



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? Dr Tin Chiu

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)

A large black rectangular box used to redact the respondent's answer to the question about services engaged with.

What is your gender?

A large black rectangular box used to redact the respondent's answer to the question about their gender.

How old are you?

A large black rectangular box used to redact the respondent's answer to the question about their age.

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

A large black rectangular box used to redact the respondent's answer to the question about their ethnicity.



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Do you identify as having a disability?

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

What is the name of your organisation or group?

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: _____



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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’?

Hi there,

I am an Anaesthetist working at Auckland City Hospital. This submission is based on a survey asking hospital inpatients about Right 7(4) of The Code. The survey has been submitted to the New Zealand Medical Journal for publication. Currently it is under review and not yet formally published. I have attached the submitted version in the email.

The results have implications for-

1. Making the Act and the Code more effective for, and responsive to, the needs of Maori.
2. Making the Act and the Code work better for tangata whaikaha | disabled people.

Currently, consumers needing emergency treatment who are incapacitated (disabled persons) can only get consent via an Enduring Power of Attorney (EPOA) for personal care and welfare, a welfare guardian, a court order or through provider consent via Right7(4). Family or close friends cannot provide consent unless they are the EPOA or welfare guardian.

This survey asked participants whether they would support family/close friends consent for people without an EPOA.

Results-



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-90% of participants support family/close friends consent for people without an EPOA. Maori and Pasifika are strongly in support of this.

-Only 26% of participants have an EPOA. Therefore, the majority are not eligible for EPOA consent if incapacitated.

-Maori and Pasifika are statistically less likely than the NZ European ethnic group in having an EPOA. This shows systemic inequity and bias.

Conclusion-

Allowing family/close friends consent for the incapacitated without an EPOA could make the Code work better for Maori and tangata whaikaha.

1. That is what they overwhelmingly support
2. Maori are less likely to have an EPOA, therefore less likely to be eligible for an EPOA consent when incapacitated (disabled). Allowing family/close friends consent could mitigate this inequity by allowing another option to consent for them when they do not have an EPOA.
3. The survey results show participants prefer consent by family ahead of a doctor or an EPOA.

This study has been submitted for publication but yet to be published and therefore no comment has been made by any community groups on the results. Publication is likely after the closing date of submissions for review of the Act and Code.



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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**?



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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?

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



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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?



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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?

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**?



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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?



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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?

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**?



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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**?



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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?

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?



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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?



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

Publishing and data protection



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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)

- ☒ 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



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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.

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



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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

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.