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2 September 2024

Erika Whittome

By email: fyi-request-25904-77ee342b@requests.fyi.org.nz
Ref: H2024049712

Tēnā koe Erika

Response to your request for official information

Thank you for your request under the Official Information Act 1982 (the Act) to the Ministry of Health – Manatū Hauora (the Ministry) on 20 August 2024 for information regarding the Health Practitioners Competence Assurance Act (HPCA Act). Your request was a follow up to information provided to you in a series of previous responses you have received from the Ministry. You requested:

“Please send this request to the Minister of Health. According to the Health Practitioners Competence Assurance Act.

Section 85: The chairperson and each deputy chairperson are appointed by the Minister by notice in the Gazette, after consultation by the Minister with any persons that the Minister thinks fit

Section 122B mentions annual reports.

So this information exists according to the act. Kindly supply the information which the Minister is accountable for.”

To clarify, the Health Practitioners Disciplinary Tribunal (HPDT) is not an ‘authority’ under the HPCA Act. Therefore section 134 of the HPCA Act does not apply and the HPDT is not required to publish an annual report. Also, section 122B of the HPCA Act applies only to responsible authorities (RAs), such as the Medical Council of New Zealand or the Psychologists Board. It does not apply to the HPDT. The same applies for section 124, which authorises the Minister to audit RAs.

Although the Minister appoints members of the Tribunal, there are no subsequent reporting requirements specified in the HPCA Act.

Therefore, this part of your request is refused under section 18(g)(i) of the Act as the information requested is not held by the Ministry and there are no grounds for believing it is held by another agency subject to the Act.

If you are interested in reviewing the RAs’ Annual Reports, which only intermittently include very basic information regarding HPDT decisions, then you will need to refer to their websites as we do not hold copies of those reports.

If you wish to discuss any aspect of your request with us, including this decision, please feel free to contact the OIA Services Team on: oiagr@health.govt.nz.

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



Ruihua Gu
**Group Manager, Quality Assurance and Safety
Regulation and Monitoring | Te Pou Whakamaru**