



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? Benjamin Basevi

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)

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What is your gender?

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How old are you?

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

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Do you identify as having a disability?

[Redacted]

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

What is the name of your organisation or group?

NA

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.

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.



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What is your 'one big thing'?

The Code of Patient's Rights is an incredibly valued and essential part of our health system but it does not address patient responsibilities. I do not understand the continued decision why this must remain so as it leaves a gap for the workers providing services on behalf of the Provider and reluctance to address has overflowed to rights of visitors.

This absence contributes to difficulties and challenges as provider entities struggle (and continue to struggle) how to address this in their delivery of service.

There appears to be a reluctance by providers to put anything in print that may appear to infringe on a patient's rights e.g. HNZ Te Whatu Ora health districts do not have a consistent policy approach, seemingly being dependent upon whomever holds influence and editorial control over that particular local policy.

Where there are significant health consumer behaviour issues, this absence has forced (and in particular nurses who take the brunt of unsafe patient behaviour) to utilise the obligations placed on the role of "Other" in the primary workplace safety law, the Health and Safety at Work Act 2015.

Summarised, this obliges a person to keep themselves safe, to not endanger others and to follow the reasonable requests of a worker.

Patient responsibilities are not complicated i.e. work with the Provider, respect health care workers assigned to give care, comply with reasonable requests from those workers and desist from behaviour that that may create unsafe conditions for either yourself, other consumers, visitors and workers.

Nowhere does the Code consider the beginning of an end-point of where the behaviour of a patient has reached a place where alternative treatment options will become a consideration, or that the behaviour of the patient can reach a point where regardless of how essential a treatment/care may be, that treatment may no longer be available due to the risks to the Provider's workers due to continuing exposure and detriment.

This is of course based upon the premise the patient has the decision-making capacity to comprehend acts and outcomes of those acts, taking into account all of Right 7.

Even a reference in the Code to HSWA would be super-helpful to guide providers that this may be a suitable option of recourse in a small patient responsibilities section.

Topic 1: Supporting better and equitable complaint resolution

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

NA



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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?

NA

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

NA

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**?

NA

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?

NA

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**?

NA

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**?

NA

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?



NA

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?**

NA

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?**

NA

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?

NA

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

NA

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?

NA

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

Adding in a section on patient responsibilities

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

NA

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

NA



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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**
- 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:

NA

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?

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.