

Ko e tau fakatokaaga ke amaamanaki ki ai

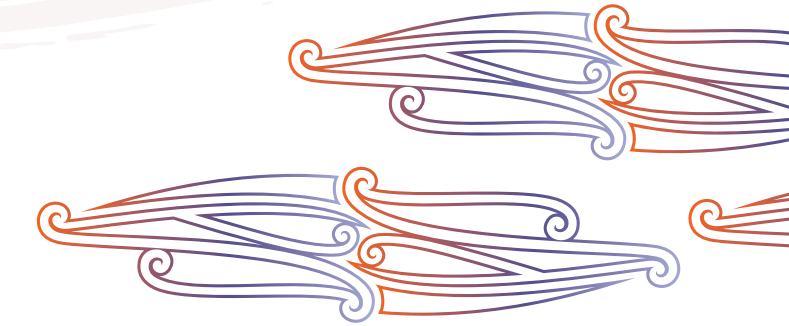
ke lata mae tau faahi malolō tino, ke gahuahua fakalataha mo lautolu ka fakaaoga mo e tau magafaoa

Fakamaamaaga

Ko e tau fakatokaaga ke amaamanaki ki ai ke falanaki ki ai ne kua lata he tau faahi malolō tino ke gahuahua fakalataha mo lautolu ka fakaaoga e tau koloa mo e tau magafaoa (ko e tau fakatokaaga) ke fakatokatokatoka e tau fakavēaga he tau faahi malolo tino ke gahuahua mo lautolu ka fakaaoga e tau koloa, tau magafaoa mo e tau maaga ke palana, fakataitai, fakamooli, mo e liu kitekite ke he tuaga he tau gahua malolo tino.

Ko e tau fakatokaaga nei ne kua manako ki ai e Pae Ora (Healthy Futures) Act 2022 mo e kua lago ki ai e tau matapatu fakaakoaga he tau faahi malolō tino. Kua lata e tau faahi malolō tino ke mumuitua fakamooli ke he tau puhala gahua kua fakavē ki ai mo e manako ke moua e tau tohi hokotaki he tau tau takitaha haggao ke he tau puhala ne kua fakagahua e fakaveaga nei.

Ko e tau fakavēaga he faahi malolō tino ne putoia ai foki e tau matapatu fakaveaga he Te Tiriti o Waitangi, ne fakamooli ai he kautaha Waitangi Tribunal he fakaholoaga Hauora Inquiry. Putoia ai foki he



fakaholoaga nai e tau fakavēaga he fifiliaga fakatagata (self-determination); nakai fakakehe taha - fakatataiaga (equity); puipui fakamalolo (active protection); tau fifiliaga (options); mo e tau fakafetuiaga auloa (partnership).¹

Ko e hatakiaga nai nakai hukui e Code of Health mo e Disability Services Consumers' Rights (Code of Rights).² Ko e hatakiaga Code of Rights kua fakamatafeiga ke he tau kautaha ke mumuitua tumau ki ai ke he tau magaaho oti he tau fakafetuiaga gahua mo e tau tagata fakaaoga koloa (consumers), tau magafaoa mo e tau maaga ke palana, fakataitai, fakamooli, mo e liu kitekite ke he tuaga he tau gahua malolo tino.

Ko e tau amaamanakiaga ke he tau puhala ke gahuahua auloa

1. Ko e tau magaaho ka gahua mo lautolu e tau tagata fakaaoga koloa, tau magafaoa mo e tau maaga, kua lata he tau faahi malolō tino ke:

- 1.1** mumuitua tumau ke he tau peehiaga he tau faahi malolō tino ne tohia ke he veveheaga 7 he Pae Ora (Healthy Futures) Act 2022
- 1.2** oma mo e mailoga e mahuiga he tau magafaoa Maui mo e taute e tau puhala mitaki mae tau Maui ke faofao e tonuhia ke taute e fifiliaga
- 1.3** mailoga e fakafetuiaga auloa: kua ati hake e fakafetuiaga auloa ka fetuaaki, gahua fakamooli, femataaki, maali tumau e tau mena taute, mo e fiafia ke fetufatufaaki mo e fefakaakoaki e taha ke he taha. Putoia auloa e tau tagata kehekehe pihia mo lautolu ne haha i ai e tau manako ha ko e tau malolō tino
- 1.4** gahua auloa ke takitaki e fekau: kua oma fakatatai e pulotu mo e makaka ne kua moua ha ko e tu fakaholo he moui ne kua oma fakatatai mo e tau pulotu fakaekakafo mo e falu foki. Ko lautolu e tau tagata fakaaoga koloa, tau magafaoa mo e tau maaga ko e tau tagata kua lahi e pulotu ha ko e tu fakaholo he tau momou, mo e kua tumau ke fai puhala ke fakamitaki aki e tau gahua he faahi malolō tino



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ke lata mae tau faahi malolō tino, ke gahuahua fakalataha mo lautolu ka fakaaoga e tau koloa mo e tau magafaoa

- 1.5 fakaohooho e tau gahua kua mahomo atu e mitaki mo e haohao mitaki: ko e tau gahua kua fitā e tau momoui he fakagahua mo e iloa ki ai a lautolu e tau tagata fakaaoga koloa, tau magafaoa mo e tau maaga ne kua lago ki ai e mahuiga mo e haohao mitaki he tau malolo tino, pihia foki ke haohao mitaki e tau aga fakamotu
- 1.6 mahuiga e tau gahua ke fakatatai oti e tau tagata: kua tonuhia ke gahua auloa ke fakafetui mo lautolu e tau tagata oti mua atu kia lautolu tokoluga lahi e tau manako lagomatai ke he tau malolo tino, tau tagata Maui, tau tagata mai he atu Pasifika mo lautolu ne nakai katoatoa e malolo ke he tau tino po ke manamanatuaga. Kua mailoga he mena nei ko e maeke ni ke o lautatai kaeke kua fakagahuahua foki a lautolu e tau tagata fakaaoga koloa, tau magafaoa mo e tau maaga.

2. Kua lata e tau faahi malolo tino ke fakagahua e tau amanakiaga nei ke:

- 2.1 gahua auloa mo lautolu ka fakaaoga e tau koloa, tau magafaoa mo e tau maaga ke fakalaulahi auloa e tau gahua kua lata ke tuku ki mua, tau puhala gahua mo e liu kitekite ki ai, mo e kua gahua auloa he tau faahi ne oti mo e tau tagata fakaaoga koloa, tau magafaoa mo e tau maaga
- 2.2 fakaaoga e tau puhala kua fitā e tau momoui he kitia mo e kua fakagahua ai, putoia ai e tau puhala gahua ha lautolu e tau tagata fakaaoga koloa, ke kitia e tau mena kua lata tonu ke fai hikiaga ki ai he tau fakaholoaga faahi malolō tino, muaatu e tau puhala ke nakai faka kehe ha tagata mua atu ke he tau tagata Maui, tau tagata mai he atu Pasifika mo e tau tagata ne nakai malolō e tau manamanatuaga mo e tau alaga tino
- 2.3 onono fakamakutu ke he tau hikiaga kua lata tonu ma e tau puhala gahua he tau faahi malolō tino ha ko e tau fakafetuiaga gahua mo e falu a faahi gahua mo e gahua foki mo lautolu e tau tagata fakaaoga koloa, tau magafaoa mo e tau tagata he tau maaga
- 2.4 mailoga ko e tau fakailoaaga oti, tau koloa fakaghua mo e tau fakafetuiaga auloa kua maeke he ha tagata fakaoga koloa ke moua, pihia foki mo e tau magafaoa mo e tau tagata he tau maaga. Kua mahuiga ke uta kehe oti e tau fekehekeheaki he tau tagata kae fakagahua e tau puhala gahua fakamooli mo e gahua auloa³
- 2.5 fakakoloa a lautolu e tau tagata fakaaoga koloa, tau magafaoa mo e tau tagata he tau maaga ke moua e fakafetuiaga mitaki mo e fai kakano ke fakagahua e tau fakavēaga mo fakakite foki kua pihia
- 2.6 Ko e tau puhala gahua kua fakamooli kua fakatū pauaki ke lagomatai aki e tau fakatokatoakaga gahua ke muitua ki ai a lautolu e tau tagata fakaaoga koloa, tau magafaoa mo e tau tagata he tau maaga ke gahua auloa ke he tau hatakiaga kua fakamooli ki ai.

3. Liu ke kitekite ki ai he mahina

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- 1 Tau matapatu fakaakoaga kua fakamaama he: Waitangi Tribunal. 2019. *Hauora: Report on Stage One of the Health Services and Outcomes Kaupapa Inquiry* (Wai 2575). URL: <https://waitangitribunal.govt.nz/inquiries/kaupapa-inquiries/health-services-and-outcomes-inquiry>.
- 2 Health and Disability Commissioner. 1996. *Code of Health and Disability Services Consumers' Rights*. Wellington: Health and Disability Commissioner. URL: www.hdc.org.nz/your-rights/about-the-code/code-of-health-and-disability-services-consumers-rights.
- 3 United Nations. 2006. *United Nations Convention on the Rights of Persons with Disabilities*. URL: www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html.