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Mr Anthony Hill
The Health and Disability Commissioner
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22 September 2013

Attention: **Mr Anthony Hill - The Health and Disability Commissioner, and Katie Elkin – Associate Commissioner (Legal and Strategic Relations)**

Re: **Complaint C12HDCxxxxxx** (breaches of the 'Code of Health and Disability Services Consumers' Rights', the 'Code of Ethics' of 'The Medical Association of New Zealand' and legal provisions - by General Practitioner **Dr Dxxxx Xxxxxxx**); **response to your final decision dated 17 Sept. 2013**

Dear Health and Disability Commissioner, dear Katie Elkin

Upon receiving your letter dated 17 September, which was in response to my complaint to your office (dated 26 April this year) about an earlier decision by Deputy Health and Disability Commissioner Theo Baker (dated 24 April 2013), I am extremely shocked, dismayed and severely upset about your stated justifications to not further pursue the serious matter and fairly review that earlier decision.

It is to me an affront to be claiming, that the Medical Appeal Board that heard my appeal against a decision based on a totally flawed and biased assessment by Dr Dxxxx Xxxxxxx, was the appropriate institution to deal with the serious complaints and evidence I presented to your office.

A number of issues have simply not been addressed, although you claim that your office viewed all the relevant evidence presented to you. For instance nothing has been done to address the fact that Dr Xxxxxxx made an examination and assessment on a person with complex health conditions that do not fall under his scope of practice. Also has there been no action to address issues with Dr Xxxxxxx not abiding by the 'Health Information Privacy Code 1994' and the 'Health (Retention of Health Information) Regulations 1996'. There has been ample documentary evidence presented to your office, showing that Dr Xxxxxxx breached the 'Code of Health and Disability Services Consumer's Rights' and the 'Code of Ethics for the New Zealand Medical Profession'.

I also presented you sufficient evidence showing the biased presentations that the Ministry of Social Development's Principal Health Advisor Dr David Bratt is using to influence medical practitioners and other health professionals. All this should have raised the concerns of your office, as medical professionals are increasingly expected to compromise their codes of ethics in making assessments on sick and disabled, that rather meet the expectations of Work and Income than be truly independent.

It was explained to you what the role of a Medical Appeal Board is, and it is clear that it does not review many of the issues I raised with your office. Expecting persons suffering mental illness to use other legal remedies such as making claims through the courts is an unreasonable expectation, as lawyers are these days also very reluctant to take on work for persons like me on limited legal aid.

You have indeed destroyed the last tiny bit of trust and hope that I may still have had left in justice being applied in New Zealand! What I have experienced over the last few years has proved to me, that justice is in many cases just referred to as an empty word, as it is not being applied and honoured in many cases. Access to justice is made extremely difficult for persons with no or limited financial means, hence there is for very many affected no reasonable, manageable way to have disputes or grievances of the kinds I raised addressed. Even the Medical Appeal Board members are appointed by the Ministry of Social Development, so they are not as "independent" as they claim.

You leave me in a situation where I have to review all other means and ways to raise awareness for the issues I faced with a designated doctor, with the treatment dished out by Work and Income staff, and how you and your staff choose to distance yourself from responsibilities that you have and should honour. I have in the meantime learned about many other persons feeling not having been taken seriously by the Office of the Health and Disability Commissioner. Indeed it appears the small number of complaints that are ever addressed and reported on in the media is just a tiny tip of the iceberg, of what otherwise goes on in New Zealand. I am truly very shocked about what I have learned.

In the meantime designated doctors and the Ministry of Social Development are due to your inaction virtually encouraged to continue putting unacceptable pressures and expectations on sick and disabled, and also on medical and health professionals, to deliver outcomes they desire. So much for human rights and "justice" in New Zealand, I must say.

With thanks for your acknowledgment.

Yours sincerely

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