



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

13 March 2024

Erika Whittome

By email: fyi-request-25904-77ee342b@requests.fyi.org.nz
Ref: H2024036735

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 27 February 2024 for information. You requested:

- “1. Under part 3, section 34, please share the number of cases you have initiated on the above grounds.*
- 2. Number of cases closed or abandoned and no further action has been taken (Stayed/struck out/withdrawn).*
- 3. Number of cases in progress.*
- 4. Number of cases concluded with conviction and/or professional misconduct.*
- 5. Number of health professionals who have been fined and/or lost their practising licenses/certificates as a result of HPDT investigations.*
- 6. The total cost in legal fees for each of the above 5 items, please include travel disbursements, witness appearance fees etc*
- 7. Number of cases where The Evidence Act 2006 has been disregarded on the grounds that “the Tribunal may regulate its procedure in any manner it thinks fit” (para 21 of 1354/Nur22/557)*
- 8. Number of decisions and preliminary/interlocutory decision with non-publication such as 1354/Nur22/557 which is not published on the HPDT decisions website [https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.hpdt.org.nz%2FSearch-
Decisions&data=05%7C02%7Coiagr%40health.govt.nz%7C3d6d4ec7a27d4173b48108dc372c0df1%7C23cec7246d204bd19fe9dc4447edd1fa%7C0%7C0%7C638445909555607223%7CUnknown%7CTWFpbGZsb3d8eyJWljoIMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikk1haWwiLCJXVCi6Mn0%3D%7C0%7C%7C%7C&sdata=0JlpSmQfcbI8ORxnR8Y7A4uxGYQ5PryeY%2FIB%2BZLFFqk%3D&reserved=0](https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.hpdt.org.nz%2FSearch-Decisions&data=05%7C02%7Coiagr%40health.govt.nz%7C3d6d4ec7a27d4173b48108dc372c0df1%7C23cec7246d204bd19fe9dc4447edd1fa%7C0%7C0%7C638445909555607223%7CUnknown%7CTWFpbGZsb3d8eyJWljoIMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikk1haWwiLCJXVCi6Mn0%3D%7C0%7C%7C%7C&sdata=0JlpSmQfcbI8ORxnR8Y7A4uxGYQ5PryeY%2FIB%2BZLFFqk%3D&reserved=0)*
- 9. Number of name suppression / non-publication orders people involved in all these cases.*
- 10. Length of time for these decisions/interlocutories to be published*
- 11. In the most recent financial year, what is the cost to the Ministry of Health for the operation of all the Professional Conduct Committees in the health industry?*
- 12. Would you please share the most recent audit report on the HPDT ?*

13 The number of complaints to the Health Integrity Line about the HPDT from 2021 to date?"

The Ministry has interpreted your request to be regarding the number of referrals from Responsible Authorities established under the Health Practitioners Competence Assurance Act 2003 (such as the Medical Council) to the Health Practitioners Disciplinary Tribunal in relation to COVID-19 vaccination.

The Ministry has no involvement in this process and therefore parts 1-11 of your request are 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.

In regard to question 12 there is no provision for audit of the Tribunal in the Health Practitioners Competence Assurance Act 2003 and therefore there is no basis to believe such a report exists. This part of your request is refused under section 18(e) of the Act as the information requested does not exist.

Question 13 has been transferred to Health New Zealand- Te Whatū Ora. You can expect a response from Health New Zealand- Te Whatū Ora in due course.

It is important to note that the Responsible Authorities and the Health Practitioner Disciplinary Tribunal are not subject to the Official Information Act 1982, and therefore the request cannot be transferred to them.

The Tribunal posts details of its decisions and statistics on their website here:
<https://www.hpdt.org.nz/Home>.

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



Phil Knipe
Chief Legal Advisor/Privacy Officer
Government and Executive Services | Te Pou Whakatere Kāwanatanga