



HE AROTAKE I TE TURE MŌ NGĀ HUARAHI WHAKATAU A NGĀ PAKEKE REVIEW OF ADULT DECISION-MAKING CAPACITY LAW

HE WHAKARĀPOPOTOTANGA O TE PUKA KAUPAPA TĪMATANGA

1. He whakarāpopototanga tēnei o te Puka Kaupapa Tīmatanga mō **He Arotake i te Ture mō ngā Huarahi Whakatau a ngā Pakeke | Review of Adult Decision-Making Capacity Law**. E whakahaerehia ana tēnei arotake e Te Aka Matua o te Ture | Law Commission (Te Aka Matua o te Ture).
2. Kei tēnei whakarāpopototanga ngā pārongo matua o ia wāhanga o te Puka Kaupapa. Kua whakatakotoria ngā pātai hei whakawhitinga kōrero, hei whakaaroaro i roto i tā mātou arotake.
3. E hiahia ana mātou ki te rongō i ōu whakaaro. Ka āwhina mai āu kōrero kia tūtohu mātou e pā ana ki te ture mō ngā huarahi whakatau a ngā pakeke kua whakaaweawetia. Ka āhei koe ki te whakautu i tētahi, ētahi rānei o ngā pātai, ngā pātai katoa rānei.
4. Ka taea e koe tāu tāpaetanga te tuku mā te:
 - Toro atu ki tā mātou [paetukutuku](#) kaupapa me te whakautu pātai
 - Īmēra mai ki huarahi.whakatau@lawcom.govt.nz
 - Pātuhi mai ki 029 77 99 009
 - Tuhi mai ki: He Arotake i te Ture mō ngā Huarahi Whakatau a ngā Pakeke
Te Aka Matua o te Ture
Pouaka Poutāpeta 2590
Te Whanganui-a-Tara 6140
5. Ka katia te wā tonu ā te 5 matawā i te ahiahi, ā te Rāmere, te 3 o Poutūterangi 2023.

Ka pēhea tā mātou whakamahi i āu kōrero?

6. Ka uru ngā pārongo ka tukuna ki Te Aka Matua o te Ture ki te Official Information Act 1982, te Privacy Act 2020 hoki. Mō ētahi pārongo anō mō te Kaitiaki Mana Tangata, mō te Official Information Act hoki, tēnā, tirohia te [paetukutuku](#) a te Kaitiaki Mana Tangata. Mō ētahi pārongo anō mō te Privacy Act, tēnā, tirohia te [paetukutuku](#) a te Privacy Commissioner.
7. Ki te tuku mai koe i tētahi tāpaetanga, ko tā mātou mahi he:
 - Whai whakaaro ki te tāpaetanga i roto i tā mātou arotake.
 - Pupuri i te tāpaetanga ki roto i ā mātou mauhanga ōkawa.
8. Ka mahi hoki pea mātou ki te:
 - Whakaputa i te tāpaetanga ki tā mātou paetukutuku.
 - Kōrero mō te tāpaetanga i roto i ā mātou whakaputanga.
 - Whakamahi i te tāpaetanga hei āwhina i ā mātou mahi ki arotake atu anō.
9. Kei roto pea i tō tāpaetanga he pārongo whaiaro. I ngā wā katoa, kei a koe te mōtika ki te uru, ki te whakatika hoki i ō pārongo whaiaro.
10. E āhei ana koe ki te tono mai kia kua mātou e whakaputa i tō ingoa, i ngā pārongo rānei ka tautohua koe i roto i tō tāpaetanga. Ki te tono mai koe i tēnei, e kore mātou e whakaputa i tō ingoa, i ngā pārongo rānei ka tautohua koe, tangata atu anō rānei ki tā mātou paetukutuku, ki ā mātou whakaputanga rānei.
11. Ki te tae mai he tono i raro i te Official Information Act, ā, kei roto rā tāu tāpaetanga, me whai whakaaro mātou kia tuku pea i tērā. Mehemea kei roto i te tono ō pārongo whaiaro, ka whakawhitiwhiti kōrero tātou.
12. Mehemea he pātai āu mō te whakahaere i tō tāpaetanga, tēnā, whakapā atu ki te Kaiwhakahaere Matua o Te Aka Matua o te Ture (gm@lawcom.govt.nz).

WĀHANGA 1: HE AHA TE KAUPAPA O TĒNEI AROTAKE?

13. Ka whakatau whakaaro tātou katoa, ia rā, ia rā. He iti noa, he mahi o ia rā pea ētahi o ēnei whakatau, pērā ki te whakatau he aha te kai o te ata. Ko ētahi anō he whakatau nui, pērā ki te neke whare, te whakatau rānei ki te haere ki te hōhipera mō te poka.
14. I tēnei arotake ka whai whakaaro mātou me pēhea te urupare a te ture ina whakaaweawetia ngā huarahi whakatau a tētahi pakeke.
15. He maha ngā take e whakaaweawe ana i ngā huarahi whakatau a te tangata. Tae ana ki te korongenge, he whara roro, ngā whaikaha ako, ngā wheako auhi hinengaro hoki.

16. Mēnā ka whakaaweawetia ngā huarahi whakatau o tētahi pakeke, ka rerekē pea te pānga atu o te ture ki āna whakatau. I ahu mai tēnei i te ariā nei, ko te 'āheinga huarahi whakatau'. Mēnā ka aromatawaitia tētahi tangata, ā, kāore tōna 'āheinga huarahi whakatau', tērā pea, kāore he mana ā-ture o tōna whakatau. Ka kopoua pea tētahi atu tangata ki te whakatau i te whakaaro mōna.
17. Tokomaha ngā tāngata e whakaaro ana me arotake te ture mō tēnei kaupapa, ki te whakaū kia pai te ture mō ngā tāngata kua whakaaweawetia o rātou huarahi whakatau, mō te hunga e tata ana ki a rātou hoki. Kua tonu te Minita o Te Tāhū o te Ture ki Te Aka Matua o te Ture | Law Commission ki te whakahaere i tētahi arotakenga kia tirohia ai tēnei kaupapa.
18. Kua whakatakotoria te whānuitanga o tā mātou arotake, i tētahi puka mō ngā tūtohu mahi e kīia nei ko ngā 'Terms of Reference'. Kei tā mātou [paetukutuku](#) tēnā, tae ana ki ngā hōputu tomopai.

WĀHANGA 2: KA PĒHEA TĀ MĀTOU ARO KI TE MOMO REO O TĒNEI AROTAKE?

19. He kaupapa nui te momo reo ka whakamahia e mātou i tēnei arotake. He rerekē te orotau o tēnā tangata, o tēnā tangata ki ētahi kupu. He whakaaro rerekē hoki mō te momo reo e hiahiatia ana, ā, ka huri haere ēnei whakaaro i te rerenga o te wā.
20. Me whakatau mātou ki ngā tikanga kupu e ōrite ana, kia mārama ai ā mātou puka. E mōhio ana mātou, ka whānui ngā whakaaro o te marea mō ngā kupu e whakamahia nei, ā, kei te hiahia mātou ki te rongu i ō koutou whakaaro.
21. Ki te honohono mātou ki te tangata takitahi, ka ngana mātou ki te whakamahi i te momo reo e hiahiatia ana e ia. I ētahi wā ka rerekē taua reo i te reo e whakamahia ana e mātou i ā mātou tuinga.
22. Ko ētahi kupu whai tikanga e marohi ana mātou i roto i ā mātou puka ko te:
 - (a) Tangata whaikaha | Disabled person (ehara ko te tangata pāngia ki te hauātanga).
 - (b) Whaikaha ako | Learning disability (ehara ko te whaikaha ā-hinengaro, te hauā hirikapō rānei).
 - (c) Tāngata whaikaha Māori (mō te hunga Māori kua whaikaha).
 - (d) Tangata pāngia ki te wheako auhi hinengaro | Person experiencing mental distress (ehara ko te tangata matea hauora hinengaro, mate hinengaro, māuiui hinengaro rānei).

- (e) Te wheako whaiaro | Personal lived experience (mō ngā pakeke kua whai wheako ki te whakaaweawetanga o tōna huarahi whakatau).
- (f) Te wheako hei whānau, hoa, kaitiaki rānei | Lived experience as family, whānau member, friend or carer (mō te whānau, mō ngā hoa, mō ngā kaitiaki rānei o tētahi tangata kua whai wheako o te huarahi whakatau kua whakaaweawetia).

Pātai whakawhitiwhiti:

1. **E whakaae ana rānei koe ki ngā kupu e marohi ana mātou mō tā mātou arotake? Ki te kore, he aha ngā panonitanga me mahi e mātou?**

WĀHANGA 3: HE AHA E HIAHIATIA AI TE WHAKAHOUNGA NEI?

23. Tokomaha ngā tāngata kua tonu mō te whakahounga o ngā ture me ngā tikanga whakahaere e pā ana ki ngā huarahi whakatau kua whakaaweawetia. Ko ētahi o ngā take:
 - (a) **Kua neke ngā waiaro e pā ana ki te whaikaha.** Tokomaha ngā tāngata e whakaaro ana, kia hāngai te tirohanga o te ture ki te 'tauirā ahurea' mō te whaikaha, e arotahi ana ki te tautohu me te whakakore i ngā taupā ā-ahurea, ā-kiko hoki e aukati ana i te āhei o ngā tāngata whaikaha ki te uru katoa ki ngā mahi. I ngā wā o mua, ko te tirohanga mō te whaikaha, he 'tauirā ratonga rongoa', ko te whakaaro, ko te whaikaha tētahi raru hei 'whakatika' mā te hāpaiora haumanu.
 - (b) **Kāore te ture o nāianei i te tino kaha ki te aro ki te Tiriti o Waitangi | Treaty of Waitangi, ki te ao Māori, ki ngā tikanga Māori hoki.** I ngā tau ngāhuru tata nei, kua piki haere te ngākaupai ki te tūranga nui o te Tiriti, ki te ao Māori, ki ngā tikanga Māori hoki i ngā mahi whakahou ture.
 - (c) **Kia kaha ake te tiaki ā-ture i ngā tika tangata.** I ngā ngāhuru tau tata nei, kua kaha haere te tiaki o ngā tika tangata. I te tau 2008, i whakapūmau a Aotearoa i Te Kawenata a te Kotahitanga o ngā Whenua o te Ao mō ngā Tika Tangata o te Hunga Hauā.
 - (d) **He panonitanga i tō tātou taupori.** Kei te piki tonu te matahuhua o Aotearoa. He mea hiranga kia whakaata te ture i ngā tirohanga o ngā hunga nō ngā ahurea whānui. Waihoki, kei te piki te pakeketanga e taea ai e ngā tāngata o Aotearoa, nā, ko te matapae ka piki hoki te kaha pā mai o te korongenge. Me rite te ture mō te piki i te tokomaha ka whakaaweawetia ō rātou āhei ki te huarahi whakatau.
 - (e) **Kua piki te māramatanga ki ngā tepenga o te 'āheinga huarahi whakatau'.** I roto i te aronga o te nuinga o ngā ture o nāianei, he 'āheinga huarahi whakatau' o te tangata, kāore kau rānei. Engari, ehara te ao tūturu i te pērā. I te ao tūturu, i

ētahi wā, i ētahi momo whakatau rānei, ka kaha ake pea ngā whakaaweawe ki te āheinga huarahi whakatau, i ō ētahi atu wā. Ka huri haere hoki tēnei i te rerenga o te wā.

- (f) **He take motuhake kei ngā ture o nāianeī.** Kua kitea ētahi take me whakatika e pā ana ki te whakahaere i ngā ture.

WĀHANGA 4: HE AHA ĒTAHI O NGĀ ARIĀ Ā-TURE NUNUI ME NGĀ TURE?

24. He maha ngā ariā ā-ture, me ngā ture e pā ana ki te huarahi whakatau o ngā pakeke kua whakaaweawetia. Ka whakamāramatia ētahi o ngā mea nui ki tēnei wāhanga.

‘Āheinga huarahi whakatau’

25. He ariā ā-ture te ‘āheinga huarahi whakatau’. He kōrero tēnei mō ngā whakamātautau e mahia ana e te ture kia kite he mana ā-ture, kāore rānei, o te whakataunga nā te tangata kua whakaaweawetia ōna huarahi whakatau. Ka auau te tiro tiro kua mārāma te tangata, kāore rānei, i te āhua me ngā hua o tōna whakataunga, ā, e āhei ana te whakawhitiwhiti kōrero mō tōna whakataunga.

Te ‘tautoko huarahi whakatau’ me te ‘whakakapi huarahi whakatau’

26. Whakaaweawetia ai te āheinga huarahi whakatau o tētahi tangata, ka whai wāhi pea ētahi atu tāngata ki ōna whakatau. Arā ētahi ara kia whai wāhi mai rātou. I ētahi wā ka kōrero te tangata mō ēnei huarahi whakatau rerekē mā ngā rerenga kupu ‘tautoko huarahi whakatau’ (supported decision-making) me ‘whakakapi huarahi whakatau’ (substituted decision-making).
27. Ko tā te tautoko huarahi whakatau, ko te tautoko atu i te tangata kua whakaaweawetia tōna huarahi whakatau, kia āhei ai ia ki te whakatakoto i tōna ake huarahi whakatau, i runga i tōna ake mana me ōna ake kōwhiringa. Tae ana te tautoko ki te rato i te wā, te whakamārama, te tohutohu rānei hei tautoko i te huarahi whakatau.
28. Ko te whakakapi huarahi whakatau ko te mahi whakatau whakaaro a tētahi tangata mō tētahi atu tangata. Ka auau pea te whai huarahi whakatau ‘hei painga anganui’ mō te tangata. He maha ngā tukanga whakakapi huarahi whakatau o te ture o tēnei wā. Hei tauira, mēnā e ai ki te aromatawai kāore te āheinga huarahi whakatau o tētahi tangata kia whiriwhiri i tōna wāhi noho, ka taea te kopou i tētahi atu tangata māna e whakatau whakaaro mō taua tangata rā.
29. Ka whakaaro ētahi tāngata kāore rawa he painga o te whakakapi huarahi whakatau, ā, me tuku tonu ngā tāngata kua whakaaweawetia ō rātou huarahi whakatau kia whakatakoto i ā rātou ake huarahi whakatau. He take nui tēnei e whakaarohia ana e mātou i roto i te arotake.

Te ture o tēnei wā

30. Kei Aotearoa, he maha ngā kaupapa kei reira ngā ture e hāngai ana ki ngā pakeke kua whakaaweawetia te huarahi whakatau. He āhua rite te aronga o aua ture katoa ki ētahi tāngata pēnei kāore tōna 'āheinga huarahi whakatau'.
31. Ko ētahi o ngā ture matua mō tēnei kaupapa:
- (a) Ko te **Protection of Personal and Property Rights Act 1988**. Ko te arotahi o tēnei ture ka pēhea ina aromatawaitia tētahi tangata, ā, kāore tōna āheinga huarahi whakatau. Ka tukuna te Te Kōti Whānau | Family Court ki te whakatau, ki te kopou i tētahi atu tangata rānei, māna e whakatau ka ahatia te tangata.
 - (b) **Mental Health (Compulsory Assessment and Treatment) Act 1992**. Ka whakatakoto tēnei ture i ngā wā e tika ana kia aromatawaitia te hauora hinengaro o te tangata, kia whai rongoā rānei ia.
 - (c) **The Substance Addiction (Compulsory Assessment and Treatment) Act 2017**. Ka whakatakoto te Ture nei i ngā āhuatanga me whai pea e tētahi tangata te haumanu rongoā ina he kino te warawara matū kua pā ki a ia.
 - (d) Ko te **Code of Health and Disability Services Consumers' Rights (te Waeture)**. Ko te kaupapa o te Waeture ko ngā tika o ngā tāngata e uru ana ki ngā ratonga hauora, disability hoki. Kei roto i te Waeture ko te tika ki te whakaae i runga i te mārama (informed consent), ā, ka pēhea ina aromatawaitia tētahi tangata, ā, kāore tōna āheinga huarahi whakatau ki te whakaae i runga i te mārama.
 - (e) **Ko tā te ture noa (arā, ko te ture kei roto i ngā whakataunga kōti)**. Ko te kaupapa o te ture noa ko ngā tukanga mō te urunga ki te kirimana o te tangata kua whakaaweawetia tōna huarahi whakatau.
32. Arā ētahi atu momo ture he hiranga hoki kia whakaarohia e tātou, hei tauira, ngā tika tangata.

WĀHANGA 5: KA PĒHEA TŌ MĀTOU WHAI WHAKAARO KI TE AO MĀORI ME NGĀ TIKANGA MĀORI?

33. E whai whakaaro ana mātou ki ngā tikanga me ngā ariā Māori tērā pea ka hāngai pū ki te huarahi whakatau a ngā pakeke.
34. Ko tēnei huatau ko te 'āheinga huarahi whakatau' (decision-making capacity) kei roto i ngā ture o nāiane, ka kīia pea he whakaatanga o tētahi tirohanga Tauwiwi e arotahi ana ki te mana motuhake o te kiritahi. Tērā pea ka kaha ake te arotahi ki ngā āhuatanga kiritōpū kei roto i ngā whakaaro Māori e pā ana ki te huarahi whakatau.

35. I tētahi wānanga i whakahaeretia e mātou, i tautohua ētahi tikanga e ono tērā pea ka hāngai pū ki ngā huarahi whakatau kua whakaaweawetia kei roto i te ao Māori:
- (a) **Whanaungatanga.** Hei whakamārama pea, ko tēnei te tūturutanga o ngā hononga ā-whakapapa i te ao Māori. Ki tā te whanaungatanga ko te whakatau whaiaro he mahi kiritōpū, ā, ka whai wāhi pea te whānau, te hapū me te iwi.
 - (b) **Aroha.** Ko te whakamārama whānui mō te aroha, ko te ngākau pai, te pukuaroha, te ngākau aroha, me te manawa popore mō tangata kē atu.
 - (c) **Mana.** Ko ētahi āhuatanga o te mana ko te kaha o te wairua, o te oranga hoki, me te mana, te whakaaweawetanga me te whakahirahiratanga e mōhiotia ana. Ka hua mai te mana i te tōpūtanga tangata, ā, ka hāpai i tētahi herenga ka tika hei oranga mō te tōpūtanga katoa.
 - (d) **Tiaki.** Ko te tikanga o te tiaki ko te manaaki, te tautoko rānei. Ko tōna aronga, he tautiaki, he rokiroki i ngā taonga, ngā matahīapo rānei.
 - (e) **Ko te wairua.** Ko te tikanga o tēnei mea, te wairua, ko te iho kore-kiko o te tangata i takea mai i ngā atua, e kore e mate ahakoa mate atu te tinana. Ko tētahi ariā e hāngai ana ko te mauri o tētahi tangata, o tētahi mea rānei.
 - (f) **Rongo.** I tēnei horopaki ko te rongō te āhua taurite o roto, te rongomau rānei. Ka whakaaweawetia pea te huarahi whakatau o te tangata e te taurite o tōna taha wairua, taha hinengaro hoki. Ka whakaaroarotia pea a Rongo hei whakaū anō i te whakahirahira o te taurite.
36. I tautohua hoki ngā ariā matua e toru o te ao Māori e hāngai pū ana pea ki te huarahi whakatau kua whakaaweawetia. I ētahi wā ka whakamahia ēnei hei whakamāoritanga mō ngā ariā hinengaro o Tauīwi, heoi, he tikanga whānui atu anō kei roto mō ngā kare ā-roto, mō te taha wairua hoki:
- (a) **Hinengaro.** I ētahi wā ka whakapākehātia tēnei hei 'mind', engari ka whakawhānuitia ake tēnei hei huarahi whakawhitiwhiti kōrero, hei tikanga whakaaro, hei ara kare ā-roto hoki.
 - (b) **Wairangi.** Kua whakamāramatia tēnei, ko te whakaahua o te tangata kua parure, kua kūrururu rānei, nā konā ka whakaaweawetia ai tōna huarahi whakatau.
 - (c) **Pōrangi.** He kōrero tēnei mō tētahi tangata kua tūturu tōna āhua pōrewarewa, ā, nā tērā, tē taea e ia te whakatau whakaaro mōna anō, mō tōna whānau hoki.
37. E marama ana mātou, ahakoa ka whai ētahi o Ngāi Māori i ngā tikanga Māori, ehara i te mea ka pērā anō te katoa o Ngāi Māori. Ka rerekē pea te kaha o te tūhono o tēnā, o tēna, ki te ao Māori, tērā pea he take anō rānei ka aukatia tā rātou whai i ngā tikanga Māori i ia rā. Tērā pea ka uua te whai haere kia tika i ngā tikanga Māori, nā te āhuatanga o te ture o ēnei wā.

38. Kei te hiahia hoki mātou kia mōhio he aha te wāhi o te tikanga Māori, ki Ngāi Māori o ēnei rā mō te huarahi whakatau, kei ngā wā hoki kua whakaaweawetia te huarahi whakatau o te tangata. E aro ana hoki mātou ki te pānga o te ture o nāianei ki te āhei kia whai tikanga Māori i te oranga, ā, ka pēhea e panoni ai te ture hei whakatika i tēnei

Pātai whakawhitiwhiti:

2. Kua tautohu tātou i ngā tikanga me ngā ariā e tino kaha rawa ana te hāngai ki te huarahi whakatau? Ki te kore, he aha ngā panonitanga me mahi e mātou?
3. He aha te hāngai o ngā tikanga Māori ki a koe e pā ana ki te huarahi whakatau, ki te huarahi whakatau kua whakaaweawetia hoki?
4. I ngā wā kua whakaaweawetia te huarahi whakatau o tētahi tangata, i taea e koutou ko tō whānau, hapū rānei, iwi rānei te whai i ngā tikanga Māori kia tika, kia hāngai ki tō hiahia? Ina kāore, me pēhea te whakapai ake i tēnei?

WĀHANGA 6: HE AHA NGĀ MĀTĀPONO ĀRAHI MŌ TĒNEI AROTAKE?

39. Ka whakamahi mātou i ngā mātāpono ārahi hei āwhina i a mātou ki te tātari i ngā take, ki te whai whakaaro hoki ki ngā kōwhiringa mō te whakahou i ngā ture.
40. Kua waihangatia e mātou ētahi mātāpono ārahi e whitu mō tēnei arotake. E whakaaro ana mātou me pēnei ngā ture e pā ana ki te huarahi whakatau o te pakeke:
- (a) Me whakaute, me hāpai hoki ngā tika tangata o ngā tāngata kua whakaaweawetia ō rātou huarahi whakatau.
 - (b) Hāpaitia ngā herenga o te Karauna i raro i te Tiriti o Waitangi.
 - (c) Whakamanatia, tautokona hoki ngā tikanga Māori.
 - (d) Whakakahangia ngā tāngata kua whakaaweawetia te huarahi whakatau kia puāwai ai te oranga.
 - (e) Whakamanatia, huawaeretia hoki ngā hononga ka tipu mai i te pono.
 - (f) Tiakina ngā tāngata kia āraia te tūkino me te iwikoretanga, kia whakatairangatia hoki te noho haepapa.
 - (g) Kia tomopai te āhua, kia ū hoki kia taurite te pīngore me te tūturutanga.

Pātai whakawhitiwhiti:

5. E whakaae ana koe ki ngā mātāpono ārahi e whitu kua waihangatia e mātou? Ki te kore, he aha ngā panonitanga me mahi e mātou?

WĀHANGA 7: HE AHA NGĀ WHAKARITENGA HUARAHI WHAKATAU E WHAKAAROHIA ANA E MĀTOU?

41. Ina whakaaweawetia te huarahi whakatau o tētahi tangata, ka whai wāhi pea ētahi atu tāngata ki ō rātou huarahi whakatau. I ētahi wā ka whai wāhi ana a tangata kē atu ki te huarahi whakatau o tētahi atu tangata, me te kore whai wāhi o te ture. Kei roto i ngā ture ētahi atu whakaritenga.
42. He tino rerekē ngā wheako o tēnā tangata, o tēnā tangata i te huarahi whakatau kua whakaaweawetia. Ki tō mātou whakaaro, me huhua rawa te rato a te ture i ngā whakaritenga huarahi whakatau. Kua whakamārama mātou i ētahi huarahi e wātea ana ki raro nei.

Ngā kaitautoko huarahi whakatau

43. Kua tautokona kētia hāramuramu nei e ngā whānau me ngā hoa te whakatau whakaaro mō te nuinga o ngā tāngata kua whakaaweawetia te huarahi whakatau. Hei tauira, ka āwhina pea tētahi tangata i tōna tuakana, teina rānei, kia mārama ki ngā pārongo mō tētahi whakatau, ki te kōrero whakamōhio atu rānei i tētahi whakatau.
44. Ka riterite tonu atu te hira o tēnei momo tautoko hāramuramu mō te tautoko huarahi whakatau. Heoi anō, kua rongu mātou he uaua kia āwhina atu ngā kaitautoko hāramuramu nā te mea kāore ō rātou kaha ā-ture, mana ā-ture rānei. Hei tauira, kāore pea rātou i tukuna kia uru ki ngā pārongo whaiaro o te tangata e tautokona ana. E whai whakaaro ana mātou me pēhea te ture e whakangāwari te tautoko a te tangata i te tautoko huarahi whakatau o tētahi atu tangata.

Pātai whakawhitiwhiti:

6. **Kua tautoko tētahi tangata i a koe ki te whakatakoto huarahi whakatau, kua tautoko atu koe rānei i tētahi atu tangata kua whakaaweawetia tōna huarahi whakatau? Mēna āe, ki ōu whakaaro i pēhea te whakamahinga o taua tukanga? He aha ngā āhuatanga hei whakakaha?**

Tohutohu tōmua

45. Ka tuhi tōmua tētahi tangata i ōna hiahia kei tūpono ka puta tētahi āhua ki a ia āmua ake, hei tauira, ka māuiui ia. I ētahi wā e whakamahia ana ngā tohutohu tōmua ki Aotearoa Niu Tīreni mō ngā whakataunga hauora, engari kāore i te mahea te mana ā-ture o ēnei.

Pātai whakawhitiwhiti:

7. **Kua whai wheako rānei koe, kua whai wāhi rānei koe ki te whakamahi i tētahi tohutohu tōmua (an advance directive)? Mēna āe, ki ōu whakaaro i pēhea te whakamahinga o taua tukanga? He aha ngā āhuatanga hei whakakaha?**

Mana pūmau o te māngai ā-ture

46. Ka kopou tētahi tangata i tētahi atu tangata, māna e whakatau huarahi mō te kaitono mēnā ka aromatawaitia te kaitono ā te wāheke, ā, kāore tōna āheinga huarahi whakatau, hei tauira, ka pāngia ia e te korongenge. Kua uru kē ki te ture o tēnei wā, heoi anō, e ai ki ētahi tāngata, ka taea te whakapai ake i te mahi.

Pātai whakawhitiwhiti:

- 8. Kua tohua koe, kua whai wāhi rānei koe ki te whakamahi i te mana pūmau o te māngai ā-ture? Mēna āe, ki ōu whakaaro i pēhea te whakamahinga o taua tukanga? He aha ngā āhuatanga hei whakakaha?**

Te whakatau whakaaro mō tētahi atu tangata i raro i tētahi ōta o te kōti

47. Ka taea e te kōti te whakatau mō ngā tāngata kua whakaaweawetia te huarahi whakatau, hei tauira, te wāhi me noho e rātou, te maimoatanga rongoā rānei me whai e rātou. Ka taea hoki e te kōti te kopou i tētahi atu tangata māna e whakatau whakaaro mō tētahi tangata (hei tauira, he kaitiaki oranga, he kaiwhakahaere rawa/whenua rānei).
48. Ka tukuna ēnei momo ōta a te kōti, ā pā anō ka aromatawaitia te tangata, ā, kāore tōna 'āheinga huarahi whakatau'. E taea ana te whakatau ahakoa te kore whakaae o te tangata.

Pātai whakawhitiwhiti:

- 9. Kua whai wāhi koe ki tētahi tukanga whakatau whakaaro mō tētahi atu tangata i raro i tētahi ōta o te kōti? E whakatau ana tētahi atu rānei mōu i raro i tētahi ōta a te kōti? Mēna āe, ki ōu whakaaro i pēhea te whakamahinga o taua tukanga? He aha ngā āhuatanga hei whakakaha?**

Ngā tukanga kiritōpū me ngā whakatau kiritōpū mō te huarahi whakatau

49. E whakaaro ana ētahi tāngata me whakatakoto e te ture he ara anō hei whāinga mō tāngata kē, hei tauira, te whānau, kia whai wāhi ki te whakarite huarahi whakatau, ki te whakatau tahi rānei rātou ko te tangata kua whakaaweawetia tōna huarahi whakatau.

Pātai whakawhitiwhiti:

- 10. E whakaae ana koe me whakatakoto ētahi atu ara anō kia whai wāhi ai ētahi atu tāngata, ki te whakarite huarahi whakatau, ina whakaaweawetia te huarahi whakatau o te tangata? Mēnā āe, me pēhea?**
- 11. Ki tōu whakaaro he whakarite anō mō te huarahi whakatau me tiro tiro e mātou? Mēnā āe, he aha ērā?**

Hei whakapiki i te whaihua o ngā whakarite huarahi whakatau

50. E whai whakaaro ana hoki mātou ki ētahi atu anō mea hei whakapiki pea i te ngāwari me te whaihua o ngā whakarite mō ngā tāngata kua whakaaweawetia te huarahi whakatau, mō ngā tāngata kei ō rātou taha hoki. Tae ana pea ēnei ki ngā mea ā-ringa pērā ki te rato puka tauira, whakangungu rānei mā ngā kaitautoko e āwhina ana i ngā tāngata ki te whakatau whakaaro.

Pātai whakawhitiwhiti:

- 12. Mā te aha ka ngāwari ai, ka piki ai rānei te whaihua o ngā whakarite huarahi whakatau?**

WĀHANGA 8: HE AHA NGĀ ANGA ĀRAI, TIKANGA HAEPAPA HOKI KA HIAHIATIA PEA?

51. I te nuinga o te wā, ka whaihua ngā whakarite huarahi whakatau mō tētahi tangata kua whakaaweawetia te huarahi whakatau, ā, kāore hoki he raruraru. Heoi anō, i ētahi wā ka puta he raru.
52. E whai whakaaro ana mātou ki ngā anga ārai, tikanga haepapa hoki ka hiahiatia pea. Arā, me aha te ture hei ārai atu i ngā raruraru kia haumaruru te noho o ngā tāngata kua whakaaweawetia te āheinga huarahi whakatau rātou ko ngā kaitautoko, ā, hei whakaū i te noho haepapa o ngā tāngata kia mahi i ā rātou mahi.
53. Hei āwhina i te whakaaroaro āhea ka hiahiatia ngā anga ārai me ngā tikanga haepapa ina puta he raruraru, kua whakamahi mātou i ētahi tauira ki raro nei.

Ngā mahi a ngā kaitautoko huarahi whakatau

54. *He whaikaha ako tō Hēmi, ā, ka tautoko tōna whaea i a ia ki te whakatau whakaaro. Ka whakahaerehia ngā moni me ngā mahi hoko a Hēmi e tōna whaea. E hiahia ana a Hemi māna ngā whiringa mō te whakapau i āna moni, engari e māharahara ana tōna whaea, e kore e 'haepapa' ōna whakatau.*
55. He ōpaki te tautoko a te whaea o Hēmi i a ia, nō reira kāore he whakarite ā-ture. Nā reira kāore he anga ōkawa mō te ārai, kāore hoki he tikanga haepapa hei whakahaere i ngā uauatanga, hei tauira, ina e hiahia ana tētahi tangata kua whakaaweawetia tōna huarahi whakatau ki te mahi i tētahi mahi tē whakaaetia e tōna kaitautoko.

Pātai whakawhitiwhiti:

- 13. E whakaae ana koe me whakatū ētahi anga ārai, tikanga haepapa rānei, mēnā kua tū kē tētahi kaitautoko ōpaki mō ngā huarahi whakatau mō te tangata kua whakaaweawetia tōna āheinga huarahi whakatau? Mēnā āe, he aha ērā?**

Te mana pūmau o te māngai ā-ture me te tūkinokā kaumātua

56. *Kua pāngia a Priya e te korongenge, ā, ko tōna māngai ko tāna tama a Sam, i raro i tētahi mana pūmau o te māngai ā-ture (enduring power of attorney). Kāore e tika ana te tiaki a Sam i a Priya; e whakapau ana a Sam i ngā moni a Priya mōna anō. E māharahara ana ērā atu tamariki a Priya e tūkinotia ana ia hei kaumātua.*
57. Kua turea kētia ētahi anga ārai, tikanga haepapa hoki mō te mana pūmau o te māngai ā-ture, hei tauira, ngā herenga kia pupuri i ngā mauhanga ahumoni. Kua rongu mātou kāore pea ērā e āta whaihua, e hāngai atu rānei i ngā wā katoa.

Pātai whakawhitiwhiti:

14. E whakaae ana koe me whakatū anga haumarū, anga haepapa rānei whakamahi ai tētahi tangata i te mana pūmau o te māngai ā-ture? Mēnā āe, he aha ērā?

Te neke ki te whare kaumātua, whare tiaki rānei

58. *Kua waru tekau neke atu ngā tau o Linda, ā, e māharahara ana tōna whānau tē taea e ia te tiaki i a ia anō ki te kāinga. Kāore tō rātou mana ā-ture ki te whakatau whakaaro mō Linda, engari ka whakarite rātou kia neke ia ki tētahi whare kaumātua haumarū. Kāore ia e kaha whakahē ana i te kaupapa, otirā, kāore ia e kaha tautoko ana hoki.*
59. I te mutunga iho, kia whakanōhia ai a Linda ki te whare kaumātua, kua whakaraua ia. Ko te tikanga o tēnei, tē taea e ia te whakatau ki te wehe atu. Kāore ngā tukanga ā-ture e hāngai ana ki te nekehanga o Linda ki te whare noho wā-roa, ki te whakaū e aroturukitia ana tōna nohonga whakarau.

Pātai whakawhitiwhiti:

15. Ki ōu whakaaro me whakatū ārai, anga haepapa rānei ina neke ai tētahi tangata ki tētahi whare kaumātua, whare tiaki rānei? Mēnā āe, he aha ērā?

Ka whakatau whakaaro te kaitiaki oranga e puta ai pea tētahi raru

60. *Kua whara te roro o Deborah i te whara pāmamae, ā, kua kopoua tōna whaea kēkē, a Lucy, hei kaitiaki oranga, hei kaiwhakatau whakaaro mōna, mō Deborah. Kua māuiui a Deborah, ā, e ai ki ngā rata me kai rongoa e ia, engari kāore a Lucy i te pīrangi ki te whai i taua tohutohu rongoa. Ka taumaha haere te māuiui o Deborah.*
61. Arā ētahi anga ārai, tikanga haepapa hoki i tēnei wā me arotake, hei tauira, ko ngā herenga kopoutanga mō ngā kaitiaki oranga, mō tangata kē atu hoki ka kapoua e tētahi kōti kia whakatau whakaaro ai mō tētahi atu tāngata. Kua rongu mātou e kore pea e eke aua mea i ngā wā katoa, e hāngai rānei, hei tauira, ka whakatau whakaaro te kaitiaki oranga e puta ai pea tētahi raru.

Pātai whakawhitiwhiti:

16. E whakaae ana koe me whakatū anga ārai, anga haepapa rānei, mēnā he kaitiaki oranga tō te tangata? Mēnā āe, he aha ērā?

Te tautoko i te hunga rato tautoko

62. *E tautoko ana a Alex i tō rātou matua koroheke ki te whakatau whakaaaro. E whakapau kaha ana a Alex ki te āwhina heoi he taumaha tēnei mahi. E ai ki ngā tuākana me ngā teina o Alex, he kino ngā mahi a Alex. Kua pāngia hoki a Alex e te wheako auhi hinengaro, ā, e oke ana i te mahi.*

63. Kua rongu mātou he mea hira te haumaruru me te oranga o ngā kaitautoko āheinga whakataunga, mō te kaitautoko, mō te tangata e tautokona ana hoki. Kua rongu mātou kāore e eke ana te tautoko i ngā wā katoa kia noho haumaruru, kia hāpai i te oranga hoki o ngā kaitautoko.

Pātai whakawhitiwhiti:

17. Ki ōu whakaaaro me whakatū ārai, anga haepapa rānei hei āwhina i ngā kaitautoko? Mēnā āe, he aha ērā?

WĀHANGA 9: HE KŌRERO ANŌ E HIAHIA ANA KOE TE TUKU MAI?

64. Arā pea ētahi take kāore anō kia mahia e whakaaaro ana koe me whakaaaroaro e mātou. E hiahia ana mātou ki te rongu i ētahi atu o āu kōrero e tika ana mō tā mātou arotake.

65. E hiahia ana mātou ki te mōhio hoki i pēhea te tukanga tuku tāpae ki a koe, ā, mēnā he mahi anō mā mātou hei whakangāwari ake i tō tuku tāpae haere ake nei.

Pātai whakawhitiwhiti:

18. He kōrero anō āu mō tā mātou arotake?

19. I pēhea te ngāwari o te tiki pārongo mō te arotake me te tuku tonu? He aha ngā mahi mā mātou hei whakapai ake?

20. I pēhea te ngāwari o te tāpaetanga ki a koe? He aha ngā mahi mā mātou hei whakapai ake?