

Wayfinding for Civil Justice 2022



New Zealand Council Of
Christian Social Services

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Organisation Name:	New Zealand Council of Christian Social Services (NZCCSS)
Organisation description:	<p>The New Zealand Council of Christian Social Services (NZCCSS) welcomes the opportunity to provide feedback on Wayfinding for Civil Justice.</p> <p>NZCCSS has six foundation members; the Anglican Care Network, Baptist Churches of New Zealand, Catholic Social Services, Presbyterian Support and the Methodist and Salvation Army Churches.</p> <p>Through this membership, NZCCSS represents over 250 organisations providing a range of social support services across Aotearoa. We believe in working to achieve a just and compassionate society for all, through our commitment to our faith and Te Tiriti o Waitangi. Further details on NZCCSS can be found on our website www.nzccss.org.nz.</p>

Tirohanga Whānui | Overview

We support the kaupapa to implement Wayfinding for Civil Justice, a framework to guide the journey towards improved access to justice, by the Access to Civil Justice Working Group. NZCCSS supports the establishment of a coordinated approach to addressing longstanding issues of access to civil justice within our legal system to improve outcomes for clients of our membership and all those served by the civil justice system in Aotearoa.

Taunakitanga | Recommendations

Our main points are:

- 1. Greater focus on service user outcomes needed**
- 2. Te Tiriti must be embedded in the framework**
- 3. Greater clarification of 'civil justice'**
- 4. Greater focus on equality needed within principles and goals**
- 5. Innovation is encouraged but must not further disadvantage**
- 6. Advocacy is a critical component that must be included in this strategy**

Item One – Greater focus on service user outcomes needed

NZCCSS supports the intent to establish a coordinated approach to addressing longstanding issues of access to civil justice, such as timeliness, accessibility, and affordability of services within our legal system.

The development, implementation and management of a new framework is likely to be costly and require significant investment to ensure it can be effective. As proposed, the goals within Wayfinding for Civil Justice focus heavily on process - increasing knowledge, information, and measurement, rather than articulating the specific outcomes for service users that are hoped will result from these efforts.

We believe there is an opportunity for this strategy to focus more heavily on outcomes for service users, rather than outcomes for the system itself. Without this there is the risk of increased administration, information gathering and dissemination, but limited change in outcomes for clients of the justice system.

We would also suggest ensuring a useful tool doesn't already exist.

Item Two – Te Tiriti must be embedded in the framework

NZCCSS recommends that Te Tiriti be embedded within the foundation of Wayfinding for Civil Justice, as opposed to within a separate principle. This reflects a commitment to upholding the authority and responsibilities of Te Tiriti in relation to our justice system.

We believe there is greater scope for Treaty responsibilities to also be recognised in the goals of the framework with regards to addressing inequities for tangata whenua.

Item Three – Greater clarification of 'civil justice'

Wayfinding for Civil Justice must provide greater clarity as to what is considered within the scope of 'civil justice'. It is currently unclear exactly which jurisdictions this strategy applies to.

Item Four – Greater focus on equality needed within principles and goals

The principles and goals of Wayfinding for Civil Justice must include a greater focus on addressing systemic causes of discrimination and inequality of access within the justice system.

Currently Principle B. Design for diversity, speaks to a focus on inclusion and meeting the needs of all people. Goal 3.2. aims to ensure equitable access to the courts. These statements are broad, and we would argue that there is room for the principles and goals to target improvements to specific existing inequities within the justice system so that the needs of disadvantaged populations are explicitly prioritised within this framework.

Item Five – Innovation is encouraged but must not further disadvantage

We support the focus on innovation with regards to the form and availability of legal assistance and tools beyond traditional lawyer-led approaches. Many of the processes within our legal system are

unnecessarily complicated and present barriers to access and timeliness of service.

We note efforts to make it easier for people to self-represent, mediation-approaches and Navigator-type roles that have been tested in various contexts within the Earthquake tribunals, employment, and tenancy law and in particular during the pandemic. We are mindful of the need to ensure that any experimentation does not place people at greater risk of disadvantage through a lack of regulation in service provision.

Item Six – Advocacy is a critical component that must be included in this strategy

The adoption of a cohesive sector-focused strategy such as Wayfinding for Civil Justice, and the findings that this framework would generate, provide a strong basis for collective advocacy on issues such as legal aid funding, recognising that the strategy itself can never fully solve the issues of access to civil justice. Greater investment in the provision of legal services is required to truly make an impact on improving the inequity and timeliness of legal services.

Whilst a step in the right direction, the recent increase in legal aid funding in Budget 2022 does not go far enough to address these longstanding issues. Efforts such as encouraging lawyers to increase their legal aid caseload are unlikely to provide sustainable solutions to this situation, particularly given that the cost of living has increased across the board.

Advocating for the rights of service users, and reporting to government on both the achievement and lack of traction on the Wayfinding for Civil Justice goals, should be a core component of how this strategy will operate at a national level to ensure the benefits of such a framework feed into government-led change where it is needed.