



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?

Ruth Gerzon

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

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

☐ Word of mouth -

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.

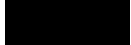


Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

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

- ☐ Health services ☐ Disability services ☐ Mental Health services
☐ Aged Care Services ☐ Other services (please specify)

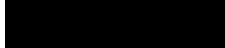
What is your gender?

☐ 

How old are you?

☐ 

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

☐ 

Do you identify as having a disability?

☐ 

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



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

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: _____

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.



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

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'?

I worked as an advocate under the HDC Act (1996-2000) and I have spent 35 years working in the field of learning disability, mental illness and human rights.

One area where I feel people are often unable to access their rights is people with a learning disability in residential care. And when things go wrong for them it affects their total quality of life, often for years. The impact is massive and life-denying. Many spend their lives living with people they don't like in places they don't like with no recourse.

Ensuring people with a learning disability learn about their rights and can recall this knowledge when needed requires more resources and specialist advocates. More than a decade ago I was commissioned by the HDC Advocacy services to work with people with a learning disability to produce some videos that demonstrated their rights in residential settings. I believe they are no longer used by HDC advocates but they are on my website here: <https://www.inclusionaotearoa.com/disability-rights>

These kinds of resources are essential as they can be viewed and discussed time and time again in advocacy groups like People First. Viewers identify actors who have a disability like theirs, so they can understand at a deep level that these are not just words on paper, that these relate to their lives.

I would like to see the Advocacy service producing and using more such resources (for people with other disabilities, for Māori, for Pasifika etc) and use Facebook advts and other ways to reach everyone.



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

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 good to see the focus on Te Tiriti coming to the fore. More Māori forms of complaints resolution would be great.

Speed is of the essence as the complaints system is very stressful and a long drawn out process adds considerably to the stress for both complainant and the professional or organisation



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?

There is a very real danger of retribution for vulnerable people in residential services. Changes to Right 10 to prevent this must come with considerable education and penalties for organisations and individuals who breach this provision

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



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

Ensure there is plain language and support for people who won't understand the language you use – e.g. 'facilitated resolution' is fine for those who understand what that means.

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?**

Great to see the director, Māori role. People need to know that they have a right to a culturally safe service and what to do when that doesn't happen. Lots of Facebook adverts, posters, etc

Love the use of the word 'mana'.

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?



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?**

Ensuring people know about the advocacy service and their rights. Lots of video clips etc.



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

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, especially reviewing and updating resources. Ensuring tāngata whaikaha know about the advocacy service and their rights. Lots of video clips etc.

Legislated role focussed on disability issues is a great idea.

The right to services of an appropriate standard must include the right to inclusion. Services still segregate tāngata whaikaha from options to be part of the life of their hapū and community, e.g. no information or transport to attend tangihanga, be included in other marae based options.



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?

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**?



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

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



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

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

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?



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?



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

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?

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



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?

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



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

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)

- ☐ Yes, you may publish any part of my submission

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.

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.

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?



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

- ☐ 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.