



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

Act and Code Review consultation questions | Ngā pātai matapakinga

This document contains all the questions we are asking as part of the Act and Code Review consultation. Aside from the required questions, you can answer as many or as few as you'd like. When completed, please either email it to review@hdc.org.nz or post it to us at PO Box 1791, Auckland, 1140.

Please visit <https://review.hdc.org.nz> to answer these questions online.

Your details (required)

It's important for us to know a bit about you so that we understand whose views are being represented in submissions. It helps us to make sure that any changes we recommend will work well for everyone and have an equitable impact.

1. What is your name? *Awareness – Canterbury Action on Mental Health and Addictions*

2. What is your email address? [REDACTED]

3. Are you submitting as an individual, or on behalf of an organisation or group?

☐ I am submitting as an individual

☒ I am submitting on behalf of an organisation or group

4. How did you hear about this consultation? (please select)

☐ HDC website ☐ News media ☐ Social media ☐ Internet

☐ Through my job ☐ Word of mouth ☒ Other (please specify below)

___As a member of the consumer network of Canterbury. We held a workshop, went through each topic and collected the concerns and ideas of the participants. We are collated in bullet points below each question. Not every topic or question had feedback offered.



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

Please answer the following questions **if you are submitting as an individual**. If you are submitting on behalf of an organisation or group, please go to page 3.

Which of these services do you engage with the most? (Please select all that apply)

- ☐ Health services ☐ Disability services ☐ Mental Health services
☐ Addiction services ☐ Aged Care Services ☐ Kaupapa Māori services
☐ Other services (please specify) _____

What is your gender?

- ☐ Female ☐ Male
☐ Another gender (please specify) _____
☐ I don't want to answer this question

How old are you?

- ☐ Under 15 ☐ 15 - 17 ☐ 18 - 24 ☐ 25 - 34 ☐ 35 – 49
☐ 50 - 64 ☐ 65+ ☐ I don't want to answer this question

What is your ethnicity? (Please choose all that apply)

- ☐ NZ European ☐ Māori ☐ Samoan ☐ Cook Island Māori
☐ Tongan ☐ Niuean ☐ Chinese ☐ Indian
☐ I don't know my ethnicity ☐ I don't want to state my ethnicity
☐ Other/s (please state): _____



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

Do you identify as having a disability?

☐ Yes ☐ No

If you are submitting on behalf of an organisation or group:

What is the name of your organisation or group?



AWARENESS

Canterbury Action on Mental
Health and Addictions

What type of organisation/group is it?

☒ Consumer organisation/group (please specify below)

☐ Iwi/ Māori organisation/group (please specify below)

☐ Health and/or disability services provider (please specify below)

☐ Central Government

☐ Local Government

☐ University/Academic

☐ Other (please specify below)

Please feel free to provide any further detail: *Awareness has over 150 members who can attend monthly meetings or information forums and will provide material for submissions on any health or social issue affecting their experience as tāngata whaiora.*



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

Share ‘one big thing’

This survey contains structured questions that ask for your feedback on each chapter in our consultation document. If you would prefer to give us your feedback as a whole, by telling us ‘one big thing’ – you can do so below.

If this is all you want to provide by way of your submission, that’s fine by us. We will consider all the submissions we receive.

What is your ‘one big thing’?

In reviewing all the feedback we got, the “one big thing” seems to be doubts that funding will be provided to enable the good ideas and changes.

Topic 1: Supporting better and equitable complaint resolution

1.1: Did we cover the main issues about **supporting better and equitable complaints resolution**?

- People-centred, trauma informed and inclusivity are the most important points to encourage
- The move toward faster resolution is good but quality should not be sacrificed. Too much efficiency might compromise good decision making
- Great to call a hui or mediation. Recent HDC options of hui a-whānau and hohou te rongo led by tikanga are good choices



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

1.2: What do you think of our suggestions for **supporting better and equitable complaints resolution**, and what impacts could they have?

- Whānau involvement (where wanted) is a positive move but HDC needs to make sure that the consumer is at the centre and that whānau don't take over
- Suggestions sound good in principle but there must be accountability to ensure these goals are being met
- Cultural responsiveness must be included in HDC training for staff if this is to be effective
- strengthening triage and equity issue identification are excellent goals, as is supporting early resolution
- upholding mana is a good way of acknowledging the dignity of all people. I like this phrasing
- Providers need to be committed to addressing and holding themselves to account for any improvements needed. How will this be monitored? Will it be added to the audited material?

1.3: What other changes, both legislative and non-legislative, should we consider for **supporting better and equitable complaints resolution**?

- facilitate the establishment and expansion of community-based advocacy services
- how will you implement the purpose statement of the Act to protect rights? What will be established to cover accountability of outcomes expected?



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

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

2.1: Did we cover the main issues about making the Act and the Code more effective for, and responsive to, the needs of, Māori?

- I think the document does a good job of covering the main issues (although I am pākehā)
- How much European/Māori/Other will be needed to identify you as qualifying for culturally appropriate service?

2.2: What do you think about our suggestions for making the Act and the Code more effective for, and responsive to, the needs of Māori, and what impacts could they have?

- Māori appointed to the HDC Commission is a great initiative. Hopefully this will lead to acceptance and welcome for all
- these are positive suggestions, educating HDC staff would likely lead to easier communication between Māori and HDC staff, especially where the number of Māori in the workforce increases.
- I like the comprehensive nature of the suggested changes, including the wide range of approaches taken
- Creating a safe place is of vital importance
- It would be good to see other options for Māori additional to mainstream functions within services and facilities. This could reduce the need to go to multiple organisations
- the changes will only work if consultation/engagement with Māori is ongoing. (i.e. it can't stop on establishment of the new code.



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

2.3: What other changes, both legislative and non-legislative, should we consider for **making the Act and the Code more effective for, and responsive to, the needs of Māori?**

- There is adequate enforcement for Māoritanga placed on government employees
- How to navigate through the good suggestions where budgets are so restricted?
- Ensure “Creating a safe space” is not just for Māori but even for “despised” minorities such as sex offenders.
- Consider how to deal with the resentment that can develop with those who don’t want to learn new things
- Patience and understanding need to be shown to those who are acting in good faith, trying to learn

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

3.1: Did we cover the main issues about **making the Act and the Code work better for tāngata whaikaha | disabled people?**

- This definitely covers the main issues in making the Code and the Act work better for tāngata whaikaha
- Agree the whakanoa – creating a safe place – is essential for tāngata whaikaha



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

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?

- May need precise ways to make definitions around disability reflect accessibility
- Appreciate the encouragement and thoughtful way of accepting suggestions and the welcome expressed to contribute
- Each issue has a different importance and perspective depending on the nature of the disability. A large team will be needed to ensure inclusivity
- There is a risk of writing this so generally that it doesn't allow for specific support
- to continue to use the term tāngata whaikaha which is a strength-based definition is commendable
- Thematic analysis sounds like a promising action but individual case studies are important
- Right 7.4: also for monitoring improved outcome. Great to have PWLE on the Ethics Committee
- How is true informed consent going to be assessed, including for people with aphasia, people with cognitive impairment, etc

3.3: What other changes should we consider (legislative and non-legislative) for **making the Act and the Code work better for tāngata whaikaha | disabled people**?

- Ensure training and equipment interprets for multiple languages, for new migrants as well as te reo and NZ Sign Language
- Concerned about reduced investment in health and welfare so including fundraising options would be very helpful
- Community advocacy support independent of other services



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

- Funding for more peer support workers, advocates and staff who are trauma informed, who apply te Tiriti principles in their roles
- Empower the Disable Persons Assembly of equivalent with funding to provide community support
- there is a need to identify how to practically make improvement of experience for tāngata whaikaha, their right to access and their right to complain
- Empowerment for tāngata whaikaha is important, especially ensuring that language used isn't offensive to the individual
- Adequate financial supports for things like sign language, alphabet boards, text to language software, braille documents, etc

Topic 4: Considering options for a right of appeal of HDC decisions

4.1: Did we cover the main issues about **considering options for a right of appeal of HDC decisions**?

- We agree there needs to be an additional opportunity to appeal a resolution when someone or their whānau is dissatisfied.

4.2: What do you think about our suggestions for **considering options for a right of appeal of HDC decisions**, and what impacts could they have?

- No Additional suggestions



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

4.3: What other **options for a right of appeal of HDC decisions**, both legislative and non-legislative, should we consider?

- Providing better information to people on how to access the Ombudsman or HRRT would be very helpful

Topic 5: Minor and technical improvements

5.1: What do you think about the issues and suggestions for **minor and technical improvements**, and what impacts could they have?

- Ten years is a very long time between reviews. Bot reviews could be at 5 years. Or 6 or 7 years.
- Can these issues have political impacts? Does the review happen every 3 years to align with elections? I doubt there is enough attention paid to these communities during an election so stretching out the review term is fine.

5.2: What other **minor and technical improvements**, both legislative and non-legislative, should we consider?

- Include whānau in the “aggrieved persons” section. This will then include people with communication or capacity issues



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

5.3: What are your main concerns about **advancing technology** in relation to the rights of people accessing health and disability services?

- There is already trouble for tāngata whaikaha and tāngata whaiora. Work and Income has pushed as much work as possible to the internet. This has been challenging and isolating

5.4: What changes, both legislative and non-legislative, should we consider to respond to **advancing technology**?

- Ensure there is a guarantee that plain language and simple tools will be honoured.

Publishing and data protection

This section provides important information about the release of your information. **Please read it carefully.**

You can find more information in the Privacy Policy at hdc.org.nz.

Being open about our evidence and insights is important to us. This means there are several ways that we may share the responses we receive through this consultation. These may include:

- **Publishing all, part or a summary of a response** (including the names of respondents and their organisations)
- Releasing information **when we are required to do so by law** (including under the Official Information Act 1982)

Publishing permission

May we publish your submission? (Required)



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

- ☒ Yes, you may publish any part of my submission
- ☐ Yes, but please remove my name/my organisation/group's name
- ☐ No, you may not release my submission, unless required to do by law

Please note any parts of your submission you do not want published:

Reasons to withhold parts of your submission

HDC is subject to the Official Information Act 1982 (The OIA). This means that when responding to a request made under the OIA, we may be required to disclose information you have provided to us in this consultation.

Please let us know if you think there are any reasons we should not release information you have provided, including personal health information, and in particular:

- which part(s) you think should be withheld, and
- the reason(s) why you think it should be withheld.

We will use this information when preparing our responses to requests for copies of and information on responses to this document under the OIA.



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

Please note: When preparing OIA responses, we will consider any reasons you have provided here. However, **this does not guarantee that your submission will be withheld.** Valid reasons for withholding official information are specified in the Official Information Act.

☐ Yes, I would like HDC to consider withholding parts of my submission from responses to OIA requests.

I think these parts of my submission should be withheld, for these reasons:

Follow up contact

If needed, can we contact you to follow up for more detail on your submission? (required)

☒ Yes, you can contact us.

☐ No, do not contact me

Further updates

Would you like to receive updates about the review?



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

☐ I'd like to receive updates about the review

☒ We'd like to receive updates from HDC about this and other mahi

Thank you

We really appreciate you taking the time to share your thoughts with us. If you have provided your details, we'll keep you updated on progress. If not, feel free to check our consultation website <https://review.hdc.org.nz> for updates or to contact us if you have any questions. We can be reached at review@hdc.org.nz.