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HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Wednesday, 28 September 1994

HEALTH AND DISABILITY COMMISSIONER BILL

Proposed Amendments

LIANNE DALZIEL, in Committee, to move the following amendments:

Clause 2: To omit the definition of the terms "advocacy services", "advocacy services agreement", and "advocate", and substitute the following definition:

"Advocate" means a health and disability services consumer advocate appointed pursuant to clause 2 of the Schedule to this Act:

Clause 6: To omit clause 6, and to reinstate the clause 6 that is shown as struck out on page 14.

PART I

HEALTH COMMISSIONER

Clause 9: To add the following paragraph:

(g) The need for the appointee to be seen as independent of the health care system.

Clause 13: To add the following paragraph to subclause (1):

(q) To appoint, subject to the approval of the Minister, advocates as members of Ethics Committees.

To insert in subparagraph (i) of subclause (2) (a), after the words "health care providers" (line 25 on page 21), the words "Maori health care providers".

To insert in subparagraph (ii) of subclause (2) (a), after the words "(including community groups)" (lines 27 and 28 on page 21), the words "and Maori groups".

PART II

CODE OF HEALTH CONSUMERS' RIGHTS

Clause 17: To insert in subclause (2), after the word "draft" (line 10 on page 29), the words "or a report"; and, after the word "draft" (line 12 on page 29), the words "or the report".

To add the following subclause:

(3) Where, at the expiry of the period of 3 months beginning on the commencement of this Part of this Act, the Commissioner has not forwarded a draft Code to the Minister in accordance with subsection (1) of this section, the Commissioner shall, as soon as practicable after the expiry of that period, and then at intervals of not more than 3 months

until a draft Code has been so forwarded, report to the Minister on the progress made in the preparation of the draft Code.

Clause 18: To insert in paragraph (c) (iii) of subclause (1), after the words "take into account" (line 33 on page 29), the words "the special needs of Maori and"; and, after the words "beliefs of" (line 34 on page 29), the word "other".

Clause 19A: To insert in paragraph (a) (ii) of subclause (1), after the words "period as is specified in the notice" (line 20 on page 31), the words ", this period being not less than 40 working days".

Clause 19B: To insert, after paragraph (b) (after line 13 on page 32), the following paragraph:

(c) Existing advocacy services,—

PART III
HEALTH AND DISABILITY SERVICES CONSUMER ADVOCACY
SERVICE

Clauses 20 to 24A: To omit these clauses, and substitute the following clauses:

20. Health and Disability Services Consumer Advocacy Service—(1) There shall be a service to be known as the Health and Disability Services Consumer Advocacy Service.

(2) The service shall consist of the Director of Health and Disability Services Consumer Advocacy and health and disability services consumer advocates appointed under this Act.

21. Director of Health and Disability Services Consumer Advocacy—(1) For the purposes of this Act, the Commissioner shall, from time to time, designate as the Director of Health and Disability Services Consumer Advocacy one of the persons appointed under clause 2 of the Schedule to this Act.

(2) In exercising or performing the powers, duties, and functions of the Director of Advocacy under this Act, the person for the time being designated under subsection (1) of this section shall not be responsible to the Commissioner but shall act independently.

(3) Nothing in subsection (2) of this section limits the responsibility of the Director of Advocacy to the Commissioner for the efficient, effective, and economical management of the activities of the Health and Disability Services Consumer Advocacy Service.

22. Appointment of health and disability services consumer advocates—(1) The Commissioner shall, from time to time, appoint in respect of each regional health authority district a sufficient number of health and disability services consumer advocates.

(2) Every advocate shall be appointed under clause 2 of the Schedule to this Act, and shall be an employee of the Commissioner.

(3) Every advocate shall operate independently of the Ministry, purchasers, health care providers, and disability services providers.

23. Functions of Director of Advocacy—The functions of the Director of Advocacy are as follows:

- (a) To administer the National Health and Disability Services Consumer Advocacy Service:
- (b) To promote, by education and publicity, advocacy services:
- (c) To oversee the training of advocates:
- (d) To monitor the operation of advocacy services, and to report to the Minister from time to time on the results of that monitoring.

Clause 24B: To insert in paragraph (c), after the word “the” (line 16 on page 35), the words “special needs of Maori and the”; and, after the words “beliefs of” (line 16 on page 35), the word “other”.

PART V

MISCELLANEOUS PROVISIONS

Clause 60: To omit from paragraph (c) of subclause (2) the expression “section 20 (1)” (line 24 on page 70), and substitute the expression “section 21 (1)”.