



133 Molesworth Street  
PO Box 5013  
Wellington 6140  
New Zealand  
T+64 4 496 2000

24 January 2025

Erika Whittome

By email: [fyi-request-25904-77ee342b@requests.fyi.org.nz](mailto:fyi-request-25904-77ee342b@requests.fyi.org.nz)  
Ref: H2024059014

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 December 2024 for information regarding breaches of the Health Practitioners Competence Assurance Act 2003 (the HPCA). You requested:

*“I understand that the chief legal advisor at the Ministry of Health has oversight of breaches of the Health Practitioners Competence Assurance Act 2003. Would you kindly share the information on the reports and documents that have been requested in this OIA? The HPDT follows this act.”*

While the Ministry administers the HPCA, including managing the consultation processes to enable the Minister to appoint the members of the responsible authorities (RAs), it does not have oversight of breaches of the HPCA by health practitioners. Under the HPCA the RAs are the authorities that oversee any breaches of the Act by their members and hold the information you have requested. You may find the list of RAs on the Ministry’s website here: [www.health.govt.nz/regulation-legislation/health-practitioners/responsible-authorities](http://www.health.govt.nz/regulation-legislation/health-practitioners/responsible-authorities).

As such, I am refusing your request under section 18(g)(i) of the Act, as the information you seek is not held by the Ministry or another agency subject to the Act.

The principal purpose of the HPCA is to protect the health and safety of members of the public by providing for mechanisms (to the RAs) to ensure that health practitioners are competent and fit to practise their professions. To provide an example, the Medical Council of NZ is responsible for its member in the practice of medicine, the Nursing Council of NZ is responsible for its member in the practice of nursing. The RAs responsibilities include managing the registration of their members, their Annual Practising Certificate (APC), their qualification, their scope of practice, and the disciplining of their members for breaches of the HPCA.

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](mailto: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](mailto: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](http://www.health.govt.nz/about-ministry/information-releases/responses-official-information-act-requests).

Nāku noa, nā

A handwritten signature in blue ink, appearing to be 'Phil Knipe', written on a light blue grid background.

Phil Knipe  
**Chief Legal Advisor**  
**Ministry of Health**