



New Zealand Orthopaedic Association

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Jane Carpenter
The Act and Code Review Team
Office of the Health and Disability Commissioner
PO Box 245
WELLINGTON 6140
Via Email: review@hdc.org.nz

Dear Jane

HDC Consultation on Review of the Act and Code

Thank you for announcing that the Health & Disability Commissioner (HDC) has launched public consultation on a Review of the Code of Health and Disability Services Consumers' Rights (the Code) and the Health and Disability Commissioner Act 1994 (the Act).

1. About the New Zealand Orthopaedic Association

The New Zealand Orthopaedic Association (NZOA) was established on 17 February 1950. We currently have 522 members, 310 are practicing Orthopaedic surgeons in New Zealand. Membership includes medical graduates we select and train to be vocationally registered as Orthopaedic Surgeons.

The NZOA provides leadership in all matters relating to Orthopaedic surgery, including professional advocacy, the selection and training of surgeons, continuing professional development and education, and funding Orthopaedic research. We provide advice to Government and other health-related organisations and agencies on Orthopaedic matters. We also support the New Zealand Joint Registry (NZJR) and the New Zealand Hip Fracture Registry (NZHFR).

2. Options for a Right of Appeal of HDC Decisions

We wish to comment only on the topic of introducing a right of appeal of HDC decisions.

Calls for a right of appeal have been made in recent years, but have been largely confined to complainants. We wish to argue for a right of appeal for health providers who have an HDC decision against them which they wish to challenge. Currently the scope of appeal rights is mostly limited to procedural fairness and not whether the decision was the 'right' decision.

Complaints against a health provider are very stressful. They can take many years to resolve and the burden of having an HDC complaint hanging over you is significant and ultimately affects the wellbeing of that health provider. If the decision is against the health provider, they have limited access to redress which is a fundamental right in a fair and just resolution process. HDC decisions usually do not publish the health providers names, however it is well known who they are particularly in small professional groups like Orthopaedics. The stigma is carried by that surgeon for the rest of their lives. A right to appeal should extend to both the complainant and the affected health providers, and include the ability to consider whether the 'right' decision was made.

We thank you for the opportunity to comment and would be happy to comment further on our submission if required.

Yours sincerely



Andrea Pettett
Chief Executive

CC: NZOA Presidential Line
Peter Robertson