

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

Kaupapa Matua 1: He māngai ka kopoua e te Kōti

Kei roto i tēnei Kaupapa Matua, ka ui pātai mō te mahi o ngā māngai ka kopoua e te kōti, pērā i ngā kaitiaki oranga me ngā kaiwhakahaere taonga whenua, ā, me pēhea te whakapai ake.

Kei Wāhanga 9, 10 me 11 o tā mātou Puka Kaupapa Tuarua te roanga o te tātaritanga mō tēnei kaupapa. Mehemea ka hiahia koe ki te whakautu i ngā pātai āhua āmiki kei roto i te Puka Kaupapa Tuarua, ka kitea he pārongo anō me pēhea te mahi ki [tā mātou paetukutuku](#).

Me pēhea te tuku tāpaetanga

Ka taea te whakamōhio mai o whakaaro mā te tuku mai i tētahi tāpaetanga. Ka katia te wā tono ā te **5 i te ahiahi, ā te Rāmere, te 21 o Pipiri 2024**.

Ka taea e koe tāu tāpaetanga mō ngā Kaupapa Matua te tuku mai mā te:

- Īmēra mai ki: huarahi.whakatau@lawcom.govt.nz.
- Tuhi mai ki: He Arotake i te Ture mō ngā Huarahi Whakatau a ngā Pakeke, Te Aka Matua o te Ture Law Commission, Pouaka Poutāpeta 2590, Te Whanganui-a-Tara 6140.

Ka taea e tō tāpaetanga te urupare ki ngā pātai kei roto i ngā Kaupapa Matua, ka taea rānei te whakaputa i o whakaaro whānui. E pai ana kia tukua ngā tāpaetanga kiritahi, ki te mahi tahi ki ētahi atu tāngata kia tukua tētahi tāpaetanga ā-rōpū rānei.

Mehemea kei te hiahia koe ki te tuku i tētahi tāpaetanga, engari kāore e taea ērā kōwhiringa, whakapā mai ki a mātou mā tētahi o ēnei ara:

- Īmēra mai ki: huarahi.whakatau@lawcom.govt.nz.
- Waea mai ki: 0800 832 526.
- Mehemea he turi koe, āhua turi, turi-kāpō, whaikaha tō reo, ka uaua te kōrero rānei, ka taea te whakamahi i te [New Zealand Relay Service](#).

Tērā pea ka pupuke te kare ā-roto, ka taumaha rānei ki ētahi tāngata te tuku tāpaetanga. Mehemea ka hiahia koe ki te tuku tāpaetanga, tērā pea ka hiahia koe ki te whakarite i tētahi kaiāwhina hei āwhina i a koe. Mehemea e pāmamae ana, e auhi ana rānei koe, ka taea te waea, te pātuhi rānei ki 1737. He ratonga āwhina utukore tēnei, ka taea 24 ngā haora ia rā. Ka āhei koe ki te kōrero, ki te pātuhi kōrero rānei ki tētahi kaiwhakamahereora kua whakangungua. He ratonga tēnei e ratoa ana e Whakarongorau Aotearoa | New Zealand Telehealth Services.

Kua whakatakotoria he pārongo anō mō te tūmataiti me tā mātou whakamahi i ngā mōhiohio ka tuaritua mai e koe ki ngā Ngā Kaupapa Matua: He Puka Mōhiohio, ki [tā mātou paetukutuku](#) hoki.

He aha tēnei mea te māngai ka kopoua e te kōti?

He maha ngā mea ka whakaaweawe i ngā huarahi whakatau o te tangata, tae ana ki te mate wareware, he whara roro, ngā whaikaha ako, ngā wheako auhi hinengaro hoki.

I ētahi wā, ina kua whakaaweawetia te huarahi whakatau o tētahi pakeke, ka kopoua pea e te kōti tētahi atu tangata māna te huarahi whakatau e whiriwhiri mō te tangata. Ka kīia tēnei whakaritenga ko te ‘**māngai ka kopoua e te kōti**’ (ko te ‘māngai’ noa rānei).

Kei te Protection of Personal and Property Rights Act 1988 (te PPPR Act) ngā momo māngai ka āhei i te kōti te kopou. Tae ana ēnei ki:

- Tētahi kaitiaki oranga, e āhei ana te whakatau whakaaro mō te tautiaki me te oranga whaiaro o tētahi tangata. Tae ana tēnei ki ngā mea pērā i te maimoa rongoā, te wāhi noho o te tangata rānei.
- Tētahi kaiwhakahaere rawa, māna e whiriwhiri huarahi whakatau mō ngā rawa o tētahi tangata. Tae ana tēnei ki ngā mea pērā i te pūtea a te tangata, i tētahi whare nōna rānei.

Ka whiriwhiri te kōti ko wai ka tū hei māngai, ā, he aha ngā take mā te māngai e whakatau. Ka auau ko te māngai he whanaunga, he hoa rānei nō te tangata, engari i ētahi wā ka kore e pērā.

Te pupuri i te tūranga o ngā māngai ka kopoua e te kōti

He nui te tautohetohe mō te tūranga o ngā māngai ka kopoua e te kōti.

Kāore ētahi tāngata e whakaae ana ki te whakaaro, mā tētahi atu te huarahi whakatau e whiriwhiri mō te tangata. Ki tō rātou whakaaro, mā te tangata tonu, ōna ake huarahi whakatau e whiriwhiri i ngā wā katoa. Kī tō ētahi atu tāngata whakaaro, he wā anō ka matea he māngai.

Ki tō mātou whakaaro, me tū tonu ngā māngai ka kopoua e te kōti. Ki tō mātou whakaaro i ētahi wā ka matea tētahi atu tangata, māna ngā huarahi whakatau e whiriwhiri mō te tangata.

Hei tauira, kua kaha te mate wareware o te tangata pea, kua pāngia rānei pea e te roro ikura taumaha. He uaua pea te whakamōhio atu i ō rātou hiahia, nō reira ka matea he māngai hei whakamārama atu i ō rātou hiahia. Otirā ka hiahia pea te tangata ki te whakatau whakaaro e tukituki ai ki ētahi atu mea e hiahia ana ia, e whakaputaina ai te otinga mamae rānei. Kāore pea ia i te āta mārama ki ngā tūraru. Ka hiahiatia pea tētahi māngai kia whakaū ai ka whakaata ngā whakatau i ngā hiahia tonu, i ngā āheinga o te tangata e whakaaturia ana.

Heoi anō, ki tō mātou whakaaro, me panoni te ture kia mārama ake ai ina kopoua he māngai, ā, he aha tāna mahi.

Te kopou i te māngai ka kopoua e te kōti

He mana hira te āhei ki te whakatau whakaaro mō tētahi atu tangata. Ki tō mātou whakaaro, me kopou i te māngai ina e tino matea ana. E hiahia ana mātou ki te mōhio ki ngā momo tū āhuatanga e whakaaro ana koe ka matea pea tētahi māngai.

E hiahia ana hoki mātou ki te mōhio he aha ngā āhuatanga hei whakaaroarotanga mā te kōti ina whiriwhiri whakaaro ai kia kopoua he māngai, kāore rānei. Hei tauira, ki tō mātou whakaaro me whai whakaaro te kōti kei te tangata te āheinga huarahi whakatau, kāore rānei. Heoi anō ki tō mātou whakaaro me aro te kōti ki ētahi āhuatanga atu anō, pērā ki te tūraru pāmamae ki te kore te kōti e kopou māngai.

Pātai whakawhitiwhiti:

- **He aha ngā horopaki ka matea pea he māngai?**
- **He aha ngā āhuatanga hei whakaarotanga ake mō te kōti ina whiri whakaaro ki te kopou māngai, kāore rānei?**

Te panoni i te mahi o ngā māngai ka kopoua e te kōti

Kia mōhio ai he āhua ōrite ētahi ihirangi me ētahi pātai kei roto i tēnei wāhanga i ō te wāhanga "Te panoni i ngā mahi o ngā māngai ā-ture" kei Kaupapa Matua 3. He pēnei i te mea, ki tō mātou whakaaro, me rite tonu te tūnga whiriwhiri huarahi whakatau o ngā māngai ā-ture me ngā māngai ka kopoua e te kōti.

E ai ki te ture o tēnei wā, ina whai huarahi whakatau ana, me mahi te māngai hei painga anganui mō te tangata e whakaaturia ana, ā, me tautoko i a rātou ki te hāpai i tō rātou ake āheinga i ngā wā e taea ana. Ko te tikanga, me whakawhitiwhiti kōrero te māngai ki te tangata e whakaaturia ana, rātou ko ētahi atu o ōna tangata hira.

Ki tō mātou whakaaro me panoni te ture kia piki ake te arotahi o te tūnga whiriwhiri huarahi whakatau ki ngā hiahia o te tangata e whakaaturia ana. I ētahi wā e kīia ana he huarahi whakatau tēnei ka ahu mai i 'te mana me ngā kōwhiringa' o te tangata. E hiahia ana mātou ki te mōhio me pēhea te māngai e whai mārama ki te mana me ngā kōwhiringa o te tangata e whakaaturia ana.

Hei tauira, ki tō mātou whakaaro me aro atu te māngai ki ngā kōrero a te tangata e whakaaturia ana mō tētahi whakatauga. Ka hāngai hoki pea te whai whakaaro ki ngā kōrero o mua a te tangata, ngā mea e rata ana me ngā mea hiranga ki a rātou.

Pātai whakawhitiwhiti: He aha ngā take me whai whakaaro te māngai ina whai mārama ana ia ki te mana me ngā kōwhiringa o te tangata e whakaaturia ana?

I ētahi wā e kore pea e taea, e tika rānei te whakatau whakaaro mā te mana me ngā kōwhiringa noa iho o te tangata. Nā te rangirua pea o tō rātou mana whiriwhiri me ōna kōwhiringa mō tētahi whakataunga, hei tauira, tē taea e ia te whakamōhio atu i ōna whakaaro. Tēnā pea he taumaha te tūraru ka tūpono te tangata e whakaaturia ana ki te mamae nā te whakaaro e hiahia ana ia te whakatau.

E aro ana mātou ki tō whakaaro mō te wā tē taea, tē tika rānei te whakatau whakaaro nā runga i te mana me ngā kōwhiringa anake o te tangata. E hiahia ana mātou ki te mōhio me aha i ēnei wā. Ētahi ara ka taea pea e te māngai te whakatau whakaaro i roto i ēnei tū āhuatanga ko ēnei pea:

- Kia hāngai ki ngā tika tangata o taua tangata.
- Kia hāngai ki te oranga whaiaro, oranga pāpori hoki o te tangata.

Pātai whakawhitiwhiti:

- **Āhea te wā e kore pea e taea, e tika rānei te whakatau whakaaro nā runga i te mana me ngā kōwhiringa noa iho o te tangata?**
- **Me pēhea te māngai e whiri huarahi whakatau i roto i ēnei tū āhuatanga?**

He mea hira hoki kia whai tukanga mahea te māngai i a ia e whiriwhiri ana i te huarahi whakatau mō te tangata e whakaaturia ana. Tae ana tēnei ki te kōrero ki te tangata e whakaaturia ana me ētahi atu o ōna tāngata hira, ā, kia whai whakaaro ki ngā tautoko e matea ana kia whai wāhi te tangata e whakaaturia ana ki te whiriwhiri i te huarahi whakatau. Tēnā pea kua kōrero kē te tangata e whakaaturia ana mō te huarahi whakataunga, te hunga ka uia rānei e hiahia ana ia.

Pātai whakawhitiwhiti: He aha te raupapa mahi me whai te māngai ina whiri huarahi whakatau ia mō te tangata e whakaaturia ana?

Ko te arotake i ngā whakaritenga mō te māngai kua kopoua e te kōti

He mea matea te āta tiroiro ki te rere o ngā whakaritenga māngai. He mea whakaū tēnei e tino pai ana te mahi a te māngai, ā, e whakaea ana te whakaritenga i ngā matea o te tangata e whakaaturia ana. I tēnei wā, ko te tino momo tiroiro ko te arotake o te kōti i te whakaritenga i ia ruarua tau.

Me tuku hoki ngā tāngata ki te whakamōhio take mehemea kāore e tika ana te mahi a te māngai. I tēnei wā ko te ara matua ki tēnei, ko te haere ki te kōti.

He mea waiwai te kimi i te taurite; kia pai ai te aroturuki, engari kia kua hoki e kaha te uru a te kōti ki ngā whakahaere o ia rā o te tangata. He hira te arotake o te kōti kia kite e pai ana te mahi o ngā mea katoa, engari he nui te utu, te tāmi me te whakapau wā.

E hiahia ana mātou ki te mōhio me pehea te whakapai ake i te tiroiro o te kōti, ā, mehemea he ara anō kia pai ai te tiroiro i ēnei whakaritenga.

Pātai whakawhitiwhiti: Me pēhea te aroturuki ritenga māngai kia whakaū ai e pai ana te mahi?

He kōrero anō e hiahia ana koe te tuku mai?

Pātai whakawhitiwhiti: He take anō e hiahia ana koe te whakamōhio mai mō te mahi a ngā māngai ka kopoua e te kōti?