

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

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

**KEY TOPICS 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 Second Issues Paper. Submissions are due by 5pm on 21 June 2024.

This submission form contains information and consultation questions from our Key Topics. You can answer one, some, or all of the questions.

The content in this submission form is grouped by the four Key Topics. There are links to the Key Topics at the start of each section in the form.

**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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| Click or tap here to enter text. |

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| Click or tap here to enter text. |

Email (optional):

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

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| Click or tap here to enter text. |

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 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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| Click or tap here to enter text. |

[ ]  Legal professional [ ]  Health professional

[ ]  Service provider [ ]  Government organisation

[ ]  Advocacy organisation [ ]  Academic

[ ]  Other [please specify below]:

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| Click or tap here to enter text. |

[ ]  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 we will use your information**

Information you give us is subject to the Official Information Act 1982 and the Privacy Act 2020.

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

If you send us a submission, we will:

* Consider the submission in our review.
* Keep the submission as part of our official records.

We may also:

* Publish the submission on our website.
* Refer to the submission in our publications.
* Use the submission 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.

If we receive a request under the Official Information Act that includes your submission, we may be required to release it. If you have requested that we not publish your name or other identifying information, we will not release that information under the Official Information Act without consulting with you.

If you have questions about the way we manage your submission, you can contact us at huarahi.whakatau@lawcom.govt.nz

# Key Topic 1: Court-appointed representatives

[*Read Key Topic 1*](https://huarahi-whakatau.lawcom.govt.nz/the-key-topics/#topic-1) *here before completing this section*

In this Key Topic, we ask questions about how the role of court-appointed representatives, like welfare guardians and property managers, could be improved.

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| Q1.1 | In what kinds of situations might a representative be needed?

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| Q1.2 | What factors should a court consider in deciding whether to appoint a representative?

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| Click or tap here to enter text. |

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| Q1.3 | What should a representative consider when working out a represented person’s will and preferences?

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| Click or tap here to enter text. |

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| Q1.4 | When might it be impossible or inappropriate to make a decision based only on a person’s will and preferences?

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| Click or tap here to enter text. |

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| Q1.5 | How should representatives make decisions in these circumstances?

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| Click or tap here to enter text. |

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| Q1.6 | What steps should a representative take when making a decision for a represented person?

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| Click or tap here to enter text. |

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| Q1.7 | How should representative arrangements be monitored to make sure they’re working well?

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| Click or tap here to enter text. |

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| Q1.8 | Is there anything else you would like to tell us about the role of court-appointed representatives?

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| Click or tap here to enter text. |

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# Key Topic 2: Decision-making support

[*Read Key Topic 2 here*](https://huarahi-whakatau.lawcom.govt.nz/the-key-topics/#topic-2) *before completing this section*

In this Key Topic, we ask questions about some ways that the law might address issues with decision-making support.

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| Q2.1 | What barriers prevent people from getting good decision-making support?

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| Q2.2 | What do you think of the options we have identified for improving decision-making support?

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| Q2.3 | Is there anything else you would like to tell us about how decision-making support could be improved?

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| Click or tap here to enter text. |

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# Key Topic 3: Enduring powers of attorney

[*Read Key Topic 3*](https://huarahi-whakatau.lawcom.govt.nz/the-key-topics/#topic-3) *here before completing this section*

In this Key Topic, we ask questions about how enduring power of attorney arrangements (EPOAs) could be improved.

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| Q3.1 | How could the law make it easier to set up an EPOA, while still providing enough protection for people?

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| Q3.2 | What protections are needed once an EPOA is in place to prevent abuse and ensure the attorney performs their role well?

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| Q3.3 | What should an attorney consider when working out a donor’s will and preferences?

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| Click or tap here to enter text. |

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| Q3.4 | When might it be impossible or inappropriate to make a decision based only on a person’s will and preferences?

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| Click or tap here to enter text. |

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| Q3.5 | How should attorneys make decisions in these circumstances?

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| Click or tap here to enter text. |

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| Q3.6 | What steps should an attorney take when making a decision for a donor?

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| Click or tap here to enter text. |

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| Q3.7 | Is there anything else you would like to tell us about EPOAs?

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| Click or tap here to enter text. |

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# Key Topic 4: Practical improvements and court processes

[*Read Key Topic 4 here*](https://huarahi-whakatau.lawcom.govt.nz/the-key-topics/#topic-4) *before completing this section*

In this Key Topic, we ask questions about what changes could be made to systems and processes, including court processes, to address practical issues and help things work better when an adult’s decision-making is affected.

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| Q4.1 | What information and guidance would be helpful?

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| Q4.2 | What options should there be for people to make complaints or raise concerns if things aren’t going well?

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| Q4.3 | How do you think we can improve the way the system works?

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| Click or tap here to enter text. |

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| Q4.4 | What would help make court processes around decision-making arrangements easier to participate in?

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| Click or tap here to enter text. |

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| Q4.5 | Is there anything you else you would like to tell us about how systems and court processes could be improved?

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