



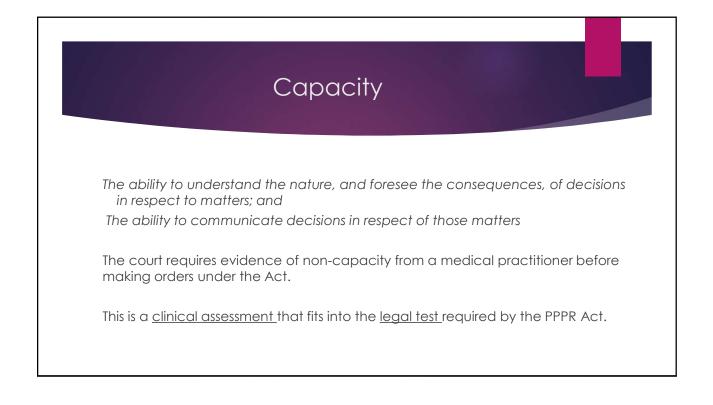
Article 12 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) says:

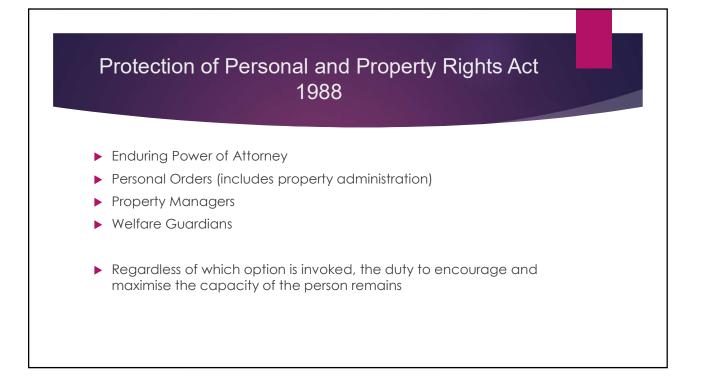
- > People have the right to make decisions affecting their life
- ▶ People are entitled to appropriate support when making decisions
- In NZ, the relevant law is the Protection of Personal and Property Rights Act (1988)

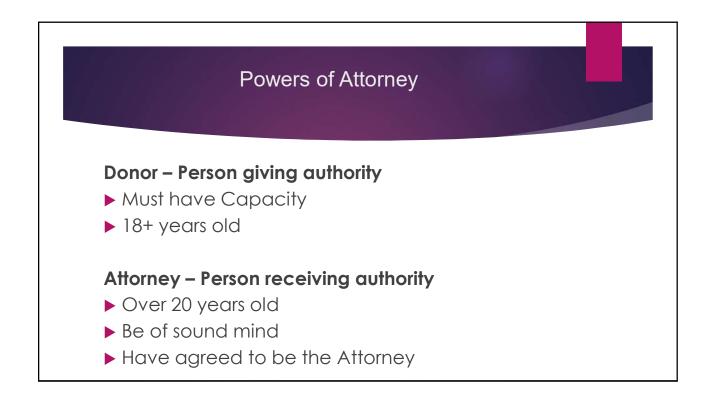
The Protection of Personal and Property Rights Act 1998

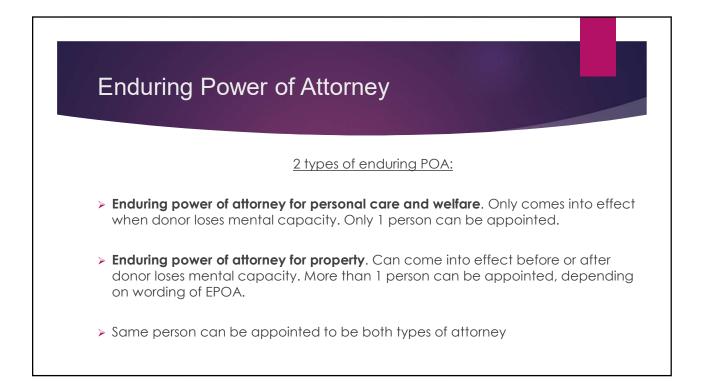
Provides for the protection and promotion of the personal and property rights of people not fully able to manage their own affairs.

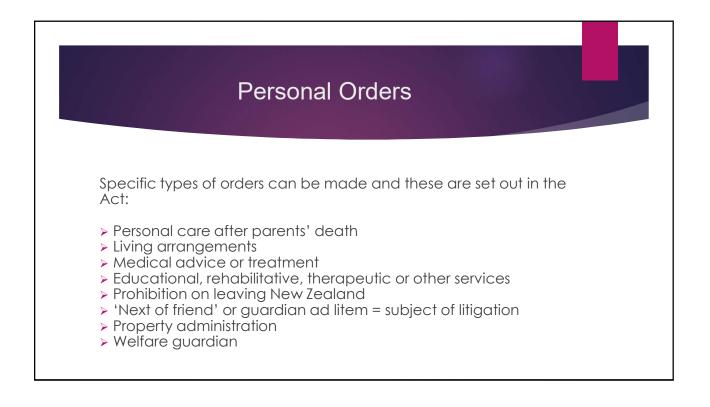
- **Presumption of competence** it has to be proven that the person lacks capacity, rather than the other way round.
- Make the **least restrictive** intervention possible in the life of the person.
- To enable or encourage that person to exercise and develop such capacity as he or she has to the **greatest extent** possible.
- Actions are to be in best interests of person subject to order











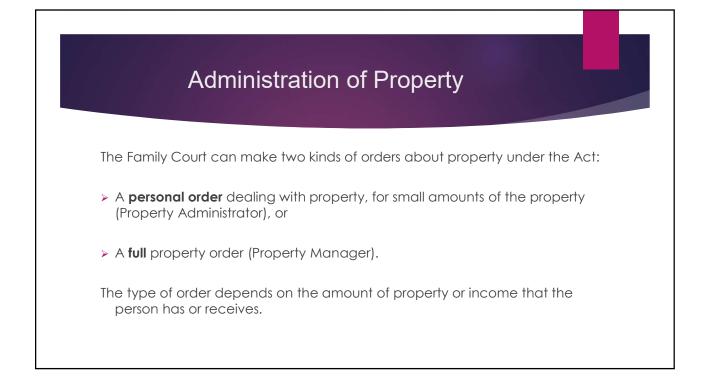
Welfare Guardians

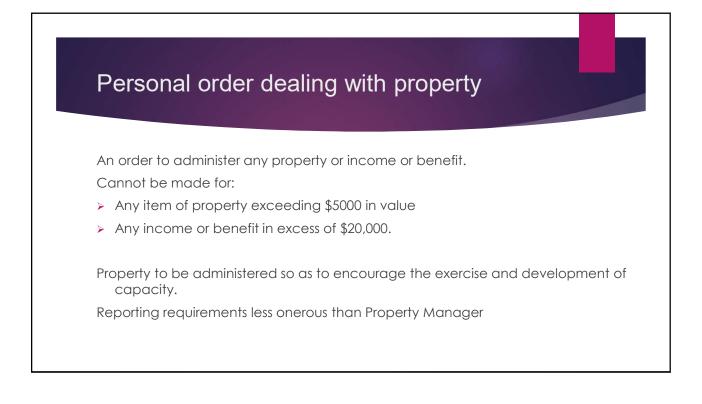
- The right and responsibility to make decisions about the personal care and welfare of another person
- > Appointed by the Family Court as a type of Personal Order
- Only one person can be appointed (unless exceptional circumstances)
- Renewed every three years (unless exceptional circumstances)
- This is an appointment of "last resort" if there is a short term problem the Court will prefer to make other personal orders to deal with the problem rather than appointing a welfare guardian.
- Because the welfare guardian totally takes over decision making this is seen as the most restrictive order possible.

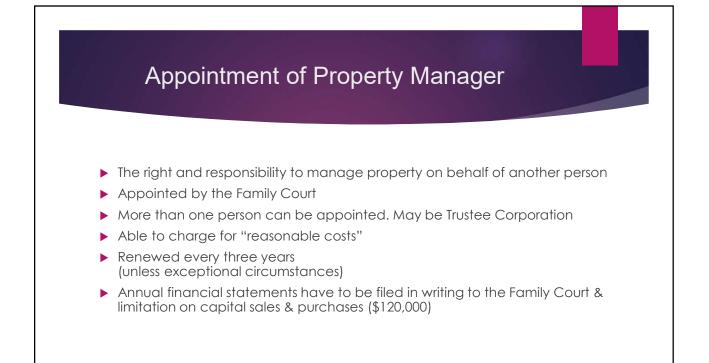
most resinctive order possible.

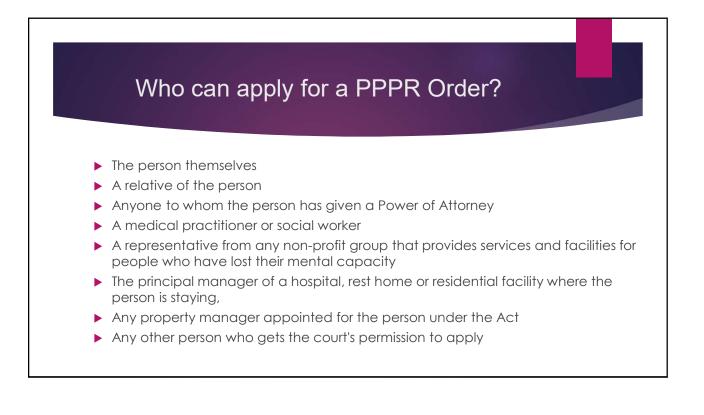
Limitations on Actions – Care and Welfare

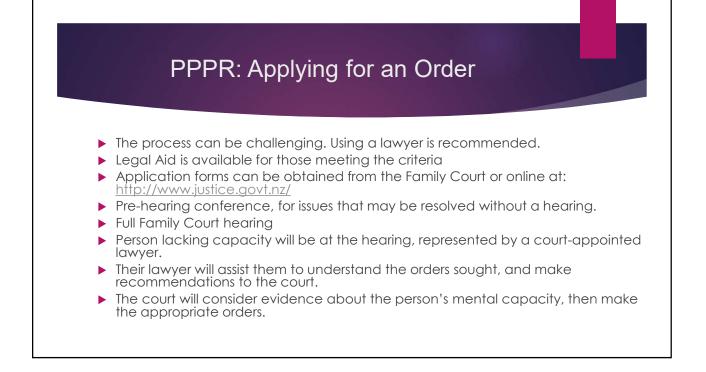
- No power to:
 - Make decisions about the person relating to entering or dissolution of marriage or civil union
 - Make decisions about the adoption of any children of the person
 - Refuse consent to life saving treatment (includes making DNR requests)
 - Consent to ECT or brain surgery for behaviour modification
 - Consent to experimental treatment except for life-saving purposes
 - Request assisted dying for the person
 - Applies even if person has an Advance Directive











PPPR Orders – Review of orders

- Section 86-87 PPPR Act review of orders
- Section 89 review of decisions of WG or PM
- Section 103 review of decisions by Attorney
- Who can apply to the court for review?
 - The person
 - The Welfare Guardian or Property Manager
 - Any other person with leave of the court

Disclaimer

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