



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](mailto: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?

[Redacted]

#### 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)

\_\_\_\_\_



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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



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☐ Other/s (please state): \_\_\_\_\_

**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?**

Medical Sciences Council

**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:

Health Responsible Authority



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## 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’?

The Council is of the opinion that the HDC plays a significant role within the health and disability sector and believes that it should receive adequate funding to ensure timely and effective complaints resolution. Constraints that affect resolution need to be identified and resolved as a matter of priority as the impact of lengthy and drawn-out complaints processes have implications for whānau and practitioners. Many of the solutions suggested in the discussion paper will require commitment from government and adequate and sustained funding.

## Topic 1: Supporting better and equitable complaint resolution

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

Yes



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

The suggestions provide alternatives that should support better, equitable and timely complaints resolution.

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

Consideration should be given to plain language when considering naming of meetings. Both of the suggested names for meetings could be confusing for some people who would be referred to this process.

While the term 'no further action' is accurate with regards to the next steps in a process, any change in terminology should be accompanied by a description or some type of graphic that describes the actions that have been taken so far. 'No investigative action' would also require a degree of explanation; Questions raised would include:

- What have you done so far?
- What is the difference between an investigation and the process that you have completed?

## **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**?

Yes



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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?

We support the suggestions that have been made and the approach that has been taken so far.

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**?

It would be vital to ensure there is regulatory and professional association engagement/awareness of any changes and the implications for health practitioners so that the organisations can assist the HDC in embedding any changes.

### **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**?

Yes

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?

We support the changes that have been made and acknowledge that the challenge for research is with regard to the oversight of research which is essential for protection of the individual.



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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?**

#### **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?**

Yes.

We noted that the only place people have access to guidance about your preliminary assessment process is on your website. While we acknowledge that many people will be able to access these resources there are many who will not, and consideration of alternative methods of communication would be helpful.

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?

The options to appeal a decision appears fair however the workload implications could be major. Further consideration needs to be given to boundaries around these processes if initiated.

Further consideration and discussion need to occur around referral to the HRRT and the implications for the consumer and practitioner as well as resourcing at both the commission and tribunal.

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



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## 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?

We support the proposed changes and specifically endorse expanding the requirement for written consent for sedation that is equivalent to anaesthetic.

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

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

It will be essential for the HDC to be informed about the use of new technology and the implications of this when assessing complaints.

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

This could involve the HDC providing advice about issues such as the use of decision support and decision-making software in clinical practise.

## Publishing and data protection

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





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You can find more information in the Privacy Policy at [hdc.org.nz](http://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)

- ☒ 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.



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

**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 me

☐ No, do not contact me

## Further updates

Would you like to receive updates about the review?

☐ I'd like to receive updates about the review

☐ I'd like to receive updates from HDC about this and other mahi



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## **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](mailto:review@hdc.org.nz).