



# He Rautaki ā-Motu

“Wayfinders go beyond the known, and journey on voyages of discovery to new horizons. Central to the wayfinding approach is seeing what is really going on—discerning the detail and seeing the whole. The wayfinder has a deep understanding of themselves, their crew, their waka and the environment.”<sup>1</sup>

*Chellie Spiller, Hoturoa Barclay-Kerr, John Panoho*

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<sup>1</sup> Chellie Spiller rātou ko Hoturoa Barclay-Kerr, ko John Panoho *Wayfinding Leadership: Groundbreaking Wisdom for Developing Leaders* (Huia, Wellington, 2015).

# HE KUPU WHAKATAKI



I te Māehe 2020, i Pōneke, i waimarie mātou ki te manaaki i tētahi hui awheawhe e arotahi ana ki te whai wāhitanga ki te ture porihanga.

I tae te whānuitanga o ngā kaihapahapai ngākau whiwhita, whai pūkenga hoki mō te whai wāhitanga ki te ture porihanga ki te hui. Nō ngā umanga o waho i te kāwanatanga, nō te rāngai ture, nō te rāngai mātauranga, nō te rāngai kaiwhakawā, me te ratonga tūmatanui rātou. Nā rātou katoa i ara ai te whakaaro me waihanga tētehi anga rautaki ā-motu hei ārahi i tā tātou mahi tahi ki te whakapai ake i te whai wāhitanga ki te ture porihanga.

He putanga tēnei rautaki, *Wayfinding for Civil Justice*, i ngā wānanga o te hui awheawhe. Ko te āta whakaritenga, ehara tēnei i te rautaki kāwanatanga. He anga kiripānga kē e tākina ana e ngā kiripānga hei hāpai i te kotahitanga me te ruruku i ngā mahi a te kāwanatanga me te hunga o waho hoki i te kāwanatanga.

I whakapōturihia e te KOWHEORI-19 te whakawhanaketanga me te whakaputanga o *Wayfinding*; i pērā anō me te maha o ngā whakaaro pai i ngā tau tōmua o te ngahurutau 2020. Kāore taua pōturi i ahu mai i te rōpū mahi anō i whakawhanake ai i *Wayfinding*. Me tino whakamānawa mātou i te pukumahi me te manawanui o Hon Raynor Asher KC rātou ko Wi Pere Mita, ko Gabrielle O'Brien, ko Anne Waapu, tae atu ki tō rātou kaihautū, ko Dr Bridgette Toy-Cronin. I mahi tahi rātou ki a koutou ki te whakawhanake i tēnei rautaki, i *Wayfinding for Civil Justice*.

E whakapono ana mātou, he hua nui kei roto i *Wayfinding*, ā, e manako ana, ka whakamahia e mātou, ka kitea hoki tōna whakamahia e koutou ki te whakapai ake i te whakamaheretanga o ngā kaupapa ture porihanga.

The Rt Hon Dame Helen Winkelmann  
Tumu Whakawā

Andrew Kibblewhite  
Pou Whakarae mō te Ture

# HE KUPU WHAKAPUAKI



E 40 ki te 63 ōrau o ngā tāngata o Aotearoa ka pāngia e tētehi raru ā-ture i roto i te wā e rua tau te roa.<sup>2</sup> He maha ngā momo rara ka puta pea i ēnei raru, tae atu ki te ahotea, ki te manawapā, ki te hekenga o tō te tangata whakapono ki a ia anō, ki te matakū, ki te whakapaunga pūtea, me ngā raru hauora. Ko te whakarite kia ōrite te whai wāhi a te tangata ki te ture porihanga kia whakatauria ai ērā raru tētehi āhuatanga matua o te ū ki te mana o te ture me te hāpai i ngā haepapa o Te Tiriti.

Ko *Wayfinding for Civil Justice* tētehi rautaki ā-motu e tākina ana e ngā kiripānga kia rurukutia ai, kia whakapakaritia ai ngā mahi e whai ana kia whai wāhi ai tātou katoa ki te ture porihanga. I waimarie te Working Group i te kaha ki te whakawhitiwhiti kōrero o ngā kiripānga e tōtika rā, e takaāwhio rā rānei te whai pānga ki ngā mahi hei whakapai ake i te whai wāhi ki te ture porihanga. I whakawhitiwhitia ngā kōrero i te hui awheawhe o te Māehe 2020 i reira rā i tīmataria ai te mahi, i ngā huiata, i ngā kōrero whakahoki ā-ipurangi, me ngā tāpaetanga ā-tuhi. E mihi ana te Working Group ki ngā tāngata katoa i whakapau wā ki te whakawhitiwhiti kōrero e pā ana ki te kaupapa.

Ko tēnei tuhinga te tōpūtanga o aua whakapetonga ngoi, ā, ko te whakaaro ka mana mō ngā tau e rima, me ngā arotakenga auau, kia whakapakaritia ai, kia rurukutia ai ngā mahi a te rāngai e whai ana kia pai ake ai te whai wāhi a te katoa ki te ture porihanga.

Dr Bridgette Toy-Cronin  
**Ko te Heamana o te Working Group**

Raynor Asher KC  
Wi Pere Mita  
Gabrielle O'Brien  
Anne Waapu  
**Ko ngā Mema o te Working Group**

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<sup>2</sup> Colmar Brunton *Legal needs among New Zealanders* (Ministry of Justice, 2018); World Justice Project *Global Insights on Access to Justice: Findings from the World Justice Project General Population Poll in 101 Countries* (World Justice Project, 2019).

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# WAYFINDING – HE WHAKARĀPOPOTONGA



Ko te whakakitenga, he wāhi a Aotearoa e whai rauemi ana ngā tāngata, e whakakahangia ana ngā tāngata ki te whakatau i ngā raru ā-ture porihanga. Kua hoahoatia a *Wayfinding* hei anga e hāpai ana i te kotahitanga me te ruruku i ngā mahi—ā te kāwanatanga, a te hunga o waho hoki i te kāwanatanga—e whai ana kia whakatinanaria taua whakakitenga.

Ka kōwhiri ngā kiripānga i ā rātou ake kaupapa mahi e ahu ai a Aotearoa ki ngā tohu wāhi (arā, ngā whāinga) e whā:

1. E āhei ana te katoa ki te whai wāhi atu ki te tautoko ā-ture, ā, e hāngai ana, e kōtuituia ana taua āwhina
2. E mārama ana ngā kaituku i te tautoko ā-ture ki ngā matea o ō rātou hapori, ā, e whakarato ana i aua matea
3. E āhei ana te katoa ki te whai wāhi atu ki ngā ratonga whakatau tohe—mai i te tīmatanga ki te whakaūnga—ā, e tōkeke ana te whai wāhi atu
4. E mōhiotia ana te pūnaha kia taea ai e tātou te aroturuki, te arotake, te whakapai ake

Kua whakarārangitia he whakaaro ki raro i ngā tohu wāhi mō ngā mahi hei kōwhiri mā ngā kiripānga, he whakaaro ka noho rānei hei pitomata mō ngā mahi a ngā kiripānga, e koke whakamua ai rātou ki aua tohu wāhi.

Ina whakahaere ngā kiripānga i tēnei mahi, ka whāia ngā whetū ārahi (mātāpono) nei:

1. Tātou-tātou
2. Me tīmata ki ngā tāngata
3. Kia tuwhera te ngākau ki ngā arawātea
4. Whakamahia ngā taunaki, ā, arotakengia

He tirohanga rima tau tō *Wayfinding*, me te whakahounga i ia tau kia kaha tonu ai te urupare, ā, kia aro tonu ai ngā mahi ki ngā whakaarotau matua. Kua whakamaheretia tētehi hui e tīmata ai taua haerenga rima tau hei waenga i te tau 2024.

Ka whakatūria tētehi National Civil Justice Observatory (mehemea kua whiwhi pūtea) hei ruruku i te tuku pūrongo mō ngā kaupapa a ngā kiripānga, hei whakawhitiwhiti pārongo i waenga i ngā kiripānga, hei kōkiri tonu hoki i te mahi.



Ko te whakakitenga, he wāhi a Aotearoa e whai rauemi ana ngā tāngata, e whakakahangia ana ngā tāngata ki te whakatau i ngā raru ā-ture porihanga. Kua hoahoatia a *Wayfinding* hei anga e hāpai ana i te kotahitanga me te ruruku i ngā mahi—ā te kāwanatanga, ā te hunga o waho hoki i te kāwanatanga—e whai ana kia whakatinanaria taua whakakitenga.

I roto i *Wayfinding*, e tautuhia whānuitia ana ngā raru ā-ture porihanga ko ngā raru ā-ture kei waho i te ture taihara. I āta whakaritea tēnei tautuhinga kia whānui, kia ūhia ai ngā tini momo tohe me ngā tini momo raru kāore nei i te taihara te āhua, he āhuatanga e pupū ake ana i ngā rā o tātou te tangata. He rite tonu te puta mai o ngā raru ā-ture porihanga, ā, ko te āhei ki te kaupare, ki te whakatau hoki i ngā tohe tētehi āhuatanga matua o te pāpori tōtika e noho rangimārie ana. He nui te ngoi kua whakapetongia e ngā kaiwhakawā, e te kāwanatanga, e ngā umanga me ngā kairangahau ki te tautuhi, ki te whakamārama i ngā raru e hāngai ana ki te whai wāhi ki te ture porihanga, ki te kimi hoki i ngā rongoā. Ko ērā mahi ngā tūāpapa o *Wayfinding*, ā, mā te kaupapa nei te kōrerorero e koke whakamua kia huri hei mahi tahi.<sup>3</sup>

E mōhiotia ana he matatini te pūnaha ture porihanga, ā, he maha ōna āhuatanga. E mōhiotia ana he tāngata, he umanga e mahi ana i ngā wāhi rerekē o te pūnaha, e mātau ana ki ngā āhuatanga rerekē, ā, e mahi ana i ngā mahi whakahirahira, i ngā mahi whitake. E whaihua ai te pūnaha e ai ki tā te kiritaki titiro, me eke ki te taumata o te ruruku me te pipiri e taea anake mā tētehi rautaki whānui hei piri mā te tokomaha, hei ārahi hoki i a tātou kia pai ake ai te whai wāhitanga ki te ture porihanga.<sup>4</sup>

He whāiti ngā pūtea e wātea ana i Aotearoa hei whakatikatika i ngā raru o konei e pā ana ki te whai wāhitanga ki te ture porihanga. Ko tētehi o ngā aronga o *Wayfinding* he whakamahi ā-rautaki i ngā rauemi e whiwhi nei tātou. He aronga anō te tuku i ngā tohu mārama ki ngā kaituku i ngā pūtea ki ngā mahi e pā ana ki te whai wāhi ki te ture porihanga (ahakoa kei roto i te kāwanatanga, kei tua rānei i te kāwanatanga) mō ngā mahi e mahia tonutia ana, mō ngā kōwhao, me ngā wāhi e taea ai te ruruku.

Kāore e tohutuhua e *Wayfinding* tētehi ara kotahi mō tēnā, mō tēnā kiripānga. Ko te whakakitenga kē ia, mā te mahi tahi ki te whakawhanake whāinga mō tā tātou pūnaha ture porihanga, ka taea te ruruku ngā mahi e mahia ana. Mā tēnā umanga, mā tēnā umanga e kōwhiri ngā whāinga e tino hāngai ana ki taua umanga, me te mahi i ngā mahi e mahara nei taua umanga he tino whaihua kia ahu whakamua ai ki aua whāinga.

Ko te kāwanatanga tētehi kiripānga whitake, engari ehara tēnei i te rautaki kāwanatanga. E tautoko ana te kāwanatanga i *Wayfinding* – mā te pūtea tīmatanga, te tautoko mō te whakawhitihiti kōrero, me te ngākau whiwhita – engari he rautaki kiripānga tēnei e tākina ana e tētehi ohu māngai.

<sup>3</sup> Kei te whārangi 14 o tēnei tuhinga tētehi whakapuakitanga o te raru, me ētehi tohutoro mō ngā mahi kua mahia kētia e hāngai ana ki tēnei take.

<sup>4</sup> Kua kitea tēnei matea kia rurukutia ngā mahi i ētehi takiwā ture anō, tae atu ki Kānata, i reira rā tā rātou Roadmap for Change i tāpae, kua tata te ngahuru tau ki mua: Action Committee on Access to Justice in Civil and Family Matters *Access to Civil and Family Justice: A Roadmap for Change* (Action Committee on Access to Justice in Civil and Family Matters, Oketopa 2013).

# HE WHETŪ ĀRAHI – TE WHAI I NGĀ ARA O TE WHĀNAU MĀRAMA



*“When the navigators leave the world of the known (visible islands, travelled waters), the star path become crucial guides. A star path is a succession of rising or setting guiding stars that the navigator uses to steer by”.<sup>5</sup>*

*Chellie Spiller, Hoturoa Barclay-Kerr, John Panoho*

E whakatakotoria ana e *Wayfinding* ngā tohu wāhi (arā, ngā whāinga) e whāia nei e ngā kiripānga katoa o te pūnaha ture porihanga. Kia kore ai e kotiti te mahi, e whā ngā whetū ārahi (arā, ngā mātāpono) e whakaterere ai tātou.

## A. Tātou-tātou

Ko te whai a *Wayfinding* he whakatū i tētehi anga mō ngā mahi a ngā tāngata katoa e hono ana ki te whakapaingia ake o te ao ture porihanga. Ko aua kaimahi katoa, ko aua kaihautū rā, ko te ‘tātou’ e kōrerotia nei i roto i tēnei tuhinga. Kei roto, kei waho i te kāwanatanga mātou; he rōia, he kaimahi mātauranga, he poutoko hapori—otirā, he tāngata e kaingākau ana ki te whakapai ake i te ao ture porihanga. Mā ngā kiripānga o roto i te kotahitanga nei e kōwhiri ā rātou ake koha ki te mahi; ko rātou ngā mea tino mōhio mō ngā ara tika e urupare ai rātou ki ngā matea o ō rātou hapori, me te aro tonu ki ā rātou whāinga, ki ō rātou koronga.

Ka whakamauharatia mai e ngā kupu ‘tātou-tātou’, ka nui ake ngā hua o te mahi hei ohu, tēnā i te mahi pūreirei. Nā te iti o te motu nei, he ahurei tō tātou āhe i ki te tūhonohono tahi, ki te mahi tahi hoki kia tutuki ai ō tātou whāinga hei painga mō te iwi. Me mōhio tātou ki ngā mahi kua whakamaheretia, ki ngā mahi e mahia tonutia ana, me ngā mahi kua oti, e taea ai ngā hoa ki te whakamahere i ā rātou mahi kia hāngai tonu. Mā konei e iti iho ai te moumou wā, te moumou rauemi me te moumou kaha, ka mutu, mā konei e ora ai tātou i ngā wheako o ō tātou hoa haere.

Anei ngā pātai hei pātai mā tātou ki a tātou, i te ara ki ēnei tohu wāhi:

- Kei te mōhio rānei ngā tāngata e mahi ana i ētehi kaupapa āhua ōrite, i ētehi kaupapa ka tautoko rānei i tēnei?
- Ka tautoko, ka tārua rānei tā tātou mahi i tā rātou?
- He tāngata anō rānei ka whaihua pea tā tātou mahi kōtui, tā tātou whakawhitiwhiti whakaaro, ki a rātou?

## B. Me tīmata ki ngā tāngata

I a tātou e tīmata ana i ā tātou mahi katoa, ka whakaaro ki ngā tāngata; ko wai rātou, he aha ō rātou matea? Ehara te “tangata” i te tangata kotahi noa iho. He wāhanga ia nō tōna whānau, nō tōna hapori whānui hoki. E ora ai ia, me ora tōna Whare Tapa Whā, arā, tōna oranga ā-wairua, ā-whānau, ā-hinengaro, ā-tinana. I a ia e pāhekoheko ana ki te ture porihanga, ka whakakanohitia pea, ka tautokona pea e ētehi atu. Ko te take pea i toro ai ia ki te pūnaha ture porihanga, he tūranga tōna i roto i tētehi hinonga anō, hei taurira, he tarahitī, he kamupene rānei. Ahakoa te momo pānga o te tangata ki te pūnaha ture porihanga, ka whakamaumahara tēnei whetū ārahi i a tātou ki te arotahi ki ngā hua o te pūnaha e matea ana e ngā tāngata, ā, me ahu ake ngā mahi i reira kia whakarato ai te kaupapa i aua matea.

<sup>5</sup> Chellie Spiller mā, kīwae 1 o runga ake nei.

He kanorau ngā tāngata. He maha ngā āhuatanga e ngāwari ake ai, e uaua ake ai tā te tangata whai wāhi atu ki te ture porihanga, tae atu ki tōna rōpū mātāwaka, ki tōna reo, ki tōna hauātanga, ki tōna pūio huhua, ki tōna mauherenga, ki tōna ira, ki tōna wāhi noho, ki tōna whiwhinga pūtea, ki tōna ara mātauranga, ki tōna warawara, ki te aha atu rānei. Me hoahoa ngā rongoā ki te taha o ngā tāngata, i runga i te maumahara ki te kanorau o ngā matea, e mārama ai, e tutuki ai hoki aua matea.

Ehara i te mea ka taea e tēnā kaupapa, e tēnā kaupapa ngā matea katoa te whakatutuki, heoi, me mārama ō tātou whakaaro mō ngā tāngata ka āwhinatia e tētehi kaupapa. Mā te āta whakapuaki i ēnei āhuatanga e tutuki ai ngā whāinga o *Wayfinding* e aro ana ki te ōritetanga. Kia ōrite ai ngā hua, me nui ake te whakapaunga kaha me te whakapaunga rauemi ki ētehi wāhanga o te pāpori. Nō reira, me āta whakaaro, ko ēwhea ngā rōpū ka āwhinatia e ēwhea kaupapa?

Anei ngā pātai hei pātai mā tātou ki a tātou, i te ara ki ēnei tohu wāhi:

- Ko wai ka ora i te whakatinanatanga o tēnei mahi?
- Ko wai pea ka aukatia? He mahi e taea nei e tātou kia whai wāhi ai ērā rōpū tangata?
- Kua whakaaro rānei tātou mō ā tātou kiritaki hei wāhanga mō ō rātou huinga tangata, hei tāngata takitahi noa iho rānei?
- Me pēwhea tā tātou whakamātau i te hāngai o te mahi ki ngā matea o ōna kiritaki – ka taea rānei e tātou te pērā?
- Me pēwhea te tangata e whai wāhi ai ki tā tātou kaupapa? Kei te toro atu rānei tātou ki a rātou, e whakapae rānei ana tātou ka toro mai rātou? He aha ngā tūtakinga pai katoa (hei tauira, ngā hui tūmatanui)?

### C. Kia tuwhera te ngākau ki ngā arawātea

Me tino panoni ētehi āhuatanga e tātou e whakapai ake ai tātou i te whai wāhitanga ki te ture porihanga. Mehemea e pīrangi ana tātou kia rerekē ētehi āhuatanga, me rerekē ā tātou mahi. Ka taea e tātou te kimi ngā anga me ngā urupare e whakapaingia ake ai te whai wāhi ki te ture porihanga i ētehi atu puna, tae atu ki te ao Māori, ki ngā tikanga whakatau tohe o ētehi atu ahurea, ki ngā urupare a ētehi atu whenua, me ngā peka mātauranga o tua i ngā kaupapa ture. Ka taea e tātou te titiro ki ngā rongoā hou me ngā rongoā o mua hoki. Ko te mea nui, me ngākau tuwhera ki ngā arawātea.

- Kua rapu rānei tātou i ngā tikanga mahi e nanao atu ana ki ngā mātauranga kāore anō kia whakamahia i tēnei horopaki, ki ngā mātauranga rānei i whakamahia i ngā wā o mua, engari kua waiho?
- Kua whakaaro tātou mō tētehi atu huarahi mō tēnei mahi?

### D. Whakamahia ngā taunaki, ā, arotakengia

Me noho hei tūāpapa mō te whakatikatika i te ture porihanga ko ngā taunaki e pā ana ki ngā mahi e whaihua ana me ngā mahi kāore kē i te whaihua. Ka taea e tātou tēnei tūāpapa taunaki te waihanga, me te whakaū i tōna hāngai me tōna hou, mā te kohikohi taunaki me te arotake i ā tātou mahi. Ka taea te whiriwhiri ngā tikanga rangahau maha, tae atu ki ngā tikanga rangahau Kaupapa Māori, me ngā tukanga maha anō hoki (tae atu ki ngā tukanga inerahi me ngā tukanga inekounga).

- Kua rapu rānei tātou i ngā mahi āhua ōrite kua tutuki kē pea i Aotearoa, i tāwāhi rānei? Kua wātea mai ētehi arotakenga o ērā mahi?
- He taunaki e tohu ana i te whaihua o te kaupapa e whakakaupapa nei tātou?
- He aha ngā tikanga whakahaumarū kei roto i tēnei mahi e arotakengia ai ōna āhuatanga whai angitu me ōna ngoikoretanga?
- Ka pēwhea te tuku atu i taua arotakenga?



# KO NGĀ TOHU WĀHI O TE ARA



*“Every journey needs some kind of map of waypoints, and these are important signifiers that we are on track to reach the goal ...”<sup>6</sup>*

*Chellie Spiller, Hoturoa Barclay-Kerr, John Panoho*

Ko te pae tawhiti he wāhi e whai rauemi ana ngā tāngata, e whakakahangia ana ngā tāngata ki te whakatau i ngā raru ā-ture porihanga. E whā ngā tohu wāhi (arā, ngā whāinga) i te ara ki taua pae tawhiti:

1. E āhei ana te katoa ki te whai wāhi atu ki te tautoko ā-ture, ā, e hāngai ana, e kōtuituia ana taua āwhina
2. E mārama ana ngā kaituku i te tautoko ā-ture ki ngā matea o ō rātou hapori, ā, e whakarato ana i aua matea
3. E āhei ana te katoa ki te whai wāhi atu ki ngā ratonga whakatau tohe—mai i te tīmatanga ki te whakaūnga—ā, e tōkeke ana te whai wāhi atu
4. E mōhiotia ana te pūnaha kia taea ai e tātou te aroturuki, te arotake, te whakapai ake

## 1. E āhei ana te katoa ki te whai wāhi atu ki te tautoko ā-ture, ā, e hāngai ana, e kōtuituia ana taua āwhina

Ko te tautoko ā-ture e kōrerotia nei ko ngā ara katoa, tae atu ki: te tohu i ngā ara ki ngā pārongo, ko ngā pārongo ake, ko ngā tohutohu, ko ngā rautaki, ko te whakakanohitanga, me ngā huinga katoa o ēnei āhuatanga. Ko ētehi o ngā ara e tukuna ai pea ēnei tautoko ko ngā tuhituhinga, ko ngā ara matihiko, ko ngā hui takitahi, me ngā huinga o ēnei āhuatanga.

Ko te hunga ka tuku i te tautoko ā-ture he mātanga pērā i ngā rōia me ngā māngai kua āta whakangungua, he kaituku anō pea rānei (ina whakaaetia e ngā ture me ngā waeture), tae atu ki (engari kāore e whāiti ki) ngā māngai uniana, ki ngā kaihautū o ngā iwi, ki ngā rata me ngā umanga ā-hapori.

He huhua ngā take e uaua ai tā te tangata āta whai wāhi atu ki te tautoko ā-ture.<sup>7</sup> He tino taupā te utu, ina koa tōna hāngai ki te tautoko ā-ture a ngā mātanga. Otirā, he maha ngā taupā, tae atu ki ngā raru pūkenga pānui, ki te tawhiti i ngā tāone, ki ngā aukatinga matihiko, ki te matakū, me te anipā.

Me whakatutuki ngā matea o ngā tāngata e te tautoko ā-ture, ā, me āhei ngā tāngata ki te whai wāhi atu ki taua āwhina hei tāngata takitahi, hei mema rānei o ō rātou huinga tangata. Me whai hononga ngā momo tautoko ā-ture, kia kore ai e ngaro ngā tāngata, kia kore ai rātou e hinga i a rātou e ngana ana ki te whakatau i ngā raru ā-ture porihanga. Hei tauira, me hono ngā pārongo ā-ipurangi ki te āwhina takitahi, kia taea ai e ngā tāngata—tae atu ki te hunga e pāngia ana e ngā aukatinga matihiko, e ngā taupā āheinga matihiko rānei—ki te whai wāhi atu ki te āwhina e matea ana e rātou.

Ko ngā tohu e kātata ana tātou ki te Tohu Wāhi 1 he pikinga nō te:

<sup>6</sup> Chellie Spiller mā, kīwae 1 o runga ake nei.

<sup>7</sup> He kōrero mō ngā taupā kei raro iho nei, kei “He whakapuakitanga nō te raru”, kei roto hoki i ētehi puna kōrero anō, hei tauira, kei New Zealand Law Society, *Access to Justice: Stocktake of Initiatives* (New Zealand Law Society, Wellington, 2020).

- a. āhei ki te whai wāhi atu ki ngā pārongo ā-ture me ngā utauta āwhina whaiaro
- b. tohua o ngā ara ki ngā momo āwhina, me te kōtuituinga o ērā momo
- c. wāteatanga o te tautoko ā-ture he māmā te utu, hei āwhina i ngā tāngata ki te whakatau i ā rātou raru ā-ture porihanga

### *He Whakaaro mō ngā Mahi hei Mahi mā Tātou*

- Whakaūngia te arotahi ki te kiritaki i roto i te tuku i ngā pārongo ā-ture; hei tauira, kia kaha ake te ruruku i ngā kaituku pārongo ā-ture, kia nui ake ngā utauta e hāngai ana ki te mahi, ā, kia renarena ake ngā taura hono ki te āwhina takitahi e whakatutuki ana i ngā matea.
- Whakawhanaketia kia maha ake ngā utauta āwhina whaiaro hei ārahi i te tangata i roto i ngā ara pārongo, hei āwhina hoki i a ia ki te whakatau i ngā raru ā-ture, hei tauira, he āwhina tauwhitiwhiti ki te whakakā puka, he ārahitanga mō ngā pārongo ā-ture.
- Whakawhanaketia kia maha ake ngā rauemi e hāngai rā te āhua ki ngā hapori maha, hei tauira, he rauemi reo Māori, he rauemi reo maha hoki.
- Arotakengia ngā ratonga tautoko ā-ture o nāianeī, ā, whakamahia he taunaki ki te whakarite i ētehi kōwhiringa kia whakapaingia ake ai, kia whakawhānuitia ai ērā ratonga.
- Hāpaingia te auahatanga i roto i te tuku ratonga, hei tauira, mā te whakawhanake i ngā 'papa whakamātau tauira' ā-ture, ā-waeture hoki<sup>8</sup> hei whakamātau i ngā hōtaka o ngā momo kaituku hou o te tautoko ā-ture, hei tauira, o ngā kaiārahi me ngā raihana whāiti.
- Whakakipakipangia ngā rōia ki te uru ki ngā mahi e aro ana ki te tuku i ngā ratonga ā-ture he māmā te utu, tae atu ki te tuku i ngā ratonga ā-ture e utukore ana (hei tauira, mā roto i tētehi kaituku ā-hapori, mā roto i Te Ara Ture rānei), ki te whakahaere i ngā wā kōrerorero he māmā te utu, ki te mahi rānei i runga i te pūtea āwhina ā-ture.
- Pupuritia, whakanuia te pūtea tautoko mō ngā ratonga ā-ture mā te hunga kāore e taea e rātou ngā utu tūmataiti. He maha ngā ara e pērā ai, tae atu ki te pūnaha pūtea āwhina ā-ture o nāianeī, ki te tuku pūtea ki ngā kaituku hou me ngā kaituku o nāianeī kia tuku atu ai rātou i ngā ratonga ā-ture porihanga he utukore rānei, he māmā rānei te utu, ā, ki te whakaū i te āhei o ngā ture me ngā waeture ki te tautoko i tēnei ngohengohetanga.
- Mihia, whakanuia ngā rōia e tuku ana i ngā ratonga ā-ture he utukore rānei, he tino māmā rānei te utu, kia waihangatia ai he ahurea pai i roto i te rāngai ture e hāpai ana i te whai wāhitanga ki te ture porihanga.
- Whakapikia te pūataata o ngā utu mō te tautoko ā-ture kia taea ai e ngā kiritaki te āta kōwhiri i runga i te mōhio.

## **2. E mārama ana ngā kaituku i te tautoko ā-ture ki ngā matea o ō rātou hapori, ā, e whakarato ana i aua matea**

E tuku ai tātou i te tautoko ā-ture ki ngā hapori, me mātua mārama ngā kaituku ratonga ki ngā matea o ō rātou hapori.<sup>9</sup> Me mārama ki ngā āhuatanga me ngā taupā e puta ana ki ngā tāngata kua pāngia, e pāngia ana rānei e te whakarekereke ā-whānau, e te taitōkai, e te whētukī, e te hauātanga. Me mārama ngā kaituku ratonga ki ngā taumahatanga ka puta i ngā huinga o ēnei wheako. E taea ai te pērā, me kanorau ngā wheako o ngā kaituku ratonga, me ngaio ngā kaituku ki ō rātou kaupapa whānui, ā, me kaha ō rātou pūkenga whakawhitiwhiti kōrero me ō rātou pūkenga kaitaunaki, kia whakakahangia ai ō rātou māramatanga ki ō rātou hapori, me te aha, ka whakakahangia hoki ō rātou māramatanga ki ngā matea o ā rātou kiritaki.

<sup>8</sup> Mā te papa whakamātau tauira ā-ture, ā-waeture hoki e taea ai e te kaiwhakarite o ngā ture me ngā waeture te whakamātau ngā ratonga hou e kitea ai me pēwhea te whakarite i ngā ture me ngā waeture. Ko tōna āhua he whakamātau i roto i te ao tūturu, engari i roto i tētehi taiao e āta whakahaerehia ana. Kua whakaritea tētehi papa whakamātau tauira ā-ture, ā-waeture hoki mō ngā ratonga ā-ture e Utah, i roto i Ngā Whenua Tōpū o Amerika: <<https://utahinnovationoffice.org/>>.

<sup>9</sup> Kei roto i te hunga tuku tautoko ā-ture ko ngā rōia, ko ngā kaitaunaki ehara kē i te rōia (tae atu ki ngā kaitaunaki ā-mahi, ki ngā McKenzie Friends, me ngā māngai uniana), me ngā umanga kaitohutohu o waho i te kāwanatanga.

Ko ngā tohu e kātata ana tātou ki te Tohu Wāhi 2 he pikinga nō te:

- a. pārongo e pā ana ki ngā matea ā-ture
- b. kanorau o ngā kaituku tautoko ā-ture
- c. mātau ki ngā matea o ngā hapori ki ngā kaituku tautoko ā-ture.

#### *He Whakaaro mō ngā Mahi hei Mahi mā Tātou*

- Tiakina te māramatanga ki ngā matea ā-ture o ngā hapori rerekē kia tika tonu te āmiki, kia hou tonu hoki i roto i te wā, mā ngā puna kōrero kua whaimana i te ao whānui, kua whai taunaki hoki, hei tauira, mā ngā rangahau uiui mō ngā matea ā-ture.
- Whakakahangia te whakaakona o ngā kaituku tautoko ā-ture kia whakapaingia ake ai te mārama me te mātau ki ngā pānga ki te hunga hauā me te hunga kua pāngia e te whakarekereke ā-whānau, e te taitōkai, me te whētuki.
- Whakakahangia, whakatūria rānei, ngā kaupapa i roto i ngā whare wānanga ā-ture hei para i ngā huarahi e taea ai ngā ākongā te hono atu ki ngā matea ā-ture o ngā hapori, hei whakamōhio hoki i ngā ākongā mō te mahi whakatau tohe e tōkeke ana.
- Whakaurua, whakaakona ngā ākongā ā-ture i takea mai i ngā ao kanorau.
- Whakaurua ngā tikanga Māori, te reo Māori me te whai wāhitanga ki te ture porihanga i ngā taumata katoa o ngā akoranga ā-ture.
- Whakawhanake tonutia, whakakaha tonutia ngā kaupapa mō te kanorau me te kauawhitia hei mahi mā te rāngai ture me ngā kaiwhakawā.
- Whakaritea ngā ture me ngā waeture mō ngā ratonga ā-ture i runga i te hiahia ki te whakapai ake i te whai wāhitanga ki te ture porihanga (mā te whai kia whānui ngā kōwhiringa me ngā taumata o ngā utu, mā te aha rānei), me te tiaki tonu i ngā kiritaki.
- Pupuritia, whakapakaritia ngā tukanga e whakaakona tonutia ai ngā kaituku tautoko ā-ture, e whakaūngia ai hoki/rānei rātou ki ō rātou haepapa, ina kāore e eke rātou ki ngā taumata e tika ana.

### **3. E āhei ana te katoa ki te whai wāhi atu ki ngā ratonga whakatau tohe—mai i te tīmatanga ki te whakaūnga—ā, e tōkeke ana te whai wāhi atu**

He maha ngā momo tukanga e ūhia ana e te whakatau tohe i Aotearoa. Ko ētehi he tukanga ture ōkawa mā roto i ngā kōti me ngā taraipiunara. Ko ētehi he arawātea wawe mō ngā whakapāha me ngā tikanga huatika hohourongo, he whiriwhiri tokorua (e ōpaki ana, e tautokona ana rānei), he kaupapa maha mō te mahi takawaenga, he tautoko ki te rapu ara, he whakataunga take (arā, te apitireihana), he whakaepaepatanga rānei. Kei roto hoki i ngā kōti me ngā taraipiunara, he rite tonu te whakauruuru i ngā tikanga rerekē e whakatauria ai ngā tohe. Hei tauira, he māoriori te haere tonu a te whiriwhiri mō te roanga o ngā tukanga kōti, ā, ka āhei ngā tāngata ki te whai wāhi ki ngā kaupapa takawaenga mā ngā ara tūmataiti rānei, mā roto rānei i te tukanga kōti.

Ka āhei te tangata ki te whai wāhi atu ki ngā kaupapa whakatau tohe, ahakoa kua whiwhi ia i te tautoko ā-ture me te māngai ā-ture, ahakoa kāore rānei i whiwhi tautoko pērā. I roto i ētehi momo kaupapa whakatau tohe, kāore e whakaaetia ana ngā māngai, heoi, he uaua te whai wāhi ki ētehi atu momo mehemea kāore he māngai.<sup>10</sup> Kāore i te tika ētehi tukanga whakatau tohe mō ētehi tohe, mā ētehi kaitohe rānei. Hei tauira kotahi, kāore pea e tika te mahi takawaenga mō ngā tohe mehemea he nui te mana o tētehi kaitohe ki te pā atu ki tērā atu kaitohe, mehemea rānei kua

<sup>10</sup> Hei tauira, kāore e whakaaetia e te Disputes Tribunal Act 1988, s 38(7), e te Residential Tenancies Act 1986, s 93(7) rānei te whakakanohitia e tētehi poutoko ture, e tētehi rōia rānei. I te nuinga o te wā, he uaua te tohe ā-kōti mehemea kāore he māngai.

māraikerake te kītea kua takahia tētehi mōtika ā-ture. He rerekē ngā utu (utu ā-pūtea, utu aha rānei) o ngā kōwhiringa rerekē, ā, he rerekē ngā hua. Ka mutu, ahakoa kua whakaae pea te whakataunga ki tā te kaitohe i tono ai, he uaua pea te whakaū i te whakatinanaria o taua whakataunga, me te aha, me ara anō pea ngā tukanga whakatau tohe.

He painga te maha o ngā ara e wātea mai ana mō te whakataunga tohe, i te mea he maha ngā kōwhiringa, he nui te pīngore. Heoi, he taupā kē te iti o ngā pārongo mō ngā kōwhiringa, te rangirua e pā ana ki ngā ara, te hāngai o ngā tukanga rerekē ki ngā tūmomo kaitohe, ngā utu, me te wāteatanga i ngā wāhi rerekē.

Me tino titiro te whakataunga o ngā tohe mā roto i ngā kōti. Ahakoa he iti te pānga riterite o ngā tohe e uru ana ki ngā kōti, he mea nui te pūnaha kōti e tika nei tā tātou whakapono ki taua pūnaha, e taea nei hoki e tātou te whai wāhi atu ki taua pūnaha, hei tautoko i te whakataunga o nga tohe 'in the shadow of the law'<sup>11</sup>, i roto hoki i ngā kōti mehemea rā me tino uru ki reira. He tikanga tūāpapa nō te mana o te ture tēnei āhuatanga o ngā tohe e whakatauria ana e ngā kōti. Kei te mōhiotia whānuitia ana ētehi raru e pā ana ki te whai wāhitanga ki te pūnaha kōti porihanga, ina koa te utu nui mō te whai wāhi ki ngā kōti.<sup>12</sup> He maha hoki ngā tohe e pāhikahika nei te mana o ngā kaitohe (nā te taha pūtea, nā ētehi atu āhuatanga rānei), ka mutu, ka mau tonu aua pāhikahikatanga ina whakatauria ngā tohe i waho i ngā kōti.<sup>13</sup>

Me aro ngā raru e pā ana ki te rapu ara i roto i ngā tini momo whakataunga tohe, me ngā take e hāngai ana ki te ōritetanga o te whai wāhi ki ngā kōti. Koinei ngā aronga o te Tohu Wāhi 3.

Ko ngā tohu e tautohu nei tātou e tae atu ai tātou ki te Tohu Wāhi 3 he pikinga nō:

- a. ngā pārongo mō ngā tukanga whakatau tohe (ngā utu, te wāteatanga, ngā ara)
- b. te ōritetanga o te whai wāhitanga ki ngā taraipiunara me ngā kōti

#### *He Whakaaro mō ngā Mahi hei Mahi mā Tātou*

- Tautohua ngā momo tukanga whakatau tohe, ā, tukuna ērā pārongo kia wātea ki ngā kiritaki me ngā kaituku tautoko ā-ture.
- Whakaritea he utauta ārahi whaihua hei whakamahi mā ngā tāngata me ā rātou kaitohutohu ki te tautohu i ngā tukanga whakatau tohe e hāngai ana.
- Tūhuratia ngā ara e ngāwari ake ai te whai wāhi ki ngā tukanga whakatau tohe (hei tauira, mā tētehi tomokanga kotahi kua whakaritea kia ngāwari ai te kuhu).
- Whakapikia te pūataata o ngā utu mō ngā kōwhiringa whakatau tohe.
- Whakapaingia ake te ōritetanga o te whai wāhitanga ki ngā kōti, kia whai wāhi ai ngā tāngata i runga i te matea kia whakatauria e ngā kaiwhakawā, kua i runga i te āhe i o ngā kaitohe ki te utu i tā rātou whai wāhi ki te kōti.
- Timataria ngā mahi e kātata ai te whāinga kia tōtika, kia tere ngā whakataunga o ngā tohe i roto i ngā kōti me ētehi atu umanga whakatau, kia ngāwari hoki ngā utu (hei tauira, tūhuratia ngā tauira pūnaha e nui ake ai te tiroiro a ngā kaiwhakawā kia whāia ai ēnei whāinga). Me whakauru ki tēnei mahi te panoni i ngā waeture, me te āta titiro ki te panonitanga tūāpapa anō hoki, e tutuki ai ngā whāinga.
- Kia mātau ki ngā taupā i te whai wāhitanga ki te ture porihanga e puta mai ana i ngā āhua o ngā wāhi ā-tinana e nōhia ana e ngā kōti me ētehi atu umanga whakatau. Mahia ngā mahi kia

<sup>11</sup> He mea tito te kīanga "shadow of the law" nā Robert Mnookin rāua ko Lewis Kornhauser "Bargaining in the Shadow of the Law: The Case of Divorce Dispute Resolution" (1978) 88 Yale Law Journal 950. E tohu ana i te whakaaro e mea ana, ina whiriwhiri tūmataiti ngā kaitohe, ka whakaaro tonu rātou mō ngā āhuatanga ka pā atu i roto i te kōti mehemea kāore e tatū te whiriwhiringa. Nā konei e pāngia ana te whiriwhiringa e te ture, ā, ka noho ngā ariā o te ture hei anga mō te whiriwhiringa.

<sup>12</sup> New Zealand Law Society, kīwae 7 o runga ake nei.

<sup>13</sup> Bridgette Toy-Cronin, "Power in Civil Litigation" (2021) 17(2) Policy Quarterly 29.

kauawhitia ai, kia pōwhiritia ai hoki ngā tāngata e ngā wāhi ā-tinana, kia hangaia ai hoki aua wāhi i runga i te mātau ki ngā tikanga Māori.

- Whakaritea he tukanga whakaū e ngāwari ake ana, e ngāwari ake ana hoki te utu, kia whakatinanaria ai ngā whakataunga e ahu mai ana i ngā tukanga whakatau tohe.
- Whakaritea, whakapaingia ake rānei ngā pūnaha hei tautoko i te hunga hauā ki te whai wāhi ki ngā mahi whakatau tohe.

#### 4. E mōhiotia ana te pūnaha kia taea ai e tātou te aroturuki, te arotake, te whakapai ake

Ahako e mōhiotia ana me noho te taunaki kua whakatinanaria me ngā arotakenga hei tūāpapa mō ngā kaupapa me ngā whakatikahanga (tirohia te whetū ārahi D, 'Whakamahia ngā taunaki, ā, arotakenga'), kāore anō kia rahi ngā taunaki e wātea mai ana ki a tātou mō ngā āhuatanga e whaihua ana me ngā āhuatanga kāore kē e whaihua. Nō reira, ka arotahi tēnei tohu wāhi ki te kohikohi i ngā taunaki hei ārahi i te whakatikahanga. I a tātou e pēnei ana, me āta aro ngā tikanga rangahau me ngā tukanga rangahau e whakamahi nei tātou, me te kaha aro ki ngā tikanga rangahau Kaupapa Māori me ngā tauira whai wāhitanga mō ngā tukanga rangahau, tae atu ki te hoahoa ngātahi. Me aro ngā rangahau inerahi me ngā rangahau inekounga anō hoki.

Ko ngā tohu e tautohu nei tātou e tae atu ai tātou ki te Tohu Wāhi 4 he pikinga nō:

- a. te mātau ki ngā āhuatanga o ngā mahi a te pūnaha i tēnei wā, tae atu ki ngā tukanga aroturuki me ngā āheinga arotake
- b. ngā ara hei whakawhitiwhiti mātauranga mō te pūnaha

#### *He Whakaaro mō ngā Mahi hei Mahi mā Tātou*

- Tukua he rauemi kia kapohia ai ngā raraunga hei aroturuki, hei arotake i ngā kaupapa whakatau tohe me te tukua o te tautoko ā-ture, tae atu ki ngā raraunga wā roa.
- Tukua he rauemi ki ngā rangahau hei tūhura, hei tautoko i tētehi pūnaha ture porihanga mana rua.
- Whakawhitiwhitia he raraunga mō ngā kaupapa whakatau tohe kua angitu me ngā ara e whakahāngaitia ai ērā kaupapa ki ētehi atu horopaki, tae atu ki ngā kaupapa ā-ipurangi me ngā whakamātau ā-tauira.
- Whakatūria, whakakahangia rānei he umanga ka taea e rātou te tātari, te whakawhitiwhiti i ngā raraunga e pā ana ki ngā kaupapa whakatau tohe, kia nui ake ai ngā akoranga me te mātauranga puta noa i te pūnaha.
- Whakawhanaketia he rārangi o ngā mahi, he rārangi e tiakina ana kia hou tonu, hei tirohanga whānui, kia hāpaingia ai te mahi tahi, kia iti iho ai hoki te tāruatanga.
- Whakawhanaketia he tātaringa ōhanga nō te pānga o tētehi raru ā-ture ki te pāpori mā ōna pānga ki te whakaputaranga, ki te pikinga hoki o te whakamahia o ētehi ratonga anō, hei tauira, o ngā ratonga hauora.



E tutuki ai ngā whāinga o *Wayfinding*, me tū tētehi hanganga ā-motu hei ruruku i te tuku pūrongo mō ngā kaupapa a ngā kiripānga, hei whakawhitiwhiti pūrongo i waenga i ngā kiripānga, hei kōkiri tonu hoki i te mahi.

Nō reira, he wāhanga matua nō *Wayfinding* te whakatūnga o te National Civil Justice Observatory (arā, te Observatory),<sup>14</sup> mehemea ka whiwhi pūtea.

Ko ngā koronga o te Observatory:

- he whakatū, he tiaki hoki i tētehi paetukutuku hei kawē i tētehi pātengi raraunga e tiakina ana kia hou tonu, kei roto rā ngā kaupapa ture porihanga o nāianeī me ngā mea e whakamaheretia ana, kei roto rā hoki ngā pūrongo mō te whakamahere i ngā kaupapa o muri ake; he pūrongo arotake, he pūrongo i whakaritea i runga i ngā taunaki;
- he tono ki ngā kiripānga ki te tuku i ā rātou whakamāramatanga, hei kōrero herekore, hei kōrero pono, mō ngā uauatanga me ngā take ā-hanganga ka kitea e rātou i roto i ā rātou mahi i te rāngai ture porihanga;
- he tuku atu i ngā kitenga me ngā kōrero whakahoki a ngā kiripānga ki ngā hinonga e hāngai ana, tae atu ki ngā hinonga o te kāwanatanga me ētehi atu;
- he whakaputa i tētehi pūrongo ā-tau hei whakahoki kōrero ki ngā kiripānga mō te koke whakamua a *Wayfinding* ki ōna whāinga, hei whakanui i ngā angitu, hei tautohu i ngā kōwhao me ngā take e puta ake ana, hei tuku tūtohu hoki;
- he huawaere i ngā hononga kiripānga, mā te manaaki pea i ngā hui.

Ka noho pea te Observatory ki tētehi whare mātauranga tuatoru (ka neke pea i roto i te wā, pērā i te mea o Kānata).<sup>15</sup> Ka tautokona ngā mahi, ka mātaingia ngā kaimahi e tētehi o ngā kaimahi mātauranga o te whare e manaaki ana.

Ka mātaingia te Observatory e t/ētehi komiti tohutohu hei tautoko, hei ārahi i te Observatory. Ko ngā mema e tika ana kia noho mai ki reira he kanohi nō te rāngai whānui (i roto i te kāwanatanga, i waho hoki).

<sup>14</sup> Ko tēnei te ingoa o te rōpū i tēnei wā, heoi, ka āhei te/ngā komiti tohutohu (he kōrero anō kei raro iho nei) ki te wānanga tonu i taua ingoa.

<sup>15</sup> I roto i Kānata, i manaakitia te Canadian Forum on Civil Justice e te University of Alberta i mua, heoi, i tēnei wā e manaakitia ana e York University, ā, e hono ana ki Osgoode Hall Law School me te York Centre for Public Policy and Law, <https://cfj-fcj.org/>.

# HE PĀRONGO MŌ TE HOROPAKI



Ko te takunetanga o *Wayfinding*, ka whakaū, ka āwhina ki te whakakaha i te mana o te ture me te whai kia ōrite mō te katoa te whai wāhi ki te ture porihanga, ā, kua āta whakaritea kia tuwhera ki ngā whakaaro ka toko ake mō ngā ara hou kia whakahaerehia tō tātou pūnaha ture porihanga.

Ina tirohia i roto i tōna horopaki ā-ao, he mahi tā *Wayfinding* i roto i tā Aotearoa ū ki te Sustainable Development Goal 16.3, "Promote the rule of law at the national and international levels and ensure equal access to justice for all".<sup>16</sup> Kei te hāngai hoki tā Aotearoa pēnei ki ō Aotearoa ake haepapa turepapa (arā, ki ō Aotearoa haepapa pouhere) ki te mana o te ture.

I roto i tōna horopaki ā-motu, kei te kitea, i takea mai te hanganga kāwanatanga o Aotearoa New Zealand i ngā ture me ngā umanga ā-ture i heke mai i te tāmitanga ahurea o ō tātou tau o mua, he mea i waihangatia me te kore i whai whakaaro ki ngā tikanga Māori. E mahia ana ētehi mahi ki te whakatika i taua āhuatanga, ā, e tupu ana tō Aotearoa māramatanga ki ngā ara tika hei whakahōnore i Te Tiriti. Kei te takune a *Wayfinding* ki te tautoko i taua tupu, ki te whakarite wāhi hoki mōna.

## He whakapuakitanga nō te raru

Kei te āta kitea ngā raru o te whai wāhitanga ki te ture porihanga i Aotearoa, he āhuatanga e rite tonu ana te kōrerotia.<sup>17</sup> E tohu ana te rangahau, e 40 ki te 63 ōrau o ngā tāngata o Aotearoa ka pāngia e tētehi raru ā-ture i roto i te wā e rua tau te roa.<sup>18</sup> He maha ngā momo rara ka puta pea i ēnei raru, tae atu ki te ahotea, ki te manawapā, ki te hekenga o tō te tangata whakapono ki a ia anō, ki te matakū, ki te whakapaunga pūtea, me ngā raru hauora.<sup>19</sup>

He uaua ki ngā tāngata te whiwhi āwhina mō ēnei raru. I kitea e te rangahau *Global Insights on Access to Justice 2019*, tokoiti iho i te kotahi hautoru o ngā kaiuru i taea e rātou te tono āwhina mō ō rātou raru ā-ture, ka mutu, e 36% noa iho o te hunga i taea e rātou te pērā i tonono āwhina i tētehi rōia, i tētehi ratonga āwhina ngaio rānei. Kua piki te tokomaha o ngā tāngata e takahi rōia-kore ana i ngā huarahi kōti.

Ko te utu tētehi taupā. He taumaha rawa ki ētehi te āwhina ā-ture tūmataiti—e \$292.70 te toharite o ngā utu ā-hāora ka tonoa i te kiritaki e te rōia whai tūranga i 2016, engari e \$621 te tau waenga o ngā whiwhinga utu ā-wiki o ngā tāngata o Aotearoa i taua tau.<sup>20</sup> Ahakoa ko te takunetanga o te pūtea āwhina ā-ture he tuku i ngā "legal services to people of insufficient means" (Legal Services Act 2011, s 3), he mārō ngā paearu māraurau, me te aha, kāore i te whai wāhi atu te nuinga o ngā tāngata o Aotearoa (ka mutu, kei te āta kitea te torutoru o ngā rōia e tuku ana i

<sup>16</sup> United Nations, Sustainable Development Goals, Goal 16, <https://www.un.org/ruleoflaw/sdg-16/>.

<sup>17</sup> Hei tauira, New Zealand Bar Association Working Group on Access to Justice *Access to Justice: Āhei ki te Ture* (New Zealand Bar Association, 2018); New Zealand Law Society, above n 7; Legal Services Agency *Report on the 2006 National Survey of Unmet Legal Needs and Access to Services* (Legal Services Agency, 2006); Justice Geoffrey Venning, Chief High Court Judge "Access to Justice – a constant quest" (Address to New Zealand Bar Association Conference, Napier, 7 August 2015); Frances Joychild QC "Continuing the Conversation...the Fading Star of the Rule of Law" (5 February 2015) 1 Law News (Auckland District Law Society) 3.

<sup>18</sup> Colmar Brunton, kiwae 2 o runga ake nei; World Justice Project, kiwae 2 o runga ake nei.

<sup>19</sup> Legal Services Agency *Report on the 2006 National Survey of Unmet Legal Needs and Access to Services* (Legal Services Agency, 2006); Christine Coumarelos mā *Legal Australia-Wide Survey: Legal Need in Australia* (Law and Justice Foundation of New South Wales, August 2012).

<sup>20</sup> Bridgette Toy-Cronin rātou ko Louisa Choe, ko Kayla Stewart "A lot of people are paying like \$5 a week for 20 years': New Zealand lawyers, discounts, and payment plans" (2021) 28(3) *International Journal of the Legal Profession* 335-349.



ngā ratonga āwhina ā-ture porihanga mō te tokoiti ka māaurau ki te pūtea āwhina ā-ture).<sup>21</sup> Nō reira, tokomaha ngā tāngata ka taka ki te 'justice gap' e kore nei e tutuki ō rātou matea ā-ture. Kua ngana ngā ratonga noho hapori ki te whakakī i taua kōwhao, engari he uaua ki a rātou, he iti nō ā rātou rauemi.<sup>22</sup> He utu takaāwhio hoki, ā, he utu kei tua i ngā utu ā-pūtea, tae atu ki te whakapaunga wā me te whakapaunga kaha i te tukanga, ki ngā haerenga, me te korenga e wātea ki te kawē i ētehi atu haepapa, ki te takahi rānei i ētehi atu arawātea.

Ehara i te mea ko te utu te taupā kotahi anake i te whai wāhitanga ki te ture porihanga, ka mutu, i ētehi wā ehara te utu i te taupā tino nui o te katoa. Kua whakarāpopotonga ētehi taupā anō e te New Zealand Law Society:

- ngā taupā ā-wāhi, tae atu ki te korenga e taea te toro atu ki ngā ratonga ā-tinana, tae atu hoki ki ngā rohe e tawhiti ana i ngā tāone, e iti ana te whai wāhi ki ngā tūāhanga hei tautoko i te whai wāhitanga ā-ipurangi;
- ngā taupā ā-ahurea me ngā taupā ā-pāpori, tae atu ki te kaikiri ā-umanga me te kūware ā-ahurea, ki te herea o ngā kiritaki e ngā here ā-pāpori e aukati ana i te whai i ngā rongoā ā-ture, ki te kore rānei i mōhio me pēwhea te toro atu ki aua rongoā;
- ngā here e whakawhāiti ana i te tuku ratonga, tae atu ki ngā raru o te pūnaha pūtea āwhina ā-ture, ki te torutoru o ngā kaituku ratonga i ētehi rohe, ki te aukatia o ngā māngai i ētehi whare me te kore o ētehi tukanga e tautoko i tā te kiritaki whakakanohi i a ia anō;
- ngā taupā pārongo, tae atu ki te pūreirei o te wātea mai o ngā pārongo whaikiko me ngā pārongo mō ngā tukanga, ki ngā pārongo teka, me te pikinga o te 'mahi ā-matihiko hei kōwhiringa tuatahi' (e aukati ana i ngā tāngata kāore e taea e rātou, he uaua rānei ki a rātou, te toro atu ki ngā pārongo ina pērā te āhua).<sup>23</sup>
- Kāore i te ōrite te whai wāhitanga ki te ture porihanga i Aotearoa. He nui ake te tūpono ka pāngia ētehi rōpū tangata e tētehi raru ā-ture e raru ai ngā āhuatanga o ia rā. Ko ētehi o ēnei rōpū ko ngāi Māori me ngāi Pasifika, ko ngā mātua takitahi, ko ngā tāngata he rite tonu te nuku whare, ko te hunga hauā me te hunga e pāngia ana e ngā raru hauora mauroa, me ngā tāngata e whiwhi ana i ngā takuhe ā-kāwanatanga.<sup>24</sup>

Kāore e taea te whakatau ngā raru ā-ture katoa mā roto i ngā kōti me nga tariapiunara, ahakoa he umanga whitake ērā, ā, me whakarite, me tiaki hoki te ōritetanga o te whai wāhitanga atu. Heoi, he maha ngā urupare ka taea e tātou ki ngā raru ā-ture kāore anō kia tau i roto i ō tātou hapori puta noa i Aotearoa.<sup>25</sup> Me hāngai te whakataunga ki ngā mōtika me ngā kawenga kua whakatakatoria i roto i ngā ture. Mehemea e matea ana tētehi tukanga whakatau, me whai ngā tukanga tōkeke, tae atu ki te tuku wāhi kia rangona ngā taha e rua o te tohe, ki ngā arawātea kia tāpaea ngā taunaki, me te tōkeke o ngā kaiwhakatau (mehemea e hāngai ana).

Ko tā *Wayfinding* whai he whakarite i tētehi anga kia rurukitia tētehi urupare ki ēnei raru o te ture porihanga, me te tiaki tonu i te wāhi e taea ai e ngā kiripānga katoa ā rātou ake mahi, ā rātou ake kaupapa te whai, e ai ki tā rātou e whakapono rā ka tino whakatutuki i ngā matea o ō rātou hapori.

## Ko te hunga i whakawhanake i Wayfinding

I te Māehe o 2020, i whakahaerehia he hui awheawhe e Chief Justice Dame Helen Winkelmann rāua ko Secretary for Justice Andrew Kibblewhite, hei whakaemi i tētehi rōpū kanorau o ngā kiripānga o te pūnaha ture porihanga. Ko te whakaaro kia titoa he rautaki ā-motu tētehi o ngā putanga o taua hui. Ko te Chief Justice rāua ko te Secretary for Justice ngā heamana o te Courts

<sup>21</sup> Kayla Stewart rāua ko Bridgette Toy-Cronin *The New Zealand Legal Services Mapping Project: Finding Free and Low-Cost Legal Services Pilot Report* (University of Otago Legal Issues Centre, 2018).

<sup>22</sup> Kei taua puna kōrero anō o runga tonu nei.

<sup>23</sup> New Zealand Law Society, kīwae 7 o runga ake nei.

<sup>24</sup> Colmar Brunton, kīwae 2 o runga ake nei.

<sup>25</sup> Rebecca Sandefur "Access to What?" (2019) 148(1) *Dædalus*, the Journal of the American Academy of Arts and Sciences 49.



Strategic Partnership Group (CSPG), arā, te hononga whakawhitiwhiti ōkawa i waenga i Te Tāhū o te Ture me ngā kaiwhakawā matua. Ko tana kawenga he kōkiri i te whanaketanga me te whakatinanaria o tētahi kaupapa mō te whai wāhitanga ki te ture, he kaupapa e aro ana ki te ture porihanga. Nā te CPSG i waihanga te Advisory Group hei kawē whakamua i te ariā mō te rautaki me ētahi whakaaro anō i puta i te hui awheawhe o te Māehe o 2020.

Ko ngā heamana o te Advisory Group ko Justice Susan Thomas (Chief High Court Judge) rāua ko te Ministry of Justice Access to Justice Pou, arā, ko Sam Kunowski. Ko ngā mema o te Advisory Group ko Chief Employment Court Judge Christina Inglis rātou ko Dr Bridgette Toy-Cronin (Te Whare Wānanga o Otāgo), ko Horia Irwin-Easthope (he rōia Māori), ko Sarah Lynn, ko Victoria McLaughlin (he tokorua e mahi ana ki Te Tāhū o te Ture). Nā te Advisory Group i whakatū te rōpū mahi mō *Wayfinding*, ko ōna mema ko: Dr Bridgette Toy-Cronin (Heamana) (he kaimahi mātauranga e aro ana ki te whai wāhitanga ki te ture porihanga) rātou ko Raynor Asher KC (he poutoko ture, he kaiwhakawā o mua nō te Kōti Teitei me te Kōti Whakawā Tuarua), ko Wi Pere Mita (he rōia Māori, he kaitakawaenga), ko Gabrielle O'Brien (he kaihautū i tētehi rōpū o waho i te kāwanatanga, kua mahi i te ao o te whakatau tohe mā ngā ara kē), ko Anne Waapu (he kaihapahāpai ture Māori e aro ana ki ngā panonitanga mauroa mō ngā whakatupuranga o muri ake).

Ko te hunga i whai wāhi ki te hui awheawhe o te Māehe 2020 ko Te Mana Kaiwhakatau, Takawaenga o Aotearoa; ko te Borrin Foundation; ko Chen Palmer; ko Ngā Pou Whakawhirinaki o Aotearoa; ko Community Law Centres o Aotearoa; ko Te Tari Ture o te Karauna; ko Deborah Manning Barrister; ko te Te Toihau Hauora, Hauātanga; ko Te Ratonga Ahumana Taimahi; ko te Equal Justice Project (Waipapa Taumata Rau); ko te Government Centre for Dispute Resolution; ko te Immigration Protection Tribunal; ko te Resolution Institute (previously known as LEADR); ko te Legal Services Commissioner; ko ētehi o ngā kaiwhakawā o Aotearoa; ko Te Tāhū o te Ture; ko Minter Ellison; ko Ngā Ahorangi Motuhake o te Ture; ko Te Aka Matua o te Ture; ko Te Kāhui Ture o Aotearoa; ko te Pacific Law Society; ko ētehi o ngā Parliamentary Counsel; ko te Principal Disputes Referee; ko Tamatekapua Law; ko Te Hunga Rōia Māori o Aotearoa; ko Waipapa Taumata Rau; me Te Whare Wānanga o Otāgo.

Ko te hunga i tuku tāpaenga ki te whakawhitiwhitinga kōrero mō *Wayfinding* i te tau 2022 ko: Te Mana Kaiwhakatau, Takawaenga o Aotearoa; ko Backbone Collective me te Auckland Coalition for the Safety of Women and Children; ko Ngā Pou Whakawhirinaki o Aotearoa; ko Community Law Centres o Aotearoa; ko Te Ture Whānui o Waitaha; ko Cooper Legal; ko te Government Centre for Dispute Resolution; ko Legal Plus ; ko Te Kaunihera Wahine o Aotearoa; ko Netsafe; ko Ngā Ahorangi Motuhake o te Ture; ko te New Zealand Council for Civil Liberties Incorporated; ko te New Zealand Council of Christian Social Services; ko Te Kāhui Ture o Aotearoa; ko te Pacific Lawyers Association; ko te Porirua Kāpiti Community Law Centre; ko Restorative Practices Aotearoa; ko Te Rōpū Inia o Te Whanganui-a-Tara; ko ētehi tāngata takitahi e whakamahi ana i te pūnaha ture (tokorima ngā kaitāpae); ko ētehi tāngata takitahi e mahi ana ki te whakapai ake i te pūnaha ture (e 22 ngā kaitāpae). Tokomaha ngā kaitāpae takitahi nei me ngā kaitāpae ā-umanga nei i tuku kōrero ki te terenga tuarua o ngā tāpae, kia mirimiria tonutia ai te rautaki.