****

**Ko te arotakenga o Te Ture Toihau Hauora, Hauātanga 1994 me te Tikanga o ngā Mōtika Kiritaki mō ngā Ratonga Hauora, Hauātanga**

**He Tuhinga Uiui**

**Āperira 2024**

Tuia tō mana kia māia

Tuia tō mauri kia mau

Horahia te mātauranga

Kia puta ko te māramatanga

E kotahi ai te wairua

Kia tipu, kia hua, kia puāwai ngā mahi

Haumi e, hui e,

Tāiki e!

Retain and hold fast to your mana, be bold, be brave

Be widespread with knowledge to empower understanding

By working together, we will grow, flourish, prosper

Join all together, bind all together, let it be done!

**Ngā Ihirangi**

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# He kupu whakataki a Te Toihau

Korihi te manu

Tākiri mai te ata

Ka ao, ka ao, ka awatea

Tīhei mauri ora!

E ngā mana, e ngā reo, e ngā karangaranga maha huri noa o Aotearoa nei, tēnā koutou, tēnā koutou, tēnā koutou katoa. E rere atu ana ngā mihi aroha ki te hunga kua riro atu ki te pō, te tini me te mano kua tīraha ki ngā marae maha, moe mai rā koutou. Hoki mai anō ki a tātou ngā urupā o rātou mā, mauri ora ki a tātou.

Nō reira, tēnā anō tātou katoa.

Nōku te hōnore kia riro mai āu whakahokinga whakaaro hei whakapai ake i te Ture Toihau Hauora, Hauātanga 1994 (Te Ture) me te Tikanga o Ngā Mōtika Kiritaki mō ngā Ratonga hauora, hauātanga (Te Tikanga).

He mea nui ēnei ture. Te katoa o ngā tāngata o Aotearoa ka whai wāhi atu ki ngā ratonga hauora i ngā tini wāhi puta noa i tō rātou oranga, ā, e āhua 45,000 hoki ngā tāngata ka whai wāhi atu ki ngā ratonga hauātanga. Mā Te Ture te tari o Te Toihau Hauora, Hauātanga (HDC) e whakatū, ā, mā Te Tikanga ōu mōtika mō te whakamahi ratonga hauora hauātanga e whakatakoto. Hui tahi ka whakatikatika i te korenga e ōrite te mana i waenga i te tangata me ngā kaiwhakarato o ngā ratonga, ka mutu, me noho ko te tangata ki te pūtahi o te manaakitanga. Ka tautoko ēnei ture i te tangata kia mōhio rātou ki ō rātou mōtika, ā, kia whai reo hoki rātou ina hē haere te ao. He haepapa hoki tā ngā ture mā tētahi huarahi tuku amuamu, me te whakapai ake i te ratonga tautoko mā te ako mai i ngā amuamu.

Ko te tau 2024 nei e tohu ana i te 30 tau mai i te whakamanatanga o Te Ture. Rua tau mai i whakaritea he hukihuki o Te Tikanga. Ka haere te wā ka piki ake te wero ki ngā ratonga hauora, ratonga hauātanga, me tino kaha te whakatairanga ake, te tiaki hoki te HDC me Te Tikanga i ngā mōtika a ngā tāngata e whai wāhi atu ana ki ngā ratonga.

I te whakaritenga o tēnei arotakenga, i rongo mātou ko te tima i ngā whakaaro o te tini mātanga hauora, hauātanga hoki kei te āhua pai te haere tahi o Te Ture me Te Tikanga. Heoi anō, i rongo hoki mātou ka nui atu te whaihua o ētahi tāngata me ētahi rōpū i ō ērā atu i ēnei ture, ka mea mai hoki, kia whakahoungia hei urupare atu i ngā matea o ngā tāngata katoa o Aotearoa, te mea ai hoki ko ngā Māori me ngā tāngata whaikaha. I rongo hoki mātou me whakahou mai Te Ture me Te Tikanga hei urupare mai i te panoni o ngā ratonga hukihuki, ā, kia whakaata mai i ngā wawata o nāianei hei whakatatū amuamu, tae atu hoki kia whakaritea he huarahi kia noho ko te tangata te pūtahi o te whakatatū amuamu, ka mutu, kia piki ake te wero ki a te HDC me ōna whakataunga.

I tēnei tuhinga kei te rapu whakaaro mō ngā panoni paku o Te Ture me Te Tikanga, mōku ake kia tino rerekē te whakatairanga ake me te tiaki mai o ngā mōtika o ngā tāngata katoa o Aotearoa. Ko ngā huatau kua puta mai kia whānui atu te kupu matua o Te Ture hei tautoko i te tukanga amuamu ko te tangata te pūtahi; kia uru mai te tikanga ki Te Tikanga; kia whakakaha ake i te mōtika e tautokona ai te mahi whiriwhiri; ā, kia para he huarahi ā-ture nei kia arotakengia ngā whakataunga te HDC o roto o Te Ture.

Nau mai ōu whakaaro, āu whakahokinga kōrero, mō ngā take me ngā huatau e takoto ana i tēnei tuhinga, me ētahi atu whakaaro mō te pēhea mātou e whakapai ake ai i Te Ture me Te Tikanga me te whakamahia. Ka tīkina āu whakahokinga kōrero hei whakatinana i taku pūrongo ki te Minita Hauora, hei tautoko hoki kia kounga te mahi whakapai.

Nau mai ōu whakaaro.

Ngā mihi nui

**Morag McDowell**

Toihau Hauora, Hauātanga

# He whakamihi

Hei whakarite i tēnei tuhinga ka mihi nui atu te HDC ki ngā tini wānanga, ngā tini hui i tū, me ērā atu whakaaro o ngā kiritaki, ngā kaiwhakarato me ngā kaitātaki rāngai, ngā umanga kāwanatanga, me te arotakenga, whakamahi hoki anō hoki o te reo Māori.

E aronui ai te arotakenga nei ki ngā take matua ki te nuinga o ngā tangata, i tuhi reta mātou ki ngā rōpū 49 me ngā takitahi e mea nei he aha ā mātou mahi e haere pai ana, he aha ngā mahi kāore e pai te haere, he aha hoki ngā mahi hei whakapai ake. I riro mai ngā urupare 30. Nā reira, tēnā koutou.

Kātahi ka hōhonu iho te kōrero tahi kia mārama pū ki ngā take hei whakarite huatau mō te whakahokinga kōrero a te marea nā tō te rāngai mātauranga i whāngai. Ina koa, ka mihi nui ki ngā rangatira me ngā kaitātaki o ngā rāngai hauora, hauātanga nāna nei tō rātou mātauranga me ā rātou kupu i takoha mai mō te tikanga me ngā wheako, ngā wawata hoki o te Māori hei tārai i te **Kaupapa 2:** **Kia whakaritea Te Ture me Te Tikanga kia mauritau atu, kia urupare atu hoki ki ngā matea o te Māori**. He whakamihi kai atu ki a Tā Mason Durie rātou ko Meihana Durie, ko Maaka Tibble, ko Kahurangi Naida Glavish, ko Moe Milne, ko Keri Opai, ko Tākuta Claire Charters, ko Tākuta Maria Baker, ko Tākuta Huhana Hicky, ko Graham Bidois-Cameron, ko Gloria Sheridan, ko Angie Smith, ko Tania Miri Noa, ko Joanne Henare, ko Kerri Nuku. Ka whakamihi atu hoki ki ngā kaituhi o te Anga Āta Tātari Tiriti (Critical Te Tiriti Analysis) e hāngai ana ki tēnei mahi.

He mihi atu anō hoki ki ngā Kaitātaki wheako whaiaro nāna nei tō rātou mātauranga me ā rātou kupu i takoha mai mō te tikanga me ngā wheako, ngā wawata hoki o te Māori hei tārai i te **Kaupapa 1: Te tautoko kia pai ake te whakatatū amuamu, kia mana taurite hoki,** me te **Kaupapa 3: Kia tika Te Ture me Te Tikanga mō ngā tāngata whaikaha**. Ka mihia te Rōpū Tohutohu Kiritaki a HDC; ngā kaiuru ki ngā awheawhe hauātanga (tae atu ki a Jordan Milroy, rātou ko Joanne Dacombe, ko Grace Lee, ko Oliver Halford, ko Zandra Vaccarino, ko Rachel Noble, ko Kim Robinson, ko Anne Wyrill, ko Rebekah Graham, ko Jenna Maguren, ko Esther Woodbury); tā Te Tāhū Hauora Kōtuinga Kiritaki; te Kōtuinga Mātauranga Wheako Whaiora; te Rōpū Arataki Wara Kiritaki; te kōtuinga kaitohuora whānau; family and whānau advisors network; me te Tōpūtanga o ngā Kaitohuora o te Ratonga Hauora Hinengaro. Me mihi hoki ki a Tākuta Brigit Murfin-Veitch rātou ko Iris Reuvecamp ko Erika Butters mō tō rātou mātauranga me ā rātou tohutohu mō ngā Kaupapa 1 me 3.

He mihi hoki tēnei nā mātou ki ngā kaiwhakarato, ngā kiritaki me ērā atu kaitātaki rāngai i tae atu ai ki ngā hui hei tārai i te **Kaupapa 1: Te tautoko kia pai ake, kia mana taurite hoki** **te whakatatū amuamu,** me te **Kaupapa 5: Kia whakaaro kōwhiringa mō tētahi mōtika hei pīra i ngā whakataunga a HDC**. Ko Tui Taurua, rātou ko Sue Claridge, ko David Dunbar, ko Edna Havea, ko Sam Powell, ko Danae, ko Tākuta Tristram Ingham, ko Ann Buckley, ko Alison Eddy, ko Martin Thomas, ko Dianne Black, ko Rebekah Graham, ko Gabriel Lau, ko Renate Shütte, ko Charlotte Korte, ko Ahorangi Jo Manning, te Poari Tiaki Kaitautoko ā-Motu me ngā kaitautoko.

Ka titiro whakamua kia haere tonu te kōrerorero me koutou mā te uiui ā-tūmatanui nei hei tautoko i a te HDC ki te whakawhanake tohutohu ki te Minita Hauora.

# He Kupu Whakataki

I tēnei wāhanga ka whakatakotoria he tūhura whānui:

* Te whāinga o tēnei tuhinga uiui
* Me pēhea koe e tuku kōrero mai
* Te huarahi atu
* Ētahi atu mahi hāngai.

## Te whāinga o tēnei tuhinga uiui

Ko tā tēnei tuhinga uiui he whakarato mōhiohio hei āwhina i a koe ki te tuku tāpaetanga mō te arotakenga o te Ture Toihau Hauora, Hauātanga 1994 (Te Ture) me te Tikanga o ngā Mōtika Kiritaki mō ngā Ratonga hauora, hauātanga (Te Tikanga). He tuhinga whakarāpopoto uiui me ngā tūmomo reo kei tō mātou pae ipurangi: <https://review.hdc.org.nz>.

Mā te ture me auau te arotake e Te Toihau Hauora, Hauātanga (HDC) Te Ture me Te Tikanga me te tohutohu atu ki te Minita Hauora he aha ngā panoni me mahi.

He huarahi wātea tō ēnei arotakenga kia tika tonu Te Ture me Te Tikanga hei whakatairanga ake me te tiaki i ngā mōtika o ngā tāngata katoa o Aotearoa e whai wāhi atu ana ki ratonga hauora, hauātanga.

E rima ngā kaupapa o tēnei tuhinga uiui e whakaaro nei mātou ki ngā wāhi o Te Ture me Te Tikanga ka taea te whakapai ake. Ko ēnei:

* Te tautoko kia pai ake te whakatatū amuamu, kia mana taurite hoki;
* Ka whakaritea Te Ture me Te Tikanga kia mauritau atu, kia urupare atu hoki ki ngā matea o te Māori;
* Kia tika Te Ture me Te Tikanga mō ngā tāngata whaikaha;
* Kia whakaaro kōwhiringa mō tētahi mōtika hei pīra i ngā whakataun a HDC; me ngā
* He whakapai itinga, mea hangarau hoki.

Hei āwhina i a mātou ki te tautohu me te whakawhanake i ēnei kaupapa mō ngā whakaaro o te marea, ka kōrero tahi me te matahuhua o ngā rōpū me te takitahi.

Huri noa, i rongo mātou mō te pai haere o Te Ture me Te Tikanga, engari he āwangawanga tonu mō te takaroa o te whakatatūnga amuamu, ā, ka whaihua ētahi i raro i Te Ture me Te Tikanga engari ētahi atu e kore. I kī mai kaitātaki Māori me whakaata mai Te Ture me Te Tikanga i ngā kaupapa e mātuatua ana ki a te Māori, tae atu ki te whakamana i Te Tiriti o Waitangi. I kī mai a ngā tāngata whaikaha kia kaha atu Te Ture me Te Tikanga e whai wāhi ai ki ngā tukanga ratonga, tukanga tuku amuamu me te tautoko atu i a te HDC kia mau tonu kia aro atu ki ngā wheako o ngā tāngata whaikaha i te wā e whai wāhi ana ki ngā ratonga hauora, hauātanga. Ka mōhio hoki ki te hiahia kia whakahoungia Te Ture me Te Tikanga kia hāngai ai ki te pūnaha hauora, hauātanga e tipu haere ana, ngā ture hou me ngā kawatau o nāianei mō te whakatatū amuamu.

Ahakoa kāore pea tēnei tuhinga e titiro ana ki ngā take katoa i hāpaingia ai e ngā kiripānga ko tāna kē he para huarahi mā ngā tāngata kia tukua mai ā rātou tūhura me ngā huatau hei whakapai ake i Te Ture me Te Tikanga.

## Me pēhea koe e tuku kōrero mai

Mō ia kaupapa i tēnei tuhinga uiui, ka ui atu mātou mō ōu whakaaro:

* Mehemea kua puta i a mātou ngā take matua hei whakaaro mā tātou;
* Mō ō mātou huatau hei panoni i Te Ture me Te Tikanga me ngā pānga matareka, matakawa rānei; ā,
* Mō ētahi atu panoni hei whakaaro mā mātou.

Kei a koe te tikanga mō te whakautu pātai. Kei Āpitihanga 1 ngā pātai uiui katoa i te wāhi kotahi.

Ka taea e koe te tuku whakaaro mā ēnei huarahi:

* Whakaoti i tā mātou rangahau tuihono ki <https://review.hdc.org.nz>;
* Tīkina ake i te rangahau i <https://review.hdc.org.nz> me te tuku mai ki review@hdc.org.nz ki te Pouaka Poutāpeta 1791, Tāmaki Makaurau, 1140; ā,
* Tukua mai ōu whakaaro mā te īmēra o runga ake te poutāpeta rānei.

**Ko te rā katinga mō te tuku whakaaro ko te 5 karaka o te ahiahipō, Wenerei, te 31 o Hūrae, 2024.**

He kōrero atu anō mō te uiui me ngā hui uiui kei tō mātou pae ipurangi: <https://review.hdc.org.nz>. Mehemea he pātai āu ka taea e koe te tuku mai mā te:

* Īmēra review@hdc.org.nz;
* Waea mai, pātuhi mai rānei ki 027 283 2219, ki +64 4 897 5955 rānei. Kua rēhitatia tēnei nama ki te Ratonga New Zealand Relay: [www.nzrelay.co.nz](http://www.nzrelay.co.nz); ā,
* Waea utukore 0800 11 22 33, Mane ki te Paraire 8.30 i te ata ki te 6.00 i te ahiahipō, hei whakarite i tētahi hui ā-waea me te tima arotakenga.

## Te Ture Mōhiohio Ōkawa

Kia maumahara, ko ōu whakaaro ka tukua mai he mōhiohio ōkawa i raro i te Ture Mōhiohio Ōkawa 1982 (OIA). Ka tonoa pea ōu whakaaro i raro i te OIA, ā, ka hiahia pea kia tukua atu.

Mehemea kei āu whakahokinga kōrero he mōhiohio me tāpui, tēnā, me āta whakamōhio mai he aha taua mōhiohio me te take kia tāpuitia. Ko ngā tono kia tāpuitia ētahi mōhiohio nō te matatapu ka whakaarohia ki tā te OIA e kī ai. Ko te mōhiohio hauora whaiaro e mōhiotia ai he tangata ka tāpuitia nā te matatapu, te rauangi o tēnei mōhiohio.

## Kupu hukihuki e whakakaha ai i ngā huatau mō Te Tikanga

Ko Te Ture e kī ana me uiui mātou i ngā kupu hukihuki mō Te Tikanga. Kei Āpitihanga 2 he tauira mō te whakahou kupu o Te Tikanga hei whakapai ake i ngā huatau o tēnei tuhinga. Ka taea e koe te tuku whakaaro mō te whakahou i Te Tikanga ka urupare mai koe ki ā mātou nei pātai.

He mea nui kia māmā ngā kupu o Te Tikanga, kia mārama hoki. Me mōhio te tangata ki ōna mōtika, ā, me mārama ngā kaiwhakarato ki ā rātou kawenga. Me ngāwari te whakahāngai inga mōtika kia urupare atu ki ngā āhuatanga, ngā uara, me ngā whakaaro ahurea o ngā tāngata e whai wāhi atu ana ki ngā ratonga, inā hoki ko ngā paerewa tika o roto i ngā umanga rerekē, me ngā tūmomo rongoā. Mā te ngāwaritanga ka hāngai ōrite Te Tikanga ki ngā tāngata katoa ahakoa ko wai, ahakoa nō hea me te mea nei ka rite mai kia huri nō roto mai i ngā rāngai hauora, hauātanga.

## Te huarahi atu

Mā āu whakahokinga kōrero mātou e āwhina kia tuhia he pūrongo ki te Minita Hauora e tohutohu ana i ngā panoni ki Te Ture me Te Tikanga. Ka mahi tahi tonu mātou me ngā rāngai hauora, hauātanga hei whakarite i tēnei pūrongo, me te mōhio hoki kei a te HDC te kupu whakamutunga.

Me tuku tā mātou pūrongo ki te Minita Hauora a mua mai o te 20 o Tīhema 2024. Me tāpae e te Minita he kape o tā mātou pūrongo ki te Paremata o roto mai i te 12 ngā rangi o te rirohanga mai. Ka hoatu hoki e mātou he pūrongo ki te Minita o ngā Take Hauātanga me te whakaputa i te pūrongo me te whakarāpopototanga o ngā tukunga whakaaro ki tō mātou pae ipurangi. Kei te Minita Hauora me te Kāwanatanga te tikanga kia whakatinana i aua tohutohu.

Ahakoa ko te tino take o tēnei arotakenga he panoni ture, ka mōhio hoki mātou ka whakapai haere i ngā mahi mā te panoni i ā mātou ake mahi. Ka tuari atu i tāu whakahoki whakaaro mō HDC me ngā take pūnaha whānui ki te Minita Hauora i tā mātou pūrongo, o roto i a HDC, ki ngā kaitātaki rāngai hoki hei tautoko i te kounga o te mahi whakapai.

## Ētahi atu mahi hāngai

I a mātou e arotake ana i Te Ture me Te Tikanga, ka whakaaro mātou ki ētahi atu mahi hāngai me ngā panga pea o tēnei kaupapa. Tae atu ki:

* Tā Te Aka Matua o te Ture arotakenga ture āheinga-whiriwhiri a te pakeke; me te pepa rangahau *He Poutama* e tūhura ana i te tikanga Māori me tōna wāhi ki tō Aotearoa aroaro whenua ture;
* Te Rautaki Hauātanga o Aotearoa 2016–2026 me te Rautaki Hauora Tārewa o ngā Tāngata Hauā 2023;
* Te mahi a Te Manatū Hauora hei whakakore i te Ture Hauora Hinengaro (Aromatawai me te Rongoā) 1992; me te arotake i te Ture Matatau o ngā Mātanga Hauora 2003;
* Te arotakenga a Te Mana Mātāpono Matatapu ki te tūmataiti o ngā tamariki;
* Te Pakirehua a Te Kōmihana a te Karauna ki te mahi tūkino o roto o tā te Kāwana Manaakitanga;
* Te Pire Whai Wāhi mō ngā tāngata katoa o Aotearoa; me
* Ngā wānanga a Whaikaha: Te Reo Tipu me te Haumaru.

E mōhio pai ana mātou ki ngā mātāpono o te rāngai hauora o te Ture Pae Ora 2022 (Ture Pae Ora) me tana kaupapa, arā, –

* Kia tiaki, kia whakatairanga, kia whakapai ake hoki i te hauora mō ngā tāngata katoa o Aotearoa; ā,
* Kia whakatutuki mana ōrite i ngā hua hauora i waenga i ngā rōpū taupori o Aotearoa, tae atu ki te whakakore i ngā rerenga kētanga hauora, inā hoki mō Māori; ā,
* Ahu atu ki Pae Ora mō ngā tāngata katoa o Aotearoa.

Ka whakarato anō hoki te Ture Pae Ora i tētahi tikanga wawata o ngā kiritaki, e whakahaeretia ana e Te Tāhū Hauora, tērā e tautoko ana i te mahi tahi ki ngā kiritaki me ngā whānau i roto i te rāngai hauora, kia rongohia hoki te reo o ngā kiritaki me ngā whānau.

#

# Ngā kupu ka mahia i tēnei tuhinga

I tēnei wāhanga ka whakamārama atu i ngā kupu mātuatua me ngā aria ka mahia i tēnei tuhinga. Ina tika ana, ka tāpirihia he whakamāoritanga mō ngā kupu Māori i te taha o ngā kupu Pākehā. Ka meatia he ‘|’ mō te reo Māori me ngā kupu Pākehā ōrite.

**Ngā kaitautoko me te Ratonga Tautoko**

Ko tā ngā Kaitautoko o ngā kiritaki o ngā ratonga hauora, hauātanga (Kaitautoko) he mahi ōkawa no roto mai i Te Ture ki te whakatairanga i Te Tikanga me te tautoko i ngā tāngata e whakamahi ana i ngā ratonga hauora, hauātanga. Ko tā ngā Kaitautoko e mahi ana o roto mai i te Ratonga Tautoko Hauora, Hauātanga ā-Motu (Ngā Kaitautoko) he ārahi me te tautoko i ngā tangata kia whakaputa whakaaro rātou mō tā rātou e hiahia ai, kia kōrero tōtika atu hoki ki ngā kaiwhakarato i ō rātou āwangawanga e pā ana ki te whakatatū amuamu.

**Kiritaki**

Ko te kupu ‘kiritaki’ i tēnei tuhinga he tangata e whai wāhi ana ki tētahi ratonga hauora, tētahi ratonga hauātanga rānei, ngā mea e rua rānei.

Ko te kupu ‘kiritaki’ he ingoa ka mahia i tā mātou Ture, me ērā atu ture e hāngai ana ki te hauora me te hauātanga.

Mōhio ana mātou kāore e pai tēnei ingoa ki ētahi. Ina kāore he take kia mahia tēnei ingoa ka kī kē mai he tangata e whai wāhi ana ki ngā ratonga me ētahi atu ingoa pērā i te tāngata whaikaha me te tāngata whai ora (titiro ki raro).

Mōhio ana hoki mātou ka pai kē ki ētahi tāngata me ētahi ahurea te whiriwhiri ā-whānau, ā-rōpū engari anō te whiriwhiri takitahi. Mā Te Tikanga ka whakamana i te tangata hei whiriwhiri manaakitanga, ko wai o tō rātou whānau, ā wai ake rānei hei tautoko i a rātou i te wā e pāhekoheko ana ki ngā ratonga hauora, ratonga hauātanga me te āhua o taua tautoko. Ko te ariā whānau kua whakamārama mai i raro nei, ā, ka tūhura anō hoki i ta **Kaupapa 1** tūtohi **c. Te mahi a te whānau**.

**Ko te amuamu**

Kei Te Tikanga te mōtika hei tuku amuamu mō ngā ratonga hauora, hauātanga. Ka whakatakotoria he wawata mā ngā kaiwhakarato hei urupare atu ki ngā amuamu. Kei Te Ture ngā wawata mā HDC hei urupare atu ki ngā amuamu.

Ko te amuamu he pōuritanga nō tētahi tangata ki tētahi ratonga hauora, ratonga hauātanga rānei me te hiahia kia kōrero, ā, ka hiahia urupare hoki. He rerekē te amuamu i te whakahoki kōrero, i te whakaputa āwangawanga rānei, i te mea, me whai whakatatūnga ki tā Te Tikanga me Te Ture e kī ai.

**CRPD**

Ko te Kawenata a te Kotahitanga o Ngā Iwi o te Ao mō ngā Mōtika Tāngata Whaikaha (CRPD) he tiriti mōtika tangata. Ko tāna he tautohu hei whakakore i ngā taupā pāpori, taupā ā-tinana e aukati ana i a ngā tāngata whaikaha ki te ao. Ko tēnei tauira ā-pāpori, tauira mōtika ā-hauātanga nei ka uru ki roto ko ngā tāngata e whai wheako whaiaro ki te auhi ā-hinengaro me te pāmamae rānei nō te raukoti tāmeha, te petipeti rānei.

**Hauātanga**

Ka whakamahia e mātou tā te Rūnanga Whakakotahi i Ngā iwi o te Ao tautuhi mō te hauātanga, arā, ‘ko ngā tāngata kua roa nei e noho waimaero ana ā-tinana, ā-hinengaro, ā-mōhio, ā-tairongo, ā, ina pāhekoheko ana ki ngā tini taupā, ka whakararu i tā rātou āhei ki te uru i te pāpori pērā i ērā atu tangata’. I tēnei horopaki, ko te hauātanga e kauawhi ana i ngā tāngata whai wheako whaiaro ki te auhi ā-hinengaro me te pāmamae rānei nō te raukoti tāmeha, te petipeti rānei.

Ko te wheako hauātanga ka aweawetia e te āhua o tō te tangata waimaero. Ko tō te takitahi wheako hauātanga ka aweawetia pea e ngā āhua pērā i te ira tangata, te pakeke, te mātāwaka, te ahurea rānei.

**Āheinga-whiriwhiri, me te whiringa pātahi**

I tēnei wā ka mahi Te Tikanga i te kupu ‘matatau’, me te kupu ‘matatau-kore’ hei whakaahua i te āheinga o te tangata kia mārama ki te mōhiohio, kia whiriwhiri pai i runga i tōna mōhio, kia whakaae atu hoki i runga i tōna mōhio. Kua tahito ēnei kupu. Kei te whakamahia e Te Aka Matua o te Ture i ngā kupu ‘āheinga-whiriwhiri’ me te ‘whiringa-pātahi’ i tana arotakenga o te whiriwhiri ā-pakeke. Ko tā mātou whakaaro kia whakahoungia Te Tikanga me ēnei kupu.

Mōhio ana mātou he maha ngā āhua hei pātahi atu ki te āheinga-whiriwhiri o te tangata. Ko ngā tāngata e raru ana tā rātou āheinga-whiriwhiri ka hiahia tautoko pea hei whiriwhiri mō ō rātou rongoā, e kore hoki pea e taea e rātou te whiriwhiri i tētahi wā tonu, he korenga nō rātou:

* Kia mārama ki te mōhiohio e hāngai ana ki taua whiringa rānei;
* Kia mau ki ērā tū mōhiohio rānei;
* Kia whakamahia aua mōhiohio kia whiriwhiri rānei;
* Kia kōrero atu i tā rātou whiringa rānei;
* Kia āta whiriwhiri he mauri ngaro nō rātou, he mauri moe rānei.

**Kaupapa 3: Kia tika Te Ture me Te Tikanga mō ngā tāngata whaikaha** ka whakarārangi i ngā mōtika kiritaki e aromatawaihia ai he tangata hei tangata whiringa-pātahi kātahi ka whakarite huarahi hei whakamārama, hei whakakaha hoki i ēnei mōtika.

**Hohou te rongo**

Kia hohou te rongo. Ko Hohou te rongo ka whakaahua i ngā tukanga hei whakatatū tautohe mā te whakamahi mātāpono me ngā uara o te ao Māori. (tā te Māori titiro)

Ko hohou te rongo he huarahi hou kua whakatinanatia ki roto ki tā HDC tukanga whakahaere amuamu e whakahaeretia ana e te Māori. Mā hohou te rongo ka whakaaetia e ngā kaiwhakarato ngā nawe i wheakohia ai e ngā whānau, me te aha, ka whai wāhi ngā whānau kia rapu rangimārie o roto mai i tētahi taiao haumaru ā-ahurea, taiao tika. Ko hohou te rongo he hui ā-kanohi, me te reo Māori, te reo pākehā, ngā reo e rua rānei. Mā te whānau te tikanga o te mahi e ārahi.

**Hui ā-whānau**

Ko te hui ā-whānau he hui tahi (me te kiritaki) mā ngā tukanga reo Māori me ngā tikanga Māori.

Ko te hui ā-whānau he huarahi hou o roto o tā HDC tukanga whakahaere amuamu e whakahaeretia ana e te Māori. Mā te hui ā-whānau ka rongohia te reo o te whānau, ā, ka mārama hoki o roto mai i tētahi taiao haumaru ā-ahurea, taiao tika. Ko te reo o te hui ā-whānau ko te reo Māori, ko te reo Pākehā, ko ngā reo e rua rānei.

He tukanga ia ka ārahina e te tikanga, ko te whānau ngā mātanga o ō rātou wheako, ā, ka tautokona hei whiriwhiri i te whakatatūnga ki tā rātou e pai ai.

**Kaiwhakarato**

Ko te kupu ‘kaiwhakarato i tēnei tuhinga ko te kaiwhakarato hauora, kaiwhakarato hauātanga rānei i tā Te Ture e kī ai (wāhanga 2 me te 3). Kei roto hoki ko ngā ratonga tūmatanui, tūmataiti hoki, ngā ratonga whaiutu, utukore, ngā hōhipera, ngā whare tiaki, me ngā takitahi pērā i ngā tapuhi, ngā tākuta, ngā kainiho, ngā mātanga taka rongoā, ngā kaitohuora, ngā kaikorohiti, ngā kaiwhakamātūtū māori me ngā kaitaurima.

**Tāngata whaikaha**

Ko ngā tāngata whaikaha he whakaahua whaikaha o te hauātanga me tōna tikanga kia whaikaha, kia whaiāhei, kia whakamanahia.

Ko te kupu ‘tangata hauā’ ka whakamahia e te Rautaki Hauātanga o Aotearoa. Pai atu ki te tokomaha tangata te reo tuakiri-tuatahi, ‘tangata hauā’ kia kōrero whakahihi i tō rātou hauātanga.

Mōhio ana mātou he tokomaha ngā tuakiri o ētahi tāngata, me te aha, kāore e pai ki ētahi tāngata e wheako ana i ngā taupā o tētahi pāpori tē wātea ngā kupu ‘tāngata whaikaha’, ‘tangata hauā’ rānei, he kupu atu anō pea tā rātou. Hei tauira, tokomaha ngā tāngata whaikaha Māori, he Māori i te tuatahi, tokomaha ngā tāngata turi ka kī mai he mema o te hapori Turi ehara i tētahi tangata hauā. E pēnei anō ngā tāngata e whai mate hinengaro ana ka piri atu ki ngā hapori whai wheako whaiaro ki te auhi ā-hinengaro me te pāmamae rānei nō te raukoti tāmeha, te petipeti rānei, kāore i te piri atu ki te hapori hauā.

**Tāngata whai ora**

Ko Tāngata whai ora ‘he tangata e rapu ana i te oranga’, ā, he tangata atu anō hoki e whakamahi ana i ngā ratonga hauora hinengaro me ngā ratonga wara.

**Te ao Māori**

Te aronga a te Māori ki tōna ao Māori. Ko te ao Māori he huarahi ki tā te Māori e whakaaro ai, ki tā Māori e titiro ai ki te ao. Ko te mātauranga Māori te tūāpapa (mātauranga Māori, ngā uara, te tūhura, te auahatanga me ngā mahi).

**Te Tiriti o Waitangi**

Kei te iho o te Tiriti o Waitangi ko te whakawhitinga mōtika me ngā haepapa i waenga i te Karauna o Piritene me te Māori, te tangata whenua, te mana whenua.

Nā Te Tiriti i kī taurangi mai kia tiakina ngā rawa Māori kia āhei te tangata whenua ki te noho hei māori i Aotearoa. Nā te Tiriti hoki i tuku mana ki te Karauna o Piritene hei kāwana mō Aotearoa me te tū hei kanohi mō ngā matea katoa o ngā tāngata katoa o Aotearoa, tae atu ki ō te Māori. He tuhinga reo Māori, he tuhinga reo Pākehā hoki. Ka rerekē ngā tuhinga e rua, ina koa ko te taha kāwanatanga me te tino rangatiratanga i roto i Atikara 1 me Atikara 2.

**Tikanga**

He kupu ārahi i ngā mahi tika. Ko te tikanga Māori (tikanga) he mahi tūturu e raraua nei ki ngā whakapono tūturu, ngā uara me ngā mātāpono e whāia nei e te Māori i runga anō i te mātauranga Māori.

Mehemea ka kōrerorero mō te tikanga me mōhio ki tōna wāhi me tōna āheinga ki roto ki te ao Māori. Kia mārama ki te tikanga me uru ki te ao Māori, tae atu ki te mātauranga, ngā pūnaha, ngā uara me ngā whakapono e rarau nei te tikanga ki te taiao ia. Kia rapu māramatanga i waho atu i taua anga ko te tūraru pea ka horopaki kore, ka waitara me te aha, ka whakahawe i te tikanga ia.[[1]](#footnote-1)

Ka kī atu te Kōti Matua ko te tikanga te ture tuatahi o Aotearoa, ā, he wāhanga hoki o te ture noa (tirohia 2022-NZSC-114 Ellis). Kua whanake haere te tikanga, ā, ka urutau haere tonu ki ngā whanaketanga ā-pāpori, ā-hangarau. Ahakoa he āhua ōrite te tikanga huri noa i ngā hapū me ngā iwi, ko te whakamahia ka rerekē pea.

**Whānau**

He herenga tangata, herenga whakapapa. Tūturu, ko te ‘whānau’ ngā tāngata e hono ana ā-toto nei tae atu hoki ki ngā rāwaho, ki ngā whāngai hoki.

Ko te whakamahinga o tō nāianei tikanga ko ngā tāngata me ngā whanaungatanga o te mahi tahi i runga anō i te kaupapa kotahi. Ka tautohu ngā tāngata i tō rātou whānau ki tā rātou e kite ai ina whakamahi ana i ngā ratonga hauora, ratonga hauātanga.

**Māia me ngā matea matua**

Ko tā te CRPD e kī ai ko ngā mōtika o ngā tāngata whaikaha, tō rātou māiatanga me ō rātou matea matua ngā mātāpono ārahi mō ngā momo tautoko katoa, te mahi rānei o te whiriwhiri.

Ko tō te tangata ‘māia’ he whakaatu mai i ō rātou uara iho, te ahunga whakamua rānei e hiahiatia ana e rātou. Engari ia ko ō te tangata matea matua ka whakaatu mai i te pai ake o tētahi whiringa i tō tētahi atu.

#

# Tūhura whānui o Te Ture me Te Tikanga Mōtika

I tēnei wāhanga ka titiro whānui ki:

* Ngā pūtake o Te Ture me Te Tikanga;
* Te Tikanga me ōu mōtika;
* Te Ture me ngā āheinga o HDC; ā,
* Ngā tukanga amuamu.

## Ngā pūtake o te Ture me te Tikanga

I waihangatia Te Ture me Te Tikanga nō muri mai i te mea e kīia nei ko te ‘whakamātau ninipā’. I te tau 1966 ko tētahi rangahau karihaka i whakahaeretia e Tākuta Herbert Green i te Hōhipera Wahine ā-Motu hei whai i ngā wāhine e tino rerekē ana te āhua o ngā pūtau kei ō rātou waha kōpū me te kore e tika te taha rongoā. I mahia te rangahau me te korenga o ngā wāhine e mōhio, e whakaae hoki. 20 tekau tau mai, kua pāngia te tokomaha ki te mate pukupuku wahakōpū, ā, i mate ētahi.

I kohuratia te rangahau e ngā kairīpoata, e Sandra Coney rāua ko Phillida Bunkle. I hua ake ai he rapunga ōkawa i ngā tau 1987 me 1988 mō te rongoā o te mate pukupuku wahakōpū i te Hōhipera Wahine ā-Motu. Nā te Kaiwhakawā, nā Kahurangi Silvia Cartwright te Rapunga Cartwright’ i ārahi, i tautohua ai ngā tino hē, ngā hē mauroa hoki o ngā mahi matatika a ngā tākuta e pā ana ki te whakaute, te whakawhiti kōrero, te tuari mōhiohio me te tono kupu whakaae i runga i te mōhio.

Nā te Kaiwhakawā i tohutohu ētahi mahi whakatikatika hei tiaki i ngā mōtika a ngā tūroro, tae atu ki te whakarite:

* I tētahi Tikanga ā-ture mō ngā Mōtika Tūroro;
* I tētahi Kaikōmihana Hauora motuhake hei whakaaro amuamu me te whakatatū i ngā amuamu a ngā tūroro, me te whakaako ki ngā mātanga i ngā mōtika tūroro; ā,
* I ngā kaitautoko tūroro.

I whakamanahia Te Ture me Te Tikanga i ngā tau 1994 me te tau 1996 kia whaimana ngā tohutohu a te Kaiwhakawā Cartwright. Ka whakaritea ki Te Tikanga he taumata mō tētahi pūnaha manaaki ko te kiritaki kei te pūtahi o ngā ratonga. Kāore i te hanga mōtika hou, engari ka piritahi ngā mōtika o nāianei mai i ngā ture rerekē me ngā tiriti ki te wāhi kotahi kia māmā-te-mārama.

## Te Tikanga me ōu mōtika

Kei tēnā tangata, kei tēnā tangata e whakamahi ana i tētahi ratonga hauora, tētahi ratonga hauātanga rānei he mōtika ki tā Te Tikanga e kī ai. Ka tukua e Te Tikanga ngā haepapa ki ngā kaiwhakarato o ngā ratonga hauora me ngā ratonga hauātanga. Ka taea e HDC ēnei mōtika te whakaū ki tā Te Tikanga e kī ai. Ka whakarāpopotohia ēnei mōtika ki te reo Māori nei:

1. Mana
2. Manaakitanga
3. Tū rangatira motuhake
4. Tautikanga
5. Whakawhitiwhitinga whakaaro
6. Whakamōhio
7. Whakaritenga mōu ake
8. Tautoko
9. Ako me te rangahau
10. Amuamu

He whitiata hei mātakitaki māu e pā ana ki ōu mōtika, ā, ka pānui rānei i Te Tikanga katoa me ngā reo rerekē i tō mātou pae ipurangi: [www.hdc.org.nz/your-rights/](http://www.hdc.org.nz/your-rights/).

### Whakamahinga o Te Tikanga ki ngā tamariki me ngā taiohi, me ngā tāngata e pātahi ana tā rātou āheinga-whiriwhiri

Ka āwhina Te Tikanga kia tōkeke te rongoā mō te katoa, ahakoa tamariki, ahakoa rānei e pātahi ana i tā rātou āheinga-whiriwhiri.

Ka tīmata pēnei te whakaaro o Te Tikanga kia taea e te tangata he āheinga-whiriwhiri te mahi, te kupu whakaae me te mōhio te tuku mō tō rātou rongoā (Mōtika 7(2)). Ina pātahi ana te āheinga-whiriwhiri o tētahi tangata, kei a rātou te mōtika ki te whakaae ki tā rātou e āhei ai (Mōtika 7(3)). Kei te Mōtika 7(4) ngā āhuatanga iti te āhei kia taea e tētahi atu te tuku kupu whakaae mō ngā tāngata. Ko ngā ture pērā i te Tiaki Rawa Whaiaro me ngā Mōtika 1988 (Ture PPPR) me te Ture Hauora Hinengaro (Aromatawai me te Rongoā) 1992 ka whakaawe i ngā mōtika āheinga-whiriwhiri i ngā pūāhua motuhake. I aua pūāhua, ka whai mana tonu ērā atu mōtika katoa o Te Tikanga.

Mō ngā tamariki me ngā taiohi:

* Ko ngā taiohi neke atu i te 16 tau e āhei ana ki te whiriwhiri mēnā āe, kāo rānei ki te rongoā pērā i ngā pakeke (Ture Tiaki Tamariki 2004).
* Ko ngā tamariki me ngā taiohi iti iho i te 16 tau ka āhei tonutia te whiriwhiri mō te rongoā i te āhua o te momo rongoā, te pakeke me te māramatanga o te tamariki, te taiohi rānei. Ka kīia nei tēnei ko te ‘matatau Gillick’ kia aromatawaihia te matuatanga ā-hinengaro nei me te āhua o te hinengaro kia whakaaetia ki taua rongoā.
* Mehemea he tamaiti, taiohi rānei iti iho i te 18 tau e kore e taea te whakaae atu, mā tōna kaitiaki e mahi, mehemea tē kitea he kaitiaki, mā tētahi tangata nō Aotearoa e tū ana hei matua e mahi (Ture Tiaki Tamariki 2004).
* Mehemea karekau he tangata hei whakaae atu, mā te kaiwhakarato kē pea ngā ratonga e whakarite ina e tika mā te kiritaki, me ētahi atu āhuatanga o roto o te Mōtika 7(4) me whakatutuki.

Mō ngā pakeke tē taea te whakaae atu:

* Ko tētahi tangata e tohua ai i raro i te Mana Taimau o te Rōia (EPOA), tētahi Kaitiaki Oranga i tohua ai e Te Kōti ā-Whānau o Aotearoa mō te taha o te kiritaki (Ture PPPR). He tepe ki ngā momo whiriwhiri e taea ai tētahi EPOA, tētahi Kaitiaki Oranga rānei te kawe, hei tauira, kāore e taea e te tangata te rēhita ki tētahi whakamātau rongoā, māna e whakaora, māna rānei e aukati pāmamae ki te hauora o te tangata, ka mutu, tē taea e te EPOA, e te Kaitiaki Oranga rānei te whakakāhore te kupu whakaae ki te rongoā tūturu hei whakaora i te tangata, hei aukati pāmamae rānei ki tō rātou hauora.
* Kāore i ngā mātua/kaitiaki te mōtika ki te tuku kupu whakaae mō ā rātou tamariki neke atu i te 18 tau me i kore te EPOA, te Kaitiaki Oranga rānei.
* Ki te kore e wātea tētahi hei whakaae atu, mā te kaiwhakarato ngā ratonga e whakarite ina e tika mā te kiritaki, me ētahi atu āhuatanga o roto o te Mōtika 7(4) me whakatutuki.

Kia maumahara ko tā te **Kaupapa 1: Te tautoko kia pai ake te whakatatū amuamu, kia mana taurite hoki** he rapu i ōu whakahokinga whakaaro mō mahi a te whānau i roto i Te Tikanga; ā, ko tā te **Kaupapa 3** **Kia tika Te Ture me Te Tikanga mō ngā tāngata whaikaha** he rapu i ōu whakahokinga whakaaro mō ngā mōtika e pā ana ki te tautoko whiriwhiri me te māia o te kiritaki me whakakaha ake rānei i Te Tikanga.

## Te Ture me ngā āheinga a HDC

Mā Te Ture e whakatū a te HDC hei kaitūhura ki te whakatairanga ake me te tiaki i ngā mōtika o te tangata e whakamahi ana i ngā ratonga hauora, ratonga hauātanga, me te whakahaere i te whakatatūnga amuamu kia tōkeke, kia māmā, kia tere, ā, kia tika.

Ko ngā āheinga a te HDC o roto o Te Ture tae atu ki te:

* Aromatawai me te whakatatū amuamu mō ngā ratonga hauora, ratonga hauātanga;
* Whakarato Nga Kaitautoko hei tautoko i ngā tāngata ki te whakatatū i ā rātou amuamu me te kaiwhakarato, ā, kia horapa hoki Te Tikanga;
* Kia tukua ngā kaiwhakarato e takahi ana i Te Tikanga ki te Tumu Whakarae o Ngā Whakawā (he āheinga motuhake, he āheinga ā-ture) māna e whiriwhiri mehemea he mahi ā-ture hei whai; ā,
* Whakamahia ngā whakaaro mātau mai i ngā amuamu hei aweawe i ngā kaupapa here me ngā mahi huri noa o te pūnaha hauora, hauātanga me te whakaako tangata mō Te Tikanga.

Ka kirimanatia e HDC a Ngā Kaitautoko ki te whakarato mai i tētahi Ratonga Tautoko Motuhake. Ko tā ngā kaitautoko he āwhina utukore me te tautoko i ngā tāngata e noho pōuri ana ki tētahi ratonga hauora, ratonga hauātanga rānei. Ka taea e rātou ngā raruraru te whakatikatika me te ārahi i te tangata i te tikanga amuamu.

## Te tukanga amuamu

Te taea e tangata ahakoa ko wai he amuamu te tuku atu, māna anō, mā tētahi atu rānei, mehemea ka whakaaro rātou kāore ngā mōtika o te tangata e whakamahi ratonga ana i te whakatutuki. Ka taea ngā amuamu te tuku tōtika atu ki te kaiwhakarato tae atu ki te tuku me te āwhinatanga a Ngā Kaitautoko ki te HDC rānei. I te tau 2022/23, i riro mai i Ngā Kaitautoko e neke atu i ngā pakirehua 24,000 me ngā amuamu 6,000 mō ngā ratonga hauora, ratonga hauātanga. He tāpiritanga tēnei ki ngā amuamu i tuku tōtika atu ki ngā kaiwhakarato.

### Whakatatū tōtika i waenga i ngā tāngata me Ngā Kaitautoko

Ko te huarahi noa, kia whakatatū tōtika ngā amuamu me te kaiwhakarato ia, i te mea, ka tere atu, he māmā hoki, me te aha, ka āwhina i ngā whanaungatanga kia whakaora. Me whakarite e ngā kaiwhakarato ngā tukanga kia tōkeke, kia māmā, kia tere me te whakatatū pai i ngā amuamu (Mōtika 10 hei amuamu). Mehemea kua tuku amuamu tētahi tangata ki tētahi kaiwhakarato me te noho pōuri ki te urupare, ka taea e rātou te kōrero atu i ō rātou āwangawanga ki Ngā Kaitautoko ki te HDC rānei.

Ka taea e Ngā Kaitautoko te āwhina i ngā tāngata kia tū hei kaikōrero mō rātou anō ki te whakatika i ngā take me ngā kaiwhakarato. Kāore rātou e whiriwhiri mehemea kua takahia he mōtika kiritaki. Kua whakangungua ngā kaitautoko ki ngā tukanga whakatatū amuamu kia hua mai ko ngā hua pai mō ngā kiritaki me te whakawhanake whanaungatanga ngaio, whanaungatanga whakaute ki ngā kaiwhakarato me ngā kiritaki. Me pānui kōrero e koe mō Ngā Kaitautoko i tō rātou pae ipurangi: https//:www.[advocacy.org.nz](file:///%5C%5Chdc-fps01%5Cdata%24%5CReview%20of%20Act%20%26%20Code%202023%5CConsultation%20document%5Cadvocacy.org.nz).

### Ko ō HDC huarahi whakatatū

Ka ata aromatawai te HDC i ia amuamu me te whakaaro ki ngā take i kōrerotia me te taunakitanga e wātea ana. Hai mai te aromatawai, ka whiriwhiri te HDC i tētahi huarahi whakatatū e tika ana. Ka āhei te HDC ki te:

* **Tukua te amuamu ki Ngā Kaitautoko, ki te kaiwhakarato rānei** e tōtika ai te whakatatūnga i waenga i ngā tāngata. Me tuku pūrongo Ngā Kaitautoko me ngā kaiwhakarato ki te HDC mō te putanga o ēnei tukunga, e taea ai e HDC te kite mehemea kia whakatutuki pai ngā āwangawanga o ngā tāngata
* **Tukua te amuamu ki ētahi umanga** ina hāngai ana ngā take i kōrerotia ai ki a rātou hei whakatikatika ma taua umanga — hei tauira, ko ngā take e hāngai ana ki te āhei o tētahi kaiwhakarato rēhita ki mahi, he pai atu te tuku ki tō rātou rōpū whakahaere, māna e aromatawai, ā, mehemea e tika ana, ka aukatihia tō rātou āhei ki te mahi (tē taea e HDC te aukati).
* **Karanga hui, hui takawaenga rānei** me ngā tāngata o te amuamu. Kāore i te kaha whai i tēnei huarahi i mua rā. Nō na tata nei, i whakaritea te HDC he kōwhiringa hui ā-whānau e whai ana i tētahi huarahi ao Māori hei whakatatū amuamu, ā, mehemea e tika ana, ka whakaae mai hoki ngā tāngata katoa, ka whāia te hohou te rongo (mā te tikanga e ārahi te whakatatū amuamu).
* **Kāore he tūmahi, tētahi atu tūmahi anō rānei** ki tētahi amuamu ina kitea i te aromatawai tuatahi kāore he take mō tētahi tūhura ōkawa. Mā HDC e whiriwhiri kia kaua e whai atu i tētahi amuamu. Hei tauira, kāore he take mehemea he pai te manaakitanga, kua tirohia rānei te amuamu mā ētahi atu huarahi. Ko ta tēnei huarahi he whakauru i ngā kōrero mātauranga, ngā tohutohu rānei hei whakapai ake i te kounga o te manaakitanga, hei āwhina kia whakatatū i te amuamu.
* **Tūhura,** kia kitea pea kua takahia e te kaiwhakarato Te Tikanga, me ngā tohutohu hei whakapai ake i ngā ratonga. I raro i Te Ture ka tūhura pea Te Toihau i tētahi āhuatanga e takahi ana i ngā mōtika kiritaki, ahakoa kāore he amuamu.
* **Tukua he kaiwhakarato ki te Tumu Whakarae o Ngā Whakawā** ina tūhura Te Toihau i te amuamu me te whakatau kua takahia Te Tikanga. Ka taea e te Tumu Whakarae o Ngā Whakawā te whai i te ture ina tukua ki a rātou he kaiwhakarato e HDC, ā, ka hiahia te marea kia pērātia.

Me pānui ētahi atu kōrero mō te tukanga amuamu me ngā āhuatanga ka whakaarohia e mātou i tō mātou pae ipurangi: <https://www.hdc.org.nz/making-a-complaint/complaint-process/>.

# Kaupapa 1 — Te tautoko kia pai ake te whakatatū amuamu, kia mana taurite hoki

I tēnei wāhanga ka whakaritea he pātai hei pātai atu ki a koe:

* Mō ngā take kua tautohua e pai ake ai te tautoko whakatatū amuamu kia mana taurite me te take kia panoni; ā,
* Ko ngā huatau mō Te Ture me Te Tikanga kia tirohia aua take.

## Ngā take

Ko te whāinga matua a te HDC ko te whakatairanga ake me te tiaki i ngā mōtika o te tangata e whai wāhi ana ki ngā ratonga hauora, hauātanga, ā, ‘kia tutuki mai ko te whakatatū amuamu kia tōkeke, kia māmā, kia tere, ā, kia tika’ (wāhanga 6 o Te Ture).

‘Kia tōkeke, kia māmā, kia tere, ā, kia tika’ e whārite ana ngā whāinga e rua. Tuatahi, ko te whakatatū wawe o ngā amuamu pai me te kaiwhakarato ia. Tuarua, ko ngā ratonga kounga mō te marea me ngā haepapa tika o ngā kaiwhakarato mā te whakatatū amuamu motuhake. Ko tā te HDC he tūhura kia tutuki pai katoa te kaupapa o Te Ture me te whakahaere tika i ēnei āhuatanga.

Kei rongohia e mātou kāore i te mahi pai ā mātou tukanga amuamu, me ngā mātāpono whakatatū amuamu ‘kia tōkeke, kia māmā, kia tere, ā, kia tika’ kāore i te tino whakatutuki.

* He hiahia kia noho ko te tangata hei pūtahi o ngā tukanga, tae atu hoki kia mauritau ngā whakawhitinga kōrero, ngā huarahi o te pāmamae me te whakatatū e urupare ā-ahurea nei. He hiahia atu anō hoki kia aro atu ki te tiaki me te whakaora i ngā whanaungatanga i te taha i ngā whakaaro kia haumaru the marea, ngā haepapa, me te whakapai ratonga.
* Ko ngā wawata kia mārama ake ngā mahi urupare ā-ahurea kia wātea hoki mō te katoa, e whaihua ai ngā tāngata katoa o Aotearoa mā te whakatairanga mōtika kia mārama me te whakamana takitahi kia kōrero i ō rātou āwangawanga.
* Ka aukati ētahi rōpū mai i ngā tukanga whakatatū amuamu, inā hoki ko ngā whanaungatanga o ngā kaiwhakarato me ngā kiritaki, i ngā whare tiaki noho rānei nā te mataku kia whati taua whanaungatanga, kia panga atu rānei ki tā rātou āhei ki te manaakitanga.
* Ko te pikinga o ngā amuamu ka panga atu ki te tere whakatatū. Ahakoa e tata ki te 70 ōrau o ngā amuamu ki te HDC ka whakatutuki i roto i te ono marama, kei te panga mai ngā pikinga o ngā amuamu ki te wā hei aromatawai, hei whakatatū hoki. Nā te takaroa ka piki te auhitanga mō ngā tāngata katoa me te whakaiti i te tino mauritau o ngā tohutohu mō te whakapai kounga.

Kua whai wāhi ki te whakaaro me pēhea e whakakaha ake ai Te Ture me Te Tikanga ki te tautoko i a ngā tāngata katoa o Aotearoa hei kōrero me te whakatatū tōtika i ō rātou āwangawanga me te kaiwhakarato ia, ina e tika ana — ina koa mā te whakaaro kia panoni i te mōtika 10 (Mōtika hei amuamu) hei whakamahi pai rawa atu Ngā Kaitautoko. Mā te tautoko i te tautoko whaiaro me te āta whakamahi i te whakatatū tōtika ka taea e te HDC te aro atu ki ngā amuamu me aronui, whakapai ake i te whakawhiti kōrero me te arotautanga, ā, kia whakawhānui i tā mātou whakamahinga tukanga whakatatū urupare.

Mā te whakamana i ngā tukanga pērā i ngā mahi whakahaumanu me te hohou te rongo i ngā whakatatūnga amuamu ka tautoko hui tahi, ka whakaiti i te tūraru kia pāmamae anō, ā, ka whakapiki i ngā huarahi kia whakamahu, kia ako, kia whakapai ake.[[2]](#footnote-2) Ka mōhio ko tā Te Tāhū Hauora he akiaki i ngā kaiwhakarato kia whakamahia te mahi whakahaumanu me te hohou te rongo i ngā ‘mahi tūkino’ (ina puta he pāmame i te manaakitanga).[[3]](#footnote-3)

### Ā mātou mahi o nāianei

Ko tā te HDC he whakaū ki te whakapai haere i te kounga o ā mātou tukanga, tae atu ki tētahi aronga kia wātea tā mātou tukanga amuamu ki a te Māori, tāngata whaikaha, ngāi pasifika me ngā rōpū e wheako ana i ngā hua mana taurite i te pūnaha hauora, hauātanga. Ko ngā kaupapa o na tata nei i whakaritea e te HDC tae atu ki ngā mea e whai ake nei:

* Te whakarite i ngā kōwhiringa hui ā-whānau me te hohou te rongo mā te whakahaere amuamu ina e tika ana. Ka titiro tonutia e te HDC te whakamahinga o ēnei kōwhiringa mō te whakatatū amuamu;
* Te whakakaha i tā mātou tukanga aromatawai kia aro atu ki te mana taurite, tautohu take pūnaha, me te tautoko kia wawe te whakatatū ina taea ai;
* Te whakarite rangahau kia kitea me pēhea e whakapai ake ai te wheako o ngā te tangata (tae atu ki ngā kaiwhakarato) i tā mātou tukanga me te whai haere i ngā pānga o ngā panoni ka meatia e mātou;
* Te whakarite i ngā kaiwhakatere rongoā hei ārahi i ngā tāngata i te tukanga amuamu, hei āwhina i a rātou kia mārama ki te manaakitanga ka ratohia, ā, ka tautoko kia wawe te whakatatū ina taea; ā,
* Te whakarite i ngā tukanga kia whakatere i ngā amuamu e taea ai me te kaha mahi tahi ki ngā kaituku amuamu me ngā kaiwhakarato ko te whāinga kia wawe te whakatatū o ngā amuamu matahuhua.

### Pātai

* 1.1: I kōrerotia e mātou ngā take matua mō **te tautoko kia pai ake te whakatatū amuamu kia mana taurite hoki?**

## Ngā huatau hei panoni ture

Kei te rapu kōrero mō ngā huatau hei panoni i Te Ture me Te Tikanga hei tautoko kia pai ake te whakatatū amuamu kia mana taurite hoki mō ngā tāngata katoa o Aotearoa.

### Kia whānui atu te kupu matua o Te Ture

Ko te kupu matua i tēnei wā (wāhanga 6 o Te Ture)*:* ‘Kia whakatairanga ake me te tiaki i ngā mōtika o ngā kiritaki hauora, me ngā kiritaki ratonga hauātanga, me te aha, ko te whakatatū amuamu, kia tōkeke, kia māmā, kia tere, ā, kia tika hoki e pā ana ki ngā takahitanga o aua mōtika.’

Ahakoa ko tā Te Ture he whakatakoto mātāpono e pai ai te tukanga amuamu, kāore ia i te aro atu ki ngā hua o Te Ture me Te Tikanga hei painga mō ngā tāngata. Kua rongo mātou mai i ngā tāngata e tuku amuamu ana ka kaha aro atu te HDC ki ngā tukanga kaua rā ki ngā tāngata kei te pūtahi o te amuamu.

Whakawhānui ana i ngā mātāpono mō te whakatatū amuamu i te kupu matua kia uru mai ai he aronga ki ngā hua mā ngā tāngata e rerekē ai te whārite hiahia hei whakahaere mā te HDC.

Kei te hiahia rongo i a koe kia whakawhānui rānei i te kupu matua, mehemea āe, he aha oti ngā kupu. Ko te whakaaro nui kua rongohia e mātou kia kōkuhuna mai te aria o te hāpai mana ki te kupu matua. Ko te mana he aria nō te ao Māori e whakaahua ana i tētahi āinga ā-wairua, tētahi kaha rānei e noho nei ki rō tangata, ki rō taonga, ki rō taiao rānei ā, tāpiri atu ki te whakaute me te tino rangatiratanga. Tirohia hoki tā Kaupapa 2, tūtohi **a. Kia kōkuhu pū i te tikanga ki Te Tikanga** mō te kōkuhu i te aria mana ki roto ki Te Tikanga.

Ko tētahi tauira o te ‘mana’ ki roto i te ture ko te kupu matua o te Ture Wara Tāmeha (me Aromatawai me te Maimoatanga) 2017, tae atu kia ‘tiaki me te whakapiki [te tangata i riro ana i a ia te maimoatanga tūturu] i te mana me te rangatiratanga...’.Ko te whakaritenga o tēnei ture i tautokona ai e tā te ohu mahi ārahi me te whakangungu.

### Whakamārama i te urupare ā-ahurea

Ko tā Mōtika 1(3) ‘kei ia kiritaki he mōtika kia whakaratohia ki ngā ratonga e aro ana ki ngā matea, ngā uara me ngā whakapono o ngā rōpū rerekē, rōpū ahurea, rōpū hāhi, rōpū pāpori, rōpū mātāwaka tae atu ki ngā matea, ngā uara me ngā whakapono o te Māori’.

Ahakoa ko Mōtika 1(3) ka whakarite wawata mō ngā ratonga ahurea matatau, i rongo mātou kāore i te mārama. Kāore hoki i te whakaata mai i te reo nō o o nāianei, te māramatanga ki te urupare ā-ahurea. Kāore e mārama ina whakauru mai ana rānei ngā tāngata whaikaha me ngā rōpū whai tuakiri ahurea, pērā i te hapori LGBTIQA+; kāore hoki te whakaatu i ngā tini tuakiri o ētahi tāngata; me te tuku te Māori ki te mutunga o te rārangi, ānō nei he whakaaro noa iho.

Ko tā mātou he whakahou i te kupu o Te Tikanga, i te taha o ngā rāngai kia tāpiti mai te Mōtika 1(3) me te whakarite wawata o te urupare ā-ahurea e hāngai ana ki ngā paerewa o te rāngai. E whakapono ana mātou mā te panoni pērā ka whakakaha ake i te mana taurite o Te Tikanga me te tautoko i ngā hapori katoa kia mārama ki ō rātou mōtika.

Ko te māramatanga o nāianei ki te urupare ā-ahurea ko te mōhio ki te mana o te Māori kia mauria mai te ao Māori (te tūhura Māori) ki ngā ratonga hauora, ratonga hauātanga; me te mana hoki o ngā uara pērā i te whakaute, te mahi mā te hapū/iwi, te hautūtanga, te whānau, nō hea koe, me te whanaungatanga ki ngā ahurea o Te Moananui-a-Kiwa. Ka mōhio te urupare ā-ahurea ki te ahurea, te reo, ngā matea, ngā uara me ngā whakapono o ngā rōpū pērā i ngā tāngata whaikaha, ngā tangata o ngā hapori LGBTQIA+ me ngā tāngata nō ngā rōpū mātāwaka rerekē.[[4]](#footnote-4) Ko ngā ratonga haumanu ahurea ko ngā ratonga e komiti ana kia tirohia me te mau haepapa ki ō rātou ake rītaha, ō rātou ake waiaro, ā rātou hanganga me tā rātou pānga ki te kounga o ngā ratonga ka ratohia.[[5]](#footnote-5)

### Kia mārama ki tā te whānau mahi

Ko ngā mōtika o Te Tikanga kua takea mai i te whanaungatanga tōtika i waenganui i tētahi kiritaki takitahi me tētahi kaiwhakarato. Ko ō Te Tikanga mōtika, kāore e toro atu ana ki te whānau. I ētahi wā, ko taua toronga whānau ka tukituki pea ki ngā matea o te kiritaki takitahi me te takahi i tō rātou matatapu, ka mutu, he auhi ka puta.

Ko tā Te Tikanga he whakarato mōtika mā te takitahi kia whai kaitautoko me te whānau e manaaki mai ana ki te kiritaki e hiahia ai, tae atu pū ki te hoatu he mōtika kia tautokona (Mōtika 8). Ko ētahi atu mōtika o Te Tikanga ka tautoko i te urunga mai o te whānau ina e tika ana, hei tauira, he paerewa manaaki (Mōtika 4(1)), ka taea kia tika ā-ahurea (Mōtika 1(3)), ā, ka taea hoki kia tino mō te whakawhitiwhitinga whakaaro (Mōtika 5).

Mō te nuinga o ngā tāngata, ko te urunga mai o te whānau i ngā āhuatanga katoa o te manaakitanga ki a rātou, tae atu ki te whiriwhiri, he āhuatanga mātuatua o te tuakiri me tā rātou e pāhekoheko ana ki ngā ratonga hauora, ratonga hauātanga. Koia nei te wheako whaiaro o te tokomaha o ngā tāngata whaikaha ko te whānau te pūtahi e taea ai e rātou te noho pai ki tā rātou e hiahia ai me te uru katoa ki tō rātou manaakitanga. He mea nui hoki kia mau tonu ngā tāngata whaikaha ki tō rātou rangatiratanga kia te whakatau mō āhea te whānau ka uru mai me ngā wā. Pēnei tonu, ko te urunga o te whānau ina hiahiatia ka hononga ki ngā hua pai mō ngā tāngata whai ora.

Nō roto mai o te ao Māori, ko te whiriwhiri he mahi ā-hapori, e tiki atu ana i ngā mātāpono o te whakapapa me te whanaungatanga. Mō te nuinga o ngā ahurea Pasifika me ō Āhia, ka whiriwhiri hoki me tētahi rōpū engari rā te whiriwhiri takitahi.

Mō ngā tamariki me ngā taiohi ka tika pea kia uru mai tētahi matua, tētahi kaitiaki rānei hei whakaae atu. I raro i te ture, ka eke te tangata ki te 16 tau taea e rātou te whakaae atu, te kore e whakaae rānei. Heoi anō, kāore tēnei i te aukati i a rātou kia whakaae atu ina tamariki iho, i te āhua o te maimoatanga me tō rātou matuatanga ā-hinengaro.

Ahakoa ka whakaae mai Te Tikanga kia uru mai te whānau a te tangata ki tōna manaakitanga ki tā te tangata e hiahia ai, kei te rongo mai mātou ko te huarahi hei whai i tēnei urunga kāore i te mārama pai.

Nā reira, ka whakaaro mātou kia panoni i Te Tikanga, me te ārahitanga hei tautoko, kia whakamārama mai i tā te whānau mahi i tō te kiritaki-kaiwhakarato whanaungatanga me te āwhina i ngā kaiwhakarato kia tika te mahi tahi. Ko tā mātou e tūtohi ai:

* kia panoni i te kupu o Mōtika 3 (Tū Rangatira Motuhake) mai i from ‘tū motuhake’ ki te ‘mana motuhake’ kia āhukahuka atu i te rangatiratanga kei ngā tāngata me te whānau me ngā kōtuitui tautoko;
* kia whakakaha ake i te Mōtika 8 (Tautoko) kia whakauru mai i te mōtika e taea ai e te whānau te uru mai ahakoa kāore i te tae ā-tinana atu; ā,
* kia whakamārama atu i te Mōtika 10 (Mōtika hei Amuamu) kia whakaae pūtia te tuku amuamu ngā tāngata tautoko i runga anō i te tono a te kiritaki

### Kia uru mai te reo ā-ira

I tēnei wā kei te whakamahia Te Tikanga i te reo ‘ia Pākehā’ hei whakaahua tangata i Te Tikanga. Ko tā mātou e tūtohi nei kia whakahoungia te reo i Te Tikanga kia uru ngā ira, e wātea mai ki ngā tāngata katoa.

### Kia tiakina i te rautipu

I rongo mātou he taupā pea mō te tuku amuamu nā te āwangawanga kei pā mai he kino ki te whanaungatanga me tā rātou kaiwhakarato kei pā mai rānei ki tā rātou whai wāhitanga ki te manaakitanga. Ka pēnei ina whirinaki atu ana te tangata ki te manaakitanga e ratohia mai ana, hei tauira, ko ngā tāngata whaikaha rātou ko ngā kaumātua kei ngā whare tiaki, ko ngā tāngata e whirinaki ana ki te tautoko a te kaimanaaki i te kāinga (tae atu ki tētahi o te whānau hei kaimanaaki), me ngā tāngata e kai ana i ngā rongoā motuhake rawa pērā i te maimoa whakakapi mō te whakaporehu.

I tēnei wā, kāore te Mōtika 10 e tino tiaki i ngā kiritaki mai i te rautipu a ngā kaiwhakarato. Heoi anō, ko tā te tangata mōtika hei amuamu e kore e mutu i tā rātou tuku amuamu, ā, kāore hoki Te Tikanga e whakarato i ētahi atu mōtika hei tiaki i te rautipu ina tuku amuamu ana. Tae atu hoki tēnei ki te mōtika kia mana (Mōtika 1), kia herekore mai i te whakahāwea, te uruhi me te kaiapo (Mōtika 2), me ngā ratonga o tētahi taumata e tautikanga ana (Mōtika 4).

Ko tā mātou he panoni i Te Tikanga kia whakauru mai i tētahi rārangi rautipu-kore ki te Mōtika 10 (Mōtika hei amuamu) hei tautoko i ngā tāngata kia noho haumaru, kia tuku āwangawanga me te amuamu. Ko tētahi tauira o tētahi rārangi rautipu-kore o roto o te ture ko wāhanga 22 o te Ture Tiaki Whāki (Tiaki Kaikorowhio) 2022. Ka aukati tēnei i tētahi tangata (A) hei whakamataku mā te mahi kōaro i tētahi atu (B) nā tētahi rārangi tiaki whāki.

### Whakamārama i ā te kaiwhakarato tukanga amuamu

I rongo mātou i ngā tāngata e tuku amuamu ana me ngā kaiwhakarato ko ngā tukanga me ngā wātaka mā ngā kaiwhakarato kia urupare atu ki ngā amuamu ki tā te Mōtika 10 (Mōtika hei amuamu) e kī ai, he tino whāiti, he tino whakarangirua hoki. Ka whai wāhi pea kia āta whakatikatika Mōtika 10 me te whakauru i tētahi ahunga ā-mātāpono kia mārama rawa, kia tere hoki te urupare.

Auau te tuku āwangawanga a ngā kaiwhakarato mō ngā amuamu ki te HDC ka pai atu te whakatatū amuamu ina mahi tōtika i waenga i te tangata me tōna kaiwhakarato. Heoi anō, nā te whakahokinga kōrero a ngā kiritaki me ngā whānau ka kī kē mai ko ngā tukanga amuamu a ngā kaiwhakarato he mea ngaro, he mea whēkite hoki. I rongohia nā te kite nuitia o ngā pānui a te HDC ka ākina te tangata kia haere tuatahi atu ki te HDC. He mea nui kia whakamārama atu ngā kaiwhakarato mō te pēhea e whakamahia ai tā rātou tukanga amuamu hei tautoko i te tangata ki te hāpai ake i tō rātou mōtika kia tuku amuamu me akiaki kia wawe te whakatatū.

Ko tā mātou he panoni i te Mōtika 10 kia māmā iho ai me te whakatakoto kia mārama pai ngā haepapa mō ngā tukanga amuamu a ngā kaiwhakarato, tae atu ki te whakatairanga ake i te mōtika hei tuku amuamu.

### Whakakaha ake i a Ngā Kaitautoko

Ko tā Ngā Kaitautoko he āwhina kia whakaiti i te hē o te kaha i waenganui i ngā tāngata me ngā kaiwhakarato mā te tautoko i ngā tāngata kia tū rātou hei māngai mō rātou anō kia whakatatū tōtika i ō rātou āwangawanga me te kaiwhakarato ia. Ka āwhina hoki Ngā Kaitautoko kia whakapiki ake i te mōhiotanga o ngā tāngata ki ō rātou mōtika i raro i Te Tikanga.

Ka whakatakoto Te Ture i ngā āheinga o ngā kaitautoko me te whakamana i te HDC kia tohua he Tumu Whakarae Tautoko Motuhake, māna e whakahaere me te whakakirimana i Ngā Kaitautoko. Ka whakaratohia hoki e Te Ture kia whakarite te HDC i ngā aratohu whakahaere mā Ngā Kaitautoko. Ko tā Ngā Kaitautoko hoki ki tā Te Ture e kī ai he whakatairanga ake i Te Tikanga me ngā kōwhiringa whakatatū mō ngā amuamu; he āwhina hoki i ngā kiritaki whai mana whakaae; he āwhina hoki i ngā kiritaki ki te tuku amuamu me te rapu whakatatūtanga ki ngā kaiwhakarato.

Kei te hiahia ki ōu whakaaro mō ngā huarahi wātea hei whakakaha ake i te mahi a Ngā Kaitautoko kia pai ake ai te whakatutuki matea o te tangata, o ngā hapori, te mahi tahi hoki me HDC.

### Kia whakapai ake i te reo o ngā huarahi tuku amuamu i Te Ture

I rongo mātou ko te reo o ngā huarahi hei whakatatū amuamu ‘tē haere tonu’ me ngā ‘hui takawaenga’ e rangirua ana.

‘Tē haere tonu’ kua kīia mai he mea whakakore mana me te kore e whakaata mai i te mahi kua mahia hei aromatawai me te whakatatū amuamu. Kei te rapu whakaaro mō te whakahou i te kupu, hei tauira, ki te ‘e kore e tūhura’ ki te tautoko i tētahi whakawhitinga kōrero mō ngā amuamu.

Ko te tukanga ‘hui takawaenga’ kua āta whakamāramatia mai i te wāhanga 61 o Te Ture, me te whakaaro kāore tēnei e tautoko ana i tētahi urupare whakatatū ngāwari e hāngai ana ki ngā matea me ngā āhuatanga ā ngā tangata o roto mai i te amuamu. Kei te rapu whakaaro mātou mō te whakamahi i te reo rerekē pērā i te ‘whakatere whakatatū’ kia hopukia ētahi atu momo whakatatūtanga pērā i te whakaturi, me te tautohu pū, te whakarato hoki i ngā tukanga whakatatū ki tā te Māori titiro.

### Pātai

* 1.2: Pēhea ōu whakaaro mō ā mātou huatau **hei tautoko** **kia pai ake te whakatatū amuamu, kia mana taurite hoki**, ā, he aha oti ngā pānga ka puta?
* 1.3: He aha ētahi atu panoni ā-ture, ā-ture kore hei whakaaro mā mātou **kia pai ake ngā tukanga amuamu, kia mana taurite hoki**?

# Kaupapa 2: Ka whakaritea Te Ture me Te Tikanga kia mauritau atu, kia urupare atu hoki ki ngā matea o te Māori

I tēnei wāhanga ka whakaritea he pātai hei pātai atu ki a koe:

* Mō ngā take hei **whakarite i Te Ture me Te Tikanga kia mauritau atu, kia urupare atu hoki ki ngā matea o te Māori** me te take kia panoni; ā,
* **Ko ngā huatau mō Te Ture me Te Tikanga kia tirohia aua take**.

## Ngā Take

Kei te aro atu mātou kia mauritau ake, kia urupare atu hoki ki ngā matea o te Māori hei whakapai atu i ngā wheako me ngā hua mō te Māori i roto i te pūnaha hauora, hauātanga. E mea mai ana ā mātou raraunga amuamu me ngā whakaaro tuatahi i homai ai, kāore a te Māori i te whaihua ā-mana taurite nei i Te Ture me Te Tikanga. He iti iho te mahi tahi a te Māori me te HDC me Ngā kaitautoko i tā mātou e wawata ai, inā hoki, e mōhio ana mātou ki ngā wheako o te Māori me ngā hua mō te Māori i te rāngai hauora, hauātanga.

Kua rongo mātou i a te Māori kāore i te whakatairanga o Te Tikanga i te tae atu ki ō rātou hapori, ina tae atu, ka whakaaro te nuinga e kore ngā mōtika o Te Tikanga me ngā tukanga amuamu e hoahoa mō rātou. Ko ngā take ē pēneitia ai he maha, tae atu hoki ki:

* ngā tukanga whānui hei whakatairanga i Te Tikanga kāore e pai ki a te Māori;
* ngā wheako ā-kaikiri me te rītaha ā-ahurea i te pūnaha hauora, hauātanga e puta te whakapono iti, te māia iti i roto i ngā tukanga amuamu
* ngā tukanga amuamu me te āhua o ngā mōtika kāore i te whakaata mai i ngā uara me ngā tikanga o te ao Māori i te nuinga o te wā; ā,
* ngā whakaritenga hei whaimana i te Tiriti kāore e tino kite ana i Te Ture me Te Tikanga.

Mā te whakarite i Te Ture me Te Tikanga kia mauritau atu, kia urupare atu hoki ki ngā matea o te Māori ka tautoko i te Karauna kia whakahōnore i ōna kawenga i raro i te Tiriti, me te tuku whakaaro:

* kia nui atu te mātauranga me te māramatanga o te Māori ki ō rātou mōtika i raro i Te Tikanga;
* kia nui atu te māramatanga me te tiakitanga o ngā mōtika o Te Tikanga ki tā te Māori titiro, e whaihua ai ngā tāngata katoa e whai wāhi ana ki ngā ratonga hauora, ratonga hauātanga;
* kia whai wāhi te Māori ki te whakaputa āwangawanga me te tuku amuamu;
* kia pai ake ngā tukanga amuamu e hāpai ana i te mana o ngā tāngata katoa; ā,
* kia pai ake ngā hua mō te Māori e whakamahi ana i ngā ratonga hauora, ratonga hauātanga.

### Ā mātou mahi o nāianei

Hei tāpiri atu ki te whakaritenga o te hui ā-whānau me te hohou te rongo hei kōwhiringa nō roto mai o te tukanga amuamu, kua whakaritea e te HDC he tūranga Kaitohu Mātāmua, Māori i tō mātou rōpū whakahaere. Ko te mahi a tā mātou Kaitohu Mātāmua, Māori, me tētahi rōpū tokoiti, he āwhina i te HDC kia kaha ake te urupare ki ngā matea o te Māori, he whakapiki i te āheinga o ngā kaiwhakarato kia tūhura i te mana taurite mō te Māori, ā, kia mahi hei whakapiki i tō te HDC kanohi i ngā hapori Māori.

### Pātai

* 2.1: I āta kōrerotia e mātou ngā take matua mō te **whakarite i Te Ture me Te Tikanga kia mauritau atu, kia urupare atu hoki ki ngā matea o te Māori?**

## Ngā huatau hei panoni ture

Kei te hiahia mātou ki ōu whakaaro mō ā mātou huatau hei panoni i Te Ture me Te Tikanga kia mauritau atu, kia urupare atu hoki ki ngā matea o te Māori.

### Kia kōkuhu tikanga i Te Tikanga

Ko te whakamāoritanga o Te Tikanga he mea whakawhanake he mea uiui hoki i te taha o te tuhinga hukihuki tuatahi e tautohu ana i ngā āhuatanga o te tikanga e hāngai ana ki ngā mōtika kiritaki tae atu ki te Mana (Mōtika 1), Manaakitanga (Mōtika 2), and Tū Rangatira Motuhake (Mōtika 3). Heoi anō, ahakoa te whakamahinga o ngā tikanga i te mea whakamāori e āwhina ana i ngā tāngata kia mārama me te mahi i te reo Pākehā, he āhua anō tō te whakamāori me te matatau ā-ahurea nei ki ngā kaiwhakarato, ki ngā kaiwhakatau a te HDC me ngā Taraipiunara.

Mā te kōkuhu tikanga i Te Tikanga:

* ka taea e te Māori te whakatakoto o ngā mōtika te kite ki tā te Māori e pai ai;
* ka tautoko i ngā kaiwhakarato kia tino mārama me te hāpai i ngā mōtika Māori; ki tā te Māori titiro;
* ka whakakaha ake i ngā whanaungatanga me ngā hua mō ngā kiritaki Māori; ā,
* ka taea e ngā tāngata katoa o Aotearoa kia whaihua mai i tā te Māori e mārama ai ki ngā mōtika.

Me kōkuhu ngā tiaki ā-ture, te mātauranga me ngā tohutohu kia tika ngā whakamāoritanga o ngā mātāpono, me te tautoko i te māramatanga o ngā kaiwhakarato. Tae atu pea:

* ki te whakangungu ohu mahi;
* ki te whakakaha ake i te matatau ā-ahurea o te HDC, Ngā Kaitautoko me ngā kaiwhakarato;
* ki te whakatureture i te kaitātaki Māori i Te Ture me te whakawhanake i ngā tohutohu mō te whakamāori/mahi pai.

Ka taea hoki e te HDC te tūhura whanaungatanga ki ngā iwi me ngā rōpū Māori hei tūhura tahi ki te whakamāoritanga i tā te Motu e titiro ai, kia mahi tahi rānei ki ngā hapū me ngā iwi hei whakatinana i te mātauranga Māori ā-hapū, ā-iwi. Ka tūhura anō i ngā tiakitanga ture i **whakaaro** **b.** i raro iho nei.

Kua tono tohutohu mai i ngā rangatira me ngā kaitātaki Māori o te rāngai hauora, hauātanga mō te hononga o te tikanga ki ngā mōtika o Te Tikanga. I rongohia e mātou mā te whakatinanatanga o te tikanga ki Te Tikanga ka whaireo te whānau – ‘me mārama ngā kaiwhakarato katoa ki Te Tikanga ki tā te Māori titiro kia kounga hoki te ratonga mō ngā whānau’ (he kaiuru awheawhe). Mō ō mātou whakaaro mō te hononga o te tikanga ki Te Tikanga, i rongo mātou ko te whakamāoritanga o Te Tikanga he tohutoro pai, ā, he maha hoki ngā hononga ā-mātāpono hei whakaaro mā mātou.

Ko te tikanga i tautohu noa hei huarahi pai ki Te Tikanga me ngā tukanga whakatatū amuamu e takoto ana ki raro iho, i te taha o tētahi whakamārama o taua aria, taua uara rānei ki te reo Māori, ina e tika ana, me tētahi whakapākehātanga. E mōhio ana mātou e whātuitui ana ko ngā mātāpono me ngā tikanga, me te aha, ‘kāore e taea tētahi āhua o ngā tikanga te mōhio me tōna tū kotahi i ngā tikanga’ … Ko te mawehe i tētahi mātāpono me te tere whakamārama, e kore ai e kawe pū i te hōhonutanga me te hāngaitanga.’[[6]](#footnote-6)

* **Aroha.** Ko te pū, te kē me te hā | Karapotihia ana te aria o te aroha noa, te pūaroha, me te ngākau aroha.
* **Hara.** He kupu mō ngā hē o tētahi tangata/ētahi tāngata.
* **Ihi, wehi,** me te **wana.** Te putanga ki waho o ngā kare ā-roto o te tangata | Te hononga o te taha tinana me te taha wairua, tērā ka kitea, tērā tē kitea, te kore, te pito mata. E kore te Ihi e noho me tōna kotahi, ā, mā te ihi, ko te wehi, ko te wana.
	+ **Ihi** — he ngao o roto e puta ana i tērā ka kitea, ka rongohia.
	+ **Wehi** — he rongoate ki te ihi.
	+ **Wana** — he kohinga ngao e whakakotahi ai i te tangata ki te taiao, te tangata ki ngā kaupapa.
* **Mana.** Kei ia tangata tōna ake mana.
* **Manaakitanga.** He kupu mahi hei whakatinana, he manaaki tangata, manaaki kaupapa.
* **Mauri**. He mana motuhake nō Io.
* **Noa.** Kāore ōna tapu.
* **Tapu.** He tapu ngā mea katoa.
* **Wairua.** He iho ā-wairua e tūhono ana i te tangata ki te tapu, ki ngā tīpuna, ki te taiao.
* **Whānau.** He herenga tangata, herenga whakapapa.
* **Whakanoa.** He mahi hei hiki i te tapu.
* **Whakawhanaungatanga.** He tikanga tuitui i te tangata, i te ara whanaunga. | He tukanga hei whakakotahi i ngā tangata mā te mahi tahi hei whakarite whanaungatanga kia pai te hono atu.
* **Whanaungatanga.** He mea nui te whanaungatanga ite ao Māori. He whanaunga ngā awa, ngā maunga, ngā roto te moana, te aha, te aha.

Kua rongo mātou mehemea ka kōkuhu i tētahi āhua anake o te tikanga ko te ‘mana’ tērā hei whakatinana i te iho o ērā atu āhua katoa, ka mutu, koia rā te pānga kaha rawc atu. Nā konei ka whakaaro mātou, hei tīmatanga mō te whakahokinga kōrero, kia tāpirihia ki Mōtika 1 o Te Tikanga (Mana), arā, kei ia kiritaki te mōtika kia hāpaingia ake tōna mana. Kei te hiahia mātou ki te rongo i ōu whakaaro ina kōkuhu rānei te tikanga ki Te Tikanga, mehemea āe, me pēhea?

### Kia tika te pānga mai o te Tiriti o Waitangi

Kia whakahōnoretia te Tiriti, ka para i te huarahi ka puāwai te Māori. I tēnei wā, he paku noa iho te pānga o te Tiriti i Te Ture. Karekau he tohutoro ki te Tiriti i Te Ture, ā, ko te whakaaro anake ki te Māori ko tā te HDC tohu mō ngā tūranga – me whakaaro nui te Minita ki ‘te mātauranga o te tangata me tōna mōhio ki ngā whāinga me ngā wawata o te Māori’ i a ia e whakaaro ana mehemea he tangata whai mātauranga hei whakakī tūranga ki te HDC (**Wāhanga 10(f)**).

Nā te korenga e kite i tētahi huarahi e pānga mai ai te Tiriti i Te Ture, me te aha, ko tā te HDC urupare ki ngā matea o te Māori ka whirinaki atu ki te kōwhiringa a Te Toihau o taua wā. Me te aha anō hoki, karekau he mahi tiaki ā-ture nei kia tika te whakatinanatanga me te whakamāramatanga o ngā uara Māori me ngā tikanga Māori i tētahi wāhi haumaru ā-ahurea nei.

Ko ngā tohutohu i whakaritea e Te Arawhiti e kī ana karekau he kupu kotahi mō ngā whakaritenga hei tautoko i ā te Karauna kawenga i raro i te Tiriti. Ka tautohua ngā huarahi e rua mō te ture:[[7]](#footnote-7)

* **Whakamahi i te Tiriti | Rārangi whakamahi**— ko ēnei rārangi e tohutohu atu ana ki ngā kaiwhakatau kia kaha mahi i ā rātou mahi ki tā ngā mātāpono o te Tiriti e kī ai. Ko te haepapa hei whakamārama i ēnei rārangi ka noho ki ngā kaiwhakatau o te ture, ka mutu, ki ngā kōti. He tika tēnei ā te wā ka tukua te mana kōwhiri ki ngā kaiwhakatau, hei tauira, ko te Ture Whakawhanake Noho Tāone 2020 — ‘Hei whakatutuki i te whāinga o tēnei Ture, ko ngā tāngata katoa e mahi ana i ngā āheinga, e whaimana ana rānei i raro i te Tiriti me aronui ki ngā mātāpono o Te Tiriti o Waitangi.’
* **Te āhua o te Tiriti | Rārangi whakaahua** — ko tā ēnei rārangi he āta kōrero i ā te Karauna haepapa Tiriti, āhua whānui nei, me te kōrero mō te pēhea e pānga mai ēnei ki roto ki Te Ture. Mā te huarahi whakaahua ka kaha ake te tautoko i ngā kaiwhakatau i tō te rārangi whakamahi i te Tiriti, engari ka iti pea te ngāwaritanga hei whakatinana. Ko te pānga mai o ngā rārangi whakaahua kei te āhua o te āheinga kia aro atu ki te Tiriti.

Ko ngā huatau mō te whakaahua Tiriti i Te Ture, e whakahaua ana e ngā Atikara o te Tiriti kei raro iho.[[8]](#footnote-8) Ka hāngai pea ngā huatau ki tētahi Atikara, ki ētahi rānei.

* **Kōrero takamua: Ngā huatau kia noho ko te Tiriti hei pūtahi, ko te Māori ngā hoa mana taurite i te whakawhanake kaupapa here**
	+ Tāpirihia he rārangi Tiriti (**Wāhanga hou**). Kua tohutohu mai i tēnei kōwhiringa e ngā Toihau o mua.
	+ Whakatika i te taitara roa o Te Ture, hei tauira, kia whakaritea hei whakamana i ā te Karauna haepapa o Te Ture, kia kōkuhua ngā hua mō te Māori me ngā tāngata katoa o Aotearoa e hāngai ana ki te Ture Pae Ora (**Taitara**).
	+ Whakatika i te whāinga o Te Ture kia kōkuhua ngā mātāpono e mātuatua ana ki te Māori/me ōna tikanga (**Wāhanga 6 Whāinga**).
* **Atikara 1 | Kāwanatanga: Ngā huatau hei whakarite huarahi kia mana taurite te mahi tahi me te Māori/te rangatiratanga hoki rānei i te whakamahinga o Te Ture me Te Tikanga.**
	+ Whakakaha ake i ngā tohu mō te kopou i tētahi Toihau me tētahi Toihau Tuarua ki tā te Māori e hiahia ai (**Wāhanga 10(1)(f)** **Ngā tohu mō te kopounga** wāhanga iti rānei). Hei tauira, ko tā te Ture Pae Ora he tohutohu i te Poari kia kotahi ‘te mōhio, te wheako me ngā pūkenga e pā ana ki te Tiriti o Waitangi, tikanga Māori, mātauranga Māori, ratonga kaupapa Māori, te haumaru ā-ahurea me te uruparetanga o ngā ratonga.
	+ Me kopou he Toihau Hauora, Hauātanga Māori (wāhanga iti hou i te **Wāhanga** **9 Toihau Tuarua**). Kia mōhio mai, tae noa atu kia kopoua he Toihau Hauora, Hauātanga, he tūranga Toihau Tuarua o te tūranga Toihau Hauora Hinengaro.
	+ Me whakarite e Te Toihau me te pūmau hoki i ētahi hononga mauritau ki ngā iwi (**Wāhanga 14(2) Mahi a Te Toihau**).
	+ Me tāpiri mahi tahi me te Māori, hapū iwi me ngā rōpū Māori e hāngai ana ki **Wāhanga 20 Uiui hei whakarite me te arotake i Te Tikanga.**
	+ Me mahi tahi ki te Māori, hapū, me ngā iwi, e hāngai ana ki te whakahou, ki te whakakore rānei o ngā aratohu tautoko (**Wāhanga 28 Aratohu mō te Whakahaere o Ngā Kaitautoko**).
* **Atikara 2 | Tino Rangatiratanga: Ngā huatau e aro atu ana ki ō te Māori uara, tā te Māori titiro hoki tē kitea e te Māori.**
	+ Me whakauru pū te kakenga tūranga me te tiaki tikanga i ngā āheinga a Te Toihau e pā ana ki te whakaute, te whai hoki o ngā mōtika o ngā kiritaki o ngā ratonga hauora, ratonga hauātanga (**Wāhanga 14(1) Āheinga o Te Toihau**).
	+ Me kopoua he Toihau Tuarua Hauora, Hauātanga (wāhanga iti hou i te **Wāhanga 9 Toihau Tuarua**) kia whakahaere, kia whakamana hoki i te mātauranga tika me ngā kawa hei aromatawai me te urupare ki ngā āhuatanga ahurea o ngā amuamu.
	+ Whakatikaina te **Wāhanga 61 Hui Takawaenga** kia titiro ki te hohou te rongo/hui ā-whānau/ngā tukanga rānei e hāngai ana ki ngā tikanga.
	+ Te kite me whakarite tikanga i te **Wāhanga 20 Mahi o Te Tikanga**. Ka hāngai hoki tēnei whakaaro ki teTauākī Ritenga Māori[[9]](#footnote-9)mā te mōhio pū ki te wairua me ngā tikanga.
* **Atikara 3 | Ōritetanga: Ngā huatau hei whakarite huatahi mō te Māori kia harikoa ki te whakatairanga me te tiaki mōtika kiritaki hei Māori i runga i ngā mana taurite o ērā atu tāngata ehara i te Māori.**
	+ Ko ngā āheinga o te Tumu Whakarae Tautoko me uru ko te whakatairanga ake o ngā hua mana taurite mō te Māori me ngā kiritaki katoa (**Wāhanga 25 Āheinga a te Tumu Whakarae Tautoko**).
	+ He tāpirihanga ki te **Wāhanga 25 Āheinga a te Tumu Whakarae Tautoko** kia whakauru i te whakatairanga ake i ngā ratonga tautoko mō te Māori me ētahi atu hapori kia ū ki te huarahi wātea i runga i te mana taurite.
	+ Whakatikaina te **Wāhanga 30 Āheinga o ngā kaitautoko** kia urupare pū atu ki ngā matea o te Māori me te whakatairanga ake, te whakarite tukanga hoki e ārahi ana ki te tikanga ā te whānau mehemea e tika ana.
	+ Kia arotakengia me te whakatikatika i te tukanga ture mō te aromatawai amuamu kia taea ngā tukanga te whakamana, te hāngai atu hoki ki ngā tikanga (**Wāhanga 4 Amuamu me ngā tūhura, Wāhanga 31–49,** me ngā **Wāhanga 33 aromatawai tuatahi, 38 karekau he mahi anō** me te **40 tūhura**).

### Pātai

* 2.2: Pēhea ōu whakaaro ki ā mātou huatau mō **te whakarite i Te Ture me Te Tikanga kia mauritau atu, kia urupare atu hoki ki ngā matea o te Māori**, he aha oti ngā pānga mai?
* 2.3: He aha ētahi atu panoni ā-ture, ā-ture kore rānei hei whakaaro mā mātou **kia whakarite i Te Ture me Te Tikanga kia mauritau atu, kia urupare atu hoki ki ngā matea o te Māori**?

# Kaupapa 3: — Kia tika Te Ture me Te Tikanga mō ngā tāngata whaikaha

I tēnei wāhanga ka whakaritea he pātai hei pātai atu ki a koe:

* Ngā take e pā ana **ki te whakarite i Te Ture me Te Tikanga kia tika mō ngā tāngata whaikaha** and the case for change; and
* **Ko ngā huatau mō Te Ture me Te Tikanga kia tirohia aua take**.

## Ngā Take

Kei te aro atu kia tika Te Ture me Te Tikanga mō ngā tāngata whaikaha e whakaata ana i ngā māramatanga o nāianei mō ngā mōtika hauātanga. Mai i te whanaketanga tuatahitanga o Te Ture e 30 tau ki muri, kua neke te māramatanga ki ngā mōtika o ngā tāngata whaikaha me ngā panoni o te tautoko me ngā ratonga, tae atu ki te hāngai ki te hauora hinengaro me te wara.

* Nā te Kāwanatanga o Aotearoa te CRPD i whakamana;
* I tohua ko te wara hei take hauora (Kaupapa Here Tarukino ā-Motu 2015–2020);
* I whakaputaina te Rautaki Hauātanga o Aotearoa 2016–2026, Enabling Good Lives me te Rautaki Tārewa Hauora o ngā Tāngata Whaikaha. Mā ēnei e ārahi i te panoni pai mō ngā tāngata whaikaha, ngā whānau, ngā hapori me ngā hanganga kāwanatanga;
* I whakatūria a Whaikaha me te kawenga nei hei whakahaere i ngā ratonga hauātanga e tautokona ana e te pūtea kāwana;
* Kei te arotakengia e Te Aka Matua o te Ture te ture āheinga-whiringa ā-pakeke; ā,
* Kei te whakaaro Te Manatū Hauora ki te whakakore me te whakakapi i te Ture Hauora Hinengaro (Aromatawai me te Maimoatanga) 1992.

Neke atu i te 25 ōrau o ngā amuamu i riro mai i te HDC he amuamu mō te manaakitanga mō ngā tāngata whaikaha. Kei te rongo mātou i ngā tāngata whaikaha:

* Ko te reo e pā ana ki te hauātanga i roto i Te Ture me Te Tikanga kua tahito rawa;
* Ko te whakatairanga ake o Te Tikanga me ngā tukanga amuamu a te HDC kāore i taea i ngā wā katoa;
* Ko ētahi o ngā mōtika o Te Tikanga me āta whakamārama ake, me te whakakaha atu hoki kia hāngai ai ki te whai wāhitanga me te tautoko kia whiriwhiri i runga i te mōhio me te whakarite kupu whakaae i runga anō i te mōhio; ā,
* Ka taea e Te Ture te whakarite kia nui ake te whakaaro ki ngā take hauātanga i roto i ngā āheinga o te HDC.

Kei rapu hoki i ngā whakaaro mō ngā kitenga tuatahi o te arotakenga i whakahaeretia e mātou i te tau 2019. I tēnei arotakenga i te mātou titiro mehemea he āhuatanga mō ngā pakeke tē taea e rātou te whakaae kia uru rānei ki te rangahau, ā, mehemea āe, he aha ngā mahi tiaki me whakarite. Ahakoa mā ngā panoni ki Te Tikanga ka tuwhera mai ngā huarahi wātea ngā kōkiritanga o ngā ratonga hauora, ratonga hauātanga, me kaua e whakaiti i ngā mōtika e mau nei i ngā tāngata whaikaha i ētahi atu hoki tē taea te whakaae.

Kei te whakapono mātou mā te whakarite i Te Ture me te Tikanga kia pai ake te mahi mō ngā tāngata whaikaha ka tautoko i te Kāwanatanga kia hāpai i ōna paihere i raro i te CRPD, me te takoha atu:

* ki te mātauranga nui me te mōhio o ngā tāngata whaikaha ki ō rātou mōtika i raro i Te Tikanga;
* ki te māramatanga me te tiakitanga o ngā mōtika ki ngā huarahi wātea me te tautoko i ngā whiriwhiri i roto i Te Tikanga;
* i tētahi wāhi mana taurite mō te reo o ngā tāngata whaikaha voices ki te hāpai i āwangawanga me te tuku amuamu; ā,
* i ngā hua mana taurite mō ngā tāngata whaikaha e whai wāhi ana ki ngā ratonga hauora, ratonga hauātanga hoki.

### Ā mātou mahi o nāianei

Tūturu, kua whai Toihau Tuarua Hauātanga a te HDC me tōna kawenga hei whakarite i te HDC hei huarahi wātea me te urupare atu ki ngā tāngata whaikaha, ā, he rōpū e ngākaunui ana ki te hauora hinengaro me ngā amuamu wara. Ka tū Te Toihau Tuarua Hauātanga hei takawaenga ki a Whaikaha kia tuari mōhiohio mehemea he tūraru ki te haumaru me te oranga o ngā tāngata whaikaha, ka mutu, mehemea he huarahi wātea hoki hei mahi tahi ki ngā āwangawanga ā-pūnaha nei o roto o te rāngai hauātanga.

He whanaungatanga ā-ture nei tō te HDC ki te Tumu Whakarae o te Hauora Hinengaro me te Wara, ki te Hiringa Mahara hoki. Ko Te Toihau Manaaki Kaumātua kātahi anō ka whakatūria o roto mai o te HDC kua whakapiki i tā mātou aronga kia mahi tahi, kia urupare atu hoki ki ngā kaumātua, inā hoki, tokomaha o rātou he tangata whaikaha tokomaha ake i o ērā atu hapori.

Kua whakapai ake mātou i tā mātou kohikohi raraunga kia pai atu te tātari me te whakarite pūrongo mō ngā āwangawanga o tāngata whaikaha me ō rātou wheako ki ngā ratonga hauora rīroa me ngā ratonga tautoko hauātanga hoki. Nā te ahunga o te wā i kitea i ngā amuamu, kei te whakahaere tātari ā-kaupapa mō ngā wheako o ngā tāngata i roto i ngā ratonga tautoko hauātanga me te maimoa whakakapi mō te whakaporehu.

Kei te arotake mātou me te whakahou i ā mātou rauemi kia taea ai te whai wāhi tonu mai, he rauemi o nāianei tonu, ā, he tika ā-ahurea nei. Kei te whakarongo hoki mātou ki ngā whakahokinga kōrero mai i tā mātou rangahau wheako ki te whakapai ake i tā te HDC whai wāhitanga me tōna urupare. Ko tētahi aronga matua kia rongo mai i ngā tāngata e uaua ana mā rātou ki te tuku kōrero, tae atu ki ngā tāngata ki roto ki ngā ratonga whare tiaki.

### Pātai

* 3.1: I āta kōrerotia e mātou ngā take matua mō **te whakarite i Te Ture me Te Tikanga kia tika ake ai mō ngā tāngata whaikaha**?

## He huatau hei panoni ture

Kei te rapu whakaaro mātou mō ngā huatau e whai ake ana mō Te Ture me Te Tikanga kia tika ake ai mō ngā tāngata whaikaha. Kei te rapu whakaaro hoki mō tā te HDC tohutohu hukihuki 2019 e pā ana ki te rangahau tē whakaaetia.

### Whakakaha i ngā āheinga hauātanga o roto o Te Ture

I tēnei wā, kei Te Ture:

* he whakamāramatanga ki ngā matea huhua o ngā kiritaki o ngā ratonga hauātanga hei tohu mātauranga mō te kopou ki te tūranga o Te Toihau; ā,
* he kawenga mā Te Toihau kia whakaritea ngā hononga me te pūmau tonu ki ngā māngai o ngā kiritaki o ngā ratonga hauātanga.

Mā te tāpiri mai i tētahi tūmahi ā-ture e aro mai ana ki ngā take hauātanga ka whakakaha ake i te whakahaere amuamu ki tā te ao hauātanga e titiro ai, ka whakapiki ake hoki i tā te HDC aronga ki ngā mōtika o ngā tāngata whaikaha, ā, ka tautoko te whirinaki me te mahi tahi ki a te HDC.

Waihoki, ko tā te HDC tuhi pīrongo, mā te Minita Hauora anake. Mā te tāpiri i tētahi herenga kia tuku hoki i tētahi pūrongo ki te Minita Take Hauātanga ka whakakaha ake i tā te HDC āheinga ki te whakatairanga ake me te tiaki i ngā mōtika o ngā tāngata whaikaha e whakamahi ana i ngā ratonga hauora, ratonga hauātanga.

### Whakahoungia ngā tautuhi e hāngai ana ki te hauātanga

He whānui ngā kupu whakamārama o ngā ‘ratonga hauātanga’ me ngā ‘kaiwhakarato hauātanga’ i Te Ture me te whānui o ngā ratonga e āhei ai ngā tāngata whaikaha kia whai oranga. Kei roto hoki i ngā ratonga hauātanga ko te whānau hei kaitiaki ina he kaiwhakawhiwhi mahi/kaimahi, he kirimana ā whanaunga nei rānei mō ngā ratonga.

Ahakoa e kore ēnei kupu whakamārama e whakararu i tā te HDC whakamahinga, kua kī mai ētahi kei te whakaata te reo o roto i ngā ariā tahito o te hauātanga. Ko ngā ariā o nāianei e kī ana ‘ko te hauātanga he taupā ki ngā tāngata whai waimaero i te pāpori; ko te pāpori e kopa ana mātou, ehara i ō mātou waimaero’.[[10]](#footnote-10)

Ko ngā kupu whakamārama o nāianei i Te Ture e hāngai ana ki te hauātanga kei raro iho nei.

* **Ratonga hauātanga** tae mai ki ngā rawa, ngā ratonga me ngā whare — (a) i hoatu ki ngā tāngata whaikaha mō tā rātou manaaki, mō te hāpai rānei i tā rātou mana motuhake; (b) i hoatu hei āwhina i ngā kaupapa e hāngai ana, e āpiti noa iho ana rānei ki te manaaki, te tautoko rānei o ngā tāngata whaikaha, mō te hāpai rānei i tā rātou mana motuhake.
* **Kaiwhakarato hauātanga** ko tētahi tangata ewhakarato ana, e tū ana rānei hei whakarato ratonga hauātanga.
* **Kiritaki ratonga hauora** ko tētahi tangata whaikaha ko tōna hauātanga— (a) e whakaiti ana i tōna āhei ki te noho motuhake; ka mutu (b) ka hiahia tautoko pea te tangata mō tētahi wā.

Kei te hiahia rongo whakaaro i a koe mō te pēhea ngā kupu whakamārama o Te Ture e panoni ai kia whakakaha ake, kia whakamana me hāngai ki te CRPD.

### Whakakaha ake i ngā hononga ki ngā huarahi wātea

Mā te CRPD ngā wawata e whakatakoto e taea ai e ngā tāngata whaikaha te whai wāhi atu i runga i te mana taurite. I tēnei wā, Ka whakarato mai Te Tikanga i ngā tini huarahi wātea.

* **Whakawhitiwhitinga whakaaro:** Mōtika 5(1) e hoatu ana ki te tangata te mōtika kia mauritau ‘te whakawhiti kōrero ki tā tētahi āhua, tētahi reo, me te āhua e mārama ai te kiritaki ki te mōhiohio e homai ana. Ina tika ana kia hoatu, ka whakaritea he kaiwhakamāori matatau.’ Mōtika 5(2) he mōtika kia whakaritea he taiao e tautoko ana i te whakawhiti kōrero, ‘kia tuwhera, kia pono, kia mauritau’.
* **Paerewa tika mō te whakarato ratonga:** Mōtika 4(3) he mōtika kia hāngai ngā ratonga ki te tangata me ōna matea.
* **Haumaru ā-ahurea:** Mōtika 1(3) he mōtika kia whai ratonga e tautoko ana i ngā matea, ngā uara me ngā whakapono o ngā rōpū … rerekē ...’.
* **Kia herekore i te whakatoihara:** Mōtika 2 he mōtika kia herekore i te whakatoihara ki tā te Ture Mōtika Tangata 1993 e kī ai, tae atu ki te hauātanga e noho nei hei me arāhui i te whakatoihara.
* **Mana me te Tū Rangatira Motuhake:** Mōtika 3 he mōtika kia ‘whai ratonga i runga anō i te whakaute mai ki te mana me te mana motuhake o te takitahi’.
* **Tautoko:** Mōtika 8 e tuku ana i te mōtika kia whai kaitautoko kotahi, tokorua rānei e hiahiatia ana kia noho tahi, hāunga anō ina whakamōrea haumaru, whakararu rānei i ngā mōtika o tētahi atu kiritaki.

Kei te whakaaro mātou kia panoni i Te Tikanga kia tirohia te huatahi wātea o Mōtika 5 (Whakawhitiwhitinga whakaaro); ki rō Mōtika Right 10 hoki (Mōtika hei amuamu) kia whakakahangia ake te mōtika ki whai wāhi mai ki ngā ratonga o Te Tikanga.

Kei te whakaaro hoki mātou kia tangohia ngā kupu ‘te mahi ka taea’ o roto o Mōtika 5 mō te mōtika kia whai i tētahi kaiwhakamāori matatau. Rārangi 3 (Tūtohu Kaiwhakarato) o Te Tikanga kua whakamana kētia te kaiwhakarato ina mahi pai ia i raro i ngā āhuatanga o Te Tikanga of the Code e kore ia e takahi i Te Tikanga. Ka taea te whakaaro ngā whakararu. Ko te tāpiri tepenga anō o ‘te mahi ka taea’ i roto i Mōtika 5 e pā ana ki ngā kaiwhakamāori kua huakore kei whakaarohia pea e ngā kaiwhakarato he iti iho te haepapa o ērā atu mōtika.

### Whakakaha ake me te whakamārama ake i te mōtika tautoko whiriwhiri

E taea ai te whiriwhiri ā-ture pērātia e ngā tāngata katoa kia whaimana hei whiriwhiri, hei whakahaere i ō rātou ake oranga he tūāpapa o ngā mōtika tangata me te CRPD. Mehemea e kore e taea e te tangata whaikaha te whakaputa i tētahi whiriwhiri motuhake, ka whakamahia he tukanga tautoko whiriwhiri.

I tēnei wā, ko tā Te Tikanga he kī kia tautokona te tangata hei whiriwhiri mō tō rātou manaakitanga ki tā rātou āheinga kaha raw atu. Mōtika 7 (Whakaritenga mōu ake) tae atu ki tētahi wāhi tīmata e kī ana ka taea e ngā tāngata katoa te whiriwhiri mō tō rātou manaakitanga (Mōtika 7(2)); ko taua mōtika ia ka purihia ki tā te tangata e āhei ai ki te whiriwhiri (Right 7(3)); ā, ahakoa e kore rawa te tangata e āhei ai ki te whiriwhiri, me whakarato tonu i ngā ratonga i ngā wā katoa ki tā taua tangata e whakaaro ai (Mōtika 7(4)), tae atu kia whakamahia ngā whakahau kōkiri (Mōtika 7(5)).

Kei te mōhio mātou ko te tautoko whiriwhiri he mahi e whanake tonu ana, ā, mā te āta ārahi, te whakaako me ngā hoatu mahi ka tautoko i ngā kaiwhakarato kia whakauru i tēnei mōtika i ā rātou mahi i te taha o ngā kupu o Te Tikanga kua whakakahangia. Ka whakaaro mātou kia panoni:

* Mōtika i whakakahangia (Whakawhitwhitinga whakaaro) i roto i Te Tikanga kia aro pū atu ki te mōtika mō ngā tāngata kia whai tautoko e mārama ai ki te mōhiohio;
* Whakahoungia te reo o Mōtika 7 (Whakaritenga mōu ake) e pā ana ki te ‘matatau’ me te ‘kūare’ hei whiriwhiri me ngā whiringa i whakararu ki tā Te Aka Matu o te Ture tukanga hei arotake i te ture āheinga-whiriwhiri ā-pakeke nei;
* Whakakaha i a Mōtika 7(3) kia aro atu ki te mōtika hei whiwhi tautoko kia whiriwhiri;
* Whakahou i te reo o Mōtika 7(4) i tā te kiritaki ‘e titiro ai’, ki te ‘māia me ngā matea’ ki tā te reo o te CRPD; ā,
* Whakakaha i te Mōtika 7(4)(c)(ii) kia whakaarohia te māia me ngā matea o ngā kiritaki tē whai āheinga-whiriwhiri ā-ture.

### Te whakaaro kauneke i ā te HDC tohutohu hukihuki mō te rangahau tē whakaaetia

I tēnei wā ko te rangahau hauora, hauātanga mō ngā pakeke tē taea whakaae me whakaaro ki ‘ngā matea tika’ hāunga anō ētahi mea o te tangata ki tā te Mōtika 7(4) o Te Tikanga. Ahakoa he mahi tiaki mātuatua tēnei mō ngā tāngata paraheahea, he whakaaro atu anō he whakamātautau tē taea, nā te mea, i mua i te mōhiotanga ki te hua o te rangahau, tē taea te kī mai he rangahau hei whakamana tangata. Ko te whakamātautau ‘hiahia pai rawa’ ka hanga hoki i ngā taupā ki te rangahau puiaki me te iti te tūraru me te aha ka mahue pea ētahi rōpū ki ngā mea whakapai me te kauneke o te ratonga manaaki hauora, hauātanga.

I te tau 2019 i muri i te uiui ā-tūmatanui, tae atu ki ngā tāpaetanga 154 mō tētahi tuhinga kōrerorero, ka whakaritea e te HDC he tohutohu hukihuki ki te Minita Hauora o te wā kia panoni i ngā ture mō te rangahau hauora, hauātanga ko ngā kaiuru he pakeke tē taea te tuku kupu whakaae i runga i te mōhio.

Ko tā te arotakenga o 2019 he kitenga mō te rangahau hauora, hauātanga kāore e whakaaetia ana i tēnei wā me whakaae e taea ai te whakapiki mātauranga mō ētahi āhuatanga me te whakapai ake i te manaakitanga me ngā ratonga mō ngā rōpū e raru ana i aua āhuatanga. Heoi anō, me whai anake tēnei i runga anō i ngā āhuatanga kōpiripiri me ngā mahi tiaki pākaha, tae atu ki:

* te whakamātautau ‘hiahia pai rawa’ i roto i Mōtika 7(4) o Te Tikanga me aro anake ki te whakaritenga o ngā ratonga maimoatanga, me te whakarite i tētahi atu whakamātautau ki te rangahau **e iti iho ana te whakapae tūraru, e iti iho ana hoki te whakapae kawenga**;
* ngā tāngata arotau e whai whakaaro ana ki te oranga o te tangata e āhei ai ki te whakakore i tā rātou urunga ki te rangahau.
* kia whakahaere i ētahi komiti mātanga matatika i taua rangahau.

Nō muri mai i te arotakenga o 2019, kua whakaritea e te Kāhui Matatika o Te Motu (NEAC) ngā tohutohu katoa hāunga anō tētahi e aro atu ana ki a rātou ki te whakakaha ake i te mana whakahaere o te komiti matatika mātanga ina tē taea te tangata te whakaae. Ko tērā atu tohutohu e hāngai ana ki te tautuhi i te ‘e iti iho ana te whakapae tūraru, e iti iho ana hoki te whakapae kawenga’. Ko ā te NEAC paerewa i tēnei wā he tautuhi i te tūraru iti iho hei ‘rangahau e kore e nui atu ai te tūponotanga me te kaha o ngā pāmamae i te tūponotanga me te kaha o ngā pāmamae e kitea ana i te mahi o ia rā, i te wā rānei ka mahia ngā whakamātautau ā-tinana, ā-hinengaro rānei’.

Ko ngā kōrero kua rongohia e mātou i tēnei wā, āhua whānui nei, ko ngā tāngata rangahau e tautoko ana i ngā tohutohu, e āwangawanga ana rānei nō rātou kāore i te tautoko i te tino rangahau kia mahia. Ka noho āhua tūpato ngā Tāngata me ngā whānau mehemea ka piki ake te taumata mō te rangahau tē whakaaetia me te āhei o ngā komiti matatika mātanga ki te whakaaro ki ngā matea hauātanga i runga i te tika. Kei te mōhio mātou kāore i ngā tohutohu a te HDC he herenga mō te whakakanohi i ngā tāngata wheako whaiaro ā-hauātanga nei i ngā komiti mātanga matatika.

Kei te hiahia mātou kia mōhio ki ōu whakaaro ki ā te HDC 2019 tohutohu e pā ana ki te rangahau tē whakaetia, me ētahi atu whakaaro kei a koe mō te whakapai ake.

Ka taea e koe te pūrongo katoa te pānui i: <https://tinyurl.com/unconsented-research>.

### Pātai

* 3.2: Pēhea ōu whakaaro ki ā mātou huatau **kia tika Te Ture me te Tikanga mō ngā tāngata whaikaha**, ā, he aha oti pea ngā pānga?
* 3.3: He aha ētahi atu panoni ā-ture, ā-ture kore me whakaaro mā mātou **kia tika Te Ture me te Tikanga mō ngā tāngata whaikaha**?

# Kaupapa 4: — Kia whakaaro kōwhiringa mō tētahi mōtika hei pīra i ngā whakatau a te HDC

I tēnei wāhanga ka whakaritea he pātai hei pātai atu ki a koe:

* Ko ngā take e pā ana ki **ngā whakaaro kōwhiringa mō te mōtika hei pīra i ngā whakatau a te HDC**; ā,
* Ngā huatau hei whakakaha ake i ngā huarahi kia werohia ngā whakatau a te HDC.

## Ngā Take

I ui atu te Komiti Hauora Motuhake ki te HDC kia rapu whakaaro mō ngā kōwhiringa mō te mōtika hei pīra i ngā whakatau a te HDC nō muri mai i tētahi petihana o 2022.[[11]](#footnote-11) I tautohe mai ngā kaipetihana he iti noa iho ngā kōwhiringa hei wero atu ki ngā whakatau a te HDC, me te aha, mā te whakarite i tētahi mōtika hei pīra i ngā whakatau a te HDC ka whakatairanga ake me te tiaki i ngā mōtika a ngā tāngata e whakamahi ana i ngā ratonga hauora, ratonga hauātanga.

He mātāpono o te ture pai mehemea ka whakatauria e te HDC e pātahi atu ana ki ngā mōtika o te tangata, ōna matea rānei, ‘ko taua tangata, me kī, me taea te whakatau te arotake ahakoa te aha. Mā te āheinga ki te arotake, ki te pīra rānei i tētahi whakatau e āwhina kia whakatauria ki tā te ture e kī ai. Waihoki, ko te kawatau kei tūhura ka aweawe i ngā kaiwhiriwhiri tere ki te whakaputa whakatau kounga teitei.’[[12]](#footnote-12)

I tēnei wā, mehemea kāore e pai ki tētahi tangata (kaiwhakapae, kaiwhakarato rānei) ki te hua o tētahi whakatau a te HDC, ka taea e ia:

* te pātai atu ki te HDC kia arotakengia te whakatau. Ko te whakatau hei arotake i tētahi kōnae kōrero kua katia kei te HDC te tikanga;
* Tukua he amuamu ki te Kaitiaki Mana Tangata. He utukore te arotakenga a te Kaitiaki Mana Tangata, ā, ka aro atu kia tōkeke te tukanga (ina he pai te whakatau me te mahi ki tā ture e kī ai). Ahakoa ka taea e te Kaitiaki Mana Tangata ngā take o te whakatau te tūhura, e kore te Kaitiaki Mana Tangata e whakakapi i tētahi whakatau hou, e hanga anō i ngā kitenga ā-meka, he ture rānei. Heoi anō, ka taea e te Kaitiaki Mana Tangata te tohutohu atu ki te HDC kia whakaaro anō ki te take;
* Kia rapua rānei he arotakenga ā-ture i te Kōti Teitei. Pēnei anō i tā te Kaitiaki Mana Tangata arotakenga, i tētahi arotakenga ā-ture ka titiro tētahi kaiwhakawā ki te whakatau mehemea i mahia ki tā te ture e kī ai. E kore pea te kaiwhakawā e whiriwhiri mehemea he ‘tika’ rānei te whakatau.

Hei tāpiri atu, mehemea kua tūhuratia e te HDC i tētahi take, me te aha, he ‘whatinga ture’, ka āhei te HDC ki te tuku i te take ki te Tumu Whakarae Whakawā (DP) hei hāmene i te Taraipiunara Whakatika Kaimahi Hauora (HPDT) ki Te Taraipiunara Mana Tangata and/or the Human Rights Review Tribunal (HRRT).[[13]](#footnote-13) Ka taea hoki e te kaiwhakapae anō te take te kawe atu ki te HRRT mehemea kāore anō Te Toihau kia tuku te take ki te DP, kua whakakorehia rānei e te DP te whakatakoto take.

Ko tā te Komiti Hoahoa Ture (LDAC) he kupu e kīia nei ko ngā āhuatanga hāngai hei aromatawai i te uara o tētahi pīra ka uru mai pea:

* te hōkai o ngā mōtika pīra;
* ngā utu me ngā pānga o te takaroa, e tutuki ai me aukati i te mōtika pīra kaua e whakakore rawa;
* te hiahia kia whakatau rawa; ā,
* te mātanga o te kaiwhiriwhiri tuatahi.

Ko tā te LDAC tohutohu mehemea he āpiha pupuri ture mātanga pērā i te HDC e whaimana ana ki te tūhura amuamu e hāngai ana ki tētahi marau, me ‘whirinaki atu ki a rātou hāunga anō te hanga mana hou, me i kore he take pai kia kaua ... [tae atu] kāore i te rōpū te mana, te tu motuhake, ngā whakaritenga whakahaere rānei kia tika te titotiro i ngā take’.[[14]](#footnote-14)

### Ā mātou mahi o nāianei

Kua mahia e mātou ētahi panoni hei whakakaha i te māramatanga o tā mātou tukanga whiriwhiri me te whakatinana i ngā tohutohu a te Kaitiaki Mana Tangata.[[15]](#footnote-15) Ko tā mātou:

* he arotake me te whakapai ake i tā mātou ‘arotake kōnae kōrero’/tukanga arotakenga ā-roto; ā,
* he arotake i tā mātou tukanga aromatawai tuatahi tae atu ki te whakamārama i te ārahitanga whiriwhiri mō ngā huarahi whakatatū amuamu e kore e mahi anō me te tohu i tētahi tūhura. Ka kitea tēnei ārahitanga i tō mātou pae ipurangi.[[16]](#footnote-16)

Ko ngā mahi whakapai i ā mātou tukanga amuamu, tae atu ki tēnei arotakenga, ka tautoko i ngā tāngata e tuku amuamu ana, me ngā kaiwhakarato e noho ana hei pūtake o ngā amuamu, e mōhio ai kua rongohia rātou hei whakaiti i te take kia wero atu ki ā te HDC whakatau.

### Pātai

* 4.1: I āta kōrerotia ngā take matua **hei whakaaro kōwhiringa mō te mōtika kia pīra atu ki ā te HDC whakatau**?

## He huatau hei panoni ture

Kei te whakaaro mātou ki ngā kōwhiringa e whai ake nei e hāngai ana ki te āheinga hei wero atu ki ā te HDC whakatau.

### Whakaritea he paerewa ā-ture mō te arotake whakatau a te HDC

I tēnei wā, kei a te HDC te mana kia mahia he arotakenga ā-roto ina tonoa. Ko tētahi kōwhiringa hei wero i ā te HDC whakatau ko te whakauru i tētahi paerewa ā-ture mā te HDC hei arotake whakatau ina tonoa, me te pānui i tēnei whakaritenga. Ko tēnei mōtika ka āhua ōrite ki te whakaritenga o te Ture Kōmihana Amuamu Manaaki Hauora 1993 (Niu Haute Weera), māna e kī, ‘me arotake e te Kōmihana tētahi whakatau i raro i te wāhanga 39 [mahi nō muri mai i tētahi tūhura] mehemea ka uia e te kaiwhakapae’ (section 41(3)). Pēnei i tēnei tauira, ko ngā whakaritenga katoa me aukati i te hoki atu hoki atu o ngā pīra ā te kaiwhakapae me te kaiwhakarato o te amuamu ōrite.

Mā tēnei kōwhiringa ka ōkawa mai ngā tukanga o nāianei tonu me te whakaiti i te taumaha mō ngā tāngata hei wero i ngā whakatau a te HDC. Kei roto hoki pea i tēnei kōwhiringa he whakaritenga kia kore te kaiwhakapae tūturu e noho hei wāhanga o te arotakenga, he aropā rānei hoki kei roto. Ka tukua hoki he kawenga ki a te HDC kia whakamōhio atu ki ngā tāngata i tō rātou mōtika kia tonoa he arotakenga o te whakatau. Heoi anō, he wāhi anō hoki mō te tukanga arotakenga kia tāpirihia he rauemi atu anō ki te whakanui atu i te wā mō te HDC ki te whakatatū amuamu mehemea he tika ana.

### Whakaheke iho i te paepae e whai wāhi atu ai ki te HRRT

Ko te HRRT he taraipiunara motuhake ā-ture nei hei whakarongo mai i ngā kerēme e pā ana ki ngā whatinga o te Ture Mōtika Tangata 1993, me te Ture Matatapu 2020, me tā mātou Ture. E rerekē ana i te HDC, ka whakarite te HRRT i ngā hui tūmatanui, me te hoatu utunga (i ētahi wā) mō ngā mahi hē, tae atu ki te mamae ngākau, te whakaiti me te mana ka ngaro. Ka taea te whakatau a te HRRT te pīra ki te Kōti Teitei.

He paepae teitei ake mā ngā tāngata ki te whai wāhi atu ki te HRRT i raro i tā mātou Ture, i tā te Ture Matatapu, tā te Ture Mōtika Tangata hoki. Kia whai wāhi atu ki te HRRT:

* Ki tā te Ture Mōtika Tanga me tuku tuatahi i te amuamu ki Te Kāhui Tika Tangata; ā,
* Ki tā te Ture Matatapu, tuatahi, me tūhura e Te Mana Mātāpono Matatapu te amuamu. Kāore he take mā Te Mana Mātāpono Matatapu kia whakatauria he take tō te amuamu.

Mā te whakaheke iho i te paepae mō te huarahi wātea ki te HRRT ka piki ake te āhei o ngā kaiwhakapae me ngā kaiwhakarato ki te wero atu ki ā te HDC whakatau. Heoi anō, ka whakaroa ake anō pea te wā hei whakatatū i ngā amuamu o ngā tāngata. I tēnei wā, e 75 ōrau o ngā whakatau a te HRRT ka whakatauria i roto i te 6 marama. Ka puta hoki he ritenga ā-rauemi nei mō HDC me HRRT.

Mehemea ka whakaheke iho rawa i te paepae e whai wāhi atu ai ki te HRRT, ka hiranga pea ngā ritenga ā-rauemi mō te HRRT. I te tau 2022/23 I katia e te HDC ngā amuamu complaints, 156 i tūhuratia, ā, i roto i ngā tūhura 114 i puta tētahi whakatau whatinga. Mā ēnei nama, ko te whakaheke paepae e whai wāhi atu ai ki te HRRT kia ōrite ki tā Te Mana Mātāpono Matatapu ka whai wāhi ngā amuamu 40 atu anō i ia tau ka whaimana kia kōkiri whakawā i te HRRT. He tinimano anō pea ka whai wāhi mai mehemea ka whakaheke iho i te paepae ki te taumata ōrite o tō Te Mana Mātāpono Matatapu, tae atu hoki ki ngā amuamu e kore e tika mā te HRRT (arā, mea iti, hangahanga noa, mea hōhā rānei).

### Pātai

* 4.2: Pēhea ōu whakaaro mō ā mātou huatau mō ngā **kōwhiringa mō te mōtika hei pīra ki ngā whakatau a te HDC**, he aha oti ngā pānga ka puta?
* 4.3: He aha ētahi atu **kōwhiringa mō te mōtika hei pīra i ngā whakatau a te HDC** ā ture nei, ā-ture kore hoki hei whakaaro mā mātou?

# Kaupapa 5: —He whakapai itinga, mea hangarau hoki

I tēnei wāhanga ka whakaritea he huatau hei whakatikatika itinga, mea hangarau hoki i Te Ture me Te Tikanga. Ka pātai mai hoki me pēhea e whakapai whakakaha ake ai i Te Ture me Te Tikanga kia urupare atu ki ngā pānga o te hangarau hou mō te whakaratohia.

## Ngā take me ngā huatau hei panoni

### Whakahoungia ngā ritenga mō ngā arotakenga o Te Ture me Te Tikanga

Mā Te Ture me arotake e Te Toihau Te Ture i ia rima tau, i ia rima tau, me Te Tikanga i ia toru tau. Ahakoa he mea nui kia auau o te arotakenga e whaitake tonu ai Te Ture me Te Tikanga, he tino whakapau wā ēnei arotakenga, he whakaharahara hoki te taha rauemi. Waihoki, kāore i te puta he panoni whaitake. Kua kōrerorero ngā Toihau o mua i tēnei take me te tohutohu atu kia rerekē te wā mō ēnei arotakenga ki ia 10 tau me te kōwhiringa kia wawe ina tika ana.

Mā Te Ture hoki e uta ngā ritenga rerekē i runga i Te Toihau i tōna arotakenga o Te Ture engari anō Te Tikanga. Ko te mea ka pēnei, i tuhituhi tuatahitia Te Ture me ngā whakaaro ki Te Tikanga. E whaimana tonu ana tā Te Ture ritenga hei uiui mō te Tikanga hukihuki i te wā he hiahia nō Te Toihau kia whakahoungia, ahakoa tōna iti. Ahakoa he mātuatua te uiui whānui, ko te āhua o te whakarite wā hei uiui he mea whakaharahara ā-rauemi nei, ka mutu, ka puta pea he pōnānā o te HDC me ngā kaitautoko. E whakaaro ana mātou ka pai ake kia whakahoungia ēnei wāhanga o Te Ture kia mārama ake, whakaata mai he horopaki ina whakahoungia e mātou tētahi Tikanga o nāianei engari anō te whakarite i tētahi Tikanga hou, me te hāngai i ngā ritenga o ngā arotakenga ki Te Ture me te Tikanga.

### Whakapiki ake i te whaina matua mō tētahi hēanga i raro i Te Ture mai i te $3,000 ki te $10,000

Ko te hāmene mō ngā hēanga ki Te Ture (s 73) he whaina kāore e neke atu i te $3,000. Ko ngā momo hēanga ko te āraitanga, tē tuku mōhiohio, tuku mōhiohio parau, mōhiohio kotiti ki Te Toihau. Ko te $3,000 he whaina iti mō aua momo hēanga, me te aha, kāore i te whakamataku i ērā tāngata ka whiriwhiri ki te ārai atu i ngā mahi a Te Toihau. Mā te whakapiki i te whaina ki te $10,000 kātahi ka hāngai ki atu ki ērā hēanga i raro i te Ture Matatau o ngā Mātanga Hauora 2003.

### Kia whaimana te Tumu Whakarae Whakawā ki te tiki mōhiohio

Kāore Te Ture e hoatu mana ki Te Tumu Whakarae Whakawā hei tiki mōhiohio kia pai āna whakatau mō te kōkiri whakawā, kāore rānei. Ka auau te rapu mōhiohio a Te Tumu Whakarae i ngā kaiwhakarato, ngā kiritaki, ngā rōpū tuatoru rānei (arā, mai i a, ACC) ka whakawhirinaki atu ia kia āwhina mai rātou me te hoatu noa i ngā mōhiohio. Ko te nuinga o ngā tuku kōrero kua riro mai mō tēnei take i ngā arotakenga o mua i tautoko i tētahi mea whakatika e taea ai e Te Tumu Whakarae Whakawā te tangata te whakahau kia homai mōhiohio tae noa atu ki te wā ka whakarite kōkiri whakawā Te Tumu Whakarae.

### Whakauru i tētahi tautuhi mō tētahi ‘ngākau pōuri’

Ka whakaae mai Te Ture kia tukua e te ‘ngākau pōuri’ he kōkiri whakawā ki tētahi ratonga hauora, ratonga hauātanga i roto i Te Taraipiunara Mana Tangata. Ko te kīanga ‘ngākau pōuri’ kāore i te tautuhia i Te Ture me te aha kua tū ngā kōkiri whakawā. Nā te Kōti Teitei me te Kōti Pīra i tautohu i te ‘ngākau pōuri’ hei kiritaki o ngā ratonga hauora, ratonga hauātanga – hei tauira, te aukati huarahi wātea mō ngā mema o te whānau o ngā kiritaki kua mate.[[17]](#footnote-17) Ki a mātou he tino aukatinga ki te Taraipiunara tēnei. Nā te arotakenga 2014 i tohutohu mai kia whakakapia tēnei kīanga mō te kīanga ‘te kaiwhakapae mehemea ehara te ngākau pōuri i te kaiwhakapae’.

### Whakaae mai ki te ratonga whakakapi

Ko tā te wāhanga 43(1) he whakatau i te HDC ki te tohutohu atu ki ētahi tāngata mō ngā hua o tētahi tūhura ā te wā wawe ka taea nō muri iho mai i te mutunga o te tūhura. I ētahi wā kāore e taea e mātou te kaiwhakarato, te kiritaki rānei te rapu (nā te neke whare pea) ahakoa tā mātou kaha rapu. Ko te auau kaha rapu i ngā tāngata tē kitea, i ētahi wā, e āta huna ana pea, he moumou rauemi te taea te tuku ki kaupapa kē. Kei te whakaaro mātou ko tā tēnei wāhanga he ritenga mō tā mātou ‘kaha ngana te tuku tohutohu’ mō tētahi ratonga whakakapi rānei ina kore e rapua te tangata – hei tauira, he tuku tohutohu mā te mēra rēhita, mā tā/ā rātou kaute pāhopori rānei.

### Kia whaimana te HDC kia pupuri mōhiohio ina tika ana

Me ū a te HDC ki ngā ritenga o te Ture Matatapu me te Ture Mōhiohio Ōkawa 1982 (te OIA). Ko te tikanga, me whakarite e te HDC he arotakenga o ia tono mō te mōhiohio e purihia ana e te Tari hei aromatawai me tuku rānei taua mōhiohio. He mahi matahuhua, he mahi roa te wā hoki. Ko te tuku mōhiohio i ngā wāhanga tīmatanga o tētahi tūhura ka tūtohi atu ki ngā kaiwhakarato (me ā rātou rōia), e mōhio pai ana ki a te HDC tukanga i te wā o tētahi tūhura, ka mutu, ka rapua he huanga rauhanga.

Kua huatau mai Te Mana Mātāpono Matatapu me ōrite te āheinga a HDC ki tō te Tari o Te Mana Mātāpono Matatapu hei pupuri mōhiohio i te wā o tētahi tūhura, i te wā e haere ana te tūhura, i te mea, he mahi tiaki mātuatua tēnei mō te mana o tētahi tukanga tūhura amuamu. Ko tā te Wāhanga o te Ture Matatapu 2020 e kī ai me pupuri matatapu e Te Toihau o nāianei, o mua me ngā kaimahi o mua, o nāianei hoki e pa ana ki ngā āhuatanga katoa i puta mai ki tō rātou mōhiotanga i te wā e mahia ana i raro i Te Ture. Heoi anō, ka hoatu ki Te Toihau he āheinga kia whāki atu i ngā take e tika ana hei hāpai i o te mana Te Ture. Kei te tautoko mātou i tētahi whakatikatika ōrite mō tā mātou Ture.

### Whakawhānui atu i te ritenga mō te whakaae ā-tuhi nei hei whakarokiroki e ōrite ana ki te rongoā whakarehu

Ko tā te Mōtika (6)(c) me whakaae ā-tuhi tētahi whakaae i runga i te mōhio mehemea kei raro te kiritaki mā tētahi rehu whānui. Tā te mea, ko tēnei momo mea whakarokiroki ka kaha pā atu ki te āhei o te tangata ki te whiriwhiri, ki te maumāhara rānei ki ngā whiringa. Heoi anō, he maha ngā momo mea whakarokiroki ka ōrite te pānga atu – hei tauira, mehemea, he kōwhiringa o tētahi rongoā patu mamae me ngā mea whakarokiroki hei āwhina i te tūroro kia tū pakari ki ngā tukanga pōuri, tukanga mamae. Kei te whakaaro mātou kia panoni i Te Tikanga kia hopukia aua pūāhua kia rite tonu te whakamahinga o tēnei Mōtika.

### Whakamārama mai me te whakaae ā-tuhi mehemea he nui te tūraru o ngā mahi tūkino

Ko tā Mōtika 7(6)(d) o Te Tikanga me whakaae ā-tuhi mehemea ‘he nui te tūraru o ngā mahi tūkino ki te kiritaki’. I te wā o te mahi e mōhio ana ka pā atu anake tēnei ki ngā pūāhua nui te tūraru o ngā mahi tūkino. Nā whai anō ka whakaaro mātou ki te panoni i Te Tikanga hei whakaata i tēnei mōhiotanga.

### Whakamārama mai i tā Te Tikanga tautuhi o te whakaako me te rangahau

Ka tuku atu te Mōtika 9 (Ako me te Rangahau) i ngā Mōtika katoa i raro i Te Tikanga ki ngā pūāhua ‘e uru mai ana te kiritaki, e whakaaro ana rānei te kiritaki kia uru mai ki te whakaako me te rangahau’. Kāore ēnei kupu i te tautuhi i raro i Te Tikanga me ngā tautuhi o Te Tikanga, e rārangi ana i raro iho nei, he whānui rawa.

* ko te ‘whakaako’ ka aro atu hoki ki te whakangungu kaiwhakarato; and
* ko te ‘rangahau’ ko te rangahau hauora, te rangahau hauātanga rānei.

Ko ngā kaiwhakarato me ētahi atu e hiahia ana ki te whakaako me te rangahau kua kī mai ki a mātou he uaua te mōhio mō āhea Te Tikanga e whakamahi ai. Kua kī mai ki a mātou mā te iti o te whakamārama ka tū hei taupā ki ngā tūmahi i te mutunga iho ka e whaihua ngā tāngata, ka whakapai ake hoki i te kounga o te ratonga. Hei tauira, kua kī mai ki a mātou e horokukū ana ētahi kaiwhakarato me ngā kairangahau ki te rangahau i ngā rangahau titiro whakamuri ki tētahi taumata taupori e kore ai e taea te kupu whakaae i runga i te mōhio te riro mai kei takahi i Te Tikanga. Kei te mōhio hoki mātou ki ngā pūāhua ka whakamahia Te Tikanga engari e whakapono ana te tangata kāore i te whakamahia.

Kei te hiahia mātou kia rongo i ōu whakaaro mō te pēhea e whakamārama pai atu ai i ngā tautuhi o te whakaako me te rangahau, tae atu ki ngā āhuatanga me whakaaro mō te wā me whakamahi i Te Tikanga.

### Pātai

* 5.1: E pēhea ana ōu whakaaro mō ngā take me ngā huatau mō te **whakapai itinga, mea hangarau hoki** me ngā pānga atu?
* 5.2: He aha oti ētahi atu whakapai itinga, mea hangarau ā-ture nei, ā-ture kore hei whakaaro mā mātou?

### Urupare atu ki te hangarau whakapiki

Kua kaha te whakapiki o te āheinga hangarau me ngā panoni ratonga i te rāngai hauora, hauātanga mai i te whakamanatanga o Te Ture me Te Tikanga. Kua panoni haere ēnei whakapikinga, ā, ka pērā tonu te panoni i te āhua o ngā ratonga hauora, ratonga hauātanga ka whakaratohia. Ko ngā ratonga hukihuki hou ko te ritenga ratonga tawhiti (mai i ētahi kaiwhakarato kei tāwāhi), me te whakamahinga o te atamai hangahanga (AI) mō te tātaritanga me te manaakitanga tuatahitanga (arā, ngā karekōrero a ngā tākuta). He wā pai tēnei hei arotake mehemea kei te kaha tiaki Te Ture me Te Tikanga i ngā mōtika o ngā kiritaki ki mua i te aroaro o ēnei hangarau hou.

Ko te whakamahinga o ēnei hangarau hou e hāpai ana i ētahi take mō te tiaki me te whakatairanga i ngā mōtika o te tangata i raro i Te Tikanga. Tae atu ēnei (kāore i te aukati) ki:

* ngā tūraru ki te matatapu o ngā mōhiohio hauora, hei tauira, ka riro mai aua mōhiohio i te pāhekoheko ki tētahi AI, engari anō te tuari noa atu;
* te uaua o te whakaū mōtika mehemea kāore te kaiwhakarato e noho ana i Aotearoa nei (arā, te hāpara e whakahaere ā-tawhiti ana e ngā karetao);
* te rītaha, ngā whakapae teka, mahi tūkino, te whakatoihara whakahara nā ngā AI hukihuki i whakawhanakehia ai ki te raraunga whakangungu hē;
* te mātua whakarite i te whakaae i runga i te mōhio mō te tā te AI whakapai haere i a ia anō me ētahi atu hangarau e ako haere ana; ā,
* te haepapa hei hāpai i ngā mōtika o ngā kiritaki ina manaakitia ana e tētahi karetao.

Kei te hiahia mātou ki te rongo i ōu whakaaro, i ōu āwangawanga me ētahi huatau kei a koe mō ngā panoni ki Te Ture me Te Tikanga ka taea e mātou kia noho pakari i te horopaki o te hangarau whakapiki me tōna whakamahi i te ratonga hauora, ratonga hauātanga hoki. He pātai ā mātou ki a koe i raro nei hei tautoko i tēnei.

### Pātai

* 5.3: He aha hoki i ōu āwangawanga matua mō te **hangarau whakapiki** me tōna pānga mai ki ngā mōtika o ngā tāngata e whai wāhi mai ana ki ngā ratonga hauora, ratonga hauātanga hoki?
* 5.4: He aha oti ngā panoni ā-ture, ā-ture kore hei whakaaro mā mātou mō te **hangarau whakapiki**?

**Tēnā rawa atu koe mōu i pānui mai i tēnei tuhinga. Kei te whakaaro mātou ki tō whakahokinga kōrero.**

E koekoe te tūī, e ketekete te kākā, e kūkū te kererū[[18]](#footnote-18)

Ka kawe i te whakataukī nei te whakaaro ahakoa he manu te tūī, te kākā, me te kererū, kei tēnā tōna ake reo, kei tēnā tōna ake reo, he rerekē pai he take anō tō tēnā reo me tēnā. Ka mutu, he whakamihi tēnei ki ngā tāngata kua tukua mai e rātou ā rātou tohutohu, ō rātou pūkenga me ngā wheako whaiaro hei tautoko me te tārai i tēnei tuhinga. Ko te tūmanako ia ‘mā te whakamaioha i ō tātou reo, ā tātou waiata rerekē ka rawe tā tātou tito pūoro mō āpōpō.[[19]](#footnote-19)

# Āpitihanga 1 —Ngā pātai uiui

Tirohia [<https://review.hdc.org.nz>](https://review.hdc.org.nz/) hei whakautu i ēnei pātai mā te rangahau tuihono.

**Kaupapa 1: Te tautoko kia pai ake te whakatatū amuamu, kia mana taurite hoki**

1.1: I kōrerotia e mātou ngā take matua mō **te tautoko kia pai ake te whakatatū amuamu, kia mana taurite hoki**?

1.2: Pēhea ōu whakaaro mō **te tautoko kia pai ake te whakatatū amuamu, kia mana taurite hoki**, ā, me ngā pānga atu?

1. Whakatika i te whāinga o Te Ture
2. Whakamārama i te urupare ā-ahurea
3. Kia mārama ki tā te whānau mahi
4. Kia uru mai te reo ā-ira
5. Kia tiakina i te rautipu
6. Whakamārama i ā te kaiwhakarato tukanga amuamu
7. Whakakaha ake i a Ngā Kaitautoko
8. Kia whakapai ake i te reo o ngā huarahi tuku amuamu i Te Ture

1.3: He aha ētahi atu panoni ā-ture, ā-ture kore hei whakaaro mā mātou **kia pai ake ngā tukanga amuamu, kia mana taurite hoki**?

**Kaupapa 2: Kia whakaritea Te Ture me Te Tikanga kia mauritau ake, kia urupare atu hoki ki ngā matea o te Māori**

2.1: I āta kōrerotia e mātou ngā take matua mō te **whakarite i Te Ture me Te Tikanga kia mauritau atu, kia urupare atu hoki ki ngā matea o te Māori**?

2.2: Pēhea ōu whakaaro ki ā mātou huatau mō **te whakarite i Te Ture me Te Tikanga kia mauritau atu, kia urupare atu hoki ki ngā matea o te Māori**, he aha oti ngā pānga mai?

1. Kia kōkuhu tikanga i Te Tikanga
2. Kia tika te pānga mai o te Tiriti o Waitangi.

2.3: He aha ētahi atu panoni ā-ture, ā-ture kore rānei hei whakaaro mā mātou **kia whakarite i Te Ture me Te Tikanga kia mauritau atu, kia urupare atu hoki ki ngā matea o te Māori**?

**Kaupapa 3: Kia tika Te Ture me Te Tikanga mō ngā tāngata whaikaha**

3.1: I āta kōrerotia e mātou ngā take matua mō **te whakarite i Te Ture me Te Tikanga kia tika ake ai mō ngā tāngata whaikaha**?

3.2: What do you think of our suggestions for **making the Act and the Code work better for tāngata whaikaha | disabled people**, and what impacts could they have?

1. Whakakaha i te āheinga hauātanga o roto o Te Ture
2. Whakahoungiā ngā tautuhi e hāngai ana ki te hauātanga
3. Whakakaha ake i ngā hononga ki ngā huarahi wātea
4. Whakakaha ake me te whakamārama ake i te mōtika tautoko whiriwhiri
5. Te whakaaro kauneke ki ā te HDC tohutohu mō te rangahau tē whakaaetia

3.3: He aha ētahi atu panoni ā-ture, ā-ture kore me whakaaro mā mātou **kia tika Te Ture me te Tikanga mō ngā tāngata whaikaha**?

**Kaupapa 4: Kia whakaaro kōwhiringa mō tētahi mōtika hei pīra i ngā whakatau a te HDC**

4.1: I āta kōrerotia e mātou ngā take matua **hei whakaaro kōwhiringa mō te mōtika kia pīra atu ki ā te HDC whakatau**?

4.2: Pēhea ōu whakaaro mō ā mātou huatau mō ngā **kōwhiringa mō te mōtika hei pīra ki ngā whakatau a te HDC**, he aha oti ngā pānga ka puta?

1. Whakaritea he paerewa ā-ture mō te tukanga ā-roto o te HDC
2. Whakaheke i te paepae e whai wāhi atu ai ki te HRRT

4.3: He aha ētahi atu **kōwhiringa mō te mōtika hei pīra i ngā whakatau a te HDC** ā ture nei, ā-ture kore hoki hei whakaaro mā mātou?

**Kaupapa 5: He whakapai itinga, mea hangarau hoki**

5.1: E pēhea ana ōu whakaaro mō ngā take me ngā huatau mō te **whakapai itinga, mea hangarau hoki** me ngā pānga atu?

1. Whakahoungia ngā ritenga mō ngā arotakenga o Te Ture me Te Tikanga
2. Whakapiki ake i te whaina matua mō tētahi hēanga i raro i Te Ture mai i $3,000 ki te $10,000
3. Kia whai mana te Tumu Whakarae Whakawā ki te tiki mōhiohio
4. Whakauru i tētahi tautuhi mō tētahi ‘ngākau pōuri’’
5. Whakaae mai ki te ratonga whakakapi
6. Kia whaimana te HDC kia pupuri mōhiohio ina tika ana
7. Whakawhānui atu i te ritenga mō te whakaae ā-tuhi nei hei whakarokiroki e ōrite ana ki te rongoā whakarehu
8. Whakamārama mai me whakaae ā-tuhi mehemea he nui te tūraru o ngā mahi tūkino
9. Whakamārama mai i tā Te Tikanga tautuhi o te whakaako me te rangahau
10. Urupare atu ki te rangahau whakapiki

5.2: He aha oti ētahi atu **whakapai itinga**, **mea hangarau ā-ture nei, ā-ture kore** hei whakaaro mā mātou?

5.3: He aha hoki i ōu āwangawanga matua mō te **hangarau whakapiki** me tōna pānga mai ki ngā mōtika o ngā tāngata e whai wāhi mai ana ki ngā ratonga hauora, ratonga hauātanga hoki?

5.4: He aha oti ngā panoni ā-ture, ā-ture kore hei whakaaro mā mātou mō te **hangarau whakapiki**?

# Āpitihanga 2 — Me pēhea ā mātou huatau e whakawhiti ai ki tētahi Tikanga hou

Kei tēnei Āpitihanga ngā panoni hukihuki ki Te Tikanga i huatau ai i tēnei tuhinga huihui ai ki te wāhi kotahi.

Ko ngā whakakorenga i huatau ai ka whakakorehia pēneitia **~~bold strike through~~** me ngā tāpirihanga i huatau ai kā whakaaturia pēneitia **bold** (Ka tārarotia mārōtia ngā upoko me te kore e panoni). Kei ngā [taiepa tūtika] tētahi tohutoro ki te kaupapa me tētahi huatau e hāngai ana.

**Te Tikanga Mōtika me ngā panoni hukihuki**

**1. He mana tō te kiritaki, he mahi tā te kaiwhakarato:​**

(1) Kei ia kiritaki he mana i tēnei Tikanga.

(2) Kei ia kaiwhakarato he mahi i tēnei Tikanga.

(3) Me mahi e ia kaiwhakarato —

(a) kia whakamōhio atu ki ngā kiritaki i ō rātou mōtika **mā tētahi huarahi e hāngai ana ki ō rātou matea**; ā,

[Ko te panoni e hāngai ana ki te Kaupapa 3, c. Whakakaha ake i ngā hononga ki ngā huarahi wātea me te Kaupapa 1 d. Kia uru mai te reo ā-ira.]

(b) Kia taea e ngā kiritaki te whai i ō rātou mōtika.

**2. Ngā mōtika o ngā kiritaki, ngā mahi a ngā kaiwhakarato:**

Ko ngā mōtika o ngā kiritaki me ngā mahi a ngā kaiwhakarato i raro i tēnei Tikanga e whai ake nei:

**Mōtika 1 Te mōtika kia whakaute**

(1) Kei ia kiritaki te mōtika **kia hāpaingia tō rātou mana**, ā, kia whakautea hoki. [Ko te panoni e hāngai ana ki te Kaupapa 2 a. Kia kōkuhu tikanga i Te Tikanga.]

(2) Kei ia kiritaki te mōtika kia whakautea kia noho matatapu **~~ia~~** **rātou**.

[Ko te panoni e hāngai ana ki te Kaupapa 1, d. Kia uru mai te reo ā-ira.]

(3) Kei ia kiritaki te mōtika kia whakaratohia ki ngā ratonga e aro ana **ki ō rātou** matea, tō rātou ahurea, reo, tuakiri, uara me ngā whakapono**.** **~~o ngā rōpū rerekē, rōpū ahurea, rōpū hāhi, rōpū pāpori, rōpū mātāwaka tae atu ki ngā matea, ngā uara me ngā whakapono o te Māori.~~**

[Ko te panoni e hāngai ana ki te Kaupapa 1, b. Whakamārama i te urupare ā-ahurea i te Tikanga; me Kaupapa 1, d. Kia uru mai te reo ā-ira.]

**Mōtika 2 Kia herekore mai i te whakahāwea, te uruhi me te kaiapo**

Kei ia kiritaki te mōtika kia herekore mai i te whakahāwea, te uruhi me te whakatīwheta me te mahi whakaito, te kaiapo ā-ahumoni nei hoki.

**Mōtika 3 Tū Rangatira Motuhake**

Kei ia kiritaki te mōtika kia whai ratonga i runga anō i te whakaute mai ki te mana me te **~~tū~~** **mana** motuhake o te takitahi.

[Ko te panoni e hāngai ana ki te Kaupapa 1, c. Kia mārama ki tā te whānau mahi.]

**Mōtika 4 E tika ana te paerewa o ngā ratonga**

(1) Kei ia kiritaki te mōtika kia riro mai he ratonga i runga i te manaaki me ngā pūkenga.

(2) Kei ia kiritaki te mōtika kia riro mai he ratonga e tika ā-ture nei, ā-matatika nei me ērā atu paerewa hāngi.

(3) Kei ia kiritaki te mōtika kia riro mai he ratonga e hāngai ana ki **~~ōna~~** **ō rātou** matea.

[Ko te panoni e hāngai ana ki te Kaupapa 1, d. Kia uru mai te reo ā-ira.]

(4) Kei ia kiritaki te mōtika kia riro mai he ratonga e whakaiti ana i te mamae o, me te whakanui i te kounga o, te oranga o te kiritaki.

(5) Kei ia kiritaki te mōtika kia mahi tahi ngā kaiwhakarato kia mātua whakarite i tētahi ratonga kounga e haere tonu.

**Mōtika 5 Whakawhitiwhitinga whakaaro**

(1) Kei ia kiritaki te mōtika kia mauritau te kōrerorero, **kia whai wāhi mai hoki** ki tā tētahi momo, tētahi reo me te āhua pai e mārama ai te kiritaki. Ina tika ana **~~kia hoatu~~**, he mōtika hoki hei whakarite i **te tautoko/ngā kaitautoko tika**, **tae atu ki** tētahi kaiwhakamāori matatau.

[Ko te panoni e hāngai ana ki te Kaupapa 3, c. Whakakaha ake i ngā hononga ki te huarahi wātea; me Kaupapa 3, d. Whakakaha ake me te whakamārama i te mōtika tautoko whiriwhiri.

(2) Kei ia kiritaki te mōtika ki tētahi taiao to an environment e āhei ai te kiritaki me te kaiwhakarato ki te kōrerorero noa, kōrerorero pono, kōrerorero mauritau hoki.

**Mōtika 6 Kia pono te whakamōhio**

(1) Kei ia kiritaki te mōtika ki tētahi mōhiohio e whakaaro ana tētahi kiritaki noa me ō tō tāua kiritaki pūāhua ka whiwhi mai, tae atu ki—

(a) tētahi whakamāramatanga o **tōna** pūāhua; ā,

[Ko te panoni e hāngai ana ki te Kaupapa 1, d. Kia uru mai te reo ā-ira.]

(b) tētahi whakamāramatanga mō ngā kōwhiringa e wātea ana, tae atu ki tētahi aromatawai tūraru, ngā mate āpiti, ngā hua me ngā utu o ia kōwhiringa; ā,

(c) tētahi kupu āwhina mō te wā e hoatu ai ngā ratonga; ā,

(d) te whakamōhio atu mō tētahi urunga ki te whakaako, ki te rangahau rānei, tae atu ki te rirohanga mai o te whakaae ā-matatika nei ina tika ana; ā,

(e) ētahi atu mōhiohio ā-ture nei, ā-ngaio nei me ētahi atu paerewa e hāngai ana; ā,

(f) ngā hua o ngā whakamātautau; ā,

(g) ngā hua o ngā whakahaerenga.

(2) I mua i te mahi whiriwhiri, te whakaae rānei kei ia kiritaki tētahi mōtika ki te mōhiohio e whakaaro ana tētahi kiritaki noa me ō tō tāua kiritaki pūāhua me whiriwhiri i runga i te mōhio, te whakaae atu rānei i runga anō hoki i te mōhio.

(3) Kei ia kiritaki te mōtika ki ngā whakautu pono, whakautu tika ki ngā pātai e pāna ki ngā ratonga, tae atu ki ngā pātai mō—

(a) te tuakiri me ngā tohu o te kaiwhakarato; ā,

(b) te tohutohu a te kaiwhakarato; ā,

(c) te pēhea e whiwhi ai i tētahi whakaaro o tētahi atu kaiowhakarato; ā,

(d) ngā hua o te rangahau.

(4) Kei ia kiritaki te mōtika kia riro mai ina tono atu ai, he whakarāpopotonga ā-tuhi nei o te mōhiohio i hoatu ai.

**Mōtika 7 Te mōtika ki te whiriwhiri i runga i te mōhio ki tā rātou e āhei ai**

(1) Ka hoatu ngā ratonga ki te kiritaki e āhei ai taua kiritaki te whiriwhiri atu i runga i te mōhio me te whakaae mai anō hoki i runga i te mōhio. Ka hoatu he ratonga ki tētahi kiritaki kātahi anō taua kiritaki ka whiriwhiri i runga i te mōhio me te whakaae mai anō hoki i runga i te mōhio, engari ia he ture ōkawa, he ture noa rānei, he whakaritenga atu anō rānei e hoatu kē ai.

(2) Me whakaaro kei ia kiritaki te **āheinga-whiriwhiri ~~matatau~~** ki te whiriwhiri i runga i te mōhio engari anō ka whakapono mai kāore i te kiritaki te āheinga-whiriwhiri **~~kāore i te matatau~~**.

[Ko te panoni e hāngai ana ki te Kaupapa 3, d. Whakakaha ake me te whakamārama ake i te mōtika tautoko whiriwhiri.]

(3) Ina **pātahi** atu ki te āheinga-whiriwhiri **~~matatau-kore~~** o te kiritaki, kei taua kiritaki te mōtika ki te whiriwhiri i runga i te mōhio me te whakaae mai anō hoki i runga i te mōhio, ki **tā rātou** e taea ai. **Ina tika ana he mōtika hoki hei tautoko ki te whiriwhiri.**

[Ko te panoni e hāngai ana ki te Kaupapa 3, d. Whakakaha ake me te whakamārama ake i te mōtika tautoko whiriwhiri; me te Kaupapa 1, d. Kia uru mai te reo ā-ira.]

(4) Ina **kāore i te kiritaki te āheinga-whiriwhiri** **~~matatau-kore~~** ki te whiriwhiri i runga i te mōhio me te whakaae mai anō hoki i runga i te mōhio, ā, kāore hoki he tangata atu anō e taea ai te whakaae mai hei māngai mō te kiritaki me hoatu e te kaiwhakarato he ratonga ina—

(a) koia te mea pai mā te kiritaki; ā,

(b) kua āta tirotiro i te **māia me ngā hiahia matua** **~~tirohanga~~** o te kiritaki; ā,

(c) ēnei rānei—

(i) ina mōhio ki te **māia me ngā hiahia matua ~~tirohanga~~**o te kiritaki me te whakaaro nui ki tō rātou **māia me ngā hiahia matua, ~~ko aua tirohanga~~** ka whakapono te kaiwhakarato i runga i te tika e hāngai tonu ana te whakaritenga o ngā ratonga ki te whiriwhiri i runga i te mōhio ka meatia e te kiritaki mehemea e matatau ana **ia**; or

[Ko te panoni e hāngai ana ki te Kaupapa 1, d. Kia uru mai te reo ā-ira

(ii) mehemea ko **7(4)(c)(i) e kore e hāngai ~~mehemea kāore anō ngā whakaaro o te kiritaki kia mōhiotia~~** me whakaaro kē te kaiwhakarato ki **te māia me ngā hiahia matua o te kiritaki e mōhiotia ana**, **ā**, me ngā whakaaro anō hoki o ētahi atu tāngata pai e whakaaro ana ki te oranga o te kiritaki hei tohutohu atu ki te kaiwhakarato.

[Ko te panoni e hāngai ana ki te Kaupapa 3, d. Whakakaha ake me te whakamārama ake i te mōtika tautoko whiriwhiri; me te Kaupapa 1, d. Kia uru mai te reo ā-ira.]

(5) Ka taea e ia kiritaki tētahi whakahau kōkiri ki tā te ture noa e kī ai.

(6) Mehemea me whakaae i runga i te mōhio, me tuhituhi ina—

(a) uru ana te kiritaki ki tētahi rangahau; ina rānei,

(b) he whakamātau noa iho te hātepe; ina rānei,

(c) ka **hoatu rongoā** ki te kiritaki **hei whakarerekē i te āhua o te hinengaro, te arokā rānei, te maumāhara rānei e taea ai te mahi i te mahi i raro i te rehu whānui**; ina rānei

[Ko te panoni e hāngai ana ki te Kaupapa 5, g. Whakawhānui atu i te ritenga mō te whakaae ā-tuhi nei hei whakarokiroki e ōrite ana ki te rongoā whakarehu.]

(d) He **tino** tūraru mō te mahi tūkino ki te kiritaki.

[Ko te panoni e hāngai ana ki te Kaupapa 5, h. Whakamārama mai me te whakaae ā-tuhi nei mehemea he nui te tūraru o ngā mahi tūkino.]

(7) Kei ia kiritaki te mōtika kia whakakāhore i ngā ratonga kia unuhia rānei te whakaae ki ngā ratonga.

(8) Kei ia kiritaki te mōtika ki te whiriwhiri ko wai te tangata hei homai ratonga me te tautoko i taua whiriwhiri ina taea ana.

(9) Kei ia kiritaki te mōtika ki te whiriwhiri mō te whakahoki i ngā wāhanga tinana, te whiua rānei, ngā hanga ā-tinana i tangohia ai i riro mai rānei i te wā o tētahi mahinga hauora rānei.

(10) Ko ngā wāhanga ā-tinana, hanga ā-tinana rānei i tangohia ai, i riro mai ai rānei i te wā o tētahi mahinga hauora e kore e whakaaetia kia tāpuitia, kia rokia, kia mahia atu anō rānei atu i—

(a) te whakaae a te kiritaki i runga i te mōhio; tēnei rānei,

(b) te mahi mō tētahi rangahau i whakaaetia ai e tētahi komiti matatika; tēnei rānei,

(c) tētahi on tētahi neke atu rānei o ngā tūmahi e whai ake nei, he tūmahi i whakahaeretia ana hei whakakaha , hei whakapai rānei i te kounga o ngā ratonga:

(i) tētahi hōtaka tātari kounga e tohu ā-ngaiotia ana:

(ii) tētahi tātaringa ā-waho o ngā ratonga:

(iii) tētahi aromatawai ā-waho o ngā ratonga.

**Mōtika 8 Hei tautoko**

(1) Kei ia kiritaki te mōtika kia whai tautoko mai i tētahi tangata neke atu rānei **mōna**, mōna e whiriwhiri, engari rā kei raru te taha haumaru, kei takahi rānei ngā mōtika a tētahi atu kiritaki. **Ina kāore taea e tētahi kaitautoko te tae ā-tinana atu, tae atu hoki ki te mōtika e taea ai kia tautokona nā tētahi huarahi.**

[Ko te panoni e hāngai ana ki te Kaupapa 1, d. Kia uru mai te reo ā-ira; me Kaupapa 1 c. Kia mārama ki tā te whānau mahi.]

**Mōtika 9 Ako me te Rangahau**

Ko ngā mōtika o tēnei Tikanga e torotoro atu ana ki ērā wā e uru ana te kiritaki, whakarite ana rānei kia uru tētahi kiritaki ki te whakaako, te rangahau rānei.

**Mōtika 10 Hei amuamu**

(1) Kia ia kiritaki **me t/ō rātou māngai** **rānei** te mōtika ki te amuamu mō tētahi kaiwhakarato mā te huarahi e pai ana **ki taua kiritaki** ki **te māngai hoki rānei**.

[Ko te panoni e hāngai ana ki te Kaupapa 1 c. Kia mārama ki tā te whānau mahi.]

(2) Kia ia kiritaki **me t/ō rātou māngai** **rānei** te mōtika ki te amuamu ki—

(a) te takitahi ki ngā takitahi rānei nāna ngā ratonga i amuamutia; me,

(b) tētahi tangata i whakamana ai ki te whiwhi amuamu mō taua kaiwhakarato; ā,

(c) tātahi atu tangata e tika ana, tae atu ki—

(i) tētahi kaitautoko motuhake i ratohia mai e te Ture Toihau Hauora Hauātanga 1994; me

(ii) Te Toihau Hauora, Hauātanga.

(3) Me whakahaere e ia kaiwhakarato tētahi whakatatū amuamu kia tōkeke, kia māmā, kia tere kia mauritau hoki.

**~~(4) Me whakamōhio atu ia kaiwhakarato ki tētahi kiritaki mō te kauneke o tā te kiritaki amuamu i ngā wā iti iho i te kotahi marama.~~**

[Tirohia 10(6) he mea hou me 10(7).]

**4)~~(5)~~** Me ū e ia kaiwhakarato ki ērā atu mōtika hāngai o Te tikanga ina whakahaere ana i ngā amuamu.

**(5)~~(6)~~** Me whakarite e ia kaiwhakarato hāunga anō he kaimahi o tētahi kaiwhakarato he tukanga huarahi wātea kia —

(a) whakamōhio atu ki te kaiwhakapae i roto i te 5 rā mahi o te whiwhi amuamu **i runga anō hoki i te ngākau pai me te whakaaro ki ō te kiritaki matea**, engari ia kua whakatatūria kētia i taua wā ki tā te kiritaki e pai ai; ā,

(b) whakamōhio atu ki te kiritaki/**tō rātou māngai anō hoki rānei** i ngā tukanga amuamu ā-waho, ā-roto rānei tae atu ki te wāteatanga mai —

(i) ētahi kaitautoko motuhake i whakaritea e te Ture Toihau Hauora, Hauātanga; me

(ii) Te Toihau Hauora, Hauātanga ia; ā

(c) ka tuhia te amuamu **~~o te kiritaki~~** me ngā tūmahi a te kaiwhakarato e pā ana ki taua amuamu; ā,

(d) ka whiwhi katoa te kiritaki/**tō rātou māngai anō hoki rānei** ngā mōhiohio e hāngai ana ki te amuamu; ā,

(e) ka auau te tuku kōrero atu ki te kiritaki/**tō rātou māngai anō hoki rānei** mō te haere o tā rātou amuamu.

[Ko te panoni e hāngai ana ki te Kaupapa Topic 3, proposal c. Whakakaha ake i ngā hononga ki ngā huarahi wātea; me Kaupapa 1 c. Kia mārama ki tā te whānau mahi.]

**(6) Ā te rirohanga mai o te amuamu, ko tā te kaiwhakarato —**

**(a) he kaha whakarite nōna ki te whakatatū i te amuamu; ā,**

**(b) he whakamōhio atu ki te kiritaki/tō rātou māngai anō hoki rānei i ngā tūmahi a te kaiwhakarato hei whakatatū i te amuamu ki tā 6(a) me ngā take e pēneitia ana.**

**(7) Ki te kore te amuamu e whakatatūria i roto i te 20 rā mahi, ko tā te kaiwhakarato —**

**(a) he whakamōhio atu ki te kiritaki/tō rātou māngai anō hoki rānei i ngā take e takaroa ana me te roa anō hoki o te wā hei whakatatū i te amuamuand**

**(b) he whakamōhio anō ki te kiritaki/tō rātou māngai anō hoki rānei mō te haere o te tukanga.**

**~~(7) I roto i te 10 rā o te whakamōhio atu kua riro mai te amuamu ko tā te kaiwhakarato-~~**

**~~(a) he whiriwhiri –~~**

**~~(i) kia whakaae ki te amuamu he tika; anō rānei,~~**

**~~(ii) kore e whakaae ki te amuamu he tika; anō rānei,~~**

**~~(b) ki te whakataua me whai tāima anō hei tirotiro i te amuamu, –~~**

**~~(i) me whakaaro e hia te roa o te tāima ka hiahiatia; ā,~~**

**~~(ii) mehemea e roa ake taua tāima i te 20 rā mahi, me whakamōhio atu ki te kiritaki me ngā take kua pērātia.~~**

(8) Nō muri tata iho o tā te kaiwhakarato **whiriwhiri e pā ana ki te amuamu**, **~~ka whakaarohia he tika, kāore rānei e tika~~**, me whakamōhio atu te kaiwhakarato i te kiritaki**/tō rātou māngai anō hoki rānei** i **te whiriwhiri** me—

(a) ngā take e pēneitia **te whakatau ~~te whiriwhiri~~**; me,

(b) ngā mahi ka whakaarohia e te kaiwhakarato kia mahia; me,

(c) tētahi tukanga pīra kua whakaritea e te kaiwhakarato.

**(9) Me kaua te kaiwhakarato e mahi kino e whakamataku rānei kia mahi kino atu i ngā tāngata kei aua pūāhua ōrite—**

**(a) tētahi kiritaki o ngā ratonga e noho ana pea hei take o tētahi amuamu;**

**(b) tētahi tangata e tuku amuamu ana, kua tuku amuamu, ka tuku amuamu, e aweawe atu rānei i tētahi atu kia tuku amuamu; anō rānei,**

**(c) tētahi tangata ka hoatu mōhiohio hei tautoko, e hāngai ana rānei, ki tētahi amuamu.**

[Ko te panoni e hāngai ana ki te Kaupapa 1, e. Kia tiakina i te rautipu.]

**(10) Me whakamōhio atu te kaiwhakarato ki te kiritaki/tō rātou māngai anō hoki rānei –**

**(a) i tētahi mōhiohio e wātea nei mō ngā tukanga amuamu ā-roto kei a rātou; me**

**(b) te mōhiohio e wātea ana mō te pēhea e whakamahia ai ēnei tukanga.**

[Ko te panoni e hāngai ana ki te Kaupapa 1, f. Whakamārama i ā te kaiwhakarato tukanga amuamu.]

**3. Tā te kaiwhakarato tūtohu**

(1) E kore te kaiwhakarato e takahi i tēnei Tikanga mehemea kua āta mahia e te kaiwhakarato e mana ai ngā mōtika me te whai i ngā kawenga i roto i tēnei Tikanga.

(2) He haepapa tō te kaiwhakarato kia whakaatu i āna mahi papai i mahia ai e ia.

(3) Mō te tikanga o tēnei rārangi, ko ngā pūāhua ko ērā e hāngai ana, tae atu hoki ki ō te kiritaki pūāhua rongoā me ngā aukatinga a te kaiwhakarato ki ngā rauemi.

**4. Ngā tautuhi**

I roto i tēnei Tikanga, hāunga anō nā te horopaki kē i kī mai,—

Ko te whakahau kōkiri he mea ā-tuhi, ā-waha rānei—(a) kia whiriwhiri te kiritaki mō tētahi whakaritenga manaaki hauora ka mahia pea ā tōna wā; ā (b) ka mauritau anake mehemea e kore e taea e **te kiritaki** **~~e ia~~** te aha:

[Ko te panoni e hāngai ana ki te Kaupapa 1, d. Kia uru mai te reo ā-ira.]

Ko whiriwhiri he whakatau—

(a) kia riro mai he ratonga:

(b) kia whakakāhore i ngā ratonga:

(c) kia unuhia i ngā ratonga:

Ko te kiritaki, he kiritaki hauora, he kiritaki hauā rānei, ā, mō ngā take o ngā Mōtika 5, 6, 7(1), 7(7) to 7(10), me 10, he tangata hoki e tohua ana hei whakaae atu i runga i te tono o taua kiritaki.

Ko te whakatoihara, he whakatoihara e takahi ture ana ki tā wāhanga II o te Ture Mōtika Tangata 1993.

Tae atu ki ngā tūmahi me ngā haepapa e hāngai ana ki tēnei Tikanga.

Ko te komiti matatika ko tētahi komiti matatika—

(a) i whakatūria ai, i tohua ai rānei ki tētahi ture; anō rānei,

(b) i whakaaetia e Te Pou Matua Hauora.

Ko te kaiapo he takahi i tētahi tūranga whai whakapono, he takahi tūranga ture, he aweawe hē rānei.

Kia whakakaha i te kounga o te oranga he tirohanga torowhārahi ki ngā matea o te kiritaki kia tutuki pai ai te hua nui rawa atu i roto i ngā pūāhua.

Ko te matatapu ko ngā take matatapu katoa, hāunga anō ngā take matatapu o roto o tētahi amuamu i raro i te wāhanga 5 o te Ture Matatapu 2020, ngā take rānei e hāngai ana te wāhanga iti 4 o te wāhanga 7 o taua Ture.

Ko te kaiwhakarato, he kaiwhakarato hauora, he kaiwhakarato hāuatanga rānei.

**Ko te māngai he tangata kua whirihia e te kiritaki, e taea noatia ai rānei kia mahia kia kōrero rānei mā te kiritaki.**

[Ko te panoni e hāngai ana ki te Kaupapa 1, c. Kia mārama ki tā te whānau mahi.]

Ko te rangahau he rangahau hauora, he rangahau hauātanga rānei.

Ko ngā mōtika ko ērā e hāngai ana ki ngā mahi o roto o tēnei Tikanga.

Ko ngā ratonga, ko ngā ratonga hauora, ngā ratonga hauātanga, ngā mea e rua rānei. Tae atu ki ngā whakaritenga manaaki hauora.

Ko te whakaako tae atu ki te whakangungu kaiwhakarato.

**5. Ētahi atu ture**

Kāore he tūāhua i tēnei Tikanga kia mahia e tētahi kaiwhakarato hei takahi i tētahi mahi, i tētahi haepapa rānei o te ture, hei aukati rānei tētahi kaiwhakarato ki tētahi mahi o te ture anō.

**5A. Te Ture Kōwhiri Oranga 2019**

(1) Ka whakatakoto tēnei rārangi me pēhea tēnei Tikanga e mahi me Te Ture Kōwhiri Oranga2019 (te Ture EOLC).

(2) Mō Mōtika 4(2) o tēnei Tikanga, te takahi o wāhanga 10(1) o te Ture EOLC ka kitea pea he whakarato ratonga kāore e tutuki ana ngā paerewa ture.

(3) Mōtika 6(1)(b) me (c), me (2) o tēnei Tikanga kua whakaawetia e wāhanga 10 (ko te āwhina whakamate me tīmata e tētahi mātanga hauora) o te Ture EOLC.

(4) Mōtika 7(2) ki te (5) o tēnei Tikanga kua whakaawetia e wāhanga 6 (ko te tikanga matatau kia whiriwhiri i runga i te mōhio mō te āwhina whakamate) o te Ture EOLC.

(5) I raro i te rārangi 5 o tēnei Tikanga (me te kore e aukati i taua rārangi), kāore he tūāhua i tēnei Tikanga kia mahia e tētahi kaiwhakarato hei takahi i tētahi mahi, i tētahi haepapa rānei o te Ture EOLC, hei aukati rānei tētahi kaiwhakarato ki tētahi mahi o te Ture EOLC anō.

Rārangi Hōtaka 5A: i kōkuhua, i te 6 o Nōema 2021, e wāhanga 41 o te Ture Whakamutu Oranga 2019 (2019 No 67).

**6. Ētahi atu mōtika rights**

Ko tētahi mōtika o nāianei kāore i te whakaawetia, i te aukati rānei nā te korenga o te mōtika e tāpiri noatia mai i tēnei Tikanga, i tētahi wāhanga rānei.

**Kuputaka**

āheinga-whiriwhiri decision-making capacity

amuamu complaint

ariā concept

atamai hangahanga artificial intelligence (AI)

auhi ā-hinengaro mental distress

aukati block

aweawe influence

hapori community

huanga rauhanga tactical advantage

huatau suggestion

kaikorowhio whistleblower

kaitaurima caregiver

kaitohuora counsellor

kaiwhakamātūtū māori naturopath

kaiwhakatere rongoā clinical navigator

karihaka unethical

kawenata convention

kiritaki consumer

kōkiri whakawā proceedings

Komiti Hauora Motuhake Health Select Committee

kopou appoint

Kotahitanga o Ngā Iwi o te Ao United Nations

kōwhiri consider

kōtuitui network

kounga quality

maimoa whakakapi substitution treatment

mahi tūkino adverse events

Mana Taimau o te Rōia Enduring Power of Attorney

mātanga taka rongoā pharmacist

matatapu private

mōhiohio information

Ngā Kaitautoko Nationwide Health and Disability Advocacy

Service

ngākau pōuri aggrieved person

paerewa standard

pāpori social, society

pātahi affect, afflict

pūnaha system

rāngai sector

raukoti tāmeha solvent abuse

Rautaki Hauātanga o Aotearoa New Zealand Disability Strategy

rautipu retaliation

rīroa mainstream

Rūnanga Whakakotahi i Ngā iwi o te Ao United Nations

tairongo senses

taupā barrier

taupori population

tautohu identify

tautuhi define

Te Aka Matua o te Ture Law Commission

Te Mana Mātāpono Matatapu Privacy Commissioner

Te Taraipiunara Mana Tangata Human Rights Review Tribunal

Taraipiunara Whakatika Kaimahi Hauora Health Practitioners Disciplinary Tribunal

tuakiri identity

Tumu Whakarae Whakawā Director of Proceedings

uiui consultation

umanga agency

urupare respond

waimaero impairment

whakamōrea compromise

whakaporehu opioid

whakatatū resolve, resolution

whakatoihara discrimination

whakaute respect

wheako whaiaro lived experience

whiringa-pātahi affected decision-making

whiriwhiri choose

**Ture**

Health and Disability Commissioner Act Ture Toihau Hauora, Hauātanga 1994

Official information Act Mōhiohio Ōkawa

Protection of Personal Property and Rights Act Ture Tiaki Rawa Whaiaro me ngā Mōtika

Care of Children Act Ture Tiaki Tamariki

Mental Health (Compulsory Assessment and Treatment) Act Ture Hauora Hinengaro

Health Practitioners Competence Assurance Act 2003 Ture Matatau o ngā Mātanga Hauora

Healthy Futures Act 2022 Ture Pae Ora

Privacy Act Ture Matatapu

Urban Development Act 2020 Ture Whakawhanake Noho Tāone 2020

1. Nā Wiremu Doherty rātou ko Hirini Moko Mead, ko Pou Temara ‘Tikanga’ (he pepa i whakaatu ki Te Aka Matua o te Ture, Te Whare Wānanga o Awanuiārangi, 2023) at 1.2. [↑](#footnote-ref-1)
2. Tirohia, hei tauira, *Maungārongo ki Ngā Iwi: Envisioning a Restorative Health System in Aotearoa New Zealand.* Wellington: The National Collaborative for Restorative Initiatives in Health; 2023. [↑](#footnote-ref-2)
3. Te Tāhū Hauora, *Te whakaora, te ako me te whakapai ake i te kino: Te kaupapa here ā-motu mō ngā mahi tūkino 2023.* Wellington: Te Tāhū Hauora; 2023. [↑](#footnote-ref-3)
4. Tirohia, hei tauira, te kōrero a Te Kaunihera Rata o Aotearoa mō te Haumanu Ahurea: <https://www.mcnz.org.nz/assets/standards/b71d139dca/Statement-on-cultural-safety.pdf>; Oketopa 2019. [↑](#footnote-ref-4)
5. Curtis E, Jones R, Tipene-Leach D *et al*., ‘Why cultural safety rather than cultural competency is required to achieve health equity: a literature review and recommended definition’. *International Journal for Equity in Health* 2019; 18, 174. [↑](#footnote-ref-5)
6. Review of Adult Decision-Making Capacity Law: Preliminary Issues Paper NZLC IP49. [↑](#footnote-ref-6)
7. Te Arawhiti (Office for Crown–Māori Relations), *Providing for the Treaty of Waitangi in Legislation and Supporting Policy Design.* Wellington: Te Arawhiti (Office for Crown–Māori Relations); 2012. [↑](#footnote-ref-7)
8. I meatia e mātou he Tino Arohaehae Tiriti hei tautohu i ngā huatau. O’Sullivan D, Came H, ‘A new way of thinking: Critical Tiriti analysis’. Public Sector 2022; 45(3): 14–15. See also the Community Research critical Tiriti analysis collection: <https://tinyurl.com/critical-Tiriti-analysis>. [↑](#footnote-ref-8)
9. Ko te Tauākī Ritenga Māori (e kīia nei i ētahi wā ko te ‘atikara tuawhā) i tuhia ki te reo Māori me te pānui atu i ngā kōrerorero me ngā rangatira e pā ana ki te Tiriti. Ko tā te Tauākī he whakarite kia tiaki i te whakapono o te tangata me te tiaki i te wairua tūturu me te mātauranga (Te Puni Kōkiri, *A Guide to the Principles of the Treaty of Waitangi as expressed by the Courts and the Waitangi Tribunal*. Te Whanganui-a-Tara: Te Puni Kōkiri; 2001. pp.40–41). [↑](#footnote-ref-9)
10. Manatū Whakahiato Ora, *New Zealand Disability Strategy 2016–2026*. Te Whanganui-a-Tara: Manatū Whakahiato Ora; 2016, wh. 12. [↑](#footnote-ref-10)
11. Komiti Hauora Motuhake, *Petition of Renate Schütte: A right to appeal decisions made by the Health and Disability Commissioner.* Te Whanganui-a-Tara: House of Representatives; 2022. [↑](#footnote-ref-11)
12. Legislation Design and Advisory Committee, *Legislation Guidelines: 2021 Edition.* Te Whanganui-a-Tara: Legislation Design and Advisory Committee; 2021, page 130. [↑](#footnote-ref-12)
13. Ko tā te HPDT he rongo, he whakatau mō ngā kōkiri whakawā whakatikatika i ngā mātanga hauora kua rēhitatia. Ko ngā kōkiri whakawā whakatikatika ki tētahi mātanga hauora ka taea te tuku ki te HPDT e te Tumu Whakarae Whakawā e te Komiti Mahi Ngaio rānei (he komiti i whakatūria e tētahi rōpū whaimana pērā i Te Kaunihera Rata o Aotearoa).

Ka rongo a HRRT mō ngā kōrero e pā ana ki ngā whatinga Tikanga me ngā whatinga o te Ture Mana Tangata 1993 me te Ture Tūmatanui 2020. Ka whakaaro houtia e te HRRT te take me te mana kia tohua he paremata ā-pūtea nei, tae atu hoki ki ngā paremata whaina, engari rā ngā paremata whakaea e aukati ana e te Ture ACC Act 2001. [↑](#footnote-ref-13)
14. Komiti Hoahoa Ture, *Legislation Guidelines: 2021 Edition.* Te Whanganui-a-Tara Legislation Komiti Hoahoa Ture; 2021. [↑](#footnote-ref-14)
15. Peter Boshier, *Investigation into the Health and Disability Commissioner’s assessment of three complaints*. Wellington: Ombudsman; 2021: <https://www.ombudsman.parliament.nz/news/final-opinion-hdc-complaints>. [↑](#footnote-ref-15)
16. Health and Disability Commissioner, *Complaint Process.* Wellington: Health and Disability Commissioner; 2024: <https://www.hdc.org.nz/making-a-complaint/complaint-process/>. [↑](#footnote-ref-16)
17. In *Marks v Director of Health and Disability Proceedings* [2009] NZCA 151; [2009] 3 NZLR 108; the Court of Appeal left open one possible exception — fathers of a baby in utero and birth process — because the baby is not a consumer until after birth. [↑](#footnote-ref-17)
18. Edwards, S., *Titiro Whakamuri Kia Marama Ai Te Wao Nei: Whakapapa Epistemologies and Maniapoto Māori Cultural Identities.* Massey University Research Repository; 2009: <http://hdl.handle.net/10179/1252>. [↑](#footnote-ref-18)
19. He kupu whakaahua i tā te Papa Atawhai, Te Taura Whiri i Te Reo Māori, Te Tāhuhu o te Mātauranga, *Kia Kaha te Reo Taiao Phrasebook.* [https://tinyurl.com/Kia-kaha-te-Reo-Taiao.](https://tinyurl.com/Kia-kaha-te-Reo-Taiao.%20) [↑](#footnote-ref-19)