



12th August 2024

Tēnā koē Morag McDowell,

Review of the Health and Disability Commissioner Act 1994 and the Code of Health and Disability Services Consumers' Rights | Ko te arotakenga o Te Ture Toihau Hauora, Hauātanga 1994 me te Tikanga o ngā Mōtika Kiritaki mō ngā Ratonga Hauora, Hauātanga

Thank you for the opportunity to submit on the Review of the Health and Disability Commissioner Act 1994 (the Act) and the Code of Health and Disability Services Consumers' Rights (the Code) 2024. Pride in Medicine is an advocacy group for rainbow (LGBTQIA+ and Takatāpui) people by doctors and medical students across Australia and Aotearoa NZ.

Pride in Medicine is dedicated to advocating for the rights and well-being of rainbow people. We believe a medical profession that embraces diversity and delivers affirming, informed, and culturally safe care is vital to achieving health equity for rainbow people and communities.

Pride in Medicine is a not-for-profit organisation of rainbow and allied doctors and medical students which was founded in 2022 as a way to shine a light on issues affecting rainbow people in healthcare. In recognition of the many specialty medical colleges that operate across both Aotearoa and Australia, our organisation works to advance rainbow health equity inclusion in both countries. There is a need to provide visibility to, and advocacy for medical students and clinicians within our community, and we have been joined by individuals working in all specialities.

Our organisation now encompasses a diverse group of over 120 members of varying levels of experience and specialisation, who are members of the rainbow community or allies. Through advocacy, education, and mentorship, we aim to be a voice for rainbow medical students, doctors, and patients. We want to create an environment where doctors feel safe to be their authentic selves at work and eliminate the inequities faced by our rainbow patients.

Our group is in a good position to provide a submission on the Review of the Health and Disability Commissioner Act 1994 (the Act) and the Code of Health and Disability Services Consumers' Rights (the Code) 2024.

Topic 1 - Supporting better and equitable complaint resolution

We support the more inclusive rewording of Right 1(3) to read ‘Every consumer has the right to be provided with services that take into account their needs, culture, language, identity, values, and beliefs.’ We agree that this wording is more inclusive of the rainbow community as well as other communities and intersectional identities of people in Aotearoa.

We also support the changes to incorporate gender inclusive language throughout the Code. This change will be more inclusive of rainbow communities, in particular gender diverse people, who the current gendered language excludes. The Code is about everyone in Aotearoa and the use of gender inclusive language reflects this.

We commend the discussion of the concepts of cultural responsiveness and cultural safety in the consultation document. However, we feel strongly that explicitly holding health services responsible for providing culturally responsive and culturally safe care is vital to achieving Right 1. Rainbow communities, along with many other communities, continue to experience significant harms from discrimination in the health system. We would support the inclusion of cultural safety explicitly in the Code and health sector guidance and believe it would more strongly articulate the responsibility of services to actively work towards these outcomes. It would also send a clearer message to consumers about their expectations of service providers, in particular that they should be “committed to addressing and holding themselves accountable to any of their own biases, attitudes, and structures and their impact on the quality of services provided.”

We support the inclusion of a non-retaliation clause in Right 10 to better to support our community members who may not have options as to who they see when receiving care but want to make a complaint.

The advocacy service can have a very important role in supporting people who are marginalised, including members of the rainbow community. Pride in Medicine feel it is important to ensure that the advocacy service sets high standards for its staff in providing culturally safe support to rainbow people, in particular for our transgender and gender diverse community.

Topic 2 - Making the Act and the Code effective for, and responsive to, the needs of Māori

Pride in Medicine support changes to improve support for and responsiveness to Māori, especially those giving practical effect to Te Tiriti o Waitangi. We strongly believe that upholding Te Tiriti obligations to Māori is a vital part of achieving equitable health outcomes for Māori. We also believe that Māori are most able to articulate how best to give effect to Te Tiriti o Waitangi in the Act and the Code and encourage the HDC to



continue to proactively engage with Māori in a range of ways to better understand their perspectives on the options presented.

Topic 3 – Making the Act and the Code work better for tāngata whaikaha | disabled people

The rainbow community in Aotearoa is more likely to be disabled than the general population. We support approaches to make the Act and the Code work better for tāngata whaikaha | disabled people. In particular, we want to articulate our support for addition of a legislated role focused on disability issues under the Act, and a requirement for the HDC to also report to the Minister for Disability issues. We also support changes that strengthen references to disability including explicit reference to accessibility in Right 5 and Right 10, and the removal of the phrase ‘and reasonably practicable’ from Right 5 in relation to the right to a competent interpreter.

Pride in Medicine believe this review of the Act and the Code provides an opportunity to be more inclusive of rainbow people; strengthen the rights of the rainbow community as health consumers; and offers the opportunity to improve rainbow health equity. We appreciate the opportunity to submit on this review and would welcome any further engagement about the content of our submission.

Nāku noa nā,

Dr Jennifer Randle

Vice President

on behalf of the Pride in Medicine Executive Committee