

14 July 2026

Nigel Gray

By email: fyi-request-34763-bd09d471@requests.fyi.org.nz

Tēnā koe Nigel Gray

Re: Information request

Our ref: L-01089

Your request was transferred to HDC on 18/06/2026. You requested:

For the avoidance of doubt, my request concerns the existence (or non-existence) of any regulation, statutory instrument, rule, or other legally binding secondary legislation that establishes “informed consent” as a regulated requirement in New Zealand.

Accordingly, could you please confirm the following:

Does any regulation or statutory instrument exist that creates a legally binding requirement for “informed consent” in New Zealand?

If yes, please identify the specific regulation (title, year, and clause).

If no such regulation exists, please confirm this explicitly.

If no regulation exists, please also confirm whether the documents you are compiling are policies, guidelines, internal documents, clinical standards, or references to the Code of Rights, rather than regulations made under an empowering provision of an Act.

This clarification is necessary because my request is specifically about regulatory authority, not general guidance or practice documents.

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- 1. The specific regulation, statutory instrument, rule, or legally binding directive that establishes “informed consent” as a regulated requirement in New Zealand.*
- 2. If no such regulation exists, please confirm this explicitly.*
- 3. Any internal or external documents, legal advice, policy guidance, or ministerial directives that describe “informed consent” as a regulatory requirement.*
- 4. Any documents that explain the legal basis for agencies referring to “informed consent” as a regulated or enforceable standard.*

We have considered your request under the Official Information Act 1982.

Response

HDC has interpreted your request to be about informed consent in relation to the provision of health and disability services, given the role of the Health and Disability Commissioner.

Under section 74 of the Health and Disability Commissioner Act 1994 (the Act), the Governor-General may make regulations prescribing a Code of Health and Disability Services Consumers' Rights (the Code). Section 74(3) states that regulations made under this section are secondary legislation. The content of the Code is prescribed in section 20 of the Act, with section 20(1)(a) stating that the Code shall contain provisions relating to the principle that no health care procedure shall be carried out without informed consent.

The regulation prescribing the Code is named the Health and Disability Commissioner (Code of Health and Disability Services Consumers' Rights) Regulations 1996. It establishes the right for consumers of health and disability services to make an informed choice and give informed consent. Please see Right 7 of the Code: [Health and Disability Commissioner \(Code of Health and Disability Services Consumers' Rights\) Regulations 1996 | New Zealand Legislation](#).

You may seek a review of this decision from the Office of the Ombudsman.

Nāku iti noa, nā

A handwritten signature in blue ink, appearing to read 'Craig Goodwillie'.

Craig Goodwillie
OIA Team Leader