

**GOVERNMENT RESPONSE TO
LAW COMMISSION REPORT
ON
Review of Adult Decision-Making Capacity Law**

Presented to the House of Representatives

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Introduction

The Government has carefully considered the Law Commission's report on adult decision-making capacity law.

The Government now responds to this report.

Law Commission Report

The Law Commission's report (the report) focuses on the Protection of Personal and Property Rights Act 1988 (PPPR Act), which is the main statute relating to adult decision-making capacity. The purpose of the PPPR Act is to provide for the protection and promotion of the personal and property rights of adults who are not fully able to manage their own affairs. It provides for enduring powers of attorney and representatives appointed by the Family Court, such as welfare guardians and property managers, to make decisions on behalf of the individual.

Adult decision-making capacity laws have a significant impact on many New Zealanders. Over the next 20 years, the Ministry of Justice expects the largest increase in applications within the Family Court jurisdiction to be PPPR Act applications, due to New Zealand's ageing population (there will be approximately 50% more people aged over 65 in 20 years than there are now).

In July 2019, the then Minister of Justice referred a review of adult decision-making capacity law to the Law Commission. The review included assessing whether the existing framework appropriately balances autonomy and protection. I received the report on 29 January 2026 and tabled it in the House on 24 February 2026.

The Law Commission found multiple issues with the PPPR Act including that:

- it does not adequately recognise the importance of support for people with impaired decision-making
- it does not have a purpose section, which contributes to unclear policy intent and weaker coherence across the decision-making framework
- it contains multiple inconsistent capacity tests and there is weak recognition of supported decision-making
- it is inconsistent with New Zealand's ratification in 2008 of the United Nations Convention on the Rights of Persons with Disabilities (Disability Convention).

The Law Commission makes a total of 175 recommendations. The central recommendation of the report is to repeal and replace the PPPR Act with a new Act.

Recommendations for a new Act seek to emphasise the rights, wishes and values of the adult, centralise the role of decision-making support and strengthen safeguards and oversight of representative and support arrangements.

Response

Use of the PPPR Act reaches a broad cross-section of New Zealanders. There is a real opportunity to make things better for people who need support to make decisions, as well as those who support them.

The Government acknowledges the substantial work that has gone into the Law Commission's report, as well as all those who provided their feedback, experiences and views to the Law Commission.

The Government accepts in principle the Law Commission's central recommendation that the PPPR Act should be repealed and replaced. Reform is needed to achieve a framework that is rights-based and is clearer, more accessible and more proportionate, so that adults who need support to make decisions are not excluded from decisions that affect their lives.

The Law Commission's recommendations are substantial in volume and nature and have many implications. Some of the recommendations raise complex questions about how they would work in practice. Such recommendations include:

- providing for a single public agency to oversee and support decision-making arrangements
- establishing a formal supporter regime to better enable people with affected decision-making to exercise their legal capacity
- creating a new voluntary national register for enduring powers of attorney, maintained by a government entity.

These issues are technically complex, and the recommendations envisage extensive legislative and operational change. Further consideration of the detailed recommendations is needed.

Conclusion

The Government:

- accepts, in-principle, the Law Commission's central recommendation that legislative reform of the PPPR Act is required;
- will need time to work through policy, operational, and legislative implications of the Law Commission's recommendations; and
- intends to commence substantive work on reform of the PPPR Act as a priority next Parliamentary term.