

**He Arotake i te Ture mō ngā Huarahi Whakatau a ngā Pakeke**

**Review of Adult Decision-making Capacity Law**

SUBMISSION FORM

Te Aka Matua o te Ture | Law Commission is reviewing how the law should respond when an adult’s decision-making is affected. We are consulting on our Preliminary Issues Paper. Submissions are due by 5pm on 3 March 2023.

This submission form contains all the consultation questions from our Preliminary Issues Paper. You can answer one, some, or all of the questions.

Above each section of the submission form, we have included a reference to the relevant paragraphs of our Summary document with the key information about that section. If you want to refer to the Summary, or to read our full analysis in the Preliminary Issues Paper, you can find these on [our website](https://huarahi-whakatau.lawcom.govt.nz/).

### **Please tell us about yourself**

You do not have to give any information about yourself. However, the information we ask for below is useful to us when we consider submissions. It will also help us if we would like to contact you to ask questions about your submission.

Name (optional):

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Email (optional):

Alternative contact details if preferred to email, such as phone or post (optional):

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In which category are you making a submission to the Law Commission?

[ ]  Personal [ ]  On behalf of an organisation

If you selected ‘personal’ above, please give us some more information by choosing the best fit from the categories below (you can select more than one):

[ ]  Lived experience [ ]  Lived experience as a family or whānau member

[ ]  Legal professional [ ]  Health professional

[ ]  Service provider [ ]  Government organisation

[ ]  Advocacy organisation [ ]  Academic

[ ]  Other [please specify below]

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If you selected ‘on behalf of an organisation’ above, please tell us the name of your organisation (because we will publish the names of organisations that make submissions) and give us some more information by choosing the best fit from the categories below (you can select more than one):

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[ ]  Legal professional [ ]  Health professional

[ ]  Service provider [ ]  Government organisation

[ ]  Advocacy organisation [ ]  Academic

[ ]  Other [please specify below]:

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[ ]  Please tick if you wish to request that we do not publish your name or any other identifying information in your submission. If you request this, we will not publish your name or any other information that we think might identify you or others on our website or in our publications. However, if you make a submission on behalf of an organisation, we will publish the name of the organisation.

[ ]  Please tick if you would like to receive future updates on this review by email.

**Please note: by sending us your submission, you confirm that you have read and understood how the Law Commission will use your information (see below).**

### **How will we use your information?**

Information given to Te Aka Matua o te Ture | Law Commission is subject to the Official Information Act 1982 and the Privacy Act 2020.

For more information about the Ombudsman and the Official Information Act, please [visit the Ombudsman’s website](https://www.ombudsman.parliament.nz/). For more information about the Privacy Act, please [visit the Privacy Commissioner’s website](https://www.privacy.org.nz/).

If you send us a submission, we will consider it in our review and keep it as part of our official records. We may publish the submission on our website, refer to it in our publications and use it to inform our work in other reviews.

Your submission may contain personal information. You have the right to access and correct your personal information at any time.

You can request that we do not publish your name or any other identifying information in your submission. If you request this, we will not publish your name or any other information that we think might identify you or others on our website or in our publications.

However, if you make a submission on behalf of an organisation, we will publish the name of that organisation.

If we receive a request under the Official Information Act that includes your submission, we must consider releasing it. If the information requested includes your personal information, we will consult with you.

If you have questions about the way we manage your submission, you are welcome to contact the Law Commission’s General Manager.

## **Consultation questions**

## **HOW WILL WE APPROACH LANGUAGE IN THIS REVIEW?**

*See paragraphs 19 to 22 of the Summary*.

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| Q1 | Do you agree with the terms we propose to use in our review? If not, what changes should we make? [ ]  Yes, I agree [ ]  I agree in part but have some suggestions [ ]  No, I don’t agree [ ]  I don’t know / have no opinion Your comments here:

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## **HOW ARE WE CONSIDERING TE AO MĀORI AND TIKANGA MĀORI?**

*See paragraphs 33 to 38 of the Summary.*

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| Q2 | Have we identified the tikanga principles and concepts most relevant to decision-making? If not, what changes should we make? [ ]  Yes, I agree [ ]  I agree in part but have some suggestions [ ]  No, I don’t agree[ ]  I don’t know / have no opinion Your comments here:

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| Q3 | How is tikanga Māori relevant to you in relation to decision-making, and to affected decision-making? Your comments here:

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| Q4 | In situations when someone’s decision-making has been affected, have you and your whānau/hapū/iwi been able to act in accordance with tikanga Māori in the way you would want? If not, how could this be improved? [ ]  Yes, I have [ ]  Yes, but only to some extent [ ]  No, I haven’t[ ]  I don’t know / have no opinion Your comments here:

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## **WHAT ARE THE GUIDING PRINCIPLES FOR THIS REVIEW?**

*See paragraphs 39 to 40 of the Summary.*

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| Q5 | Do you agree with the seven guiding principles we have developed? If not, what changes should we make?[ ]  Yes, I agree [ ]  I agree in part but have some suggestions [ ]  No, I don’t agree[ ]  I don’t know / have no opinion Your comments here:

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## **WHAT DECISION-MAKING ARRANGEMENTS ARE WE THINKING ABOUT?**

*See paragraphs 41 to 50 of the Summary.*

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| Q6 | **Decision-making supporters**Has someone supported you to make a decision, or have you been a decision-making supporter to someone with affected decision-making? If so, how well do you think that process worked? What could be improved?  [ ]  Worked very well [ ]  Worked somewhat well [ ]  Didn’t work well [ ]  I don’t know / have no opinionYour comments here:

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| Q7 | **Advance directives**Have you experienced making, or been involved in using, an advance directive? If so, how well did you think that process worked? What could be improved? [ ]  Worked very well [ ]  Worked somewhat well [ ]  Didn’t work well [ ]  I don’t know / have no opinion Your comments here:

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| Q8 | **Enduring powers of attorney**Have you made, or been involved in using, an enduring power of attorney? If so, how well did you think that process worked? What could be improved? [ ]  Worked very well [ ]  Worked somewhat well [ ]  Didn’t work well [ ]  I don’t know / have no opinion Your comments here:

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| Q9 | **Making decisions for someone else under a court order**Have you been involved in a process of making decisions for someone else under a court order, or having decisions made for you under a court order? If so, how well did you think that process worked? What could be improved? [ ]  Worked very well [ ]  Worked somewhat well [ ]  Didn’t work well [ ]  I don’t know / have no opinion Your comments here:

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| Q10 | **Collective decision-making processes and decisions**Do you think there should be more ways for other people to be involved, in a more collective way, in decision-making arrangements when a person’s decision-making is affected? If so, how?  Your comments here:

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| Q11 | **Other decision-making arrangements**Do you think there are any other decision-making arrangements we should explore? If so, what are they? Your comments here:

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| Q12 | **Making decision-making arrangements work better**What things might make decision-making arrangements easier or more effective? Your comments here:

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## **WHAT SAFEGUARDS AND ACCOUNTABILITY MECHANISMS MIGHT BE NEEDED?**

*See paragraphs 51 to 63 of the Summary.*

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| Q13 | **The role of decision-making supporters**Do you think there needs to be safeguards or accountability mechanisms when a person with affected decision-making has an informal decision-making supporter? If so, what should they be?  [ ]  Yes, I do [ ]  No, I don’t [ ]  I don’t know / have no opinionYour comments here:

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| Q14 | **Enduring powers of attorney and elder abuse**Do you think there needs to be safeguards or accountability mechanisms when a person uses an enduring power of attorney? If so, what should they be? [ ]  Yes, I do [ ]  No, I don’t [ ]  I don’t know / have no opinionYour comments here:

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| Q15 | **Moving to a rest home or care facility**Do you think there needs to be safeguards or accountability mechanisms when a person moves to a rest home or care facility? If so, what should they be? [ ]  Yes, I do [ ]  No, I don’t [ ]  I don’t know / have no opinionYour comments here:

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| Q16 | **Welfare guardian making decisions which might cause harm**Do you think there needs to be safeguards or accountability mechanisms if a person has a welfare guardian? If so, what should they be? [ ]  Yes, I do [ ]  No, I don’t [ ]  I don’t know / have no opinionYour comments here:

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| Q17 | **Supporting people who provide support**Do you think there needs to be safeguards or accountability mechanisms to help supporters? If so, what should they be? [ ]  Yes, I do [ ]  No, I don’t [ ]  I don’t know / have no opinionYour comments here:

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## **IS THERE ANYTHING ELSE YOU WOULD LIKE TO TELL US?**

*See paragraphs 64 to 65 of the Summary.*

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| Q18 | Is there anything else you would like to tell us for our review? Your comments here:

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| Q19 | How easily could you access information about the review and how to make a submission? What could we do better?[ ]  It was easy [ ]  It was neither easy or difficult [ ]  It was difficult[ ]  I don’t know / have no opinionYour comments here:

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| Q20 | How easy did you find making a submission? What could we do better?[ ]  It was easy [ ]  It was neither easy or difficult [ ]  It was difficult[ ]  I don’t know / have no opinionYour comments here:

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