

## Fēfē kapau ‘oku ou fiema’u ke u lāunga’i ‘a ‘eku loea?

Ke fakahoko ha lāunga ‘e malava ke ke:

- fetu’utaki ki he ‘ōfisi tokoni fakalao ‘i ho feitu’u’
- ĩmeili ki he [legalaidcomplaints@justice.govt.nz](mailto:legalaidcomplaints@justice.govt.nz)
- tohi ki he Legal Aid Complaints, Provider and Community Services, DX SX10125, Wellington.

## ‘E fiema’u keu totongi ha me’a?

‘Oku ‘ikai fiema’u ke totongi fakafoki ha tokoni fakalao fekau’aki mo e tu’utu’uni malu’i fakalao’ (protection order).

Kapau ‘oku fekau’aki ‘a ho’o keisi’ mo ha hopo taimi tatau ‘i he Fakamaau’anga ki he Fāмили’, ‘o hangē ko e vahevahe ‘o e ‘api’ makatu’unga ‘i he vā fakaenofo’, ‘e ala fiema’u ke ke totongi fakafoki ‘a e konga pe kotoa ‘o e keisi’.

Kapau ‘oku fiema’u ke ke totongi fakafoki ‘e ala fakahoko ia ‘o hokohoko fakakongokonga, pe mei’ he taimi ‘e fakatau atu ai ‘a ho fale’ (proceeds) pe tu’utu’uni fakatau atu (proceedings) pe ‘e fiema’u ke ke lēsisita ha mafai ta’ofi (charge) ‘i ho ‘api’. ‘Oku ‘uhinga eni kuo pau ke totongi fakafoki ‘a e tokoni’ ‘i he taimi ‘e fakatau atu ai ‘a ho ‘api’.

‘E fokotu’utu’u ha palani totongi fakafoki mo koe ‘o makatu’unga ‘i he fakamatala kuo’ ke fakafonu ‘i ho’o tohi kole’.

‘E hilifaki atu ha totongi tupu ki ho’o mo’ua’ hili ha māhina ‘e 6 mei hono aofangatuku ‘a ho’o keisi’. Kapau te ke totongi ‘osi ‘a ho mo’ua’ ‘i loto ‘i he māhina ‘e ono’, ‘e ‘ikai leva hilifaki atu ‘a e totongi tupu’.

Kapau ‘e ‘i ai ha ngaahi palopalema ‘i hono fakakakato ‘a ho’o ngaahi totongi fakafoki’, fetu’utaki ki he Debt Management Group ‘i he 0800 600 090 ‘i he vave taha’. Kapau ‘e ‘ikai malava ke ke totongi fakafoki pe solova ‘a ho mo’ua tokoni fakalao’ mo e Debt Management Group, ‘e malava pē ke ta’ofi ai ‘i heni ‘a ho’o toe ma’u atu ha tokoni fakalao ‘i he kahau’.

## Fakamatalalahi ange

Ki ha fakamatala lahi ange fekau’aki mo e tokoni fakalao’, fetu’utaki ki he ‘ōfisi tokoni fakalao ‘i ho feitu’u’ pe vakai ki he uepisaiti ‘a e Ministry of Justice [justice.govt.nz/legal-aid](http://justice.govt.nz/legal-aid)

‘Oku ‘i loto ‘a e ngaahi Fakamaau’anga ki he fāмили’ ‘i he ngaahi fakamaau’anga fakavahe’. Ke kumi ‘a e fakamaau’anga ofi taha atu’ fakasio ‘i he ngaahi peesi lanu pulū (blue pages) ‘o e tohi telefoni’ ‘i he ‘ulu’i tohi ‘Justice’ pe vakai ki he [justice.govt.nz/family-justice](http://justice.govt.nz/family-justice)

Ki ha fakamatala lahi ange fekau’aki mo e ngaahi tu’utu’uni malu’i’ mo e Lao ki he Houtamaki ‘i ‘Api’ (Domestic Violence Act), vakai ki he:

- lau’i tohi fakamatala (infosheet) ‘Domestic Violence’ (LawAccess).

Ki ha fakamatala lahi ange fekau’aki mo e lao’, kau ki ai ‘a e ngaahi fakamatala ‘i he ngaahi ‘ēlia ‘o e lao’ ‘oku fa’a palopalema’ia ai ‘a e kakai’ ‘o hangē ko e fāмили’, ma’u ‘api’, ma’u ngāue’ mo e pa’anga’, vakai ki he LawAccess ([lawaccess.govt.nz](http://lawaccess.govt.nz))

## Ko ho ngaahi ‘ōfisi tokoni fakalao’

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**Christchurch**  
DX WX11123, Christchurch  
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**Debt Management Group**  
DX SX11295, Wellington  
T 0800 600 090  
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# Tokoni fakalo ki he ngaahi tu’utu’uni malu’i fakalao’

Fakamatala fekau’aki mo e tohi kole ki he tokoni fakalao ki he ngaahi tu’utu’uni malu’i fakalao’



‘Oku fakahoko ‘e he Legal Services Commissioner (Komisiona ki he Ngaahi Ngāue Fakalo´) ‘a e fatongia ko e faitu‘utu‘uni fekau‘aki mo hono tuku atu ‘o e tokoni fakalao´. ‘Oku fakamatala‘i atu ‘i he pepa´ ni ‘a e founga hono ngāue‘aki ko ia ‘o e tokoni fakalao´ ‘i he‘ene fekau‘aki mo ha keisi ki ha ngaahi tu‘utu‘uni malu‘i fakalao.

## Tokoni fakalao ki he ngaahi tu‘utu‘uni malu‘i fakalao´

Kapau ‘oku uesia koe ‘e he houtamaki ‘i ‘api´, ‘e lava ke ke kole ha tu‘utu‘uni malu‘i fakalao. ‘Oku tuku atu ‘a e tu‘utu‘uni malu‘i fakalao´ ‘e he Family Court ke malu‘i ‘a e kakai´ mei´ he houtamaki ‘i ‘api´.

‘Oku ‘ikai ha fakamole ki he tohi kole ki ha tu‘utu‘uni malu‘i pea ‘e malava ke ke fakahoko eni ‘o ngāue‘aki ‘a e ngaahi foomu ‘oku ma‘u atu mei´ he Family Court.

Neongo eni´ ‘e lelei ke ma‘u atu ha loea ke tokoni atu ‘i ho‘o tohi kole´ - ‘e fiema‘u ke ke totongi ‘a e loea´. ‘E ala ma‘u atu ha tokoni fakalao ke tāpuni‘aki ‘a e fakamole ki he loea´.

### Ko e fē ‘a e taimi ke u kole ai ‘a e tokoni fakalao?

Te ke ala tohi kole ki ha tokoni fakalao ‘i he taimi tatau mo ho‘o kole ki ha tu‘utu‘uni malu‘i fakalao. Kuo pau ke ke tohi kole ki he tokoni fakalao´ kimu‘a ‘i hono aofangatuku ‘e he Fakamaau‘anga´ ‘a ho‘o tu‘utu‘uni malu‘i fakalao´. Kapau ‘oku kakato ‘a ho‘o kole´ ‘e ma‘u atu ha tali ki ai ‘i loto ‘i he ‘aho ‘e nima mei´ he taimi na‘e ma‘u ai´.

### Ko e hā ‘a e fakamatala ke fakafonu ki he foomu kole ki he tokoni fakalao?

Ko e fakamatala te ke ala fiema‘u ke fakafonu ‘aki´ ‘e ala kau ki ai ‘a e:

- ngaahi tohi pe pepa ‘oku´ ne fakamatala‘i ‘a ho‘o keisi´

- ngaahi tohi ‘oku hā ai ‘a e fakaikiiki ‘o ho‘o pa‘anga hū mai´, ‘o hangē ko e lau‘i vahe´ pe fakamatala pa‘anga mei´ he pangikee (kau ki ai ‘a e ngaahi penefiti mei´ he ACC pe Work and Income)

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- ngaahi fakaikiiki ‘o ha fakahaofi pa‘anga (savings) pe ngaahi mo‘ua ‘o koe (kau ki ai ‘a e ngaahi totongi ki he ngaahi fakatau fakamo‘ua´)

- mahu‘inga ‘o ho ‘api´ (‘o hangē ko e fanongonongo ki hono mahu‘inga´ - rates notice)

- fakaikiiki ‘o ha koloa lalahi ‘oku´ ke ma‘u (‘o hangē ko ha me‘alele).

Kapau ‘oku ‘i ai hao hoa, kuo pau ke ke ‘oatu mo e ngaahi fakamatala fakapa‘anga tatau fekau‘aki mo kinautolu. ‘Oku kau ki he fiema‘u´ ni ‘a kinautolu ‘oku mali´ mo e nonofo fakamali´ (civil union) pea mo e ngaahi hoa nonofo´ (de facto partners) (‘o kau ki ai ‘a e ngaahi hoa tangata mo e tangata pe fefine mo e fefine – same sex partners).

#### ‘E ma‘u mai ‘a ‘eku tokoni fakalao?

‘E tu‘utu‘uni ‘e he Legal Services Commissioner pē ‘e ma‘u atu ‘a ho‘o tokoni fakalao´ ‘o makatu‘unga ‘i ho tu‘unga fakapa‘anga´ mo e natula ‘o e keisi´.

#### Tu‘unga fakapa‘anga´

‘Oku ‘i ai ‘a e ngaahi fakangatangata ki he pa‘anga hū mai´ mo e ma‘u‘anga koloa´ (capital) ‘oku fiema‘u ki he tokoni fakalao ki he keisi fakasivile´ mo e fakafāмили´. ‘E lava ke ke vakai‘i kapau ‘oku ‘atā atu ‘i ho tu‘unga fakapa‘anga´ ‘aki ha‘o ‘eke ki ha Community Law Centre pe vakai‘i ki he Legal Services Regulations 2011 ‘i he laipeli´.

‘E fiema‘u ke ke ‘oatu ‘a e fakaikiiki ‘o e pa‘anga hū mai mo e ngaahi koloa ‘a ho hoa´, ‘o tatau ai pē pe ‘oku´ ke malava ‘o faka‘aonga‘i pe fakatau atu kinautolu. ‘E ‘ikai ala fakakau atu ‘a e ngaahi koloa ‘a ho hoa´ kapau ‘oku fakataumu‘a ‘a e faka‘ilo´ kiate kinautolu. ‘E ‘ikai fakakau ‘a e ngaahi koloa ‘a ho hoa´ kapau ‘oku mo nofo mavahevahe.

Kapau ‘oku ‘i ai ha ngaahi me‘a fakapa‘anga makehe, ‘e ala ‘oatu ‘e he Komisiona´ ‘a e tokoni´ ‘o tatau ai pē kapau kuo´ ke lakasi ‘a e ngaahi fakangatangata ki he pa‘anga hū mai´ pe koloa´.

Ko e fakatātā ‘o ha me‘a fakapa‘anga makehe ko ha tokotaha ‘oku kole ki ha tu‘utu‘uni malu‘i kā ‘oku ‘ikai ‘atā kiate ia ‘a e pa‘anga kuo haofaki (savings) ‘oku pule‘i ‘e hono hoa´.

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#### Natula ‘o e keisi´

Kuo pau ke ‘i ai ha‘o tokanga makehe fakafo‘ituitui ki ho‘o keisi´ - ‘oku ui eni ko e ‘makatu‘unga fakapotopoto´ - reasonable grounds‘. Te ke ala ma‘u ma‘u pē ‘a e makatu‘unga fakapotopoto ko eni´ ‘i he taimi ‘oku fekau‘aki ai ‘a ho‘o keisi´ mo e fānau´ (tauhi faka‘aho´ pe fetu‘utaki´), houtamaki ‘i ‘api´ (domestic violence) pe mahaki‘ia fakae‘atamai´ (mental health).

Kapau ‘oku´ ke ‘atā ‘o makatu‘unga ‘i ho tu‘unga fakapa‘anga´, ‘e tali ‘a ho‘o kole tokoni fakalao ki ha tu‘utu‘uni malu‘i fakalao.

Kapau ko ho‘o keisi´ ‘oku fekau‘aki mo ha ‘api makatu‘unga ‘i ha vā (relationship property) pe tauhi (maintenance), pe kapau ‘oku ‘ikai ko ha me‘a fekau‘aki mo e Fakamaau‘anga ki he Fāмили´, ‘e vakai‘i ‘e he Komisiona´ ‘a e faingamālie ki ha‘o ikuna ‘a e konga ko ia ‘o ho‘o keisi´ kimu‘a ‘i ha tu‘utu‘uni pe ‘e tali atu ‘a e tokoni fakalao´.

#### ‘E anga fēfē ‘eku kumi ha loea?

‘Oku ‘ikai ngāue ‘a e kotoa ‘o e kau loea´ ki he tokoni fakalao´ - vakai‘i ma‘u pē kimu‘a pea´ ke fili pe te ke fiema‘u kinautolu ke tokoni atu.

Ko e taha ‘o e ngaahi founga lelei taha ‘o hono kumi ‘o ha loea ko ha‘o ‘eke ki ha kakai ne nau ‘osi ‘i ha ngaahi tu‘unga tatau. Kapau ‘oku ‘ikai te ke ‘ilo ha tokotaha ke ‘eke ki ai – telefoni ki he ‘ōfisi tokoni fakalao ‘i ho feitu‘u´, vakai ki he *www2.justice.govt.nz/find-a-legal-aid-lawyer/* pe ‘ahi‘ahi ‘a e ngaahi kautaha ko ‘eni´ ki ha fale‘i:

- Citizens Advice Bureau **0800 FOR CAB (367 222)**, *cab.org.nz*

- Community Law Centre (*communitylaw.org.nz*)

- Women’s Refuge (*womensrefuge.org.nz*)

- va‘a lao ki he fāмили ‘o e  New Zealand Law Society (*familylaw.org.nz*).

‘Oku lelei ma‘u pē ke ke telefoni ki ha kau loea kehekehe ‘e ni‘ihi kimu‘a ‘i ha‘o toki fili ha taha. ‘Eke pe ‘oku nau fai ‘a e tokoni fakalo´ pea ‘eke fekau‘aki mo ‘enau ngaahi taukei ‘i he Family Court ‘o ngāue fekau‘aki mo e houtamaki ‘i ‘api´ mo ‘enau ngaahi totongi´.

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### Ko e hā ‘a e me‘a te u ala ‘ave ‘i he taimi te u ‘alu ai ‘o sio ki he loea?

‘Oku fa‘a ala fakatupu mafasia ‘a e ‘alu ko ia ‘o sio ki ha loea´. Tohi‘i hifo ha lisi ‘o e ngaahi me‘a ko ia ‘oku´ ke fiema‘u ke mou talanoa ki ai´, ‘a ia ‘e ala kau ki ai ‘a e:

- me‘a ‘oku´ ke fie ‘ilo ki ai fekau‘aki mo e founga ngāue´ ni

- me‘a ‘oku´ ke loto ke fai ‘e he loea´ ma‘a´ u´

- ‘uhinga ‘oku´ ke fiema‘u ai ha tu‘utu‘uni malu‘i´

- me‘a kuo hoko´

- uesia kuo hoko kiate koe mo ha fānau iiki ‘oku kau ki ai

- ngaahi ‘aho ‘o ha me‘a na‘e hoko ‘oku´ ke manatu‘i.

Toe ‘ave foki mo ha ngaahi tohi fekau‘aki mo ho‘o kole tokoni fakalao´, ‘o kau ki ai ‘a e:

- fakamo‘oni ki ho‘o pa‘anga hū mai´ (ki he kau ma‘u vāhenga´), kapau ‘oku´ ke ma‘u penefiti, ‘ave ‘a ho‘o fika Work and Income

- fanongonongo totongi ‘api nofo‘anga fakamuimui taha´ (rates notice), kapau ‘oku ‘i ai hao fale pe ‘api

- fakamatala pa‘anga fakamuimui taha´, kapau ‘oku´ ke fakalele ha‘o ngāue taautaha (self-employed) pe kaunga ki ha pisinisi

- foomu talāsiti kapau ‘oku ‘i ai ha‘o kaunga ki ha talāsiti.

‘E malava pē ke ke ‘alu mo ha tokotaha taukapo pe poupou kiate koe.