



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?

College of Gerontology - NZNO

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)

- ☐ [redacted] ☐ [redacted] ☐ [redacted]
- ☐ [redacted] ☐ [redacted] ☐ [redacted]
- ☐ [redacted]

What is your gender?

- ☐ [redacted] ☐ [redacted]
- ☐ [redacted]
- ☐ [redacted]

How old are you?

- ☐ [redacted] ☐ [redacted] ☐ [redacted] ☐ [redacted] ☐ [redacted]
- ☐ [redacted] ☐ [redacted] ☐ [redacted]

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

- ☐ [redacted] ☐ [redacted] ☐ [redacted] ☐ [redacted]
- ☐ [redacted] ☐ [redacted] ☐ [redacted] ☐ [redacted]
- ☐ [redacted] ☐ [redacted]



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[Redacted]

[Redacted]

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

What is the name of your organisation or group?

College of gerontology - NZNO

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: _____

College of gerontology – member ship is made up of a mix of registered nurses a



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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'?



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Topic 1: Supporting better and equitable complaint resolution

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

It is important to encourage complainants to engage directly with the provider in the first instance as a number of complaints can be managed without escalation and it provides the health provider an opportunity to respond and rectify any issues.

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

- We agree the purpose statement should be broadened and include the terms 'upholding mana'.
- We agree with the suggestion to reword Right 1 to be more inclusive
- In response to the suggested changes to clarifying right 10 – if adding the right for complaints to be made by support people on behalf of the consumer, it should be specified that it is with the knowledge and consent on the consumer
- Agree with inclusive language, consideration should also be given to using gender neutral pronouns
- Feedback on the use of the words 'no investigative action' may be misleading as the complaint is in part investigated to get to the point of resolution.



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

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**?

We agree Tikana should be incorporated into the Code. The term 'Mana' should be added to right 1

We also agree practical effect to the Treaty should be incorporated into the act

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?

As answered in 2.1



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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?**

As answered in 2.3

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?**

Not answered – outside the scope of our College



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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?

Not answered – outside the scope of our College

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**?

Not answered – outside the scope of our College



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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 a right to appeal HDC decisions should be available for consumers and health care providers.

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?

If requested a review of decisions should be required to be undertaken.

When a review of a decision is undertaken, the original decision maker should be excluded from this process, it should be an independent review.



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

We do not support the lowering of the threshold for accessing HRRT under the ACT.

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 agree with the suggested issues and suggestions in topic 5 excluding the following:

F – information should continue to be provided under the OIA

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



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

Concerns include:

- Privacy breaches especially virtual consults eg is the practitioner in a private area when discussing the consumers health
- Stability of internet connections
- Balance between virtual consults and face to face consults for assessing unwell consumers
- Family use of recording cameras in rest home residents rooms to remotely monitor staff interactions with the consumer



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

- Strengthen the privacy requirements of monitoring eg AI monitoring and recording for falls
- Guidance around video monitoring (both for health providers and consumers)

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



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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?



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- ☐ I'd like to receive updates about the review
- ☐ I'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.