



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

9 May 2014

Steven Bailey
Inquiry Director, Regulatory Institutions and Practices
New Zealand Productivity Commission
PO Box 8036
WELLINGTON 6143

By email: info@productivity.govt.nz

Dear Mr Bailey

Thank you for the opportunity to comment on the Productivity Commission's draft report for its inquiry into Regulatory Institutions and Practices.

At paragraph 10.3, the Commission states that research undertaken by the Commission does not support the perception that New Zealand provides less access to merits reviews of regulatory decisions than other countries, with a reference to Appendix C. Appendix C: Stocktake of appeals provided for in regulatory legislation states that section 50 of the Health and Disability Commissioner Act 1994 provides an avenue to appeal HDC decisions in the Human Rights Review Tribunal. I note that this is not the function of section 50, which provides that the Director of Proceedings may bring civil proceedings in the Human Rights Review Tribunal against a health care provider or disability services provider when they have been found in breach of the Code. It is not an avenue for appealing a decision made by the HDC.

We trust that you find the above comments of assistance, and look forward to receiving a copy of the final report.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'Katie Elkin', with a long horizontal line extending to the right.

Dr Katie Elkin
Associate Commissioner
Legal and Strategic Relations