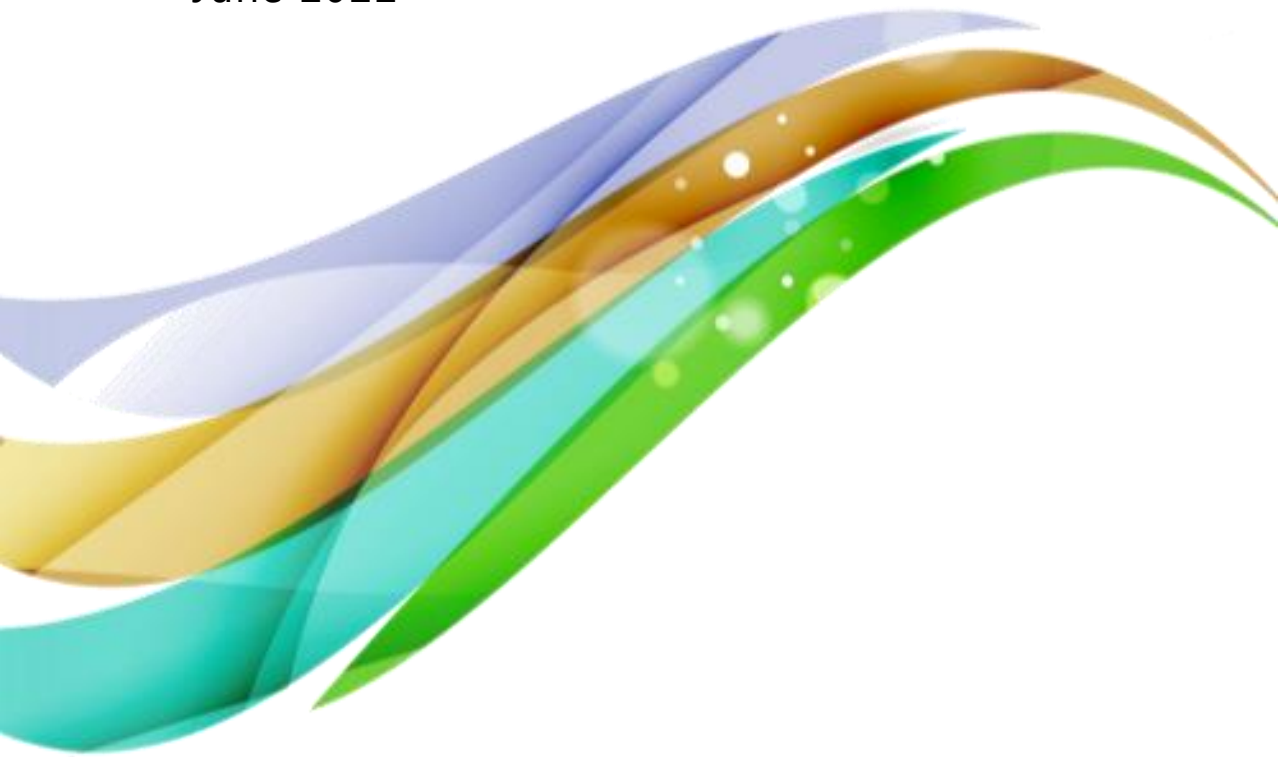


The Regulation of Lawyers and Legal Services in Aotearoa New Zealand

Te Pae Whiritahi i te Korowai Rato Ture o Aotearoa

Independent Review

Discussion document executive summary, Te Reo Māori,
June 2022





Whakarāpopototanga matua

Kua puta te tono a Te Kāhui Ture o Aotearoa (NZLS) | New Zealand Law Society kia tū tētahi Pae Arotake Motuhake (te Pae) hei arotake mehemea he tōtika, he pakari hoki ngā ritenga o nāianeī mō te whakarite rekureihana mahi me te tū hei māngai mō te hunga rōia me ngā ratonga ture.

I takea mai te Arotake i ētahi āwangawanga mō te tōtika o ngā ritenga whakatakoto whakapae, te ahurea me te matahuhua o te umanga ture, ngā mana ka taea te hāpai e te kaiwhakarite rekureihana o nāianeī hei whakatika i te whanonga hē (tae atu ki te tūkino hōkaka, te whakaweti me te toihara) i te pātai hoki mehemea e tika ana kia noho he rōpū whai mema pēnei i Te Kāhui Ture o Aotearoa (NZLS) hei kaiwhakarite rekureihana mō te umanga ture. E whiriwhiri ana te Pae mehemea me whakauru mai ētahi panonitanga kia pai ake ai te whakaruruhau i ngā kiritaki ratonga ture, kia tino ōrite ai te whakataetae, kia taea te mahi auaha i roto i te umanga, kia whakatairangatia hoki Te Tiriti o Waitangi me ngā tūāpapa kākano rua o Aotearoa – New Zealand.

He whāinga wāhi tēnei Arotake kia tirohia houtia te anga kua oti te whakatū i roto i te Lawyers and Conveyancers Act 2006 (te Ture), mehemea hoki he whai hua ngā whakaritenga o nāianeī mō ngā kiritaki me ngā kaimahi ture.

Ko ēhea ngā ratonga ture me āta whakahaere ā-rekureihana?

Ka taea te tino nuinga o ngā ratonga ture o Aotearoa – New Zealand te tāpae atu e te rōia, e te hunga hoki ehara i te rōia, otirā, ko ngā rōia anake te hunga ka whakawhiwhia ki tētahi tiwhikete mahi, e uru ai rātou ki ngā ritenga paerewa whakatutuki, ki ngā rekureihana o ngā ture, me tētahi ratonga whakapae. Kei tēnei pukapuka whakawhiti kōrero ka tūhuratia mehemea he tōtika te ara whakahaere rekureihana mō ngā rōia i te ao o nāianeī, e piki ake nei te tokomaha o te kiritaki rapu ratonga ture i te huhua o ngā kaiāwhina, ā, tata ki te 30 ōrau o te hunga rōia he mahi i roto i tētahi whakahaere. E hiahia ana mātou ki te mōhio mehemea he tika ngā whakaritenga o nāianeī hei tiaki i te kiritaki.

Ka tūhura hoki tēnei puka whakawhiti kōrero mehemea me hoki anō ki te panoni i ētahi o ngā ritenga matua o te Ture, tae atu ki te rārangi puaki kaupapa, me pehea e whakaurua ai Te Tiriti o Waitangi ki te Ture, mehemea hoki me tautuhi te ture i ngā whāinga o te kaiwhakarite rekureihana.

Ko ētahi atu take e arotakea ana, inā:

- mehemea me whakahaere rekureihana hāngai tika ki ngā kamupene rōia, kia pai ake ai ngā whakaruruhau mō ngā kaimahi me ngā kiritaki
- mehemea me muru atu ngā here o nāianeī mō ngā āhuatanga rōpū o nāianeī, tae atu ki te whakaaro kia āhei ai te hunga ehara i te rōia kia whai pānga ki ngā kamupene rōia kua kāporeitangia, kia whakaaetia hoki te hunga rōia, te hunga hoki ehara i te rōia kia uru ki tēnei mea te kōtuitanga, kia kawe mahi hei kamupene pūkenga maha
- mehemea he tōtika te tauira 'kia kotahi ritenga mō te katoa'; i ēnei rā o te huhua o ngā ara mahi o te hunga rōia
- mehemea he tika kia whānui kē atu ngā taputapu mā te kaiwhakarite rekureihana hei whakatika i ngā āwangawanga i ngā taumata o raro, i mua i te hēnga atu hei take e arotakea ai te rōia mō tana tōtika kia mahi i ana mahi ture.



Me pēhea te whakatairanga i tētahi ahurea takatika, matahuhua hoki i roto i te umanga ture?

Ko tā te Arotake he tiroiro me pēhea te whakahaerenga ture me te tū hei kanohi mō te umanga e whakatairanga ai i te ahurea hauora - he ahurea whakaata i te matahuhua o Aotearoa – New Zealand, tautoko hoki i te hauora me te toiora o te hunga rōia, whakatenatena hoki i te whanonga pai. E aronui ana hoki tā mātou tiroiro ki te pātai, me pēhea te whakauru i ngā tikanga me te reo Māori ki ngā whakahaerenga ture me te tū hei kanohi mō te hunga rōia i Aotearoa – New Zealand.

Tērā tonu ngā maioro ki te whakauru, ki te ahunga whakarunga, me te puritanga kaimahi i roto i te umanga rōia mō te wahine, mō te iwi Māori, mō ngā iwi nō Te Moana-nui-a-Kiwa, mō te hunga nō Āhia, me te hunga momo iwi kē. Tā tēnei puka whakawhitiwhiti kōrero he pātai, he aha ngā ara hei whai, e whakapikia ai te matahuhua, e whakatairangatia tētahi ahurea toiora, hao hoki i te katoa.

E hiahia ana anō hoki te Arotake ki te rongō i ō koutou whakaaro mō te wāhi ki te whakapakari ngaio tanga haere tonu, me ngā ratonga mahi aroha, me pēhea hoki te anga whakahaere tautoko e tautoko ai i te whakapakari ngaio tanga haere tonu, me te whakatairanga i ngā mahi ture mō te aroha.

He tōtika te tauira mō te whakahaere ture mō te whanonga me te whiriwhiri whakapae?

Kua rongō mātou i ētahi āwangawanga mō te tōtika o te tauira o nāianei mō te arotake whakapae ki te hunga rōia. Ko ētahi o aua āwangawanga ko te roa o te wā whakatau whakapae, te korenga e ōrite o ngā tukunga iho, te kore e pūataata, me te tiroiro a ētahi, ehara te hātepe i te hātepe motuhake, kāore e whakatairanga i ngā ara hohou i te rongō, he ara pai hoki tērā ki ngā ahurea maha, tae atu ki te iwi Māori, me ngā iwi o Te Moana-nui-a-Kiwa.

E tūhura ana te Arotake me pēhea te tauira whiriwhiri whakapae e whakapaingia ake ai. Arā anō ētahi ara hei whiriwhiri, pēnei i te muku atu i te ritenga ā-ture kia whiria ngā whakapae e ngā Komiti Paerewa, (he rōia te nuinga o ngā mema, e mahi nui ana i roto mō te aroha) tae atu ki te whakarite rōpū whakapae motuhake hou (me te nui pea o te utu mō tērā).

E kimi ana hoki mātou i ngā whakaaro mehemea he tōtika ngā tautuhitanga o nāianei mō 'unsatisfactory conduct', me 'misconduct'. Hei tauira, ka whai take pea kia whakamāramatia mehemea ka kapi i te tautuhitanga o nāianei mō 'unsatisfactory conduct' ngā takahanga o te Ture me ōna Ritenga e tētahi rōia, ahakoa kāore te whanonga whaiaro e whiria ana e pā ana ki te horanga ratonga i raro i ngā whakahaere rekureihana.

Me noho mai he kaiwhakarite rekureihana motuhake?

Ko Te Kāhui Ture o Aotearoa (NZLS) te kaiwhakahaere rekureihana mō te umanga ngaio, engari he rōpū whai mema mahi i āta kōwhiri kia hono atu, e kawē nei i te haepapa kia whakatairanga i ngā pānga o ana mema. Ahakoa kua mahi nui Te Kāhui Ture o Aotearoa (NZLS) ki te wehewehe i āna kawenga whakahaere rekureihana, tū hoki hei kanohi, ka noho tonu ko te pātai hira nei, mehemea e tika ana kia noho tētahi rōpū ngaio whai mema hei kaiwhakahaere rekureihana mō te hunga rōia. He ruarua ngā tauira pēnei i roto i ngā whakahaerenga rekureihana mō ētahi atu umanga.



Kua whakarārangitia atu e mātou ētahi o ngā tukunga iho kua ara ake i ngā whakaritenga o nāianei, ā, kei te toro i ngā whakaaro mehemea me whakatū he whakahaere rekureihana hou ka tū motukake, i waho i te umanga rōia.

He aha ngā whakaritenga whakahaere hinonga pai rawa?

I tua atu i te whiriwhiri i te taumata motuhake mō tētahi ratonga whiriwhiri whakapae me te kaiwhakahaere rekureihana, e tūhura ana te Pae ka pēhea pea te āhua o tētahi anga whakaruruhau tōtika, mō te hora kawenga mahi whakahaere rekureihana, whakatōpū mema hoki.

E kimi ana mātou i ō koutou whakaaro mō ngā whakaritenga hinonga pai rawa mō tētahi kaiwhakahaere rekureihana / rōpū whai mema, tae atu ki te pātai, me he whāinga wāhi tēnei kia whakapakaritia te piripono o te umanga ki Te Tiriti o Waitangi.