

13 February 2025

Clampett Trust
fyi-request-29680-10b57217@requests.fyi.org.nz

Tēnā koutou

Your request for official information, reference: HNZ00076141

Thank you for your email on 4 January 2025, which was transferred from the Ministry of Health to Health New Zealand | Te Whatu Ora (Health NZ) on 9 January 2025, asking for the following under the Official Information Act 1982 (the Act):

- 1. Could you kindly supply the information of how many revocations of enduring power of attorney that Te Whatu Ora (Health NZ) has administered on patients in their care in the last 4 years?*
- 2. How many cases of removal of enduring power of attorney through the family court has occurred in the last 4 years by Health NZ?*
- 3. How many of those cases were considered 'vulnerable people'?*
- 4. How many revocations of enduring power of attorney through the family court have been overturned?*
- 5. What legislation is used to revoke an enduring power of attorney?*
- 6. What is a 'legal mandate'?*
- 7. Who holds the power of attorney when Health NZ has a 'legal mandate' over a person in their care?*
- 8. Are the original enduring power of attorneys given information about the revocation of their power of attorney when Health NZ becomes the power of attorney over someone in their care? If so, who does this and under what legislation?*
- 9. Is an assessment done first before this process?*
- 10. Are family and caregivers given input into this process? If so, how and under what process?*
- 11. Are all cases of revocation of EPOA lodged with the HDC?*

Response

Health NZ as an entity cannot act as an Attorney under an Enduring Power of Attorney (EPOA) for patients in our care and we play no role in the creation or revocation of EPOAs on behalf of patients.

Health NZ also does not keep a record of revocations of EPOAs by patients in our care.

Therefore, the following parts of your request are refused under section 18(g) of the Act as the information you have requested is not held by Health NZ.

- *Could you kindly supply the information of how many revocations of enduring power of attorney that Te Whatu Ora (Health NZ) has administered on patients in their care in the last 4 years?*
- *What is a 'legal mandate'?*
- *Who holds the power of attorney when Health NZ has a 'legal mandate' over a person in their care?*
- *Are the original enduring power of attorneys given information about the revocation of their power of attorney when Health NZ becomes the power of attorney over someone in their care? If so, who does this and under what legislation?*
- *Is an assessment done first before this process?*
- *Are family and caregivers given input into this process? If so, how and under what process?*

You also asked the following questions regarding the revocations of EPOAs through the Family Court;

- *How many cases of removal of enduring power of attorney through the family court has occurred in the last 4 years by Health NZ?*
- *How many of those cases were considered 'vulnerable people'?*
- *How many revocations of enduring power of attorney through the family court have been overturned?*

This part of your request is more closely aligned with the functions of the Ministry of Justice. For this reason, Health NZ has decided to transfer this part of your request to the Ministry of Justice under section 14(b)(ii) of the Act. You can expect a response from them in due course.

You also asked,

- *What legislation is used to revoke an enduring power of attorney?*

The relevant legislation is the Protection of Personal and Property Rights Act 1988, Part 9 – Enduring powers of attorney. You can find helpful information here: [Protection of Personal and Property Rights Act 1988](#)

- *Are all cases of revocation of EPOA lodged with the HDC?*

There is no requirement to notify the Health and Disability Commissioner that an EPOA has been created or revoked.

Separately to the above response, you may find helpful information here:

<https://www.officeforseniors.govt.nz/our-work/promoting-enduring-power-of-attorney>

How to get in touch

If you have any questions, you can contact us at h.nzOIA@tewhaturora.govt.nz.

If you are not happy with this response, you have the right to make a complaint to the Ombudsman. Information about how to do this is available at www.ombudsman.parliament.nz or by phoning 0800 802 602.

As this information may be of interest to other members of the public, Health NZ may proactively release a copy of this response on our website. All requester data, including your name and contact details, will be removed prior to release.

Nāku iti noa, nā

A handwritten signature in blue ink, appearing to read 'Claire Campbell', is centered on the page.

Claire Campbell

Acting Principal Legal Counsel

Public Law