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21 December 2022

John Luke

By email: fyi-request-21298-b7c8496c@requests.fyi.org.nz
Ref: H2022017894

Tēnā koe John

Response to your request for official information

Thank you for your request under the Official Information Act 1982 (the Act) to Manatū Hauora (the Ministry of Health) on 30 November 2022 for information regarding appointments to the Osteopathic Council of New Zealand (the Council).

I have responded to each part of your request below.

“May I ask how did you call for public nomination and on what platform you have call for public nominations”

The roles were publicly advertised on the Manatū Hauora Careers website and the New Zealand Government Jobs website from 22 April 2022 to 23 May 2022.

“How many applications you have received from the public and how many you have received from other nominating agencies such as TPK”

Manatū Hauora received 19 applications from the public. While nominations were also sought from nominating agencies, none were received.

“How many you have shortlisted.”

A total of eight applicants were shortlisted.

“I am also requesting the position description of this role and the pay rate.”

While there is no specific position description for these roles, I have attached the Terms of Reference for the Council to this letter as Document 1. The Terms of Reference also include information on the pay rate for these roles. This is released to you in full.

I trust this information fulfils your request. Under section 28(3) of the Act, you have the right to ask the Ombudsman to review any decisions made under this request. The Ombudsman may be contacted by email at: info@ombudsman.parliament.nz or by calling 0800 802 602.

Please note that this response, with your personal details removed, may be published on the Manatū Hauora website at: www.health.govt.nz/about-ministry/information-releases/responses-official-information-act-requests.

Nāku noa, nā

A handwritten signature in blue ink, appearing to read 'S. Turner', is positioned below the text 'Nāku noa, nā'.

Sarah Turner
Deputy Director-General
Government and Executive Services | Te Pou Whakatere Kāwanatanga

Candidate Information on the Terms and Conditions of Appointment to the Osteopathic Council

Health Practitioners Competence Assurance Act 2003

Introduction

This document provides information for prospective members of the Osteopathic Council of New Zealand (the Council). It sets out the:

- role and functions of the Council
- composition of the Council
- terms and conditions of appointment
- duties and responsibilities of a member.

The Role of Registration Authorities in Regulating Health Professions

Consumers do not always have enough knowledge to make an informed decision about whether osteopaths are competent to carry out their profession. This can be a matter of concern when the action of an incompetent practitioner may impact on the health and safety of consumers. Occupational regulation is one way of providing consumers with information on a practitioner's competence. It ensures that only practitioners who have demonstrated that they continue to meet the minimum standards for entry to a health profession can practice or use particular protected titles.

The Health Practitioners Competence Assurance Act 2003 (the Act) establishes registration authorities to protect consumers of the services of a wide range of health and disability practitioners. The Act requires registration authorities to establish the competencies required for the registration of practitioners who demonstrate they possess the competencies to practice safely. The Council is one such registration authority.

The Act defines a health practitioner as a person who is, or is deemed to be, registered with an authority as a practitioner of a particular health profession. It also defines a layperson as a person who is neither registered, nor qualified to be registered, as a health practitioner.

Functions of the Council

The Council is an independent statutory body established under section 114(4) of the Act. In general, it is the function of the Council to provide a framework for the regulation of osteopaths in order to protect the public where there is a risk of harm from the practice of the profession. The specific functions of the Council are set out in section 118 of the Act. These functions include:

- prescribing the qualifications required for scopes of practice within the profession, and for that purpose, to accredit and monitor educational institutions and degrees, courses of studies and programmes
- authorising the registration of health practitioners under this Act, and to maintain registers
- considering applications for annual practising certificates
- reviewing and promoting the competence of health practitioners

- recognising, accrediting and setting programmes to ensure the ongoing competence of health practitioners
- receiving and acting on information from health practitioners, employers and the Health and Disability Commissioner about the competence of health practitioners
- notification of employers, Accident Compensation Corporation, the Director-General of Health and the Health and Disability Commissioner that the practice of a health practitioner may pose a risk of harm to the public
- considering the cases of health practitioners who may be unable to perform the functions required for the practice of the profession
- setting standards of clinical competence and ethical conduct to be observed by health practitioners of the profession
- liaising with other authorities under this Act about matters of common interest
- promoting the education and training in the profession
- promoting public awareness of the role and responsibilities of the authority.

Composition of the Council

Under section 120 of the Act, the Council may consist of at least five and up to 14 members, a majority of whom are health practitioners. The Council's membership must include two laypersons if the authority has eight or fewer members, or three laypersons if the authority has nine or more members.

Consumer Constituency

The consumer constituency of the Council is those who use osteopathy services. Those who use osteopathy services are a cross-section of New Zealanders in terms of ethnicity, gender and location. Laypersons appointed will probably have recent experience of osteopathy services themselves either in the private or public sector, and/or will have wide and recent knowledge of the experiences of other consumers.

Appointment as a Member of the Osteopathic Council

In making yourself available to be considered for appointment, please ensure that:

- there is no conflict of interest that would preclude your appointment
- you are available to serve a term of office of up to three years.

As a member of the Council, you will be expected to follow the terms and conditions set out below.

Terms and Conditions of Appointment

Council members are appointed by the Minister of Health by notice in the *Gazette*. Members may be reappointed from time to time but may not be appointed for more than nine consecutive years.

Members may decide not to continue office at any time, in which case they must inform the Minister of Health.

The Act states that a member of the Council is considered to have vacated their office if they are adjudged bankrupt under the Insolvency Act 1967. Members may at any time be removed from office by the Minister of Health on the grounds of inability to perform duties of the office, neglect of duty, or misconduct, proved to the satisfaction of the Minister.

Duties and Responsibilities of a Member

This section sets out the Minister of Health's expectations regarding duties and responsibilities of a person appointed as a member of the Council. The intention is to aid members of the Council to work effectively by providing them with a common set of principles for appropriate conduct and behaviour and enable the Council to protect itself and its members from being exposed to legal challenges.

General

Council members are accountable to the Minister of Health (and through the Minister of Health to the public of New Zealand) for ensuring that osteopaths are competent and effective in their practice. The functions of the Council, set out in section 114 of the Act, provide the parameters within which the Council operates.

Council members attend meetings and undertake Council activities as independent people responsible to the Council as a whole and do not act in the Council as representatives of professional organisations or interest groups. This is especially important because Council members may be party to decisions, which conflict with the views of some of their constituency.

Members are free to express their own views within the context of Council meetings but must publicly support a course of action decided by the Council, or, if unable to do that, must not publicly comment on decisions.

While it is not the role of Council members to represent any group (health profession or otherwise), all members are expected to contribute equally to achieving the purpose of the Council; that is, to protect the public and incorporate the perspectives of all members and sectors of the public and to ensure that decisions are responsive to the cultural diversity of New Zealand.

There is an expectation that Council members will make every effort to attend all Council meetings and devote sufficient time to become familiar with the affairs of the Council and the wider environments within which it operates.

Council members may be required to serve on one or more council committees or working groups.

Legislation and Conflicts of Interest

It is important that Council members have a common understanding of their role as members in order that decisions can be reached within the spirit of the governing legislation, namely, for the purpose of protecting the public interest through the regulation of osteopaths.

Council members will be expected, over time, to become familiar with, and operate according to the Act. In addition, Council members are expected to be familiar with, and operate according to, the:

- principles of natural justice and administrative law
- Health and Disability Commissioner Act 1994
- Health and Disability Services Code of Consumers' Rights
- Health and Disability Services Act 1993
- Trans-Tasman Mutual Recognition Act 1997
- Privacy Act 1993
- Health Information Privacy Code 1994

- Treaty of Waitangi
- Human Rights Act 1993.

The Council is also expected to comply with the intent of the Official Information Act 1982.

Council members should perform their functions in good faith, honestly and impartially and avoid situations that may compromise their integrity or otherwise lead to conflicts of interest. Proper observation of these principles will protect them and enable public confidence to be maintained.

When Council members believe they have a conflict of interest that will prevent them from reaching an impartial decision or undertaking an activity consistent with the Council's functions, then they must declare a conflict of interest and withdraw from the discussion and/or activity.

Confidentiality

Meetings, including agenda material and minutes, of the Council are confidential. Council members must ensure that the confidentiality of Council business is maintained.

At no time shall Council members individually divulge details of Council matters or decisions of the Council to persons who are not Council members. Disclosure of Council business to anyone outside the Council must be the decision of the Council, or between meetings, at the discretion of the Chairpersons of the Committee (if they have delegated authority of the Council).

Council members must ensure that Council documents are kept secure to ensure the confidentiality of Council work is maintained. Release of Council correspondence or papers can only be made with the approval of the Council.

Chairperson

At its first meeting in each year the Council elects one of its members to be its Chairperson, and another to be its Deputy Chairperson. Any such member is eligible for re-election.

The Chairperson presides at each meeting of the Council if he or she is present and willing to preside. If at any meeting the Chairperson is not present or willing to preside, the Deputy Chairperson, if present and willing to preside, presides. If neither is present or willing to preside, the members present must elect a member who is present to preside at that meeting.

Meetings of the Council

The number of meetings per year will be decided by the Council. However, it is unlikely that the time commitment would be more than one or two days per month. In addition, members may be required to participate on subcommittees established to address specific issues.

A quorum of the Council for any meeting is four members (including one layperson member). Every issue before the Council is determined by a majority of the votes of the members present at the meeting. The presiding member has a deliberative vote, and, in the case of an equality of votes, also has a casting vote.

When carrying out its functions the Council must follow the principles of natural justice and administrative law. The Council must act lawfully, that is, the Council can only act within the limits of its powers set out in the Act. The Council must also act fairly when carrying out its functions. Decisions of the Council are reviewable by the Courts and it is also possible for people to take civil action against the Council or its individual members.

Fees and Allowances

Members of the Council, and of any committee appointed by the Council, are paid fees for attendance at meetings. The Council sets its own fees. The fees for the Chair and Deputy Chair are currently \$856.00 (less tax) per 8 hour day. Members are paid \$688.00 (less tax) per 8 hour day. For work that is not Council meetings, the Chair and Deputy Chair are paid an hourly rate of \$107 and members are paid an hourly rate of \$86.00. These fees are sourced from the registration fees paid by osteopaths to the Council. Members may be paid for preparation time at the discretion of the Council. Actual and reasonable travel and accommodation expenses will be paid by the Council.

More detailed information can be obtained from the Council's Registrar:

Tim Friedlander
Registrar
Osteopathic Council

22-28 Willeston Street
PO Box 9644
WELLINGTON

Ph: (04) 9184745

Email: registrar@osteopathiccouncil.org.nz