community leaders took the government’s suggestion that they ‘own’ the project seriously and invoked the principles of the Treaty of Waitangi to re-articulate the project as an exercise in self-determination. The government wanted a devolved decision-making model of service delivery, but the community viewed the proposal as an opportunity to assume control over resources as promised within the treaty. From this perspective, the government’s proposal no longer appeared as a downwardly directed devolution of responsibility; instead, it became a vehicle for the community’s claims to a deeper form of sovereignty. Those on the government side of the project, most of whom were Maori, understood the community’s position. The result was a successful working model based on notions of participatory governance at the local level.

The durability of traditional ideas

Based on this research and on my experience as a Maori community worker, I have observed that Indigenous leaders tend to draw strongly from traditional ideas when making decisions and plans for their communities. In contrast to government policy, which is subjected to constant amendment and review, the traditional views preferred by Indigenous leaders tend to remain unchanged over time.

In New Zealand, a series of conferences resulted in the (2001) publication of a Maori perspective on crime and justice71. This document describes Maori approaches to crime and justice and contains the same themes, assertions and concerns expressed by Maori community leaders in the Huntly and Hawke’s Bay cases. I have heard these same themes and principles raised by migrant Maori community leaders during the development of crime and justice projects in Queensland.

My research found that Indigenous community-based leaders steadfastly adhered to ideas they expressed as traditional knowledge. Those promoting the Hawke’s Bay prison program did not alter their ideas about the reformative and restorative value of traditional disciplines, despite being under considerable pressure to do so. That program’s community-based leaders consistently promoted the same set of Indigenous ideas throughout approximately twelve changes of government and an even more numerous succession of corrective services ministers.

O’Malley’s Ngaanyatjarra study also reveals the constancy of traditional ideas. In that case, the government’s criteria for mentor selection (reliability and maturity) did not take into account the importance of kin relationships, which from the community’s perspective was most critical. The community had its own method of deciding which people would be permitted to exert authority over others, and these social arrangements were so deeply imbedded that if the government had not capitulated, the project would not have proceeded (O’Malley 1996).

*Capacity, autonomy and self-determination*

Also in relation to the passage of ideas, I explored an Indigenous response to the politically popular theme of ‘capacity building’, a kind of self-help approach to problem solving in Indigenous communities. I found that governments that have failed to deliver adequate services to outpost communities are enthusiastic about capacity building projects and I have drawn from the reform strategies of the New Zealand and Queensland governments to present examples.

At the time of the events of the four case studies, both the Queensland and New Zealand governments had developed Indigenous affairs policies that promoted ideas about capacity and autonomy. In New Zealand in 2000, there was the *Closing the Gaps* strategy and its *Capacity Building Funding Programme* and in Queensland, there was the *Meeting Challenges Making Choices Strategy* (MCMC) (2004). These policies emphasise the concepts of improved local governance, capacity, autonomy and self-sufficiency for Indigenous communities. A critical review of this approach reveals an underlying bureaucratic racism, which conceives the dominant culture as the capacity ‘builders’ and Indigenous communities as capacity ‘deficient’ (Tedmanson 2005).
Indigenous community leaders tend to link ideas about capacity and autonomy to their more deeply conceived aspirations for self-determination. In three of four cases I found Indigenous community leaders viewed their involvement in a crime and justice initiative as an assertion of their authority and an exercise in self-determination. The Huntly case in particular was overtly linked to the government’s *Closing the Gaps* policy (2000), which promoted new forms of autonomy for Maori communities. Although described as a ‘needs-driven, distributive policy that deals with the symptoms rather than the cause of disadvantage for Maori’ (Humpage and Fleras 2001; see also Altman 2009), the policy was viewed by Maori as an opportunity to engage in ‘bottom-up decision making’, to take ownership of the development of their communities and improve service delivery through a process of devolution (Humpage and Fleras 2001). The policy developed symbolic value because it was open to interpretation as government support for new forms of self-determination, which resonated with Maori politicians, officials and community leaders (Humpage and Fleras 2001).

*Failure leads to experimentation*

There is a perception that Indigenous people need to be governed in special ways, partly because they represent a special kind of risk. Their communities are viewed as dangerous and violent and there is a sense of urgency about the need to bring order to these places (Blagg 2008; Altman 2009).

New Zealand’s *Closing the Gaps* policy and Queensland’s MCMC strategy are examples of how governments, when the challenge of managing Indigenous communities becomes too great, sometimes turn to capacity building projects, which if successful, will reduce state involvement in those places. Blagg and Valuri (2004) found a significant number of Aboriginal Night Patrols were established because there was no other form of policing in the community at all. Government support for Aboriginal policing initiatives around Australia suggests that governments can be willing to experiment if it means doing less. Faced with the knowledge that it has failed to deliver security and services to outpost communities, and despite the implications for the sovereignty of the state, governments sometimes agree to hand responsibility for these services to communities (see Garland

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72 The exception was the Cairns case, where community-based objections to a crime and justice project concerned matters of fairness and the defence of vulnerable people.
The failures of government create opportunities for grassroots initiatives (Dupont, Grabosky and Shearing 2003; Cartwright, Jenneker and Shearing 2004; Blagg and Valuri 2004). Cartwright et al (2004) discuss the connection between the failure of the state and government support for autonomy at the grassroots. These authors discuss the need to address ‘governance deficiencies’, such as inadequate policing in poor communities, and report on the achievements of South Africa’s Zwelethemba model of local governance. This project was a localised dispute resolution initiative, and according to the authors, the model

...provides institutional mechanisms that enable local governments to effectively invest tax resources directly into communities in ways that increase service while reducing the demand on formal state agencies (Cartwright et al 2004:15).

Although governments might find the prospect of such a remedy encouraging, the barriers to success can be considerable. The New Zealand and Queensland governments have both invited disadvantaged Indigenous communities to experiment with new modes of self-governance. Examples include Queensland’s Community Justice Groups (see Cunneen et al 2005) and New Zealand’s Capacity Building Funding Programme (Te Puni Kokiri c2003). Both governments were keen to introduce ideas about capacity building to their Indigenous populations, but quickly thereafter, found their own departments to be almost incapable of implementing this type of policy (Cunneen et al 2005; Queensland Government 2005; New Zealand Controller and Auditor General 2003). The Queensland Government’s MCMC evaluation report described the policy as ‘an ambitious and highly complex plan for change’ that faltered because the government had not made adequate preparations, had made no assessment of each community’s readiness, did not set tasks to match the specific needs of each community and paid insufficient attention to agency coordination (Queensland Government 2005, executive summary).
Question 2 - What occurs at the point of engagement?

In chapter seven, I reported on what occurred in the four case studies. An overview of these events reveals that the development of these projects was affected by three factors:

1. the project’s scope and whether it fits with local interests,
2. the organisation, representation and leadership of the participant groups,
3. the capacity of government to respond to mobilised communities.

Scope

A key difference between the Huntly and Cherbourg projects was their disparate scope. Comparing these two cases raises questions about the importance of scope and whether we should expect projects to progress differently if they involve broad or narrow concerns.

Although community members emphasised the importance of local benefits, they were also interested to add more expansive social and political topics to the agenda. These additional points of discussion tended to focus on the underlying causes of the community’s social problems. In the contest over which side sets the project’s scope and agenda, government actors might be surprised to find they are in a ‘lose / lose’ position. A broad agenda could be rejected as irrelevant to the community’s immediate concerns and a narrow agenda could be criticised for failing to take bigger problems into account.

In all four cases, but to varying degrees, the communities successfully launched a debate about larger problems than government originally intended to address. My findings suggest that Indigenous communities might be less interested in the size of the problem to be addressed than they are in opportunities to engage with government officials. Regardless of the apparent scope of a project, Indigenous community leaders often use these occasions to draw attention to the community’s entire social condition. An agenda with a narrow scope will not prevent or discourage Indigenous people from attempting to broaden the subject of discussion at the point of engagement.
Localism as dispersed governance

My research revealed a tension between broad and local levels of action. At the time of
the events of the four case studies, the policies of the New Zealand and Queensland
Governments emphasised national or state-wide Indigenous reform strategies, while at
the community level, there was an enthusiasm and preference for local solutions. In the
field, I met with Indigenous community leaders and state actors (such as local police) who
wanted to engage with those communities, and almost all of these people were focussed
on highly localised projects.

Rowse (2005) discusses the topic of localism with reference to the work of Finlayson
(1997), Martin and Finlayson (1996) and Sanders (2004). Finlayson takes the view that
localism causes problems for the political advancement of Indigenous people because
the gap between community and mainstream politics is too great. To correct this, she
argues, Indigenous leaders need to make a cultural shift from the local to the regional
(Finlayson cited in Rowse 2005). However, localism does have its supporters. Rowse
(2005) suggests that bringing together dispersed Indigenous groups into more widely
representative organisations (a process of ‘aggregation’) might be an assault on locally
practiced traditions that may be working better than reformers are prepared to concede.
In support of localism, Sanders (cited in Rowse 2005) renamed localism as ‘dispersed
governance’ and described it as a recurrent feature of Indigenous organisational practice.

Getting organised – does it matter?

Rowse suggests that being an official or office bearer in an Indigenous organisation is to
possess, to some degree, the ‘power of Indigenous voice’ (Rowse 2005:210). My
research showed, as suggested by Stenson (1999), that an engagement between
government and even a loosely organised Indigenous group also allows community
members to exercise the authority of their voices. The Cairns case is an example of a
project that was managed informally yet effectively. The Hawke’s Bay case is another
example of how a grassroots initiative can be loosely organised and yet remain active
over a long period of time. However, that project gained momentum once community-
based actors formed a legal trust, registered for government funds and began offering
formally administered programs. While loosely organised groups can be successful, both
the Cairns and Hawke’s Bay cases raise questions about whether groups will do better
when their members are magistrates, police officers, service agency staff and former
government ministers. Overall, I found that the better organised the group, the better the
results, although loose arrangements also achieved some progress. I also found that the
best progress was made when decision makers were clearly identified and the project
was organised around specific tasks to be completed.

The working relationship between the public sector and informally organised Indigenous
groups is an important topic to explore. Lowndes (2002) argues that the interaction
between political and non-political institutions at the local level encourages diversity and
creates opportunities to ‘do not only different things but also the same things differently’
(Clegg cited in Lowndes 2002:101). Stenson and Edwards (2001) suggest that there is a
need to theorise the local politics of crime control as a field of struggle. They argue that in
part, this involves exploring the dynamics of political association and the interaction
between formal and informal means of governance. I agree that the local, the informal
and community-level struggles are important, and suggest that this is especially the case
in relation to Indigenous communities.

Leadership

Effective leadership is a more important facilitating factor than the way groups are
organised. Although often informally managed, the forms of leadership found in
Indigenous communities can demonstrate a unique type of political power that deserves
greater attention. Grassroots leadership is critical to the success of a community-based
project, but it is not something that bureaucracies can manufacture.

My research supports the evidence found in the literature; that leadership, and the
presence of energetic champions in particular, is a critical facilitating factor for the
success of community-based reform projects (Queensland Government 2005; Cunneen
et al 2005; Considine and Lewis 2007; Chantrill 1997). The success of a project is often
attributed to the extraordinary efforts of individual community and/or government actors.
All four of my case studies featured such a champion and their contributions were critical.
However, in three of the four cases, it was not a government department or agency that
recruited or otherwise secured the involvement of these people73. Instead, I found that

73 The exception was the Cherbourg case, where the project’s champion was a government staff
member appointed to the position of liaison and project manager.
most key players, whether they were government or community-based leaders, acted on their own initiative. All community-based leaders except one\textsuperscript{74}, as well as a number of government staff and officials volunteered their time to champion a local initiative.

These findings suggest that governments need to find ways to allow new initiatives to ‘bubble up’ from the ground, because if an initiative emerges from within a community, it is likely that an effective and active leadership already resides there. If a government department develops an initiative, those responsible for taking it into the field can only hope to find a willing grassroots leadership willing to engage. When a government project is dependent on grassroots leadership that may or may not be present and forthcoming, then it can make the success of the project almost impossible to predict.

\textit{Representation}

It is not possible to theorise about the politics of interaction without exploring the subject of representation. Representation is an important topic in political science, but when the focus is on the various forms of representation available to colonised people its meaning takes on a unique dimension. The informal becomes important, as do small pockets of community-based political activity (see Scott 1985).

Representation is a significant feature of the engagement between government and Indigenous groups. A grassroots approach to selecting a representative includes consideration of their position of employment, tribal or family ties, prior reputation and attachments to geographic place\textsuperscript{75}. These are not fixed criteria; rather they are some of the factors likely to be considered and debated as community members select their representatives. In different circumstances, a community might decide to be represented by a local elder, a white bureaucrat, an Indigenous person from another (or even rival) tribe, a police officer or any other person or group of people considered to possess the right mix of credentials.

\textsuperscript{74} In the Huntly case, the project’s community-based coordinator was paid a modest wage.

\textsuperscript{75} Gender may be a factor in some contexts, but it did not feature in the four cases I studied. One exception was the Hawke’s Bay case, where the selection of a female elder to act as a peacemaker in a prison setting was important. However, her role was not directly linked to negotiations between the community and government representatives.
Mobilised communities seek whole governments

A reform project may stall because government departments find dealing with a mobilised Indigenous community too challenging. The objective of ‘whole of government’ strategies (like New Zealand’s Closing the Gaps policy and Queensland’s MCMC strategy) is to develop integrated models of service delivery. My research suggests that the New Zealand and Queensland governments face three challenges to the development of integrated service delivery models for Indigenous communities. They are:

1. learning to acknowledge and negotiate with the ‘whole of government’ concept’s often overlooked counterpart body, that of ‘whole communities’;
2. addressing the conflict between the broad, homogenous strategies preferred by governments and the local solutions preferred at the community level; and
3. achieving public sector reform that encourages and rewards inter-agency collaboration.

The first of these challenges is for government to acknowledge the other side of the whole of government arena; that of the ‘whole of community’, and how these counterpart bodies of participants might emerge. I found three communities where Indigenous people had interpreted a whole of government concept as an invitation to make demands on several government departments and agencies simultaneously. A research participant used the phrase ‘venting and dumping’ to refer to the way Indigenous people sometimes use meetings with government officials to raise grievances and express their frustrations. Indigenous people sometimes begin an engagement with government by challenging government actors to accept blame for the harm the community has suffered in the past. This stance is not uncommon, and if visiting officials are not adequately prepared to respond meaningfully, they are likely to have little choice but to adopt a passive position and let the community’s anger run its course.

Community members banded together to present the government with their claims, but in each case government agencies struggled to formulate a united response. My research suggests that governments seeking to experiment with local governance models must learn to negotiate with an Indigenous ‘collective front’. When a government initiative prompts a community to mobilise and take action, the government needs to be ready to respond.

76 The Cherbourg and Huntly cases and the Upper Hutt project that I visited during field work.
With respect to the second challenge, broad all-encompassing policy objectives can conflict with a community’s expectations. Competing interests often become apparent at the implementation phase, when government actors are likely to find that community leaders express a low level of interest in the objectives of national or state-wide reforms, preferring instead to focus on a distinctly local set of concerns (see Limerick cited in Ellerman 2002). This can be a major set back for a government project, especially when success depends on convincing a community to advance the government’s agenda.

A third challenge for the whole of government approach is that collaboration across government departments is difficult to achieve. When different departments fail to merge interests and share resources, individual staff members can be left isolated and unsupported to manage the demands of a mobilised community. My observation is that a government will lose credibility with Indigenous people if it professes to be operating within a whole of government model but seems unable to achieve anything other than a piece meal response to community concerns. It is not unusual to find that after trialling a grassroots project, a lack of subsequent government support will cause it to stall. When a government department is either unwilling or unable to meet a project’s ongoing needs, it exposes the government’s failure to provide and coordinate the resources needed to achieve grassroots reform (see Cunneen et al 2005; Ellerman 2002; Blagg 2008).

The unresponsive state

Within the literature there is a view that governments remain largely unresponsive to the ideas, voices and aspirations of Indigenous people. Australian Indigenous author Lyndon Murphy moved to reclaim the term *Terra Nullius* when he used it to describe the politics of non-recognition of Indigenous sovereignty as ‘terra nullius social policy’; within which, the aboriginal person becomes ‘no-one’ (Murphy 2000:6). Larissa Behrendt (2003a) also expanded on the meaning of the term when she described the institutionalised bias that obstructs the recognition of rights-based agendas as a form of ‘psychological terra nullius’ (Behrendt 2003a:117).

77 In Australia, the phrase *terra nullius* (land of no people) is used to describe the way British colonisers made no recognition of the Indigenous peoples’ native title rights. Despite thousands of years of continuous occupation, the country was colonised as if it had been previously unclaimed.
In all four cases, I found a gap between the Indigenous community’s expressed needs and the government’s capacity to respond. The lack of an effective government response was a recurring theme throughout my investigation. In both New Zealand and Queensland, community-based respondents criticised the government for expecting Indigenous communities to devise solutions for their own social problems, when historically, the government had demonstrated it was either unable or unwilling to deliver effective reforms or programs. The grassroots development of a good idea, even with strong community-based support, does not guarantee the provision of adequate government backing, and experienced community leaders can be wary of committing their time and resources to a poorly planned government project. Warhaft et al’s (1999) case study community also responded to a government’s initial advances with scepticism. As O’Faircheallaigh et al comment, Indigenous Australians are ‘just as likely to view government initiatives as foreshadowing a further assault on their interests as to expect them to offer economic or social benefits’ (O’Faircheallaigh et al 1999:247).

Question 3: predicting the point of engagement

My review of the literature reveals a developing theorisation on the interaction between government and Indigenous people as a unique sphere of activity (Rowse 1992, 2002, 2005; Blagg and Valuri 2004; Blagg 2008; O’Malley 1996; Cunneen 2001). Researching this subject requires field work, and while I have argued that bureaucrats must learn to venture into the ‘community space’78, unless academics are willing to follow them into the field, there will be a shortage of independent empirical accounts of what occurs in these spaces. In this final part of the chapter, I have drawn from my research and my experience as a community worker to construct a blended, hypothetical account of what might occur when a government and an Indigenous community engage, and to offer some suggestions about how these engagements might be improved.

78 As mentioned in chapter one, Maori Affairs department head Puketapu (1982) directed his staff to move in the physical and spiritual ‘community space’, practice the act of consensus decision making, and without the buffers of Indigenous recruits and professional experts, learn to ‘front up’ to a sometimes hostile constituency.
In the first stages of a community-based initiative, government actors need to be aware that governments and communities are motivated by different things. It is likely that an Indigenous community will respond with interest when a government proposes to address harm, injustice or disadvantage. Community members will be motivated to address local problems that adversely affect their collective well-being. For example, Indigenous communities are typically keen to support programs that aim to address family violence. By contrast, governments tend to act when placed under pressure from outside sources. This can be in the form of public pressure to solve an intractable or alarming social problem, political pressure to reduce the risk of a problem occurring in the future or fiscal pressure to reduce a budgetary burden, such as the cost of housing an escalating prison population. From this perspective, governments appear to be concerned to appease their critics and lift the performance of their departments, while community members are motivated to improve the conditions in which they live. Government actors have a duty to remain alert to the almost polar difference in these two sets of motivations.

Government actors should also be aware that western forms of governance are not always compatible with the way Indigenous communities are organised. The ‘incorporated association’ model for example – which typically requires annual elections, meetings at set intervals and decisions made by a process of motions and votes – may not always work for Indigenous groups (see Adepojibi 2006 and Rowse 2005). Rowse argues that when Indigenous groups are forced to adopt prescriptive forms of western governance, they are alienated from the structures of self-determination. He suggests that when Indigenous organisations do not operate according to the regulations it may be interpreted as a kind of wilful form of self-determination, where Indigenous actors have rejected mainstream organisational norms and rules. Alternatively, it may be interpreted as an ‘incapacity for self-determination’, where the government takes the position that it has provided the administrative tools for self-determination but Indigenous people need more training in how to use them (Rowse 2005:213). These problems may occur because community members do not want to organise themselves in the way the government’s project prescribes. In a robust democracy it is the state’s responsibility to facilitate the meaningful participation of Indigenous people in political life. Therefore, when a significant proportion of the Indigenous population has demonstrated a preference for
non-western forms of engagement then bureaucrats must learn to function in domains other than their own.

Contested agendas

When government officials indicate that they want to meet with an Indigenous community, it is likely the community will be keen to engage regardless of the purpose. In some cases, community leaders will view the opportunity to engage with government as more important than the apparent agenda. This is partly because community leaders aspire to redirect the agenda or to otherwise exert some authority over how the matter will proceed. From the community’s point of view, getting the government to the table is often the significant event; beyond that, the government’s agenda can be rejected, diverted, expanded or replaced.

The community may view the government’s willingness to negotiate as an opportunity to debate matters like sovereignty and self-determination, perhaps particularly where there is a treaty in place, or to seek acknowledgment of a claim or traditional practice. If a government uses language that suggests it supports some form of self-determination, then the community is likely to take that implication seriously (see Behrendt 2003b). The exchange between a bureaucracy that wants to implement a government project and a community that wants to contest the agenda can be a rich source of ideas and innovation. Although both bureaucrats and Indigenous leaders are likely to find these debates frustrating, they are important. As argued by the historical institutionalists, bureaucracies have agency in their own right and can be directed by new ideas (Blythe 2002).

Communities are likely to face constraints and disappointments

When government projects encourage Indigenous communities to develop a ‘vision for the future’, communities should be prepared to have their vision curtailed. Government actors do not always make it clear that they expect the vision to fit within certain constraints (see Queensland Government 2002). Ivanitz (1998) discusses the difficulties that arise when governments promote ideas about autonomy and self-determination without being clear about the limits that are likely to be imposed upon such projects.
A government might find ideas about autonomy for Indigenous communities appealing because it wants to govern from a distance; to retreat from the difficulties of governing Indigenous communities and leave them to manage themselves. On these occasions, a community is likely to find that its vision for self-determination is reconstructed as a self-managed community service or program that consumes few resources. For example, the Queensland Government's *Kainedbiipitli / New Dawn* document (2002), which was presented as a ‘community crime prevention manual’, encourages Torres Strait Islander communities to form crime prevention action groups. It describes a suitable vision for a local crime prevention project as one that uses ‘a few words’, is shared by the whole group and is limited to something that ensures ‘you will have a good chance of doing what you say you will do’ (Queensland Government 2002:20). The document claims the most successful crime prevention projects are those where the local people are ‘making the decisions and doing the work’ (Queensland Government 2002:13). Further, it warns community members that once they have designed their crime prevention project, they might struggle to get sufficient funding to run it, and apart from asking the government for money, they should also consider borrowing resources from other groups.

Problems occur when governments fail to respond adequately to the demands of a project, refuse to release project funds, or renege on promised support. This can starve a project of the resources it needs. As a researcher and a community worker, I have found that government departments often assume community members will volunteer their time and resources, and this can cause a community-based project to falter. The literature suggests that a common cause of failure is a lack of funds; even sound projects, which are effectively targeted and properly managed, can fail because governments do not provide the necessary funds and resources (O’Faircheallaigh, Wanna and Weller 1999; Blagg and Valuri 2004; Warhaft et al 1999, Cunneen et al 2005). For example, the evaluation of Queensland’s *Aboriginal and Torres Strait Islander Justice Agreement* found Indigenous Community Justice Groups were seriously under funded. It recommended that community members be reimbursed for out of pocket expenses and that a joint funding, or ‘fee for service’ arrangement should be developed (Cunneen et al 2005). Community members might agree to volunteer their time and resources because a lack of government support would otherwise cause the project to fail, but progress could be slow. Indigenous communities are typically short of funds and resources, and volunteers are often elderly, in poor health and already volunteering for other programs.
Challenges and achievements

There is a perception among government staff that grassroots projects will progress slowly because Indigenous groups are factionalised and lack project management skills (see Rowse 2005; Adeyibi 2006; Ryan cited in Blagg and Valuri 2004; Blagg 2008; Cunneen et al 2005). However, an Indigenous community that expects a government to perform in a coordinated manner is also likely to be disappointed. Government departments tend to find it difficult working cooperatively with other agencies and groups; and often, even when no other bureaucracy is involved, a single department or agency will struggle to coordinate its own resources. Although a community might find it difficult to bring its various factions together for a common purpose, communities can sometimes be more successful at surmounting this type of problem than government agencies.

When the success of a government initiative depends on grassroots support, government actors should not expect to be able to implement the project in a short time. An Indigenous community’s first response to a government proposal is unlikely to be a step toward implementation. During the early stages, participating community members may not appear to be concerned with the project’s core objective at all. Initially, community members may want to spend time preparing for their future involvement. This can include discussing the value of the project and assessing the government’s intentions. A new project can also trigger debates and raise old grievances between factions within the community and these can take time to resolve. Even where a proposal is well received from the beginning, it can take time for community members to settle on how they will be represented. O’Faircheallaigh (2006) suggests Indigenous communities will do better during an engagement with other interests (such as governments and mining companies) if they can achieve unity before negotiations begin. I have observed that while the community may not invite government actors to participate in these preparatory meetings, government actors can facilitate the process by making themselves available to answer questions at short notice. Indigenous decision making processes typically involve building consensus and are therefore different from those found in western bureaucracies (Rowse 1992). Some might say that the consensus approach is slower, but bureaucracies are also known to move slowly, or not at all, unless keenly motivated to act.

79 Blagg and Valuri (2004) advise government should expect a grassroots initiative to take up to two years to mature and O’Malley (1996) reported that the Ngaanyatjarra people’s glue sniffing program took three or four years to develop.
An important cause of project failure is the incompetence, indifference, or otherwise ineffective performance of government departments. Chantrill (1997) for example, found that the delays affecting the establishment of the Kowanyama Justice Group in north Queensland were caused by the restructuring of the Corrective Services Department, not the grassroots nature of the initiative. The problems experienced during the implementation of Queensland’s MCMC strategy are also indicative of government failure. The MCMC evaluation found the strategy’s implementation plan was overly theoretical, poorly structured and unresponsive to each community’s level of readiness. In addition to its poor construction, the implementation plan was virtually unknown among regional government officers and it was often unclear which agency was responsible for which aspect of the project (Queensland Government 2005). Community members also criticised the government for the poor management of its own agenda. The report includes a complaint from one community member that asked,

Whose challenge and whose responsibility? Whose expectations and whose rights? … ‘We’ve made choices; we just want the Government to meet us’ (Queensland Government 2005:46, emphasis in original).

Government actors who try to spur people into action by highlighting the extent of the community’s social problems might find the strategy backfires, especially when the community is claiming these same problems are caused by government neglect. In addition, community leaders can become angry when government actors fail to acknowledge the time and effort they have already committed to addressing local problems. Rather than arrive equipped with a list of the community’s faults and failures, a better approach might be to research its prior achievements and arrive ready to demonstrate some knowledge about these.

Liaisons

It is not necessary, and in some cases not advisable, for a government department to have all their key players in place before engaging with an Indigenous community. If a bureaucrat is capable of ‘fronting up’ to work within the community space, then he or she should do so, and be willing to participate in the selection of liaisons by consensus. The MCMC evaluation report suggested enlisting consultants prior to the launch of a project may not be as effective as the slower process of waiting for community members to act locally (Queensland Government 2005).
Effective liaisons require some important skills and talents. A liaison should be comfortable with a fluid agenda and open forums, and have a working knowledge of consensus decision-making practices. If a liaison works for government, then that person should be prepared to answer the community’s questions quickly, preferably ‘on the spot’, and to demonstrate a willingness to advocate for the community. Liaisons are more likely to be successful if they are skilled at accurately paraphrasing the statements and claims of both groups and fairly expressing the concerns of each side to the other.

Indigenous community members sometimes perceive liaisons, consultants, experts and other go-betweens as people in a position to dilute the force of the community’s protests and weaken its negotiating power. If liaisons and consultants are poorly supported by community members, then significant problems can result. Liaisons are important to government departments however, because they create a ‘comfort or buffer zone’ from which bureaucrats can enjoy ‘a more comfortable engagement experience’ (Murphy 1996:9; Murphy 2000:9&66). Instead of being perceived as an obstacle, an effective liaison needs to be perceived as a link to government. This can be achieved by arranging sufficient ‘face to face’ meetings between officials, agency staff and community members so that the community is satisfied that high ranking officials have heard their concerns directly.

Implications

The policy language directed at Indigenous projects tends to invoke notions of sovereignty, self-determination and the devolution of decision-making power. However, western bureaucracies and Indigenous communities do not perceive or experience these sources of political power in the same way (Behrendt 2003a). Despite recent support for policies of self-determination, there remains a gap between what Indigenous communities expect from these developments and what governments are prepared to assume about how Indigenous groups should be governed (see Ellerman 2002).

Devolution: less control, more soul

From an Indigenous perspective, governments promote ‘devolution’ as a reform strategy that allows power to shift from government ‘down’ to the grassroots. However,

See also comments by the board member of the Huntly case.
bureaucrats almost always seek to control the extent and timing of the reform process, the purpose of it, the type of forum in which it will occur and who will be invited to participate. To be meaningful, bureaucracies must learn to treat policies of self-determination as more than a controlled exercise in devolution (Murphy 1996). Bureaucracies must first achieve a deeper shift in soul and spirit (Puketapu 1982), or as Behrendt (2003a) advocates, they must work toward a change of institutional ‘heart’.

Dispersed governance models

Effective dispersed governance models can achieve positive results because a locally tailored project is more likely to mobilise grassroots support than a national or regional campaign. Policies of self-determination have allowed Indigenous people to exercise some choice about how they organise. According to Sanders,

> The pattern which has emerged from this choice tends to be both highly localised and highly dispersed. Indigenous people seem to have preferred to group themselves into organisations of quite small geographic scale, for quite limited organisational purposes. Many little organisations have emerged, with somewhat different, although at times somewhat vaguely stated and inter-related purposes (Sanders 2004:15, cited in Rowse 2005).

I agree that localism is a form of dispersed governance and that it can serve as a productive foundation for the development of grassroots projects. I argue that although there is evidence of tension between localism and the broader strategic approach preferred by governments, Indigenous communities should not be pressured to meet the requirements of a broad agenda. To cast the ‘big politics’ of governments as desirable and the ‘small politics’ of communities as problematic is to privilege the preferences of white bureaucracies over the political processes preferred by diverse Indigenous communities.

Community members can be deterred from participating in a government project if its underlying objective is to address problems beyond the community’s control. A case in point is to suggest that a project will address the entire country’s Indigenous crime rates. Community members are more likely to get involved in projects that offer the prompt delivery of local benefits. The challenge facing government actors is to embrace

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81 Refer to the comments made by the Acting District Commander of the Huntly case.
the practice of achieving small local outcomes, and to do this by operating effectively within dispersed governance settings.

While both government and community groups are likely to share the common aim of delivering improved services and conditions, a failed project will have a more profound impact on a community than on a bureaucracy. Program failure cannot be dismissed as simply caused by the difficult nature of the ‘Indigenous problem’ (see O’Malley 1996). Rather, explanations for project failure should be the result of a critical, independent review that includes an investigation of what occurred.

It seems success can often be the result of good luck rather than good design, and in some cases, success is achieved despite the effects of government. My findings also imply that although grassroots ideas might be a rich source of innovation, they are likely to remain overlooked if their realisation depends on the bravery of individual public officials. In my view, if the presence of an official champion was the only requirement, a government project might have a reasonable chance of success, but such projects are likely to require the presence of many other, often elusive, facilitating factors. A successful reform agenda cannot depend on the accidental convergence of a good idea, a committed grassroots leadership, supportive bureaucrats and sufficient political will. Such circumstances must be fostered and resourced.

Conclusion: working for a better future

As a community worker, I have worked at the boundary between Maori and western approaches to program development, but inevitably, and often preferably, important differences remain. When a program blends Indigenous and western ideas, it should begin with a discussion about which of these perspectives will have the most authority in the event of a clash in practice. These occasions test the rigor of community/government partnerships. The interface between government and Indigenous groups can never be a perfect fit, and I would argue that from an Indigenous perspective, such a fit could only mean Indigenous forms of governance had been wholly absorbed by the state and all distinctions between the two domains were lost. Instead, the goal should be to work within the shared space between the Indigenous and non-Indigenous domains. Despite the history of conflict between government and colonised people, there is potential for improved relations in the future.

82 O’Faircheallaigh et al 1999.
As a researcher and a community worker, I have spoken to many Indigenous leaders who say that their community suffers from government neglect. Poor health and education services, inadequate housing and high crime and incarceration rates are just some of the problems facing Indigenous communities. Members of these communities, like other constituents living in western democracies, expect the government to do something to fix the conditions in which they live. In addition to a government’s mainstream responsibilities, it has additional responsibilities toward Indigenous people. Britain’s colonisation of New Zealand and Australia involved the violent invasion of previously populated territories; the forced displacement of Indigenous forms of governance; and the installation of the political, judicial and cultural systems of the colonising state. Whether there is a treaty in place or not, once colonised, Indigenous people must turn to rights-based arguments to retrieve even a fraction of what was taken from them.

Indigenous people are in a position where they must first prove the harm caused by colonisation before they can claim redress. For Indigenous people, taking a native title claim to a land court, or proving eligibility for a race-based welfare or compensation payment for example, are adversarial processes that cause conflict in the relationship between government and Indigenous people. In my view, this partly explains why Indigenous leaders sometimes begin an engagement with government by asking the government to first confess its responsibility for the community’s current predicament. This is a common theme in the dialogue between the two groups. In the future, as the number of empirical accounts of what occurs during these engagements grows, academics will be able to draw from Indigenous perspectives more often to explain this volatile sphere of political activity.

The challenge for government is to acknowledge the constancy of Indigenous perspectives, whether they are the perspectives of the incumbent Indigenous population or those of Indigenous migrants from other countries, and to consider the enduring nature of those ideas compared to the rapid reinventions of government policy. It might be more productive if governments learned to work with traditional ideas rather than persist with the ‘west is best’ mentality. Although the task may appear overwhelming, governments wanting to engage effectively with the Indigenous domain must learn how to ‘get into step’ with an immense variety of Indigenous perspectives and practices.
My research showed Indigenous communities are highly capable of developing reform projects and effective forms of governance on Indigenous terms, but government actors are often unsure of how to utilise the expertise of Indigenous people. Effective Indigenous leaders are experts in the history, conditions and aspirations of their communities. They are also experts in the practice of consensus decision-making and can successfully mobilise community support for a good idea. They are often committed to the concept of self-determination, despite a lack of funds and resources, and have learned to negotiate with unresponsive and uncoordinated government agencies within culturally incompatible models of organisation. When government and Indigenous groups are willing to engage, and each side acknowledges the unique capacities of the other, then there is potential for a new way forward in the relationship between government agencies and Indigenous people.
APPENDIX 1

TREATY OF WAITANGI

English version

Preamble:

HER MAJESTY VICTORIA Queen of the United Kingdom of Great Britain and Ireland regarding with Her Royal Favour the Native Chiefs and Tribes of New Zealand and anxious to protect their just Rights and Property and to secure to them the enjoyment of Peace and Good Order has deemed it necessary in consequence of the great number of Her Majesty's Subjects who have already settled in New Zealand and the rapid extension of Emigration both from Europe and Australia which is still in progress to constitute and appoint a functionary properly authorised to treat with the Aborigines of New Zealand for the recognition of Her Majesty's Sovereign authority over the whole or any part of those islands - Her Majesty therefore being desirous to establish a settled form of Civil Government with a view to avert the evil consequences which must result from the absence of the necessary Laws and Institutions alike to the native population and to Her subjects has been graciously pleased to empower and to authorise me William Hobson a Captain in Her Majesty's Royal Navy Consul and Lieutenant-Governor of such parts of New Zealand as may be or hereafter shall be ceded to her Majesty to invite the confederated and independent Chiefs of New Zealand to concur in the following Articles and Conditions.

Article the First:

The Chiefs of the Confederation of the United Tribes of New Zealand and the separate and independent Chiefs who have not become members of the Confederation cede to Her Majesty the Queen of England absolutely and without reservation all the rights and powers of Sovereignty which the said Confederation or Individual Chiefs respectively exercise or possess, or may be supposed to exercise or to possess over their respective Territories as the sole sovereigns thereof.

Article the Second:

Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession; but the Chiefs of the United Tribes and the individual Chiefs yield to Her Majesty the exclusive right of Preemption over such lands as the proprietors thereof may be disposed to alienate at such prices as may be agreed upon between the respective Proprietors and persons appointed by Her Majesty to treat with them in that behalf.

Article the Third

In consideration thereof Her Majesty the Queen of England extends to the Natives of New Zealand Her royal protection and imparts to them all the Rights and Privileges of British Subjects. Now therefore We the Chiefs of the Confederation of the United Tribes of New Zealand being assembled in Congress at Victoria in Waitangi and We the Separate and Independent Chiefs of New Zealand claiming authority over the Tribes and Territories which are specified after our respective names, having been made fully
to understand the Provisions of the foregoing Treaty, accept and enter into the same in the full
spirit and meaning thereof in witness of which we have attached our signatures or marks at the
places and the dates respectively specified. Done at Waitangi this Sixth day of February in the
year of Our Lord one thousand eight hundred and forty.

Maori version

KO WIKITORIA te Kuini o Ingaran i tana mahara atawai ki nga Rangatira me nga Hapu o Nu
Tirani i tana hiahia hoki kia tohungia ki a ratou o ratou rangatiratanga me to ratou wenua, a kia
mau tonu hoki te Rongo ki a ratou me te Atanohohoki kua wakaaro ia he mea tika kia tukua mai
tetahi Rangatira - hei kai wakarite ki nga Tangata maori o Nu Tirani - kia wakaaetia e nga
Rangatira Maori te Kawanatanga o te Kuini ki nga wahikatoa o te wenua nei me nga motu - na te
mea hoki he tokomaha ke nga tangata o tona Iwi Kua noho ki tenei wenua, a e haere mai nei.

Na ko te Kuini e hiahia ana kia wakaritea te Kawanatanga kia kaua ai nga kino e puta mai ki te
tangata Maori ki te Pakeha e noho ture kore ana.

Na kua pai te Kuini kia tukua a hau a Wiremu Hopihona he Kapitana i te Roia Nawi hei Kawana
mo nga wahi katoa o Nu Tirani e tukua alanei amua atu ki te Kuini, mea atu ana ia ki nga
Rangatira o te wakaminenga o nga hapu o Nu Tirani me era Rangatira atu enei ture ka korerotia
nei.

Ko te Tua Tahi

Ko nga Rangatira o te wakaminenga me nga Rangatira katoa hoki ki hai i uru ki taua
wakaminenga ka tuku rawa atu ki te Kuini o Ingaran aketae tonu atu - te Kawanatanga katoa o o
ratou wenua.

Ko te Tua Rua

Ko te Kuini o Ingarani ka wakarite ka wakaae ki nga Rangitira ki nga hapu - ki nga tangata katoa o
Nu Tirani te tino rangatiratanga o o ratou wenua o ratou kainga me o ratou taonga katoa. Otiia ko
nga Rangatira o te wakaminenga me nga Rangatira katoa atu ki tuku ki te Kuini te hokonga o era
wahi wenua e pai ai te tangata nona te Wenua - ki te ritenga o te utu e wakaritea ai e ratou ko te
kai hoko e meatia nei e te Kuini hei kai hoko mona.

Ko Te Tua Toru

Hei wakaritenga mai hoki tenei mo te wakaaetanga ki te Kawanatanga o te Kuini - Ka tiainka e te
Kuini o Ingaran nga tangata maori katoa o Nu Tirani ka tukua ki a ratou nga tikanga katoa rite tahi
ki ana mea ki nga tangata o Ingaran. Na ko matou ko nga Rangatira o te Wakaminenga o nga
hapu o Nu Tirani ka huhihei nei ki Waitangi ko matou hoki ko nga Rangatira o Nu Tirani ka kite nei i
te ritenga o enei kupu, ka tangohia ka wakaaetia katoatia e matou, koia ka tohungia ai o matou
ingoa o matou tohu.

Ka meatia tenei ki Waitangi i te ono o nga ra o Pepueri te tau kotahi mano, e waru rau e wa te
kau o to tatou Ariki.
Differences between the two versions

Differences in the two translations of the treaty remain the subject of debate, particularly in relation to the different meanings Māori and Pakeha attributed to the concepts of sovereignty and governance.

The State Services Commission’s summary of the key differences between the two texts is shown below.

Preamble

The preamble of the English version states the British intentions were to:

• protect Māori interests from the encroaching British settlement
• provide for British settlement
• establish a government to maintain peace and order.

The Māori text suggests that the Queen's main promises to Māori were to:

• provide a government while securing tribal rangatiratanga and Māori land ownership for as long as they wished to retain it.

Article the First

In the English text of the Treaty, Māori leaders gave the Queen "all the rights and powers of sovereignty" over their land.

In the Māori text of the Treaty, Māori leaders gave the Queen "te kawanatanga katoa" – the complete government over their land.

Article the Second

In the English text of the Treaty, Māori leaders and people, collectively and individually, were confirmed and guaranteed "exclusive and undisturbed possession of their lands and estates, forests, fisheries and other properties".

In the Māori text of the Treaty, Māori were guaranteed "te tino rangatiratanga" – the unqualified exercise of their chieftainship over their lands "wenua", villages "kainga", and all their property/treasures "taonga katoa".

In the English text of the Treaty, Māori yielded to the Crown an exclusive right to purchase their land.

Māori agreed to give the Crown the right to buy land from them should Māori wish to sell it.

Article the Third

In the Māori text of the Treaty, the Crown gave an assurance that Māori would have the Queen's protection and all rights - "tikanga" - accorded to British subjects. This is considered a fair translation of the English.

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APPENDIX 2

INTERVIEW INSTRUMENT

1/ CATALYSTS
   - What was happening in the community that made people take action?
   - What had been tried before?
   - Who were the main instigators?

2/ VISIONS
   - What vision did people have for the project / program?
   - Did the project / program have a set of particular objectives?
   - Did the government have policies, strategies or legislation in place that affected the establishment of the project / program?
   - Did the local objectives and the government’s policies come into conflict or were they compatible?

3/ CHALLENGES
   - What were the biggest challenges or frustrations?
   - Where these problems solved?

4/ BREAKTHROUGHS
   - What were the breakthroughs?
   - What facilitated the establishment of the program? What helped it to get off the ground?

5/ AGENDA SETTING
   - What were the meetings like?
   - How many people or groups were involved?
   - Who set the agenda for the meetings and the direction of the project / program?
   - Did dealing with this particular (local) problem draw attention to bigger problems?

FINAL
   - If people were trying to set up a similar project / program in other places, what are the important things that you think need to be in place.
APPENDIX 3

TABLE 7.1 FINDINGS BY THEME & TABLE 7.2 FINDINGS BY CASE

**TABLE 7.1 FINDINGS BY THEME**

<table>
<thead>
<tr>
<th>THEME</th>
<th>FINDINGS</th>
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<tbody>
<tr>
<td>VISIONS AND IDEAS</td>
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<tr>
<td><strong>CHERBOURG (QLD)</strong> – MOU on the escort of juvenile detainees</td>
<td>Project initiated by government department. Dept’s objective was to reduce the risk of future escapes by drawing members of the community into sharing responsibility for escorts. The community’s aspiration was to use the MOU project as an opportunity to end a long history of humiliation for prisoners visiting the community and to extend the reforms to include other Aboriginal communities.</td>
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<tr>
<td><strong>HUNTLY (NZ)</strong> – Local community governance experiment</td>
<td>Project initiated by police. Police leadership aimed to address crime among Maori by ‘mobilising tolerant spectators’ within the Maori community. The concept was supported by the official policing strategy for crime prevention among Maori. Govt. strategy <em>Closing the Gaps</em> supported initiatives targeting Indigenous disadvantage and directed govt. departments to collaborate with each other to achieve this. Community’s aspiration was to treat the project as an exercise in self-determination and to improve outcomes for Maori living in Huntly.</td>
</tr>
<tr>
<td><strong>HAWKE’S BAY (NZ)</strong> – Prison program based on traditional practices</td>
<td>Project initiated by Indigenous community leaders. Initiative based on the assumption that traditional values and disciplines have the potential to restore social well being. The community’s objective was to use the teaching of traditional values and disciplines to draw Maori offenders away from crime, restore them to their families and keep them from returning to prison.</td>
</tr>
<tr>
<td><strong>CAIRNS (QLD)</strong> – Diversion program for public drinking offenders</td>
<td>Project initiated by judiciary The stated aims of the program included addressing minor crime caused by alcohol dependency and homelessness and reducing the overrepresentation of Aboriginal and Torres Strait Islander people in prison. The program’s supporters promoted the idea that rehabilitation was a more effective solution than punishment. Aboriginal leaders wanted reassurance that the proposal was not a concealed attempt to unfairly target Indigenous people.</td>
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<tr>
<td>7.1 (2) CATALYSTS</td>
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<tr>
<td><strong>CHERBOURG (QLD) – MOU on the escort of juvenile detainees</strong></td>
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<tr>
<td><strong>CAIRNS (QLD) Diversion program for public drinking offenders</strong></td>
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</table>

**An escape incident prompted a review of escort procedures**
Department’s incident report recommends negotiating MOU with community.
The community was motivated to voice its objections about the use of handcuffs and a long history of humiliation suffered by all prisoners travelling to the community to attend funerals.
The community was motivated to secure and maximise the initiative’s benefits.

**Police seek to mobilise Maori community against crime.**
Huntly identified as a township suffering high rates of unemployment and crime.
Govt invites community to participate in a project to address disadvantage facing local Maori families.
The community was motivated to voice its grievances. Community members were angry and claimed government neglect was putting Huntly’s Maori families at risk of poverty, violence and other social problems.
The community was motivated to increase available government resources and improve services.

**Long history of social problems affecting Indigenous families.**
Rising rates of imprisonment for Indigenous men.
Increase in frequency and intensity of gang violence in local area.
Public inquiry into violence and the recommendations of the subsequent Roper Report

**Judicial concern over exceptionally high rates of incarceration for a small group of Aboriginal and Torres Strait Islander offenders.**
Public, political and commercial pressure to resolve public nuisance problems.
Judicial frustration at lack of alternative sentencing options for this group of offenders.
### 7.1 (3) AGENDA SETTING AND POWER SHARING

<table>
<thead>
<tr>
<th>Location</th>
<th>Description</th>
<th>Details</th>
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<tbody>
<tr>
<td>CHERBOURG (QLD)</td>
<td>MOU on the escort of juvenile detainees</td>
<td>Dept. focused on preventing future escapes. Community expanded agenda to cover the problem on a larger scale. Dept. waited until the community argued its case then regained control of agenda. Project proceeded once participants agreed to remain focussed on the department's objectives.</td>
</tr>
<tr>
<td>HUNTLY (NZ)</td>
<td>Local community governance experiment</td>
<td>Govt. agencies attempted to instigate the project with a very strong agenda already in place. Community rejected proposal. Community objected to pre-set agenda, lack of consultation and lack of acknowledgement of its past efforts. Community eventually agreed to participate and decided how to prioritise local problems. This effectively set the agenda for future action and delivered one of the govt's original objectives to involve the community in local decision making processes. Part of the community's agenda was to insist that traditional Maori practices, decision making processes and concepts be applied to the initiative. Community leaders linked the project's objectives current government policy and the Treaty of Waitangi.</td>
</tr>
<tr>
<td>HAWKE'S BAY (NZ)</td>
<td>Prison program based on traditional practices</td>
<td>The project's community-based leaders had the support of powerful and influential people, including govt. ministers. Community leaders set the program's agenda and maintained control over it for many years. Community leaders claimed the project's objectives were in accord with current government policy. The program caused a shift in the power dynamics within the prison. It challenged existing power relations between staff, inmates and gang leaders within the prison. After the program had been running for a number of years, the Dept. of Corrections appeared to capture the original agenda and use it to construct its own framework for the delivery of Maori programs within prisons.</td>
</tr>
<tr>
<td>CAIRNS (QLD)</td>
<td>Diversion program for public drinking offenders</td>
<td>The project's instigators were powerful and influential people (a magistrate and a police prosecutor) who decided the terms of the initiative with minimal consultation. Cairns did not have an organised community-based Indigenous leadership, such as an elders group, that could be consulted prior to proceeding with the project. The agenda was narrowly set to focus only on the identified problem. Indigenous power is dispersed throughout the community because the Indigenous population in Cairns comprises many different tribes, cultures and languages. This makes establishing representative groups difficult.</td>
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### 7.1 (4) CHALLENGES

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<thead>
<tr>
<th>CHERBOURG (QLD)</th>
<th>HUNTLY (NZ)</th>
<th>HAWKE’S BAY (NZ)</th>
<th>CAIRNS (QLD)</th>
</tr>
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<tbody>
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<td>Local community governance experiment</td>
<td>Prison program based on traditional practices</td>
<td>Diversion program for public drinking offenders</td>
</tr>
</tbody>
</table>

The community challenged the department. Early meetings were marked by conflict and blame. Community vents anger.

The community challenged the government departments. Early meetings were marked by conflict and blame. Community vents anger.

Govt agencies challenged by the requirement to collaborate with each other. Agencies struggled to work with a ‘whole of govt’ approach.

Community members challenged by requirement to cooperate with each other; community divided into factions that were in conflict with each other.

Community challenged by representation problems. There were arguments about who could legitimately represent the community during negotiations with govt.

Community members blamed govt. agencies and staff of local Indigenous service providers for township’s social problems.

Community leaders were denied permission to run the program despite their best efforts over 40 years.

Once implemented, the program challenged prison practice and the authority of prison staff

The program challenged the authority of the gang culture prevalent among Maori inmates.

A small group of Aboriginal activists objected to the proposal because it had the potential to unfairly target disadvantaged people.

Defence lawyers attempted to secure diversion for a greater number of their clients than the program could accommodate

An initial lack of resources made it difficult for the program coordinator to deliver the service during the unfunded pilot phase

It was a challenge to achieve the inter-agency cooperation needed to ensure diversion cases could be processed smoothly.

Some police and magistrates criticised the project for being too lenient with a group of difficult recidivists that deserved harsher treatment.
### 7.1 (5) BREAKTHROUGHS AND FACILITATING FACTORS

<table>
<thead>
<tr>
<th>Location</th>
<th>Breakthroughs</th>
<th>Facilitating factors</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CHERBOURG (QLD)</strong> –</td>
<td>The community and the department reached agreement on the use of handcuffs during escorts.</td>
<td>Department’s choice of project liaison staff.</td>
</tr>
<tr>
<td><strong>MOU on the escort of juvenile detainees</strong></td>
<td>There was a compromise on the wearing of uniforms.</td>
<td>High level of community involvement and interest.</td>
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<tr>
<td></td>
<td>The department agreed to provide community-based escort supervisors with information about each young person and their escort conditions.</td>
<td>Mutual respect among those involved.</td>
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<td></td>
<td>The community responded sympathetically to a presentation by detention centre staff about how they found the experience of escorting young people difficult and confronting.</td>
<td></td>
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<tr>
<td><strong>HUNTLY (NZ)</strong></td>
<td>Community reached agreement on how to prioritise Huntly’s service delivery needs.</td>
<td>Effective leadership at community level.</td>
</tr>
<tr>
<td><strong>Local community governance experiment</strong></td>
<td>Community forced a change of leadership when it replaced the government’s choice of liaison.</td>
<td>High level of community involvement and interest.</td>
</tr>
<tr>
<td></td>
<td>Community articulated its Indigenous framework for the implementation of the project.</td>
<td>Community had good access to government decision makers.</td>
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<td></td>
<td>A public inquiry into violence provided an opportunity to promote the benefits of the program.</td>
<td>The program was adequately funded and resourced.</td>
</tr>
<tr>
<td><strong>HAWKE’S BAY (NZ)</strong></td>
<td>The most significant breakthrough was gaining permission to run the first program within a prison.</td>
<td>Highly reputable leadership and support from influential people.</td>
</tr>
<tr>
<td><strong>Prison program based on traditional practices</strong></td>
<td>Facilitating factors:</td>
<td>Effective leadership sustained over a long period of time.</td>
</tr>
<tr>
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<td><strong>CAIRNS (QLD)</strong></td>
<td>Diversion program for public drinking offenders.</td>
<td>Highly reputable leadership and support from influential people.</td>
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<td></td>
<td>Gaining the support of the service provider.</td>
<td>The availability of a service provider with a majority of Indigenous staff and many years experience.</td>
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<td></td>
<td>Gaining the commitment of the program coordinator.</td>
<td>The involvement of motivated people.</td>
</tr>
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<td></td>
<td>Gaining the support of those who had objected to the proposal but eventually agreed it would deliver benefits.</td>
<td>The program was implemented under the existing Bail Act and did not need special legislation.</td>
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<td></td>
<td>The development of an effective referral process and inter-agency cooperation.</td>
<td>Facilities factors:</td>
</tr>
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<td>Receiving funding to continue the program beyond the pilot phase.</td>
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</table>
## TABLE 7.2 FINDINGS BY CASE

### 7.2 (1) CHERBOURG (MOU on the escort of juvenile detainees)

| 1.1 Visions/Ideas | The department’s idea was to:  
|                  | - Prevent future escapes when young people are escorted from detention to the Cherbourg community for funerals.  
|                  | - Improve escort procedures in consultation with the Cherbourg community.  
|                  | - Share responsibility for the supervision of young people on escort with suitable community members (spread the risk).  
|                  | The community’s vision was to:  
|                  | - End a long history of humiliation for prisoners, their families and the whole community.  
|                  | - Improve escort conditions for young detainees and adult prisoners.  
|                  | - Introduce new practices to other Indigenous communities in Queensland.  
|                  | - Regain control over funeral proceedings when incarcerated people attend under escort.  
|                  | A series of agreements were reached between the department and the community, which resulted in the selection of three objectives for the MOU project:  
|                  | - Develop a safe, secure and culturally appropriate framework for best practice, policy and procedures whilst escorting young Aboriginal people back to their respective communities for a funeral.  
|                  | - Develop a shared understanding of language in the form of a memorandum of understanding  
|                  | - Develop a culturally appropriate and relevant framework for the implementation of the memorandum of understanding.  
|                  | The expectation that the MOU would extend to other communities as implied in the first objective above, was not realised. |

| 1.2 Catalysts | The community was motivated by:  
|               | - The aspiration to stop the public humiliation caused by escort practices in the future.  
|               | - The opportunity to do something about a long history of deeply felt grievances caused by escort practices.  
|               | - The strength of the community’s objections to the use of handcuffs during funeral proceedings.  
|               | - The desire to use the MOU process to achieve as many benefits as possible.  
|               | The department was motivated by:  
|               | - The escape incident  
|               | - The recommendations of the internal report on the investigation into the escape incident. |
| 1.3 agenda setting and power sharing | Power Sharing  
- Deciding who would be invited to participate in the MOU project was a highly contested process that took 18 months to resolve.  
- The community demanded the department justify its decision to include certain staff members as project participants.  
- Community members valued the department’s willingness to travel and hold the meetings at Cherbourg.  

Agenda Setting  
- Department took an open approach. The dept’s project manager considered pre-setting the agenda would be futile.  
- During early meetings, the community ‘hijacked’ the agenda and determined the content of discussions.  
- The department was focussed on preventing future escapes but the community aired grievances that were not related to the escort problem  
- The community expanded the agenda  
- The department waited until the community argued its case then regained control of agenda  
- The project proceeded once participants agreed to remain focussed on the department’s objectives. |

| 1.4 Breakthroughs and facilitating factors | Breakthroughs  
- A major breakthrough was achieved when the community and the department reached agreement on the use of handcuffs  
- A compromise was reached on the matter of uniforms (the community objected to staff wearing uniforms at funerals).  
- Detention centre management agreed to provide the community’s Escort Support Group with information about the young people, including their escort conditions and risk assessments.  
- The community responded sympathetically to a presentation by detention centre staff about how they found the experience of escorting young people to funerals difficult and confronting.  

Facilitating Factors  
- A high level of community participation and interest sustained the momentum of the project.  
- From the community’s point of view, one of the most important facilitating factors was the department’s choice of staff as project liaisons; both were Aboriginal women, one of whom was also a member of the Cherbourg community.  
- According to respondents on both sides, acknowledging and respecting the other group (especially ‘those at the top’) was important. |
### Challenges for the community:
- Initially, different community groups and members found it difficult to cooperate with each other. It was unusual for the community to participate in a collaborative project.
- Some community members, particularly the elders, found it emotionally distressing to talk about the subject of children in custody, because many of Cherbourg’s elders had been taken from their families as children to live in dormitories.
- Some community members did not want to support some juvenile offenders because they had offended against the community and people had lost patience with them.

### Challenges for the department:
- The department was aware the MOU project was about culturally sensitive matters and would require careful handling.
- The department was challenged by the community when community members vented their anger and frustration over escort procedures and the humiliation they caused.
- The community wanted to extend the benefits of the reforms to include a second youth detention centre in north Queensland, other Indigenous communities and the adult prison system.
- The department was challenged to compromise on the use of handcuffs and the wearing of uniforms by escort officers.
- Some community members wanted the option of refusing to permit certain young offenders to visit the community, while the department’s policy was that all such requests be treated equally.

### Challenges for both sides:
- Early meetings marked by conflict and blame
- It took 18 months to decide who would participate in the project. The community first had to resolve some of its own differences, and then it objected to some of the department’s choice of participants. The department had to justify its decision to invite certain members of its staff to attend the MOU meetings.

### The handcuff challenge:
- The community claimed it had the right to maintain cultural authority over its own sorry business and argued the use of handcuffs was an intrusive affront to that authority.
- The department claimed that under Queensland’s legislation, it could not relinquish its authority over detained young people, and argued that it was ‘bound by law’ to use handcuffs during escorts.
<table>
<thead>
<tr>
<th>1.5 Breakthroughs and facilitating factors</th>
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7.2 (2) HAWKE’S BAY (Maori prison program)

| 3.1 Visions/Ideas | This was a community-based initiative. The program was first conceived by soldiers of the Maori Battalion when they returned from WW2.  
The initiative was based on the assumption that learning and retaining traditional values and disciplines will restore social well being to colonised people.  
The community’s vision was to teach traditional values and disciplines to draw Maori away from crime, restore them to their families and keep them from returning to prison.  
The more immediate objective was to reduce the number of Maori people in prisons. |
|---|---|
| 3.2 Catalysts | Community leaders were concerned about the adverse affects of post war social and economic change on Maori families.  
Maori were overrepresented in prison and imprisonment rates were rising.  
The *Roper Inquiry* gave momentum to the initiative when one of its community-based supporters sat on the Roper committee; he used this opportunity to promote the idea of a Maori prison program.  
An outbreak of intense gang violence, which included ‘shoot outs’ in the main street, prompted people to take action. The idea of a traditional approach toward Maori offending gained political and public support. |
### 3.5 Agenda setting and power sharing

The program’s community-based leaders set the agenda and maintained control of it over many decades. This agenda centred on the implementation of an Indigenous framework and it was advanced in tact without compromise.

The program’s community-based leaders were strongly supported by influential public figures.

The program’s community-based leaders claimed their approach were in accord with the principles and objectives of two government initiatives: the *Maori Social and Economic Advancement Act* (1945) and the *Roper Report* (1987).

The program caused a shift in power relations with the prison, both between staff and inmates and between groups of inmates.

Once the program had been running for a number of years, the Dept. of Corrections appropriated the Indigenous agenda and reshaped it to construct the department’s own framework for the delivery of Maori programs within prisons.

### 3.3 Challenges

The Department of Corrections rejected the idea of operating a traditional Maori prison program for 40 years.

The challenge for the project’s community based leadership was to continue campaigning for prison reform despite the disappointments.

The first program to be piloted challenged:
- the prison’s security procedures and power relations
- the authority of prison staff
- the authority of gang leaders within the prison
- the legitimacy of gang culture, which was more prevalent in the prison than traditional culture
- the capacity of the prison to accommodate inmates who wanted to adhere to traditional daily practices and routines
### 3.5 Breakthroughs and facilitating factors

<table>
<thead>
<tr>
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<th>Facilitating factors</th>
</tr>
</thead>
<tbody>
<tr>
<td>The most significant breakthrough was finally gaining permission to run the first Maori program of this type within a prison.</td>
<td>The initiative’s community-based leadership, which was longstanding and of highly regarded, was the most important facilitating factor.</td>
</tr>
<tr>
<td>The Roper Inquiry delivered a prior breakthrough by increasing support for a traditional approach to working with Maori offenders</td>
<td>There were few disputes or conflicts surrounding the program’s emergence. Its philosophical framework remained stable and unchallenged over a long period of time.</td>
</tr>
</tbody>
</table>

- The initiative received ministerial support and support from influential public figures.
- Negotiations between community-based leaders and the first prison manager to accept the program were facilitated by the fact all parties had previously served in the army.
### 7.2 (3) HUNTLY (experiment in community governance model)

<table>
<thead>
<tr>
<th>3.1 Visions/Ideas</th>
</tr>
</thead>
<tbody>
<tr>
<td>The project was initiated by police, with support from officials who were members of a regional public sector planning forum. Maori leaders within the police service aimed to address crime among Maori by ‘mobilising the tolerant spectators’ within Maori communities. The concept was supported by the official police strategy concerning crime prevention among Maori. The government strategy <em>Closing the Gaps</em> supported initiatives targeting Indigenous disadvantage and directed government departments to take a ‘whole of government’ approach to the task. The community’s objective was to treat the project as an exercise in self-determination and improve outcomes for Maori living in Huntly. Its stated vision was to apply Maori principles, such as traditional forms of decision making, to a practical project, and to improve agency response to Huntly’s social problems. Both the community and the government agencies articulated their vision for the project by referring to the principles of the Treaty of Waitangi.</td>
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<table>
<thead>
<tr>
<th>3.2 Catalysts</th>
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<tbody>
<tr>
<td>Police leaders acted as a catalyst by publicly challenging community leaders to take action against crime and disadvantage in their community. Huntly’s high rates of crime, unemployment and negative social indicators attracted the attention of the authorities and triggered its selection as the first community to trial the initiative. Community leaders were motivated to engage with the project because it was an opportunity to voice their grievances. Community members were angry and claimed government neglect was putting Huntly’s Maori families at risk of poverty, violence and other social problems. The community was motivated to increase available government resources and improve services.</td>
</tr>
</tbody>
</table>
Government agencies attempted to instigate the project with a very strong agenda already in place.

The community initially rejected the proposal, objecting to the government’s pre-set agenda, lack of consultation and a lack of acknowledgement of Huntly’s Maori leaders and their past efforts to address the community’s problems.

Although a small group of people began meeting under the leadership of a government appointed chairperson, it wasn’t until 20 months after the community first rejected the proposal that it replaced the chairperson with someone who had grass roots support and the project gained momentum.

One of the community’s first achievements was to prioritise local problems; effectively setting the agenda for future action. This accorded with the government’s original objective to involve the community in local decision making processes.

Part of the community’s agenda was to insist that traditional Maori practices, decision making processes and concepts would be applied to the implementation of the initiative.

Community leaders claimed its reconstructed framework was in keeping with current government policy and the principles of the Treaty of Waitangi; especially in relation to the right of Maori people to self-determination, sufficient resources and good governance.
### 7.2 (3) HUNTLY (continued)

<table>
<thead>
<tr>
<th><strong>3.4 Challenges</strong></th>
<th>The community challenged visiting government departments to do more for Maori living in Huntly. The early meetings between the community and government representatives were marked by conflict as the community vented its anger. Government staff found it difficult to collaborate with other departments as part of a ‘whole of government’ project. Community members and groups were factionalised and in conflict with each other. Early meetings between the various community members and groups were described as heated exchanges between people who blamed each other for the town’s problems. The community was challenged by representation problems. There were prolonged arguments about who could legitimately represent the community during negotiations with government departments.</th>
</tr>
</thead>
</table>
| **3.5 Breakthroughs and facilitating factors** | Breakthroughs:  
- Community reached agreement on how to prioritise Huntly’s service delivery needs  
- Community forced a change of leadership when it replaced the government’s choice of community representative  
- Community drafted an Indigenous framework for the implementation of the project  
Facilitating factors:  
- Effective community-based leadership  
- High level of community involvement and interest  
- Community had effective access to government decision makers  
- The project was adequately funded and resourced |
### 4.1 Visions/Ideas

Project initiated by judiciary

The stated aims of the program included addressing minor crime caused by alcohol dependency and homelessness and reducing the overrepresentation of Aboriginal and Torres Strait Islander people in prison.

The program’s supporters promoted the idea that rehabilitation was a more effective solution to the problem of alcohol related public nuisance offences than punishment.

Aboriginal leaders wanted reassurance that the proposal was not a concealed attempt to unfairly target Indigenous people.

Government, business and the public wanted to create an attractive tourist strip in the public areas where groups of Aboriginal and Torres Strait Islander people gathered to drink alcohol and behave in a disorderly manner.

### 4.2 Catalysts

Judicial concern over the exceptionally high rates of incarceration for a small group of Aboriginal and Torres Strait Islander offenders.

Public, political and commercial pressure to resolve public nuisance problems.

Judicial frustration at lack of alternative sentencing options for this particular group of offenders.
### 7.2 (4) CAIRNS (continued)

4.3 Power and agenda setting

- The project’s proponents were powerful and influential people (a magistrate and a police prosecutor) who decided the terms of the initiative with minimal consultation.
- Cairns did not have an organised community-based Indigenous leadership, such as an elders group, that could be consulted prior to proceeding with the project.
- The agenda was narrowly set to focus only on the identified problem.
- Indigenous power is dispersed throughout the community because the Indigenous population in Cairns comprises many different tribes, cultures and languages. This makes establishing representative groups difficult.

4.4 Challenges

- A small group of Aboriginal activists objected to the proposal because it had the potential to unfairly target disadvantaged people.
- Defence lawyers attempted to secure diversion for a greater number of their clients than the program could accommodate.
- An initial lack of resources made it difficult for the program coordinator to deliver the service during the unfunded pilot phase.
- It was a challenge to achieve the inter-agency cooperation needed to ensure diversion cases could be processed smoothly.
- Some police and magistrates criticised the project for being too lenient with a group of difficult recidivists that deserved harsher treatment.
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<th>4.5 Breakthroughs and facilitating factors</th>
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</table>

**Facilitating factors:**
- Highly reputable leadership and support from influential people
- The availability of a service provider with a majority of Indigenous staff and many years experience
- The involvement of motivated people
- The program was implemented under the existing *Bail Act* and did not need special legislation

**Breakthroughs:**
- Gaining the support of the service provider
- Gaining the commitment of the program coordinator
- Gaining the support of those who originally objected to the proposal; they eventually agreed it was properly motivated and would deliver benefits.
- The development of an effective referral process and inter-agency cooperation
- Receiving the funding to continue the program beyond the pilot phase.
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