

## RECOMMENDATIONS FOR A NEW ZEALAND CODE OF PRACTICE

The recommendations in relation to a Code of Practice for New Zealand are:

1. Revised incapacity legislation should provide for a Code of Practice to be developed by the government agency responsible for the legislation, in consultation with the health and disability, social development and justice sectors, with enabling provisions in the legislation modelled on those of the MCA.
2. There should be a statutory requirement for public consultation and input by the health and disability, social development and justice sectors, in formulating the Code, and in subsequent reviews, as with the HDC Code.<sup>918</sup>
3. The Code of Practice should provide guidance on the interface between the revised legislation and the notion of capacity or “competence” as used in the statement of Rights in the Code of Health and Disability Services Consumers’ Rights (the HDC Code).
4. The Code of Practice should explain, and make provision for, supported decision-making as a form of best practice, in keeping with the United Nations Convention on the Rights of Persons with Disabilities (CRPD) and tikanga Māori, as identified in this report.
5. An independent statutory body should be given responsibility for implementation of the new legislation and for monitoring implementation of the Code of Practice.
6. That independent body should promote professional education and involvement of the relevant health practitioner registration authorities, Colleges and allied social work organisations, in this task.
7. The development of the Code of Practice should commence concurrently with a review of the PPPR Act, so it can be in place on commencement of revised legislation.

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<sup>918</sup>

Health and Disability Commissioner Act 1994, s 21.