



Cultural Diversity in Aotearoa New Zealand

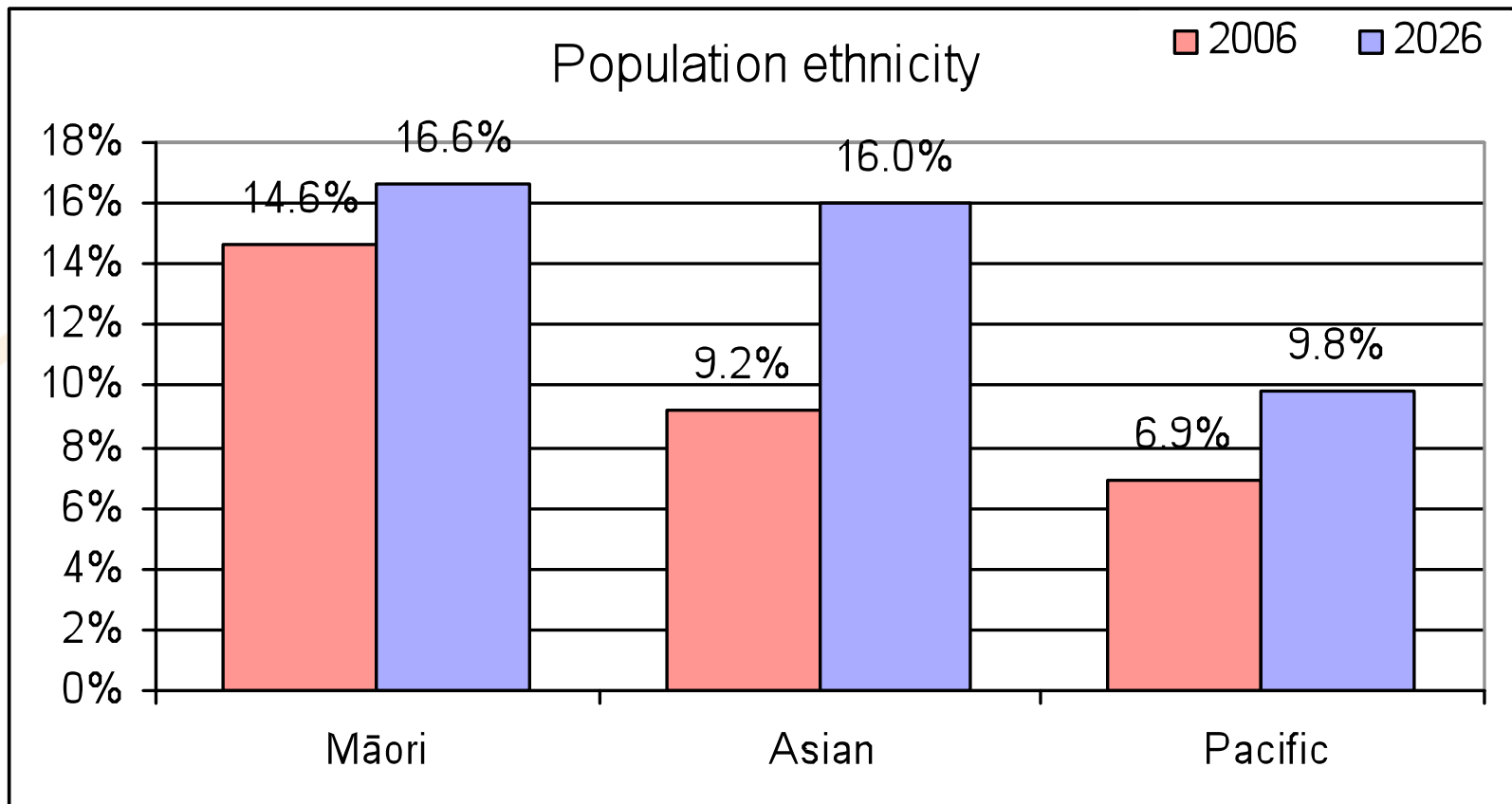
Alison Hill

Manager, Policy & Development

The New Zealand context

- Māori as tangata whenua (people of the land)
- Treaty of Waitangi
- The Agency (as a state sector organisation) must apply Treaty principles. Policy framework integrates the principles into strategic and daily work
- New Zealand officially bi-cultural, but increasingly diverse

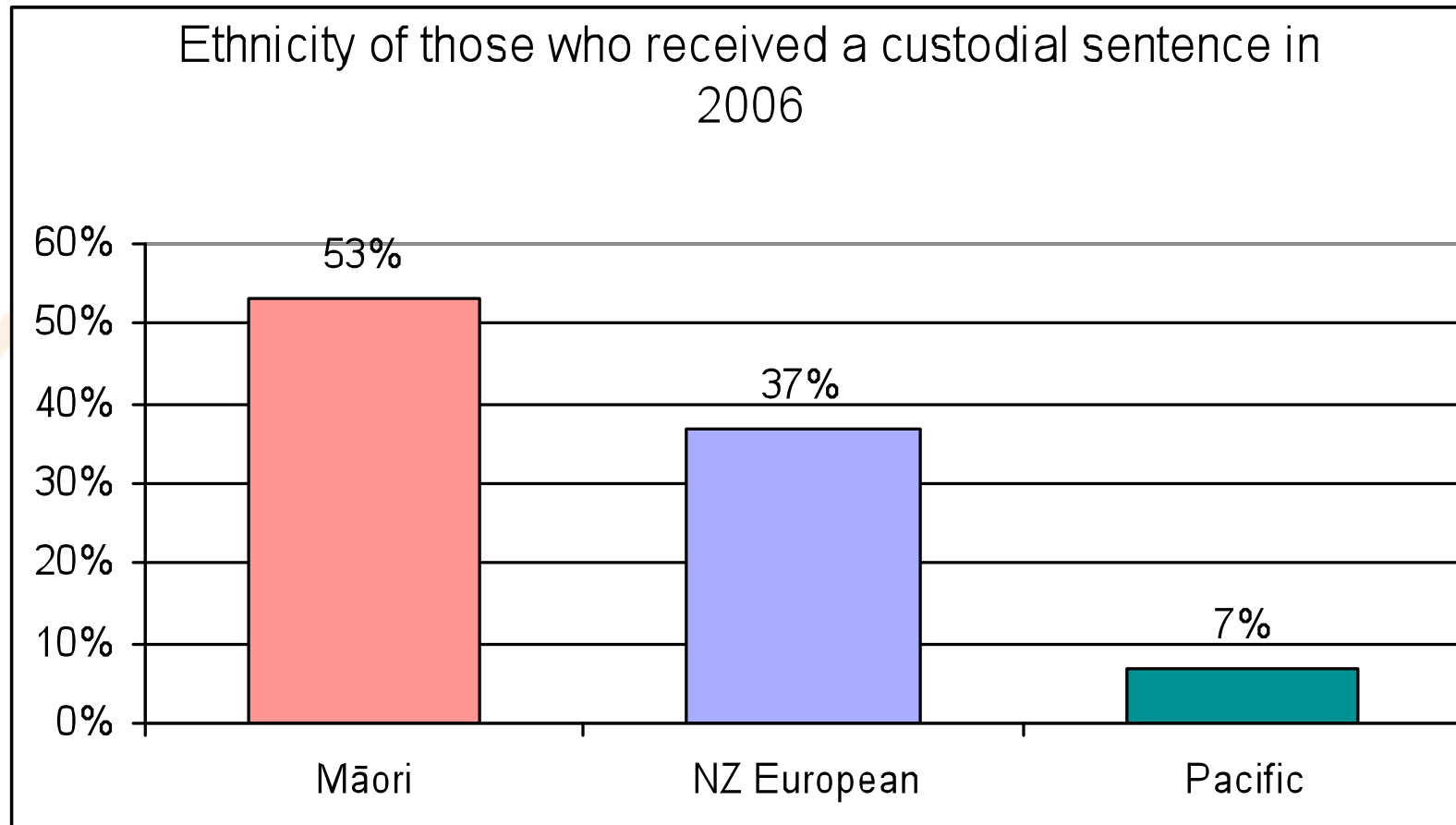
The demographic landscape



The demographic landscape

- 4.2m people and growing
- Ageing - 12.3% over 65, % forecast to increase
- Immigrants - 22.9% were born overseas, continuing to increase
- Almost 1/3 of population lives in Auckland. Forecast to increase by 20-30% in next 10 years
- Polynesian – Auckland is largest polynesian city in world

The justice landscape



The justice landscape

- Large proportion of women in prison are Māori and Pacific - 61% are Māori, 44% under 25 are Pacific
- Asian, Māori and Pacific people more likely to have low income and assets – i.e, eligible for aid
- Criminal legal aid applicants: 42% Māori, 36% NZ European, 11% Pacific
 - 80% of applicants are men
- Family legal aid applicants: 27% Māori, 54% NZ European
 - 73% of applicants are women

Barriers to services

- Obvious barriers, e.g:
 - language
 - geography - 13% of the population lives in rural areas
- Less obvious, e.g:
 - Māori prefer to access services kanohi ki te kanohi (face to face) as do many Pacific people

Waitangi Tribunal

- Permanent commission of inquiry.
- Recommendations on claims brought by Māori re: breaches of Treaty of Waitangi promises
- Focused on wrongs re: ownership and control of land and natural resources



Waitangi Tribunal

- Legal aid available for Waitangi Tribunal proceedings since 1988. Legislated
- Grants small in number but take many years to resolve and are high cost
- 1 September 2008 deadline for lodging historical claims expected to result in huge bulge in legal aid demand



Some responses

- December 2008 in-house criminal service became permanent. Public Defence Service (PDS)
 - Gives Agency opportunities to understand legal needs of diverse clients and test approaches
 - Value for money assessment found the PDS has slightly lower conviction rate for serious offences and that Māori and Pacific people benefit from this pattern
 - 5 of the 22 lawyers currently employed are of Pacific ethnicity, others are Māori and Asian

Some responses

- Administrative responses, e.g, up to 30% more time can be allowed for a case when an interpreter is needed
- Police rosters (PDLA) include information about languages rostered lawyers are able to speak
- The Agency produces its six information pamphlets on legal aid and related services in 5 languages: Māori, Samoan, Tongan, simplified Chinese

Some responses

- Community law centre services tailored to needs of their communities
 - 3 CLCs provide services specifically for Māori
 - South Auckland CLCs focus on providing services to their Pacific communities
 - Initiatives to meet needs of particular groups, e.g. specialised refugee and migrant services, Wellington CLC's regular clinic for women only, Dunedin CLC's use of law students to provide services to other students

Challenges

- Māori and Pacific over-represented in criminal justice system. Challenge is to find cost effective ways to deliver services that meet their needs
- In family legal aid - how to identify and meet legal needs early - seek opportunities for early resolution, through processes that fit with cultural norms and practices
- Increasing multiculturalism and diversity create ongoing challenges as we balance responsibilities to tangata whenua (Māori) and needs of growing Pacific and Asian populations

Challenges

- For them to be effective delivery of legal services must be culturally appropriate – suggests a broader range of approaches and more individualised services needed - in the face of escalating legal aid costs and worsening economic environment
- We have outlined some of our approaches to meeting the needs of a diverse population, but we must continue to take opportunities to make the (sometimes radical) changes that improve justice outcomes and address legal needs