

Submitted to About the Act and Code Review  
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Your details

1 What is your name?

Name:

[REDACTED]

2 What is your email address?

Email:

[REDACTED]

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

I am submitting as an individual

4 How did you hear about this consultation?

Select from the following options:

Through my job

If you selected other, please specify below:

Questions for individuals

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

Share 'one big thing' or upload a file

5 Are you here to tell us your 'one big thing'?

Your one big thing::

The Act should reflect the Crowns obligations to Te Tirit o Waitangi e.g., Qualification for appointment - demonstrated knowledge, experience and understanding in engaging and working collaboratively with:

- a) Tangata Whenua, hapū and iwi, and
- b) processes determined by tangata whenua.

The Act and Code to recognise and affirm mātauranga is its own system with its own organisation and it is this system we want to prioritise and protect by being tangata whenua led.

The overarching goal is tino rangatiratanga and reinstituting mātauranga as a primary and independent knowledge system. Then future relationships will be between equals.

## 6 Upload a file

File upload:

No file uploaded

Not Answered

## Topic 1: Supporting better and equitable complaint resolution

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

Please add your response below:

a) broaden the purpose statement to include hauora and maintain mana.

Hauora and Health are often used interchangeably. Hauora however, has a more interconnected scope than the narrow western constructs of health that dominates Aotearoa New Zealand's health and disability service provisions. Hauora is about health and wellbeing rather than the absence of illness or disease. The most well-known model of Māori health is Tā Mason Durie's Te Whare Tapa Whā model, which identifies four inextricably connected, interdependent and equally important foundations for health and well being: taha tinana (physical health and wellbeing), taha wairua (spiritual health and well being), taha whānau (family and social health and well being), and taha hinengaro (mental health and wellbeing). Going forward, and consistent with more contemporary understandings of health even with western paradigms, the Health and Disability Act and Consumer Code of Health and Disability Rights need to align the understandings to hauora, not only for Māori but to all the people it serves.

b) change independence to autonomy and recognising whānau as an integral to hauora.

c) support gender inclusive language

d) include a non-retaliation clause

e) clarify provider complaints processes and expectations - need to be more visible in accessible formats.

f) more advocates need to be employed as well as advocates who are invested in strengthening their knowledge of mātauranga and how to engage effectively with hapū, iwi and tangata whenua.

g) the language of the complaints pathway should reflect a tikanga led process that puts people at the centre.

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

Please add your response below:

Support hui ā whānau and hohou te rongo processes - must be led and facilitated by Māori who have the support of their hapū and / or iwi to uphold the integrity of these taonga. A point for consideration is, these processes should have clear boundaries around them 1) they are an end, and approach to the complaints resolution process, 2) the mana of the process is diminished when not seen through to the end, 3) hui ā whānau should be protected in the legislation with appropriate resourcing as described above.

### 1.3 What other changes, both legislative and non-legislative, should we consider for supporting better and equitable complaint resolution?

1.3 changes - supporting better and equitable complaint resolution:

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

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

Please add your response below:

Consideration for a hauora Code.

The Act and Code needs to reflect an understanding and affirm mātauranga is its own system with its own organisation, and it is this system that we want to prioritise and protect by being Māori led.

Mātauranga (Māori knowledges, intelligences and ways of being) underpins te reo Māori (Māori language), kawa (Māori processes), tikanga (Māori practices), mātauranga (Māori values and principles) and much more as a legitimate way of being, belonging and engaging. For example:

Being - identify, culture and language play a central role in hauora. Māori led normalises and enables tangata whenua, whānau and others to be self-determining and self-reliant (mana motuhake), but not at the exclusion of others. Māori have proven the benefits and beneficence of mana Māori Motuhake.

Belonging - whakapapa provides a continuous lifeline from those who existed before to those living today and encompasses everything that is passed from one generation to the next, from one ancestor to the next, and from the deceased to the living. It connects Māori to tangata (people) and whenua (land), the past, the present and future, te ao tūroa (the natural environment), te ao wairua (the spiritual world) and te ao tukupū (the universe).

Whakapapa informs relationships and provides the foundation for inherent connectedness and interdependence with all things. Whakapapa is fundamental to Māori obligations and understandings of belonging and is at the very core of what relationships mean to Māori. The primary mechanism through which these relationships can thrive is tino rangatiratanga. Tino rangatiratanga is affirmed in Article 2 o Te Tiriti o Waitangai and includes sovereignty, decision-making and Māori control over things Māori.

Engaging - leans into the inherent connectedness and interdependence with all things with the most upmost respect and care. A Māori led approach for a complaints resolution process prioritises whanaungatanga which is built on trust, aroha, manaakitanga, authenticity, reciprocity, transparency and a willingness to share and learn from one another. The obligation is to maintain one another's mana. Tuakana teina leadership as well as knowledges and expertise drawn from lived experiences are valued equally alongside clinical, cultural and other knowledges.

Te Tiriti o Waitangi remains a recognised and critical turning point for Māori, which must be respected and upheld. Te Tiriti o Waitangi obligations must be applied beyond just remedying historical and continuous disadvantages and inequities. They must enable Māori to flourish and lead their aspirations for health and wellbeing. What are the expectations and responsibilities of HDC as an honourable Tangata Te Tiriti? Who determines this? What does an honourable Tangata Tiriti independent Crown agency sound like and look like? When, where and how does HDC show its commitment? What spaces is this commitment applied to e.g., only when working with tangata whenua? what about when working with all external stakeholders and holding them to their obligations of Te Tiriti o Waitangi too?

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

Please add your response below:

Incorporating one element of tikanga is impossible. The Act and Code needs to be flexible and understand the intertwined and interconnected matrix that tikanga exists and not viewed in isolation. Tikanga question – can be answered through te au o te kanohi Māori (through the pupil of the Māori eye). The purpose is te au o te kanohi is what makes us tick as Māori. What makes us tick is that we can't have aroha without forms of hara. The interconnectedness joins aroha to wehi and aroha to hara and aroha to whakawhanaungatanga. Wehi to mana, mana to mauri, mauri to wana, wairua to whānau, noa to tapu, whakamā to

The purpose of this is to say there is an energy field, te au o te kanohi Māori, you can't have one without the other – you need ihi to create the hara, and then you need aroha to correct it. That's what makes us Māori is the interconnectedness of all of that. No way can we translate any of it to make sense in English. You just can't.

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

Please add your response below:

Legislative changes to include:

The qualifications for an appointment of a Commissioner should include, demonstrated experience in maintain effective links with tangata whenua, hapū and iwi.

Mandatory to engage with tangata whenua, hapū and iwi when reviewing both the Act and Code, and in the development of Advocacy Service guidelines. The functions of the Commissioner should include: establish and maintain effective links with tangata whenua and representatives of hapū and iwi that have been determined by their own mātauranga systems e.g., not solely Crown stipulated entities such as Post Settlement Governance Entities (PSGE) and Iwi Māori Partnership Boards (IMPB).

Appoint a Deputy Commissioner Tangata Whenua who is Māori, has the mandate of their hapū or iwi, is steep in mātauranga, tikanga and kawa, is fluent in te reo Māori, has knowledge and experience of hauora, New Zealand's health care system, and New Zealand's disability services system. Has proven relationships with Tangata Tiriti, Tangata Moana nui a Kiwa and tauiwi.

## Topic 5: Minor and technical improvements

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

Please add your response below:

increase the fine  
give the director of proceedings the power to require information.

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

Please add your response below:

5.3 What are your main concerns about advancing technology and its impact on the rights of people accessing health and disability services?

Please add your response below:

data sovereignty  
application and protection of mātauranga

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

Please add your response below:

## Publishing and data protection

May we publish your submission?

Yes, but please remove my name/my organisation

Please note any part(s) of your submission you do not want published::

Reasons to withhold parts of your submission

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

No

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

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

Yes, you can contact me

Would you like to receive updates about the review?

I'd like to receive updates about the review