

Hon Matt Doocey

Minister for ACC
Minister for Mental Health
Minister for Tourism and Hospitality
Minister for Youth
Associate Minister of Health
Associate Minister of Transport



Paddy McBride
s 9(2)(a)

Dear Paddy

Reappointment as a health practitioner member of the Chinese Medicine Council of New Zealand

Thank you for your willingness to continue serving on the Chinese Medicine Council of New Zealand (the Council).

In accordance with section 120 of the Health Practitioners Competence Assurance Act 2003, I hereby reappoint you as a health practitioner member of the Council for a three-year term of office commencing on 2 September 2024 and ending on 1 September 2027.

Attached to this letter are the terms and conditions of your reappointment. Any necessary further information will be provided by the Council's Registrar and General Manager, Lindsey Pine. Please formally acknowledge your appointment by signing the attached memorandum and emailing it to appointments@health.govt.nz.

Thank you again and congratulations on your reappointment.

Yours sincerely

Hon Matt Doocey
For **Minister of Health**

Encl Terms and Conditions
Appointment Memorandum

cc Lindsey Pine, Registrar and General Manager, Chinese Medicine Council
s 9(2)(a)
Statutory Appointments and Integrity Services, Ministry of Health
appointments@health.govt.nz

MEMORANDUM

To: Stasha Mason
Manager
Statutory Appointments and Integrity Services
Ministry of Health
PO Box 5013
WELLINGTON 6145

Email: appointments@health.govt.nz

Subject: **Reappointment to the Chinese Medicine Council of New Zealand**

From: Paddy McBride

1. I acknowledge my reappointment as a health practitioner member of the Chinese Medicine Council pursuant to section 120 of the Health Practitioners Competence Assurance Act 2003, for a three-year term of office commencing on 2 September 2024 and ending on 1 September 2027.
2. I have read, understand, and accept the terms and conditions of my reappointment.

Signed

Date

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Candidate Information on the Terms and Conditions of Appointment to the Chinese Medicine Council of New Zealand

Health Practitioners Competence Assurance (HPCA) Act 2003

Introduction

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

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

The Role of Responsible Authorities in Regulating Professions

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

A wide range of health and disability sector professions are regulated through legislation to protect the consumers of health services. The HPCA Act establishes responsible authorities for the purposes of determining the competencies required for safe practice and registering practitioners who demonstrate they possess these competencies. The CMCNZ is one such responsible authority.

Individuals appointed to the CMCNZ have a range of experience, from first-time appointees with little or no experience as a member of such authorities to members with extensive experience. The CMCNZ draws considerable benefits from having a diverse membership with a range of skills, attributes, and experience.

Functions of the CMCNZ

The CMCNZ is an independent statutory authority established under section 114 of the HPCA Act. The purpose of the Act is to protect the health and safety of members of the public by providing mechanisms to ensure that health practitioners are competent and fit to practise their professions.

The status and functions of the CMCNZ are set out in sections 117 to 119 of the HPCA Act. As they relate to the CMCNZ, these functions are to:

- prescribe the qualification required for scopes of practice within the profession, and, for that purpose, to accredit and monitor educational institutions and degrees, courses of studies, or programmes
- authorise the registration of Chinese medicine practitioners under this Act, and to maintain registers
- consider applications for annual practising certificates
- review and promote the competence of Chinese medicine practitioners

- recognise, accredit, and set programmes to ensure the ongoing competence of Chinese medicine practitioners
- receive and act on information from any person about the competence of Chinese medicine practitioners and, if it is appropriate to do so, act on that information
- notify employers, the Accident Compensation Corporation, the Director-General of Health, and the Health and Disability Commissioner that the practice of Chinese medicine practitioners may pose a risk of harm to the public
- consider the case of Chinese medicine practitioners who may be unable to perform the functions required for the practice of the profession
- set standards of clinical competence, cultural competence (including competencies that will enable effective and respectful interaction with Māori), and ethical conduct to be observed by Chinese medicine practitioners
- liaise with other authorities appointed under this Act about matters of common interest
- promote and facilitate inter-disciplinary collaboration and co-operation in the delivery of health services
- promote education and training in the profession
- promote public awareness of the responsibilities of the authority
- exercise and perform any other functions, powers, and duties that are conferred or imposed on it by or under this Act or any other enactment.

Composition of the CMCNZ

The HPCA Act states in section 120(2) that the CMCNZ will comprise a majority of members who are health practitioners and two laypersons (if the CMCNZ has eight or fewer members) or three laypersons (if the CMCNZ has nine or more members).

Individuals appointed to the CMCNZ include laypersons and health practitioners who practise Chinese medicine, such as acupuncture, herbal medicine, and Tui na massage.

Consumer Constituency

The consumer constituency of the CMCNZ includes people who use Chinese medicine services and those with an interest in the safety of the general public. Safe practices of Chinese medicine practitioners are the paramount concern of the CMCNZ.

Appointment as a Member of the CMCNZ

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

- there is no conflict of interest which would preclude your appointment (eg, being an Executive member of a related professional association); and
- you are available to serve for a term of office of up to three years.

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

Terms and Conditions of Appointment

CMCNZ members are appointed by the Minister of Health for a term of up to three years, 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 if they must inform the Minister of Health in writing.

The Act states that appointed members are considered to have vacated their office if they die or are adjudged bankrupt under the Insolvency Act 1967. The Minister of Health may at any time remove members from office on the grounds of:

- inability to perform the duties of the office
- neglect of duty
- misconduct, proved to the satisfaction of the Minister
- the member's performance on the CMCNZ is inadequate (this requires the concurrence of the CMCNZ, by notice given to the member).

Duties and Responsibilities of a Member

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

As an independent statutory body the CMCNZ has an obligation to conduct its activities in an open and ethical manner. The CMCNZ has a duty to operate in an effective manner within the parameters of its functions as set out in section 118 of the HPCA Act.

General

CMCNZ members are accountable to the Minister of Health (and through the Minister of Health to the public of New Zealand) for ensuring that Chinese medicine practitioners are competent and safe in their practice. The functions of the CMCNZ, set out in section 118 of the HPCA Act, provide the parameters within which the CMCNZ operates.

Members attend meetings and undertake CMCNZ activities as independent people responsible to the CMCNZ as a whole and do not act as representatives of professional organisations or interest groups. This is especially important because members may be party to decisions which conflict with the views of such other organisations.

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

While it is not the role of members to represent any group (health profession or otherwise), all members are expected to contribute equally to achieving the purpose of the CMCNZ; 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 CMCNZ members will make every effort to attend all CMCNZ meetings and devote sufficient time to become familiar with the affairs of the CMCNZ and the wider environment within which it operates.

CMCNZ members will also be required to serve on one or more CMCNZ committees or working groups.

Legislation and Conflicts of Interest

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

Members will be expected to become familiar with, and operate according to, the HPCA Act. In addition, members of the CMCNZ 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 2020
- Health Information Privacy Code 2020
- Treaty of Waitangi
- Human Rights Act 1993.
- Health and Safety at Work Act 2015

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

When CMCNZ members believe they have a conflict of interest on a subject, which will prevent them from reaching an impartial decision or undertaking an activity consistent with the CMCNZ's functions, then they must declare a conflict of interest and withdraw themselves from the discussion and/or activity. The CMCNZ will have a policy on how conflicts of interest will be identified and managed.

Confidentiality

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

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

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

Meetings of the CMCNZ

As the CMCNZ was only recently established, it is expected that members will have a heavy initial workload and can expect to meet at least six times over the first year of appointment. Otherwise it is anticipated the CMCNZ will meet formally four times a year. In addition,

members may be required to participate on committees established to address specific issues. It is estimated that members would spend an average of 7-15 days per year on CMCNZ business, depending on the amount of Committee responsibilities, meeting preparation and complaints issues.

Preparation prior to these meetings is required. In addition, committees and working parties can also be established from time-to-time to address specific issues that require representation from CMCNZ. These may require further face-to-face meetings and teleconferences. In general, it is unlikely that the time commitment for CMCNZ would be more than 16 days per year (unless serving as Chair).

Accountability

When carrying out its functions the CMCNZ must follow the principles of natural justice and administrative law. The CMCNZ must act lawfully, that is, the CMCNZ can only act within the limits of its powers set out in the HPCA Act. The CMCNZ must also act fairly when carrying out its functions. Per section 119 of the HPCA Act, members may be held liable for anything done or omitted in bad faith or without reasonable care. Decisions of the CMCNZ can be subject to judicial review.

In accordance with section 122A of the HPCA Act, responsible authorities are subject to five-yearly, independent reviews of their performance (against a set of prescribed standards which are based on the functions outlined in section 118 of the Act).

Fees and Allowances

All costs of regulating the Chinese medicine profession will be borne by the profession through fees charged by CMCNZ.

Members of the CMCNZ are entitled to be paid fees for attendance at meetings. Current fees are as follows:

Chair	\$858 / 107.25 per hour
Deputy Chair	\$770 / 96.25 per hour
Member	\$688 / 86 per hour

. The CMCNZ will pay for actual and reasonable travel and accommodation expenses.

More detailed information can be obtained from:

Lindsey Pine

Registrar/General Manager

Chinese Medicine Council (04) 978 5041

s 9(2)(a)

PO Box 9644, Wellington 6141