

Media Release

6 October 2021

Kaikōmihana | Commissioner, Geof Shirtcliffe

Te Aka Matua o te Ture | Law Commission

Law Commission to review the law relating to adult decision-making capacity

Te Aka Matua o te Ture | Law Commission has launched a review of the law relating to adult decision-making capacity and published the Terms of Reference that will guide this review: *He Arotake i te Ture mō ngā Huarahi Whakatau a ngā Pakeke | Review of Adult Decision-Making Capacity Law* (Ngā Huarahi Whakatau).

The Law Commission will consider how issues relating to adult decision-making capacity should be regulated in Aotearoa New Zealand. In particular, it will consider whether our laws strike an appropriate balance between enabling people to make decisions about



their own lives (including with appropriate support from whānau, family, caregivers, professionals or the wider community), and safeguarding people from harm.

Geof Shirtcliffe said:

“The law relating to adult decision-making capacity covers a wide variety of decisions we may all face over the course of our lives. This law affects a significant range of people, and particularly affects disabled communities.”

“Key law in this area hasn’t been reviewed in decades. There have been significant developments in this time. Our attitudes towards disability have shifted, and Aotearoa New Zealand has committed to implementing the United Nations Convention on the Rights of Persons with Disabilities. In addition, as our population ages an increasing proportion of New Zealanders will require support to make decisions about their lives. Further, our law may not be compatible with perspectives from te ao Māori, te Tiriti o Waitangi and the rights of tāngata whaikaha Māori (Māori disabled people), their whānau, hapū, and iwi.”

The Law Commission will conduct public consultation in 2022. In addition, it will work with disabled people and their representative organisations to facilitate



accessible consultation processes and maximise the participation of those individuals and communities most directly affected by the law relating to adult decision-making capacity.

The Commission intends to report to the Minister of Justice by the end of 2023.

- ENDS -

Contact information:

This media release and a copy of the Terms of Reference for the Review of Adult Decision-making Capacity Law is available from our website at huarahi-whakatau.lawcom.govt.nz

For further information and comment, contact:

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Background: the Law Commission's role

Te Aka Matua o te Ture | Law Commission is an independent, publicly funded agency that provides law reform advice to the Government.

This makes it different from other state sector agencies. The Government does not direct how we carry out our work or the recommendations we make.

We approach each law reform task with an open mind, undertake engagement and consultation, and consider the broader policy context.

We then make recommendations to Government to improve the law. These recommendations are published in a report to the Minister of Justice.

The Minister must present our report to Parliament. The Government decides whether and how it will change the law.

More information can be found at:

www.lawcom.govt.nz

