

Women's Access to Justice

This report is based on the responses from five New Zealand Clubs addressing the recommendations from Dianne Glenn to Oceania Affiliates following up previous activities Clubs have been involved with promoting Women's Legal Rights.

It is disappointing that only five clubs found time to address this issue considering the time frame available (3½ months) to them. However, there is interesting feedback to be shared from the replies. The questions posed to clubs were taken directly from Dianne's recommendations.

Thanks must go to BPW Kaitaia for sending a copy of the Application for Legal Aid form.

- **Once women know of their legal rights, what can they do with that knowledge?
Eg. Are women empowered to use their knowledge or is there a threatening legal environment in NZ?**

The clubs that responded do not believe that the legal environment in NZ is as threatening as it was previously although still patriarchal and this is seen as a big impediment.

Gender is not an issue but age and ethnicity are issues that inhibit women accessing legal support. An example given – “culture dictates whether women are empowered eg Polynesians or Middle Eastern women would seldom feel the right to be empowered”.

It is thought that education is vital as is support for those women without much money, initiative or confidence so they can assert their legal rights. Support such as baby sitters and support people similar to those available from Victims Support were suggested. Increased financial support was also considered a key factor in women being empowered.

One club felt that this question assumed that women have knowledge of their legal rights, they believe that this is not the case for many women. Another suggestion was that once women had the knowledge they should try to pass it on to others. (Dianne, This is my interpretation of the “Use it and pass it on” comment).

- **If women have need of legal services, can they access them easily, at reasonable cost, and if they are financially destitute, can they still gain access to justice? Is there a difference for women living in rural and urban areas?**

a) Access



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There were a variety of suggestions given as to where people can access legal services both in rural and urban areas. It was felt that generally, yes women could access services easily.

Two rural clubs felt that access was not as easily available for rural women as access is for women in urban areas. This does however, depend on how rural you are. One club felt that in some rural areas lawyers are more accessible for free advice and approachable, as they are part of the community compared with lawyers in some big city firms.

b) Cost

It was felt that legal fees are seldom at a reasonable cost. The only time it is reasonable is with Legal Aid. Legal Aid is available for men and women if their income level permits. Problems occur for those women whose income is too high to qualify but still cannot afford legal fees. There are further restrictions for married women where the household income is taken into consideration.

Both men and women are disadvantaged if they live a long way from larger centres, as they have to face the cost of travel and toll calls as well as the legal costs.

Husbands in settlement cases can delay court proceedings, which will incur further legal costs and women may not be able to afford this so are disadvantaged.

One club felt that women in these situations are not as informed about available resources, they lack confidence and are often afraid to take legal action (eg further abuse from partners).

- **What agencies exist in your area to assist in the access of justice? Eg Citizens Advice Bureau.**

Law Help in Kaitaia, Tauranga and Whakatane – advice available for \$20-30 for 20 minutes.

10 minutes free advice for destitute people from solicitor working on Citizens Advice Bureau roster.

Community Law Office

Members of Parliament

Presbyterian Support Services

Local JP's

Tai Tokerau Trust operates a system where they pay solicitor's costs when reference is required.

Amanda Kennedy offers free legal advice at Whangaroa (Northland)

Most local Northland Lawyers offer community pro bono legal advice

CAB in Kaitaia, Tauranga, Dunedin, Wellsford, Waihi

Resource Centre Katikati

Small Claims Court

Disputes Tribunal

WINZ



- **What legal aid is available to women? What circumstances/income levels qualify for legal aid?**

Legal Aid available on payment of \$50. Payment is available from WINZ on application. Only \$25 payment for custody access and non-molestation orders. (sample form enclosed). Legal Aid forms provided by Legal Services Agency.

Legal Aid is available to anyone with \$2000 or less of disposable income. The decision is still made by a committee if Legal Aid will be made available to the applicant.

If on a low income and seeking aid for other than Domestic Violence a charge may be put on assets to recover costs of legal aid.

- **What does your BPW Club conclude about Women's Access to Justice?**

Access to justice for women in NZ is available but the most important element is that we need to educate women towards a better understanding and knowledge of just what is available – they needn't feel helpless or disadvantaged.

We know that men's incomes are often higher than women's are so they can afford to pay more for legal advice. Society is changing with some women seeking and gaining "top jobs", but for the many women whose salaries are affected detrimentally by their commitment to bringing up a family, there will always be less access to the justice system.

Clubs feel they are trying really hard to educate members on entitlement, legal rights, property contracts etc with the guest speakers they have invited in the past. Some lawyers are making use of the free community newspapers to educate the public by quoting new laws such as the Property Relations Act and explaining implications of the laws.

- **Is there more that BPW NZ could be pursuing?**

Make use of more seminars on this topic – information for women is most important.

Offer a volunteer system to assist people not sure of access or their legal rights.

Remember that many BPW members are really a privileged group and we know or have learnt these things we need to share this knowledge.

Preparing submissions on changes to the Family Court – one club believes that it should remain closed as it is designed to protect the rights of children.



- **BPW NZ recently prepared a submission on the Family Court Changes. Are there any other studies, reviews or research into Women's Access to Legal Services that have been carried out in your area or nationally since 2001? Please provide contacts of these studies if available.**

Te Rito – New Zealand Family Violence Prevention Strategy

Te Rito sets out the Government's key goals and objectives and a five year implementation plan towards a vision of families living free from violence based on a set of nine principles.

The document refers to CEDAW and the United Nations Convention on the Rights of the Child, both which BPW NZ support. (BPW NZ Policy 13.13 (1999) – BPW Clubs are encouraged to annually: (a) Have a presentation on Domestic violence and (b) promote available material through the BPW network to workplaces.)

Copies can be obtained from Ministry of Social Development; PO Box 12-136, Wellington or it can be viewed on the website www.msd.govt.nz

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