

Whakarāpopototanga tāpae

I kōkiritia tēnei Arotake Motuhake e te Kāhui Ture o Aotearoa | New Zealand Law Society (e mōhiotia nei ko te Law Society, te NZLS rānei).

I tīmata ngā mahi a te Pae Arotake Motuhake, ko ōna mema ko Ahorangi Ron Paterson (Heamana), rātou ko Jane Meares, ko Ahorangi Jacinta Ruru i te marama o Māehe 2022. He torowhānui, he tiro ki pae tawhiti te āhua o tā mātou mahi nui - kia arotakea te anga mō te whakarite ture me te tū hei kanohi mō ngā ratonga ture i roto i Aotearoa.

Te horopaki mō te Arotake Motuhake

Ko te pūtake tūturu o tēnei arotake ko te putanga mai o ngā pūrongo mō te mahi whakaito ki ētahi rōia taiohi, ki ētahi kaimahi ture raumati i te tau 2018. Nā ēnei āhuratanga i akiaki te Kāhui Ture o Aotearoa kia whakarewaina tētahi uiuinga Horopaki Wāhi Mahi ā-Ture torowhānui, i kitea i reira ehara ēnei i te mahi pokerehū noa. He maha tonu ngā rōia kua tūpono ki te mahi whakaito, ki te whakaweti, ki te makihuhunu me te kaikiri, i ō rātou ara mahi. Nā te pūrongo a te Rōpū Mahi motuhake a Te Kāhui Ture o Aotearoa i puta ake i muri (te pūrongo Cartwright) i tūtohu tētahi rārangi panonitanga kia pai ai ake te whakapūrongo, te ārai, te kite wawe me te tautoko mō ngā āhuratanga o te whanonga wāhi mahi hē i roto i te umanga ture.

I tua atu i ngā āwangawanga mō ngā mana e wātea ana ki te whakarite hei urupare ki te whanonga hē, tērā anō tētahi atu horopaki hira mō te whakatau a Te Kāhui Ture o Aotearoa mō tēnei arotake motuhake, arā: te maninohea whānui i roto i te pūnaha ture mō te urupare ki ngā whakapae mō ngā rōia; te hiahia kia anga atu ki ngā wero ahurea, kia whakawhānui kanorau, te haonga i te katoa me te hauora hinengaro i roto i te umanga ture; me te āwangawanga mau tonu mō te āhua o te kawae haepapa a tētahi rōpū whai mema mō ngā mahi whakarite ture mō te umanga ture, mehemea hoki ka taea e ia te āta whakatairanga i ngā pānga o te hunga rōia, mehemea koia te kaiwhakahaere ture.

Ka tae tēnei ki te 14 tau o te Lawyers and Conveyancers Act 2006 (te Ture) e mana ana. I roto i ngā rau o waenganui, kua puta ētahi panonitanga hira ki te horanga ratonga ture, te tūranga o te hunga ehara i te rōia, me te whakamahinga hangarau.

Kua tino panoni hoki tō tātou whenua. Kua kaha ake te ahurea-tini o Aotearoa, he mea mīharo tōna kanorau ā-momo iwi, ā-momo reo hoki. Kua tino kaha kē atu te whakaaetanga ki ō tātou pūtake kākano-rua, ki te iwi Māori hei tangata whenua hoki, ā, kua piki haere te rongonga o te reo Māori i roto i ō tātou mahi o ia rā. E whakaatatia ana te wāhi ahurei, puka taketake hoki o Te Tiriti o Waitangi i roto i ngā ture me ngā kaupapa here. Kua whakaaetia nuitia ngā tikanga Māori hei wāhi o te ture o Aotearoa, ā, kei te piki tōna whakaurunga ki ngā marautanga o te tohu rōia.

Ngā Whakaritenga Mahi

Nā tētahi rōpū arataki i kopoua e Te Kāhui Ture o Aotearoa i tuhi ngā Whakaritenga Mahi⁴ mō tēnei arotake, ā, i puta te karanga i aua whakaritenga kia tū tētahi wetekanga mō te anga ā-ture katoa

4 Tirohia te puka a Te Kāhui Ture o Aotearoa *Independent review of the statutory framework for legal services in Aotearoa New Zealand: Terms of Reference* (Mahuru 2021).

mō te whakarite ture mō te hunga rōia. I herea te Pae kia wewete i ngā wāhanga taketake e whai ake nei o te anga ture mō ngā rōia i Aotearoa: te whanonga, ngā amuamu me te whakawhiu, ngā ratonga e herea ana e ngā rekureihana, me te tauwehenga pānga, tūranga hoki e tika ana. I uru ki te hōkai o te arotake:

- mehemea me wehewehe ngā mahi māngai a Te Kāhui Ture o Aotearoa i te katoa, i ētahi rānei o ana tūranga whakahaere ture
- He pēhea i āraia ai ngā whanonga hē, he pēhea hoki i whakatikaina
- He pēhea i tukua ai ngā whakapae, he pēhea i uruparetia hoki, tae atu ki ngā pūtake e pā ana ki te pūataata
- ko ēhea ngā ratonga ture e herea ana e te ture, e wai hoki
- ngā whakaritenga o te taha whakahaere me te taha whakaruruhau mō Te Kāhui Ture o Aotearoa
- te wāhi ki te Tiriti o Waitangi me te kākano-rua i roto i te anga ā-ture, me ngā whakaritenga o te taha whakaruruhau
- Me pēhea te whakaurunga me te kanorau e whakaahuatia ai i roto i te anga whakaritenga ture, i roto hoki i ngā whakaritenga whakahaere, i roto hoki i ngā whakaritenga o te taha mana.

Ko te tono ki te Pae kia whiria ngā panonitanga o te horopaki, kia wetekina hoki ngā panonitanga e tika ana 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.

Te tukanga arotake

E ai ki te whakamārama a Te Kāhui Ture o Aotearoa ka noho tēnei arotake 'hei whāinga wāhi kotahi i roto i tēnei whakatupuranga' kia tāreia houtia te whakarite ture me te whakaahua i te umanga. Ko tētahi tino whāinga a te Pae he tāpae whāinga wāhi huhua mō te hunga pupuru pānga kia whakaputa kōrero i roto i te toronga whakaaro mō te arotake.

I tukua whānuitia tei tuhinga whakawhitiwhiti whakaaro a te Pae i te 14 o Pipiri 2022, me te whānui o te tuku, me te pōwhiri urupare mā te whakakī i tētahi uiuinga tuihono, mā te whakatakoto tāpaetanga hoki / rānei. Nā konei ka puta ētahi urupare uiuinga 1,308 (ko te nuinga nā ngā rōia i whakatakoto), 183 ngā tāpaetanga, kei roto i tērā neke atu i te 30 kanohi rōpū ture, me ngā rōpū kiritaki. I takaina ētahi pukapuka mahi ruarua, e rangahau ana i ētahi kaupapa whāiti e whakaarahia ana i te tuhinga, i whakaputaina hoki ki www.legalframeworkreview.org.nz.

Mai i te marama o Hune ki te marama o Hepetema 2022, i whakauru te Pae ki ētahi wānanga ipurangi e toru, me ētahi hui ā-peka e ruma, i whakatūria e ia ētahi hui 55 ki ētahi tāngata pupuru pānga 250, ki ētahi rōpū arotahi e whā ki ngā rōia mahi takitahi, ki ngā rōia mai i ngā kamupene iti, me ētahi mema ehara i te rōia me ētahi mema rōia o ngā Komiti Paerewa. I haere hoki te Pae ki tāwāhi ki te tūtaki ki ngā tāngata whakahaere ture me ngā rōpū whakakanohi i te umanga i Ingarangi, i Wēra, i Airangi, i Kotirani, i Kānata, i Ahitereiria (Niu Haute Wēra me Wikitōria).

Mō te kaupapa whānui, i harakoa te Pae mō te kaha o te whakaurunga mai o te hunga i roto i te umanga rōia, me ngā rōpū whakakanohi matua, tae atu ki Te Hunga Rōia Māori o Aotearoa, ki te Pacific Lawyers Association, ki NZ Asian Lawyers, ki te New Zealand Bar Association, Aotearoa Legal Workers' Union, te ADLS, te Government Legal Network, ki te Large Law Firms Group, te New Zealand Law Students' Association, me te huhua o ngā rōpū rōia wāhine. I tino rangona ngā whakaaro kiritaki i roto i ngā tāpaetanga mai i Community Law Centres o Aotearoa, Consumer NZ me Te Pokapū Whakahoki Pātai, ā, mai i tētahi uiuinga Kantar hoki ki ngā whakaaro katoa o ngā tāngata o Aotearoa.

Tā tēnei pūrongo he hora mai i ngā hua o ngā marama 12 o te tuituinga, o te rangahau, me te tātari torowhānui. I ahu mai ana kitenga i te taunakitanga, ā, ka whakaaria i roto ko ngā tikanga mahi pai, me ngā mea i ākona nā te mahi whakarite ture mō ētahi atu umanga i Aotearoa, me ngā rōia i tāwāhi. Ka noho tēnei hei tauira mō te whakahoutanga o ngā ture whakahaere, whakakanohi hoki i te umanga rōia.

Te kitenga torowhānui: kāore te tauira ture whakahaere o nāianeī i te whai hua

Ahakoā he pai tonu te haere o te tauira whakahaere ture, whakakanohi hoki mō ngā rōia mō ētahi āhuatanga, kāore i te pai mō ētahi atu.

Ko te pūtake e whakaritea ai he ture whakahaere ao mahi, he tautiaki i ngā kiritaki me te iwi whānui. Ahakoā tērā, i tēnei wā kei te kawē Te Kāhui Ture o Aotearoa i ngā tūranga e rua i raro i te tauira ture whakahaere o nāianeī, ā, kāore e āta tiakina, e āta whakatairangatia hoki e ia ngā pānga o mō ngā kiritaki. E taupatupatu ana te haepapa o Te Kāhui Ture o Aotearoa ki te whakatairanga i ngā pānga o te umanga ki tana here kia whakarite ture tautiaki i ngā pānga o te iwi whānui.

E horoa ana te whakapono o te tangata ki Te Kāhui Ture o Aotearoa, nā ōna haepapa e rua, tō kē tētahi, tō kē tētahi. Kei te whakaputa whakaaro ngā rōpū kiritaki mō tō rātou kore e whakapono ki te Kāhui Ture o Aotearoa, nā ōna tūranga taupatupatu, me te tirohanga a te tangata 'he rōpū rōia tēnei kei te wawao i ētahi atu rōia'. Ko ētahi rōia kāore i te tino whakapono ka taea e Te Kāhui Ture o Aotearoa te whakatikatika i ngā wero kei mua i te aroaro o te umanga.

Kāore i te tutuki i tētahi tauira kore kakama, utu nui hoki ngā hiahia o ngā kiritaki, o te umanga rānei. Nā ngā whāinga taupatupatu, me ngā haepapa taukumekume, kua kore Te Kāhui Ture o Aotearoa e tino kakama, e tino whai take hoki hei kaiwhakahaere ture. He kaha rawa te whakahau tikanga a te anga ture o nāianeī. Hei here tēnei anga i te wātea o Te Kāhui Ture o Aotearoa ki te hoehoe i tōna waka, kāore hoki i te kakama, he nui rawa hoki ōna utu whakahaere.

He tatari kia whakaohongia te āhua o ngā mahi whakarite ture o Te Kāhui Ture o Aotearoa, kāore e wātea kia pūhia e te hau, kia whitikia e te rā. E parori kē ana tāna tū, e anga kē ana ki te pupuru i ngā ture o nāianeī, he āhuatanga tēnei i ētahi wā o te herenga o te Kāhui Ture o Aotearoa kia noho haepapa ki te umanga. Kāore e ōrite ana ki te tini o ngā kaiwhakahaere ture o nāianeī, arā, he iti iho te aronga ki ngā kōkiri hei whakatika i ngā āwangawanga kiritaki, te arataki kaupapa here mō ngā take tauhokohoko whānui kē atu, me te whakaraupapa rawa hei tautohu, hei whakahaere hoki i ngā mōrearea. Mō ētahi āhuatanga, kua tītaha kē te titiro o Te Kāhui Ture o Aotearoa ki ngā pānga rōia, i runga ake i ō te kiritaki.

Nā tā mātou toronga whakaaro ka kitea ko te take i uaua tonu ai tana kawē i ngā pānga o te hunga rōia kia whai hua, ko ana tūranga matua e rua. He maha ngā rōia e whakapono kāore he rōpū mema kiritaki pakari ka taea e ia te whakahau whakahoutanga o ngā hātepe ture, me te tū hei kaitautoko mō ngā rōia e whakapaetia ana. Nā ngā tūranga matua e rua kua kore ngā rōia e kimi āwhina mai i tō rātou rōpū whakakanohi mō ngā āhuatanga pēnei i ngā take hauora hinengaro, kei ara ake he take ture mō rātou.

Kāore kē te pūnaha whakauru whakapae o nāianeī i te whai take. He pōturi tāna mahi, ka puta i muri he whakatau hārakiraki, e ai ki te titiro kei te tītaha kē ana whakaaro ki ngā rōia, kāore i aronui ki te kiritaki, ki te whakaea wharanga rānei. Kāore i te tutuki i a ia ngā hiahia o ngā kiritaki, o ngā rōia rānei. Ehara nā Te Kāhui Te Kāhui Ture o Aotearoa te hē, engari he hua i whānau pū mai tēnei nā ngā whakaritenga ture, i whakarite i tētahi pūnaha whakapae mārō rawa.

Kāore hoki ō te kaiwhakahaere ture taputapu ture tōtika hei tautiaki i te iwi tūmatanui, hei urupare wawe ki ngā taunakitanga wharanga kiritaki i runga i te hohoro, ki te kōkiri mahi hoki mehemea ka ara ake he āwangawanga matatau, hauora rānei mō te āhei o tētahi rōia ki te kawē i te mahi rōia. Kua tautohutia e mātou ētahi herenga ture, herenga rekureihana hoki kāore he tino āwhina i roto

mā ngā kiritaki, tae atu ki ngā here takekore mō ngā momo tauira pakihī e wātea ana ki ngā rōia, he herenga painga-kore hoki mō te wā ka taea e te rōia te kawē mahi mōna anō, me te kore arotahi ā-ture ki ngā kamupene rōia.

He tika te kī a te tangata me tū tētahi kaiwhakahaere ture hou

Ka whai hua pea te umanga tūmatanui, me te umanga rōia i Aotearoa, i tētahi kaiwhakahaere ture motuhake hou. He mea taunaki tēnei kitenga e ngā mātāpono whakahaere ture pai rawa, e ngā rōpū kiritaki me tētahi wāhanga nui o te kāhui o te umanga, me te mōhio anō, he ia tēnei i te ao whānui kia kaua te hunga rōia o tēnā whenua, o tēnā whenua, e whakarite ture mō tō rātou umanga.

Kua tatū ngā whakaaro o ngā arotakenga nui o te whakarite ture rōia i tāwāhi, me noho mai he kaiwhakahaere ture motuhake mō te umanga rōia, ā, me rapu ara mahi kia kore ai e waimeha te tūranga hira o te umanga rōia kia hāpaitia te mana o te ture, kia whakaputa kōrero hoki hei tauwhāinga ki te kāwanatanga o te rā. He whai painga nui ngā hinonga motuhake e kawē nei i ngā tūranga whakarite ture, whakakanohi hoki mō ngā rōia i Wikitōria, (Ahiterereira), i Kānata, i Ingarangi me Wēra, me Airani. He mea tōtahi te tauira whakarite ture mōna anō mō te rōia i roto i te whakarite ture ā-umanga i Aotearoa.

He tini ngā rōia e kī ana, kāore te pūnaha o nāianeī ‘i te pākaru rawa’ me te whakaputa whakaaro he nui te utu o te whakahou tikanga. Ahakoa ērā whakaaro, ki ā mātou tātaritanga, kāore i te tika. Ahakoa ka uua tonu te matapae i te utu mō te whakahou tikanga, nā tētahi tātaritanga o ngā painga o te utu, i kitea te pūtake e tika ai te tahuri ki te whakarite ture motuhake.

Ehara i te mea e kauwhau ana mātou kia tukua mā te kāwantanga tonu e whakarite ture mō te umanga rōia. Me whakatū te kaiwhakahaere ture hei rōpū ā-ture motuhake. E kore e tū hei hinonga Karauna, e kore hoki e here e ngā mana, e tohutohuria rānei e ngā tauākī kaupapa here mai i te kāwanatanga. Ko tētahi whāinga ā-ture o te kaiwhakahaere ture motuhake hou he “āta whakamau i te mana o te tau, he whakangāwari hoki i te whakatutukitanga o te tika” ā, ko ētahi hoki o ana tūranga he kawē tonu i te haepapa kia tohutohu i ngā tikanga whakahou ture.

Kua hīrawerawe, kua tawhito hoki te anga whakaruruhau o te Kāhui Ture o Aotearoa o nāianeī, me tana kaunihara nui ka pōtitia, me tana poari ka pōtitia. Ka hiahia he tikanga whakaruruhau hou mō te kaiwhakahaere ture hou, ko te hiahia nui kia tū he poari iti, kāore i pōtitia, i takea mai i ngā pūkenga ōna whakarite kopou tangata, he kanorau hoki te āhua. E tūtohu ana mātou ki tū mai he poari tokowaru ana mema i āta kōwhiria mō ō rātou pūkenga whakaruruhau, me ētahi tauwehenga taurite i waenga i ngā rōia, me ngā mema tūmatanui. Te tikanga kia noho mai he mema tūmatanui hei heamana, hei tūtohu e tū motuhake ana te kaiwhakarite i te umanga. Kaua e iti iho i te rua ngā mema poari i āta ākona i roto i te ao Māori. Ka ekee pea te whā tau ngā kopounga mema, kia kaua e roa atu i te 10 tau. Kāore e pōtitia he tūranga rōia mō te poari.

Hei tautiaki i te noho motuhake o te hātepe kopou tangata, mā te Minita mō ngā Ture e kopou ngā tāngata i muri i ngā tohutohu mai a tētahi pae whakarewa ingoa, ko ōna tāngata he whānui ngā momo, nā ngā rōpū kiritaki me ngā rōpū whakakanohi ā-ture i whakarewa ngā ingoa (hei tauira, Te Kāhui Ture o Aotearoa me Te Hunga Rōia Māori). Kaua ngā Minita e huri kē i ngā tohutohu kopou a te pae whakarewa ingoa mō te kore take tōtika, ā, me he take, me āta pānui ā-tuhi, ki te iwi tūmatanui, i te wā o ngā kopounga hou.

Te Kāhui Ture o Aotearoa hei rōpū whai mema hou

Te tikanga o te whakatū kaiwhakarite ka kore anō Te Kāhui Ture o Aotearoa e whai mema ā-ture, ka huri hei rōpū whai mema anake. Ahakoa tērā, kē whai tūranga take nui a Te Kāhui Ture o Aotearoa mō te umanga otirā mō Aotearoa hei reo pakari, hei reo motuhake kauwhau tikanga mō te mana o

te ture. Me noho tonu a Te Kāhui Ture o Aotearoa hei rōpū mātāmua tūturu hei māngai mō ngā rōia o Aotearoa.

Me tino whakaari te anga me te whakaruruhau mō Te Kāhui Ture o Aotearoa i ngā hiahia o ana mema, me ngā ara e tino tutuki ai ō rātou matea. Ki a mātou hei aha te whakanoho mai i tētahi kaunihera whakaruruhau me tētahi Poari. E marohi ana mātou i tētahi whakapaparanga whakaruruhau kotahi, kia 8-10 ngā mema poari, tae atu ki ōna mema tūmatanui, hei tautoko i ngā pūkenga o ngā mema i pōtitia.

Ngā whāinga me ngā here ā-ture hou

Me uru ki tētahi ture hou mō te whakarite ture mō te rōia tētahi rerenga torowhānui tū motuhake mō Te Tiriti: “Ko ngā tāngata katoa e kawea ana i ngā mana, e whakaoti ana i ngā mahi me ngā haepapa i raro i tēnei Ture me mātua whakatutuki i ngā mātāpono o Te Tiriti o Waitangi.” Hei waitohu tēnei i te hira o Te Tiriti ki te tūtohi taketake o Aotearoa me tōna pūnaha ture, hei arataki hoki tēnei i te tuituinga o te kaiwhakarite ki te umanga, me te iwi tūmatanui, i tāna whakatutukitanga hoki i ana haepapa.

Me āta tātaku te anga whakarite ture hou i ngā whāinga o te kaiwhakahaere ture hou. Ko te whāinga tuatahi ko te tautiaki me te whakatairanga i ngā pānga o te iwi tūmatanui, me ōna whāinga whāiti mō te:

1. te hāpai i te mana o te ture, te whakangāwari hoki i te whakatutukitanga o te tika
2. te whakawātea i te ara ki te mahinga o te tika me ngā ratonga ture
3. te whakatairanga me te tautiaki i ngā pānga o ngā kiritaki
4. te whakatairanga i ngā whanonga pono matatika, te whakaū i te matatau ngaio, tae atu ki te matatau ahurea, i roto i ngā mahi a te ture
5. te whakamanawa i tētahi umanga rōia tū motuhake, pakari, matahuhua, whai hua hoki.

E kawea tahitia ana ngā whāinga tuatahi e toru e te tini o ngā kaiwhakahaere ture ā-umanga. Hei whakaata ngā whāinga whakamutunga e rua i te hiahia mō te arotahitanga ture i Aotearoa: te ārainga i te whakaito hōkakatanga, te whakaweti me te makihuhunu i te wāhi mahi; te whakapūmau i te matatau o te kaimahi, tae atu ki te matatau ahurea – he noho mataara tonu ki ngā hiahia, ki ngā whanonga pono me ngā whakapono o ngāi Māori, me ngā kiritaki o ētahi atu ahurea, tae atu ki ō Te Moana-nui-a-Kiwa, o Āhia hoki; me te urupare ki ngā āwangawanga mai rā anō, ehara te umanga rōia i te umanga hao mai i te katoa kia whai wāhi ki roto, ehara hoki i te matahuhua ōna tāngata.⁵

I roto i te anga whakarite hou, e marohi ana mātou kia whakarerekētia ngā herenga taketake o tēnei mea te rōia. Me homai tētahi herenga kua whakahoutia “hei *whakatairanga*, hei tautiaki” hoki i ngā pānga o ō rātou kiritaki – i raro anō i ngā herenga o runga rawa i te katoa, hei āpiha o te Kōti Matua, i raro hoki i te ture. E marohi ana hoki mātou kia homai tētahi herenga taketake hou ki ngā rōia katoa “kia whakapikia tonutia tō rātou matatau, tō rātou tōtika hoki ki te mahi i ā rātou wāhanga mahi ake”.⁶

Te hōkai o te whakarite ture: ko wai e tika ana hei kaihora i ngā ratonga ture, me here rānei e te ture?

I tēnei wā, kāore he pūtake mō te panohi i te hōkai o te ture, arā, tōna pānga ki ngā rōia, mō te whakawhānui rānei i aua ture kia kapi hoki ngā ratonga ture kāore e herea ana e te ture ināianei.

5 E ai ki tētahi whakaaro nō te tokoiti, me tāpiri ētahi atu whāinga e torua, e pā ana ki te tautoko i te whakamahi i te reo Māori me ētahi atu reo tuatahi o te tangata, te whakarauoratanga i ngā tikanga ā-iwi, me te whakatairangatanga i te māramatanga panonitanga āhuarangi i roto i ngā mahi a te ture.

6 E ai ki tētahi whakaaro o te tokoiti i marohi, me noho tētahi aronga ki Te Tiriti hei wāhanga o tētahi herenga taketake o te rōia kia hāpainga te mana o te ture, me tētahi herenga taketake hou e pā ana ki ngā tikanga.

Nā te tini o ngā kaituku tāpae i homai tauira - pēnei i ngā kaikauwhau tikanga i te wāhi mahi - i kore ai e tino whai hua ngā mahi mā te kiritaki, nā te whakamahi kaihora ture kāore e herea ana e te ture. Ki te whakaaro tētahi kāwanatanga ki te whai i ētahi ara mō te whakarite ture mō ēnei kaihora, arā ngā tikanga tōtika kē atu, ngāwari kē atu te tāmitanga, tēnā i te whakawhānui i te hōkai o ngā ture e pā ana ki ngā rōia. Ki a mātou he tōtika tonu ngā wāhanga mahi o nāianeī e whakaritea ana mō ngā rōia (ko te nuinga e pā ana ki ngā whakahaere ā-kōti).

He tauira ‘rōia mahi takitahi’ hou

Ko te herenga kia haere ngā rōia ki te kimi whakaaetanga mai i te kaiwhakahaere ture i mua i te āheī ki te haere ki te mahi takitahi tētahi herenga kua tawhitotia, ahakoa mā ngā kiritaki, ahakoa mā ngā rōia, kāore he hua. Hei whakatū maioro kau tēnei mā ētahi rōia ka hiahia pea ki te hoki ki te kāhui kaimahi, hei tāmi hoki i ngā whakaritenga mahi pīngawingawī. Ka pā tēnei ki te kanorau o te umanga, ka aukati i te wairua whakataetae, auaha hoki nā te whakakāhore i te mahi kirimana, ā, he kaha rawa ki te tautiaki i ngā wāhanga he iti noa iho te mōrearea ki te kiritaki.

E tūtohu ana mātou kia hāpainga te tauira ‘rōia mahi takitahi’ e haere ana i tēnei wā i Ingarihi me Wēra. Me āheī tonu ngā rōia ki te hora ratonga ture ki te iwi tūmatanui kāore he whakaaetanga i mua, hei kaimahi takitahi, mehemea e pā ana ā rātou mahi ki ērā wāhanga mahi ehara i te wāhanga i ata wehea, ka mahi mahi takitahi ia kāore he kaimahi i tua atu, ka mahi me te whakamahi i tō rātou ingoa, kei te hāngai te mahi kirimana mā ngā kiritaki, kāore hoki e whāwhā i ngā pūtea moni kiritaki.

Te whakaae ki ngā rōia kua whiwhi mahi kia homai ratonga pūāroha

Ehara ngā ratonga kore utu i te whakautu tika ki ngā raruraru nui o te wātea mai o te mahinga o te tika e whakararu nei i ngā tāngata o Aotearoa. Ahakoa tērā, tērā ētahi maioro ki te horanga o ngā ratonga ture kore-utu ka taea te muku atu me te haumarua anō o te mahi.

He whānui rawa, he take-kore te whakakāhoretanga torowhānui ā-ture mō ngā rōia kua whai mahi e whakahau nei kia kaua e hora ratonga i waho i tō rātou tūranga mahi tūturu. I kitea i roto i ā mātou toronga whakaaro te hīkaka o ētahi rōia tino matatau i hiahia ki te āwhina i te tangata i tō rātou hapori e hiahia ana ki ngā ratonga ture, engari kāre e tae i tēnei wā, nā ngā katinga a Te Ture. E tūtohu ana mātou kia āheī ngā rōia kua whai tūranga kē kia hora ratonga kore utu ki ngā kiritaki, mehemea kei ngā rohe kāore i āta wehea, kāore he utu mō ngā ratonga, ā, kāore te rōia e whāwhā i ngā moni a te kiritaki. I roto i te wā, me tahuri pea te kaiwhakahaere ture hou mehemea ka taea tēnei te whakawhānui atu ki ngā rohe kua wehea, me ētahi tikanga tautiaki i te taha.

Te whakaae ki ētahi hanganga pakihī hou me te whakatenatena i te mahi auaha

Ka whakatūturutia e te Ture ētahi herenga matua e rua ki ngā ritenga pakihī ka taea te whakamahi e te rōia: kei te whakakāhoretia ngā tāngata katoa ehara i te rōia āta mahi i roto, kia kore ai e āheī ki te pupuru hea, ki te noho rānei hei kaihautū i tētahi kamupene rōia kāporeita, ā, kei te whakakāhoretia te whakaurunga mai o ngā rōia ki ngā kōtuitanga ki te hunga ehara i te rōia. Me muku ēnei herenga e rua.

Ka maha kē atu ngā hua mā te kiritaki mehemea he ngāwari te ara mā te rōia ki te kimi i te anga rangatōpū e whakamahia ai e rātou hei hora ratonga. Ka whakataimaha ngā herenga pakihī o nāianeī i te āheī o ngā kamupene rōia e hiahia ana kia auaha, kia rapu kaihaumi moni o waho, kia kimi hoa kōtui rānei i waenga i ētahi atu tāngata ngaio (hei tauira, ngā kaikaute) hei hora i ētahi atu ratonga whānui kē atu, ki ngā kiritaki. Ina tātaritia ngā rohe o tāwāhi ōrite e whakaaetia ana te rōia kia mahi i raro i ngā anga rangatōpū, kāore e kitea ana he wharanga mā te kiritaki, nā ngā anga pakihī hou.

Te āhua nei ka whai painga ngā kiritaki i te whakamahinga o ngā hangarau hou hei whakapiki i te wātea o ngā ratonga ture, hei tauira, mā te wetewete ratonga kia āheī anō ngā kiritaki ki te mahi i ētahi mahi e hiahia ana mō tētahi whakawhitinga. E ai ki ngā mātanga whakawhitiwhiti whakaaro

o tawāhi, ehara i te mea ka 'whakapōroritia' te umanga i ēnei mahi, kāti, mā ngā hangarau hou e whakatutuki pea ngā hiahia mō te ture kīhai i tutuki mai rā anō, ka tupu hoki te tukunga ratonga rōia hei painga mō te iwi tūmatanui me te umanga anō hoki. Ahakoa tērā, kāore mātou i tautohu i ētahi take i ara ake i ngā panoni hangarau e tika ai kia whiria katoatia te āhua o te whakarite ture mō ngā ratonga ture.

Te whakarite ture mō ngā kamupene rōia, i te taha o whakarite ture mō ngā rōia

E arotahi ana Te Ture ināianei ki te whakaritenga ture mō ngā rōia takitahi, ā, te tikanga o tērā kua kore e kitea e te kaiwhakahaere ture, mō ngā āhuatanga katoa tēnei mea te kamupene rōia. Te tikanga o tēnei korenga 'whakaritenga ture whakahaere' i Aotearoa kua noho ko te whakawhiu i te rōia takitahi a Te Kāhui Ture o Aotearoa hei tohu mō te whakatika i ngā āhuatanga takitahi e kitea ana i waho, me te wareware ki te whakatika i ōna pūtake tūturu, e whakararu nei i te kiritaki. Ka taea e tētahi kamupene ture, rā roto i ōna hononga whiwhinga mahi e ahu whakarunga nei te mana, te tino kawē i te whānui o te āhei o ngā rōia takitahi kia whakatutuki i ā rātou herenga ngaio.

E tūtohu ana mātou me whakautu mai te whakaritenga ture mō te hinonga ki Aotearoa. Ka roto mā te whakarite ture hāngai ki ngā kamupene rōia e whakanoho mai tētahi tūāhanga matatika i roto i ngā kamupene, me te whāinga painga mō ngā kiritaki, mō te iwi tūmatanui me te umanga ture.

Te tautiaki, te mōhiotanga me te whakaūnga matatau whai kounga

E tika ana kia nui kē atu ngā mahi kia tōia ngā kiritaki ki te pūtahi o te anga whakarite ture mō ngā ratonga ture.

E hiahia ana ētahi panonitanga hei whakatairanga i ngā pānga o ngā kiritaki, hei kawē kē hoki i te tūtika i roto i te hononga o te kiritaki ki te rōia, me te anga atu ki ngā tika o te kiritaki ki te tautiakitanga me ngā mōhiotanga whai kounga tae atu ki ngā kōrero mō te utu. Me whai te kaiwhakahaere ture i ngā wheako kiritaki me ngā tūmanako kiritaki, me whakaraupapa hoki ki mua ngā pānga kiritaki i roto i tōna rautaki whakarite ture, i runga anō i ngā tohutohu a tētahi pae kiritaki i a ia.

Ētahi taputapu whakarite ture hou

Ko tā te taurira o nāianei he tatari kia whakaohongia, kātahi ka whakatika i ngā takahanga takitahi o ngā paerewa ngaio. Me whakawātea te anga whakarite ture i te kaiwhakarite ture kia tahui i te tatari kia whakaohongia, e tahuri mai ki ngā take matatau me te aronga ki ngā mahi whakawhiu, ki tētahi taurira tautohu i ngā rōia 'noho mōrearea', me te tuku tautoko, rauemi hoki ki a rātou i mua i te wharanga o te kirikaki.

E tūtohu ana mātou kia hāpainga ētahi taputapu whakarite ture hou, me te aro ki te tautiaki i te kiritaki, me te whakapūmautanga o te noho matatau. Kei roto i ēnei:

- te mana whakatārewa i tētahi tiwhikete mahi i te tāringa ki tētahi hātepe whakawhiu, mehemea e mōhio ana te kaiwhakahaere ture e noho ana taua rōia hei mōreareatanga taumaha ki te iwi tūmatanui, ki te whakapono rānei o te iwi tūmatanui ki te umanga
- te mana ki te aukati i ngā mahi, kāore he taimahatanga ki te hoki ki tētahi kitenga whakawhiu rānei, kitenga mō te mahi rānei, kia whakaarahaia mai he āwangawanga mō te tika o tētahi rōia ki te mahi i ana mahi. Ka uru ki konei te mana ki te tohutohu i tētahi rōia kia uru ki tētahi arotakenga hauora, matatau rānei, me te whai i ngā ritenga ka tūtohutia hei rongoā, me te mana kia tohu tētahi rōia kia whakangungu anō (ahakoa kāore he whakapae e whakaūngia ana)
- te mana kia kawea he arotakenga mahi hei aroturuki i te ūnga o ngā rōia me ngā kamupene ki ngā paerewa ngaio, matatika hoki me te
- mana kia whakaritea hoki ētahi here whāiti ki tētahi tiwhikete mahi a tētahi rōia (hei taurira, hei whakaiti i ngā hōkaitanga momo mahi, he here rānei kia tirohia ngā mahi e tētahi atu).

Te whakapakari ngaioletanga haere tonu

E mārama ana ngā rōia ki te hiahia kia whakatairangatia, kia whakawhanaketia hoki o rātou pūkenga, kia whakatutukitia hoki ngā hiahia o o rātou kiritaki, me o rātou here ngaio. E pono ana te nuinga o ngā rōia ki te whāinga i ngā whanaketanga hoki o ngā ture.

E whakahau ana ngā ture whāiti kia puritia e ngā rōia tētahi mahere i āta tuhia mō o rātou whakapakari ngaioletanga haere tonu (CPD) kia whakaotingia hoki ētahi hāora pāhekoheko, ka taea te taunaki, o ngā mahi whakangungu, whakawhanake, ia tau. He toki pūhuki tonu tēnei hei whakahau i te matatau. E whakaae ana te nuinga kua hoki haere te CPD hei mahi ‘tohu pouaka’ noa iho.

Kāore mātou e tūtohu ana me tino whakahou taketake i ngā mahi whakapakari ngaioletanga haere tonu i tēnei wā. Ahakoa tērā, kia noho mai he kaiwhakahaere ture hou, me arotake e ia te anga whakapakari ngaioletanga haere tonu. Me whai whakaaro pea te kaiwhakahaere ture ki te whai i tētahi taurira i whakaurungia i Ingarangi me Wēra, kua nuku atu i te tūtohu kia whakaoti ngā rōia i tētahi taumata hāora akoranga ia tau, ki tētahi anga i takea mai i ngā pūkenga e tautuhi ana i ngā āhuatanga o te matatau e hiahiatia ana mō ngā rōia katoa.

E tūtohu ana mātou i ētahi pananoitanga hou, pēnei i te waiho māriri i ngā rōia kia whai i a rātou hāora 10 mā te akoranga nā rātou i whakaraupapa, (nā reira kāore e taea te whakaū). E tūtohu ana anō hoki mātou kia whāia ngā mahi o Wikitōria (Ahitereiria) e whakahau nei te kaiwhakahaere ture kia uru ētahi kāwai whakangungu whakahau, ka taea te whakarerekē i tēnā wā, i tēnā wā, pēnei i ngā take matatika me ngā tikanga.

He pūnaha whakatau whakapae kua whakahoutia

Kāore kē te pūnaha whakatau whakapae o nāianei i te whai take.

E kī ana ngā kiritaki me ngā rōia kāore kē te pūnaha whakauru whakapae o nāianei i te whai take. Ehara tēnei i te whakahounga ka taea te whakatika mā te whāwhā nui i ngā taha. Me āta ruku ki te manawa o te raruraru, mā te panoni i te ture, e whakatikaina ai ngā raruraru kua puta i te Ture he kaha rawa nei ki te tohutohu tikanga.

E whakahau ana t etaurira o nāianei kia whiria ia whakapae e tētahi o ngā Komiti Paerewa 22 kei roto kē i te nuinga he rōia tūao, ā, e mahi ana ki waho rawa i te Kāhui Ture o Aotearoa. He pōturi noa iho te hātepe, he taupatu te mahi, kāore i te whakaea wharanga, kāore i te ōrite ngā whakatau, ā, he kaha ake ki te tūhura whakapae (ina kautehia ngā rōia) i ngā kaiwhakahaere ture ture ōrite i tāwāhi. Ka pau tētahi tau katoa mō te whakapae iti noa, me te utanga mai o ngā taumahanga ki te hauora hinengaro o te hunga whai wāhi. Kua whakatahangia atu ngā kiritaki me te whakataunga take ki tahaki, kāore i te pūtahi o ngā hātepe whakarite ture. Ko tētahi āwangawanga nui, kei te whakawā ngā rōiā i ētahi atu rōia, kei te kī ngā kiritaki ko te hātepe Komiti Paerewa kei te tītaha ki te taha ki Rōpū, ahakoa kāore he taunakitanga kei te ‘ngāwari’ te whakawā o ngā rōia ki a rātou anō.

I kitea i roto i tā mātou kōrerorero, me waiho ngā whakawākanga whakawhiu ōkawa mō ngā whakapae tino taumaha. He tini anō i kōrero mō ngā whāinga wāhi ki te whakaheke i te taumata, ki te whakatau hoki i ngā whakapae, nā ngā ritenga ōpaki pēnei i te whakawhiti kōrero, i te takawaenga, me ngā ara e whai ana i ngā tikanga.

Te whakanoho mai i tētahi pūnaha whakatau whakapae whai hua kē atu

E marohi ana mātou i tētahi taurira whakapae hou e whakakore ai te tūranga Komiti Paerewa, me te hoatu i te mana ki te kaiwhakahaere ture hou kia tūhura, kia whakatatū whakapae hoki mā te whakamahi kaimahi o roto. Ka hangaia he ara hou mō ngā whakapae mō ngā ‘take kiritaki’ (pēnei i ngā nama, te pōturi, me te whakawhiti kōrero hē) mehemea he mārama ki te katoa

kāore he āwangawanga whakawhiu tō te take. E kore tēnei ara e aronui ki te tūhuratanga, ki te whakawhiunga rānei, engari ka hoahoatia hei tautoko whakaeanga whakapae, mā tētahi ratonga whakatika whakapae hohoro, pīngawingawi, ōpaki hoki mā te kaiwhakarite e hora. E kore ngā whakapae kiritaki mō ngā nama mai i ō rātou rōia e whakaoho tūhuratanga, whakawhiu rānei, hāunga ngā mea tino taumaha.

Ka whakaraupapatia e te kaiwhakahaere ture ana rawa ki ērā take e ara ake ai he kī, ‘he whanonga kāore i te pai’ ‘he whanonga tino hē rānei’, me ka taunakitia. Ka kaha te kaiwhakahaere ture, mā roto i ana kaimahi mātanga, ki te whakarite kitenga o te whanonga kāore i te pai, ā, ka tūhuratia e ia ngā take ka eke ki te taumata o te whanonga tino hē, me te whakahau i te hāmene ki mua i te Rūnanga o ngā Rōia me ngā Rōia Whakawhiti Whenua (Lawyers and Conveyancers Disciplinary Tribunal, LCDT). Ko ētahi take whakawhiu – me kī, ērā e tūhuratia ana ngā whakapae i mua i LCDT – me kimi tonu he whakamaherehere whakawaho mō ngā take paerewa ngaio matatini.

I kitea i roto i ā mātou toronga whakaaro ko tētahi take i takaroaroa ai te hātepe whakatau whakapae o nāianei, i taupatupatu ai hoki, ko te hua tērā pea ka puta, ka whakaingoatia tūmatanuitia te rōia mō tana korenga e eke ki ngā taumata paerewa ngaio. I te ao tūturu, he ruarua noa iho ngā whakamahinga o te mana whakingoa rōia kua taka ki te whanonga tino hē (kotahi rau ōrau o ngā whakapae i te whakaaetia i ngā tau e rima ka hipa ake nei) engari e noho ana ko te āhei kia whakaingoatia hei wāhi nui o ngā pōroritanga nui, ā, he kapua pouri hoki mō te rōia ka mau i te hātepe whakapae. E tūtohu ana mātou kia kaua e whakapuakina te ingoa o tētahi rōia, ki te kite a te kaiwhakahaere ture kua taka ki te whanonga kāore i te pai, hāunga i runga i ngā Kaupapa Here ā-Motu mō ngā take tino hē. Ka taea tonutia te whakapuaki i te ingoa o ngā rōia i roto i ngā whakawākanga whakawhiu i mua i te LCDT.

Kia whakatūria he kaiwhakahaere ture hou, ka kore e hiahiatia tētahi Āpiha Arotake Whakapae Rōia motuhake i muri. Ka taea tēnei tūranga te whakakapi ki tētahi taputapu arotake hou mō ngā take whakawhiu, mā te kaiwhakahaere ture e whakangāwari, ka rapu āwhina mai i ngā mema o waho, mai i tētahi kaiwhiriwhiri o waho rānei, māna te arotake hei kawē.

E whakaae ana mātou tērā te tini o ngā whakapae e whiria ana e Te Kāhui Ture o Aotearoa ināianei, kāore e tino hiahiatia te hāpainga mai o te kaiwhakahaere ture. Rite tonu ki ētahi atu umanga, e tūtohu ana mātou me here ngā rōia e tētahi haepapa hou kia āta mahi kia whakatauria ngā whakapae i runga i te kamakama, i te tōkeke, i te koreutu hoki.

Ngā pīkauranga ahurea: te whakapiki i te kanorau, i te haonga o te katoa, i te whanonga pono me te hauora hinengaro

Ahakoia kua huri te hunga i roto i te umanga rōia i ēnei tau tata, tērā tonu ētahi take kanorau nui kei mua i a tātou. Kāore e taea e te tini o te tangata te haere hei rōia. Kāore i te ōrite ngā ira i roto i ngā tūranga mātāmua maha, ā, kei te tino kitea te korenga e ōrite o ngā momo iwi puta noa i te umanga, me ngā maioro anō ki ngā rōia whai hauātanga. I te taha o ngā take e tuhia nuitia ana, o te whakaito me te whakaweti, kāore e kore ka kī te tini o ngā rōia me tahuri wawe te ao rōia ki te whakapiki i te ahurea o te umanga rōia.

E kore tētahi kaiwhakahaere ture kotahi e panoni i te ahurea o tētahi umanga. Heoi anō, tērā anō ngā āhuatanga ka taea te panoni, i runga anō i ngā mahi o nakuanēi a Te Kāhui Ture o Aotearoa. E kore te korenga kanorau me te aweretangā o ētahi rōpū e panonitia, ki te kore e aro nuitia. Engari ka puta he painga i ētahi o ngā panonitanga e maro hiria ake nei, tae atu ki whakatakoto whāinga mō te kaiwhakahaere ture i roto i tētahi ture, (ka uru ki ēnei painga ko te whakatenatena i “tētahi umanga rōia tū motuhake, pakari, matahuhua hoki”) tētahi kāhui mema poari kaiwhakahaere ture kaha ake te kanorau, i whakatūria i runga i te aronga pūkenga, tētahi wāhanga hāngai ki Te Tiriti o Waitangi i roto i te Ture hou, me te herenga o te hinonga e te ture.

Tērā anō hoki ētahi whakaritenga ā-ture o nāianei e puta ai he ārai mō te whāinga wāhi, me te pikinga whakarunga hoki i roto i te umanga. Hei tauira, hei tāmitanga hē te here mō te maha o ngā hāora kua mahia e tētahi rōia, kia whakaurua hei rōia motuhake, mō ērā kua okioki i te mahi mō te moni mō tētahi wā; i ētahi wā hē au kati tangata te āhua o ngā whakaritenga whakauru, kaitautoko āhuatanga tangata hoki; ā, kua puta hoki ētahi āwangawanga mō te ritenga a Te Kāhui Ture o Aotearoa kia whāki ngā kaitono mō te whakaurunga, me ngā rōia e whakahou nei i tā rātou tiwhikete mahi mō te tau, i ō rātou māuiui hinengaro.

He wāhi anō tō te kaiwhakahaere ture, i te taha o ngā rōpū whakakanohi, ki te turaki i aua ārai, ki te akiaki hoki i te huri ngā hei umanga mātahi hua kē atu, hao hoki i te katoa. E tūtohu ana hoki kia āhei te kaiwhakahaere ture ki te kohikohi mōhioatanga mō te kanorau ranga o te umanga, i runga i te whakaaro kia pānuitia auautia ngā taturangā tōpū me ngā raraunga mō ngā ia i roto i te umanga.