



# Health Consumer Advocacy Alliance

## Supplementary Submission D

10th March 2025



# The Cartwright Collective

7 March 2025

Letter of Support from the Cartwright Collective\* for a Patient Safety Commissioner for Aotearoa New Zealand to the Health Select Committee.

Tena koutou katoa.

He mihi nui ki a koutou.

The Cartwright Collective supports the petition submitted by the Health Consumer Advocacy Alliance for a Patient Safety Commissioner for Aotearoa New Zealand.

Aotearoa New Zealand's health system is under intense pressure. Doctors raise the alarm about staff shortages and burnout, and unsafe care. Patients share experiences of long wait times, delayed diagnoses and bad outcomes. The former Health Minister has admitted that the sector is in "crisis." Surveys indicate that New Zealanders are highly concerned not just about access to care, but also about the quality and safety of the care they receive.

Yet, due largely to the inability to sue for damages as a result of the no-fault ACC scheme, patients and their whanau have severely limited opportunities to seek accountability from those responsible when they suffer harm. Existing agencies with a remit to protecting patient safety lack the necessary independence, status, legislative basis, and/or required statutory objectives and powers to act effectively to protect patient safety and to achieve widespread systemic change in the sector.

The Health and Disability Commissioner is an ambulance at the bottom of the cliff. Its primary function is to receive and adjudicate on complaints against providers. As such, it is overwhelmed and failing in its statutory obligation to resolve complaints in a "fair, simple and speedy"<sup>†</sup> manner, such that it is currently seeking to be relieved of these dictates.<sup>‡</sup> Half of all complaints it receives result in a decision to take no further action on the complaint. In deference to its specialist expertise, this Select Committee asked HDC to consider changes to its complaints processes to address the matter of creating a right of appeal from adverse HDC

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\* The Cartwright Collective (CC) is a group committed to monitoring the implementation of the recommendations of the *Report of the Cervical Cancer Inquiry* 1988.

<sup>†</sup> Health and Disability Commissioner Act 1994, section 6.

<sup>‡</sup> Morag McDowell, *Review of the Health and Disability Commissioner Act 1994 and the Code of Health and Disability Services Consumers' Rights, Recommendations Report*, December 2024, p 11.

decisions. Despite that expertise, HDC has not even formed a position on the matter and has passed the buck to the Ministry of Health to address it.<sup>§</sup>

The Health Quality and Safety Commission is, in the words of its Chair, “a small Crown entity that beavers away behind the scenes to improve care.”\*\* It collects and analyses data, which it uses to highlight areas of concern, new and emerging issues, and opportunities to improve care. “With our focus on working directly with others to make necessary improvements, we tend to fly under the radar.”

By contrast, a Patient Safety Commissioner would be accorded the high status of a Parliamentary Officer accountable directly to the House of Representatives. It would have a basis in legislation and the necessary statutory powers to enable it to provide independent oversight, and to act promptly and decisively to implement positive change.

We agree with the Health Consumer Advocacy Alliance that this position in our health sector would be seen as a positive addition, a legacy, not just in Aotearoa New Zealand but on the international stage.

This role would patient safety at the forefront, which it clearly is not now.

Nga mihi,

The Cartwright Collective

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<sup>§</sup> Above n 2, pp 56-57.

<sup>\*\*</sup> Rae Lamb, “Healthcare changes: Health Quality and Safety Commission ensures system doesn’t mark its own homework – Opinion” New Zealand Herald, 6 March 2025.