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11 February 2025

John Luke

By email: fyi-request-29051-10df18f6@requests.fyi.org.nz
Ref: H2024059001

Tēnā koe John

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 19 December 2024 for information regarding the appointment process to the Medical Council of New Zealand | Te Kaunihera Rata o Aotearoa. Each part of your request is addressed in turn:

May I ask how you called for public nomination and on what platform you have call for public nominations e.g. govt.jobs website

Roles for the Medical Council of New Zealand (the Council) were publicly advertised between the dates of 19 February to 4 March 2024 on the following websites:

- Ministry's Careers webpage (<https://careers.health.govt.nz/>)
- the New Zealand Government Jobs website (<https://jobs.govt.nz/>)

Also, how many applications you have received from the public and how many you have received from other nominating agencies such as TPK or Ministry of women etc for your role.

The Ministry received 16 applications from members of the public. Nominations were also sought from a variety of nominating agencies, and two were received from the Ministry for Pacific People.

How many you have shortlisted and how many you have interviewed in this recruitment round.

Three candidates were shortlisted. Of these, two were interviewed.

May I also seek a copy of the ad went out to public and the appointment letter sent to the appointee, feel free to redact any personal information.

Please refer to Document 1A and Document 1B for a copy of the advertisement and terms of reference, respectively. A copy of the appointment letter is attached as Document 2, which is being released to you with some information withheld under section 9(2)(a) of the Act, to protect the privacy of natural persons.

I trust this information fulfils your request. 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

A handwritten signature in blue ink, appearing to read 'S. Turner', is positioned above the typed name and title.

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

Appendix 1: List of documents for release

#	Date	Document details	Decision on release
1A	19 February to 4 March 2024	Medical Council of New Zealand advertisement.	Released in full.
1B	19 February to 4 March 2024	Advertisement attachment: Medical Council Terms of Reference	
2	1 November 2024	Appointment letter of Ming-Chun Wu	Some information withheld under section 9(2)(a) of the Act, to protect the privacy of natural persons.

Vacancies on the Medical Council of New Zealand | Te Kaunihera Rata o Aotearoa

The Ministry of Health | Manatū Hauora is seeking candidates who wish to be considered for appointment as **layperson** members of [Medical Council of New Zealand | Te Kaunihera Rata o Aotearoa \(the Council\)](#), a responsible authority under the Health Practitioners Competence Assurance Act 2003 (the Act). The purpose of the Council is to protect the health and safety of members of the public by ensuring that doctors are fit and competent to practice.

Kōrero mō te tūranga | About the role

Being a member of the Council is rewarding and challenging. You will be committed to improving the health of New Zealanders, through contribution to the governance of the Council's legislative requirements.

The functions of responsible authorities are set out under [section 118 of the HPCA Act](#), and more information about the Council is available on the [Council's website](#). A copy of the Council's Terms of Reference is attached.

Appointments to the Council are made by the Minister of Health, typically for terms of three years. Members can be reappointed for up to nine consecutive years.

The Ministry recognises that diversity enables our boards and councils to be high-performing and is committed to ensuring they represent the diversity in New Zealand's population, including gender, ethnicity, disability, age and geographic location. The Ministry encourages people from all backgrounds, especially those who can reflect the needs, values, and beliefs of Māori, and have an understanding of and are committed to meeting the obligations under Te Tiriti o Waitangi, to apply for these roles.

Kōrero mōu | About you

For all applicants, governance experience and understanding of the health sector would be an advantage but is not absolutely required. It is beneficial if you have the ability to lead strategically, and to balance competing demands. In this instance, we are particularly looking to receive applications from candidates that bring perspectives of Māori, Pacific people, and who have a strong health consumer focus.

The role requires significant preparatory reading and the analysis of detailed information. Experience with managing large volumes of information will be important.

Under section 5 of the HPCA Act, **laypeople** applicants cannot be qualified or registered as health practitioners. Preferred laypeople candidates will also have:

- a strong background in governance and regulation
- have substantial experience and knowledge of te ao Māori and tikanga Māori
- experience working within the Treaty of Waitangi and co governance models
- a strong consumer advocacy focus
- knowledge and understanding of the Council's work and the relevant legislation including the Health Practitioners Competence Assurance Act 2003
- health sector engagement and experience

Members of a responsible authority council cannot simultaneously be a member of the Health Practitioners Disciplinary Tribunal (the Tribunal) given the disciplinary function of the Tribunal over health practitioners.

Me pēhea te tono | How to apply

Applications must be made using the Ministry of Health online [Career Centre](#) by close of business **4 March 2024** and include:

- a completed declaration form (attached), and
- a covering letter, and
- a current CV.

Due diligence checks will be undertaken for shortlisted applicants. Your personal information will be handled in accordance with the [Privacy Act 2020](#). The Ministry may also request that the New Zealand Security Intelligence Service conduct national security screening of you as part of the appointment process.

The appointment process can be lengthy, taking between 6 to 12 months. Your patience and professionalism as we work through the next steps is appreciated. The outcome of the recruitment process for the Council will be confirmed after it has been considered by the [Cabinet Appointments and Honours Committee](#).

Ko wai mātou | Who we are

See the [Ministry of Health Board appointments webpage](#) for more information.

If you would like to obtain further information or clarification, or if your circumstances change or should you wish to withdraw your application, please contact the Statutory Appointments and Integrity Services team by emailing: appointments@health.govt.nz

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

Candidate Information on the Terms and Conditions of Appointment to Te Kaunihera Rata o Aotearoa Medical Council of New Zealand

Introduction

From time to time the Ministry of Health will invite applications for appointment to Te Kaunihera Rata o Aotearoa Medical Council of New Zealand (Council). This document is provided by the Ministry to provide information for prospective candidates for appointment to that 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.

Role of regulatory bodies in regulating health practitioners

Professional regulation plays a key role in providing members of the public with assurance of a health practitioner's competence and fitness to practise. It ensures that only practitioners who have demonstrated that they qualified, competent and fit for entry to a profession can practise. Appropriate regulation ensures that practitioners maintain high standards of competence throughout their careers, and provides mechanisms to address any issues of poor practice or conduct.

In New Zealand, this framework is provided under the Health Practitioners Competence Assurance Act 2003 (the Act). The purpose of the Act is to protect the health and safety of members of the public by providing for mechanisms to ensure that health practitioners are competent to practise their professions.

Functions of the Council

To fulfil the Act's purpose and to implement the mechanisms provided, the Act establishes a number of profession-specific regulatory authorities, responsible, in total, for more than 20 health professions. Te Kaunihera Rata o Aotearoa Medical Council of New Zealand is one of these authorities.

The functions of the Council are formally set out under section 118 of the Act. As they apply to doctors, these include:

- (a) Prescribing the qualifications required for scopes of practice within the medical profession, and, for that purpose, accrediting and monitoring educational institutions and degrees, courses of studies, or programmes.
- (b) Authorising the registration of doctors and maintaining a register.
- (c) Considering applications for annual practising certificates referred to it.
- (d) Reviewing and promoting the competence of doctors.
- (e) Recognising, accrediting, and setting programmes to ensure the ongoing competence of doctors.
- (f) Receiving information from any person about the practice, conduct, or competence of health practitioners and, if it is appropriate to do so, acting on that information.

- (g) Notifying employers, the Accident Compensation Corporation, the Director-General of Health, and the Health and Disability Commissioner whenever a doctor's practice may pose a risk of harm to the public.
- (h) Considering the cases of doctors who may be unable to perform the functions required for medical practice.
- (i) Setting standards of clinical competence, cultural competence (including competencies that will enable effective and respectful interaction with Māori), and ethical conduct to be observed by doctors.
- (j) Liaising with other authorities appointed under the Act about matters of common interest.
- (k) Promoting and facilitating inter-disciplinary collaboration and co-operation in the delivery of health services
- (l) Promoting education and training in the medical profession.
- (m) Promoting public awareness of the Council's responsibilities.

Composition of the Council

The membership of Council comprises both medical members and lay members. Members 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 Council draws considerable benefits from having a diverse membership with a range of skills, attributes, and experience.

All members of the Council are appointed by the Minister of Health. Under section 120 of the Act, the Council must have at least five members, and may have up to 14 members. Membership must include:

- a majority of members who are health practitioners
- two laypersons, if the Council has at any time eight or fewer members
- three laypersons, if the Council has at any time nine or more members.

The Council generally comprises eight medical practitioner members (four of whom are elected by the medical profession for nomination to the Minister) and four lay members.

Terms and conditions of appointment

The Minister of Health appoints members of the Council for a term of up to three years, by notice published in the *Gazette*. Members may from time to time be reappointed, but no person is eligible to be a member for more than nine consecutive years.

Members may resign, at any time, by giving notice to the Minister of Health. Members will be considered to have vacated their office if they are adjudged bankrupt under the Insolvency Act 2006.

The Minister of Health may also remove a member from office, -

1. On the grounds of:
 - (a) inability to perform the duties of the office
 - (b) neglect of duty
 - (c) misconduct, proved to the satisfaction of the Minister; or
2. With the concurrence of the Council, on the ground that the member's performance on the Council is inadequate.

Duties and responsibilities of Council members

This section sets out the Minister of Health's expectations of members in their execution of the duties and responsibilities as appointees to the Council. This is intended to aid members of the

Council by setting out a set of principles for appropriate conduct and behaviour to be applied by all members.

As an independent statutory body, the Council has an obligation to conduct its activities in an open and ethical manner. The Council has a duty to operate in an effective and consistent manner in carrying out its functions. It must also satisfy the standards for good administrative practice, including the principles of natural justice, in its processes and decision-making. Applying these principles will also help protect the Council and its members from exposure to legal challenge.

Te Tiriti o Waitangi

Council has agreed that 'we will achieve our vision, deliver on our purpose, uphold the mana of Te Tiriti o Waitangi, and be a sustainable organisation, through our Strategic Priorities' (Te Mahere Rautaki, Council's Strategic Plan, 2021-2025). Building on earlier work in cultural safety, partnership and health equity, Council currently has a Te Tiriti o Waitangi Framework under development in order to meet this aim.

This framework will shape and align all of Council's work to ensure responsiveness to Te Tiriti, and lead us as we enhance our work in developing cultural safety both internally and within the profession, in advancing the equity of health outcomes for Māori and for other groups, and in addressing interpersonal, institutional and systemic bias and discrimination both in our systems and within the profession and its environments.

This workstream will be overseen by Te Kāhui Whakamana Tiriti, a high-level group in partnership between Council and Te Ohu Rata o Aotearoa (Te ORA), the Māori Medical Practitioners Association. Council acknowledges the relationship it has with manawhenua, and seeks appropriate alignment of its expression of te ao Māori.

Council values

The Council is a values-based organisation. Council members are expected to lead by example on demonstrating these values.

- Kotahitanga 'We are a team.' *Great things happen when we are unified.*
- Manaakitanga - 'We support each other.' *Our environment is inclusive, diverse and respectful.*
- Whakapono 'We act with integrity.' *Honesty and transparency are at the heart of everything we do.*
- Kaitiakitanga 'We protect the public.' *Our primary purpose is to protect the public.*
- Whakamārama 'We lead by listening.' *Always learning, forever innovating.*

General

Council members have a commitment to work for the public of New Zealand, by ensuring there are competent, safe and effective medical practitioners. Members are accountable to the Minister of Health (and, through the Minister, to the public of New Zealand).

Members are expected to commit time to becoming familiar with the affairs of the Council and the wider environment within which it operates. It is important that Council members have a common understanding of their role as members so decisions can be reached within the spirit of the governing legislation, protecting public health and safety, through the regulation of doctors.

Council members attend meetings and undertake Council activities as independent persons responsible to the Council as a whole and are not representatives of professional organisations or

communities. This issue is particularly important when Council members may, at times, be required to be party to decisions which conflict with the views of other organisations with which they are involved.

Council members are free to express their own views within the context of Council meetings, or the general business of the Council. Council members must, however, publicly support any course of action decided by the Council, or decision made by the Council.

Conflicts of Interest

Council members must perform their functions in good faith, honestly and impartially and avoid situations that might compromise their integrity or otherwise lead to conflicts of interest. When 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 Council's functions, they must declare a conflict of interest or absent themselves from the discussion and/or activity.

Obligation to satisfy statutory, procedural and natural justice obligations

When carrying out its functions, the Council and its members must follow the principles of natural justice and administrative law. The Council must act lawfully, and within the scope of its powers as set out in the Health Practitioners Competence Assurance Act 2003, the Misuse of Drugs Act 1975, and the Medicines Act 1981.

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 persons to take civil action against the Council, or its individual members. Members are excluded from liability if acting in good faith and with reasonable care. Each member will be provided with detailed guidelines that describe how the Council and its members can adhere to the principles of natural justice and administrative law.

Relevant legislation

Council members will be expected to become familiar with, and operate according to, the:

- Health Practitioners Competence Assurance Act 2003
- Health and Disability Commissioner Act 1994
- Code of Health and Disability Services Consumers' Rights
- Privacy Act 2020
- Health Information Privacy Code 1994
- New Zealand Bill of Rights Act 1990
- Human Rights Act 1993

Meetings of the Council

Council members must make every effort to attend all Council meetings and may be required to serve on several Council committees or working groups.

Currently, the Council holds formal two-day meetings every two months. There are also up to five reserve days (which includes an annual planning day) that are used each year. In addition, members will be required to meet to participate on committees established to address specific issues. It's estimated that members will spend up to 35-45 days per annum on Council business, including preparation for meetings of the Council and committees and attending meetings or conferences with external bodies.

Confidentiality

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

Council members must not divulge details of Council matters or decisions of the Council to persons who are not Council members. They must also ensure that Council documents are kept securely 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. At the end of a member's term all Council information must be returned to the office

Fees and Allowances

Members of the Council, and of any committee appointed by the Council, are paid fees for attendance at meetings. The fee for Council members is currently **\$1,000** per day and **\$125** per hour (before tax) and this is reviewed annually. Members will also be paid actual and reasonable meeting preparation time at the daily fee and pro rata. The Council meets the cost of travel, accommodation and meals within specified administrative arrangements.

Orientation and induction

The Council provides an extensive induction manual and organises induction sessions for all new members. The manual includes a role description for members, a code of conduct, confidentiality agreement and policies on the operation of the Council and committees.

More detailed information can be obtained from:

Joan Simeon
Manukura | Chief Executive
Medical Council of New Zealand
PO Box 10509
Wellington 6140

Ph: 04 3816760

Ph: 027 625 8075

Email: jsimeon@mcnz.org.nz

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



Ming-Chun Wu

s 9(2)(a)

Dear Ming-Chun

Appointment as a lay member of the Medical Council of New Zealand – Te Kaunihera Rata o Aotearoa

Thank you for your willingness to serve on the Medical Council of New Zealand – Te Kaunihera Rata o Aotearoa (the Council).

In accordance with section 120 of the Health Practitioners Competence Assurance Act 2003, I hereby appoint you as a lay member of the Council for a three-year term of office commencing on 4 November 2024 and ending on 3 November 2027.

Attached to this letter are the terms and conditions of your appointment. Any necessary further information will be provided by the Council's Chief Executive, Joan Simeon.

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 appointment.

Yours sincerely

Hon Matt Doocey
For Minister of Health

Encl Terms and Conditions
Appointment Memorandum

cc Joan Simeon, Chief Executive, Medical Council of New Zealand
jsimeon@mcnz.org.nz
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

Email: appointments@health.govt.nz

Subject: **Appointment as a lay member of the Medical Council of New Zealand –
Te Kaunihera Rata o Aotearoa**

From: Ming-Chun Wu

1. I acknowledge my appointment as a lay member of the Medical Council of New Zealand – Te Kaunihera Rata o Aotearoa pursuant to section 120 of the Health Practitioners Competence Assurance Act 2003, for a three-year term of office commencing on 4 November 2024 and ending on 3 November 2027.
2. I have read, understand, and accept the terms and conditions of my appointment.

Signed

Date

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Medical Council of New Zealand
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Wellington 6140

Ph: 04 3816760

Ph: s 9(2)(a)

Email: jsimeon@mcnz.org.nz

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



Ming-Chun Wu

s 9(2)(a)

Dear Ming-Chun

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Attached to this letter are the terms and conditions of your appointment. Any necessary further information will be provided by the Council's Chief Executive, Joan Simeon.

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 appointment.

Yours sincerely

Hon Matt Doocey
For Minister of Health

Encl Terms and Conditions
Appointment Memorandum

cc Joan Simeon, Chief Executive, Medical Council of New Zealand
jsimeon@mcnz.org.nz
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

Email: appointments@health.govt.nz

Subject: **Appointment as a lay member of the Medical Council of New Zealand –
Te Kaunihera Rata o Aotearoa**

From: Ming-Chun Wu

1. I acknowledge my appointment as a lay member of the Medical Council of New Zealand – Te Kaunihera Rata o Aotearoa pursuant to section 120 of the Health Practitioners Competence Assurance Act 2003, for a three-year term of office commencing on 4 November 2024 and ending on 3 November 2027.
2. I have read, understand, and accept the terms and conditions of my appointment.

Signed

Date

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982