

Aide-Mémoire

Note: This paper was submitted by Hon Matt Doocoy,
Associate Minister of Health to Cabinet

Cabinet Social Outcomes Committee: Policy approval for amendments to the Health Practitioners Competence Assurance Act 2003

Date due to MO:	13 August 2025	Date of Meeting:	20 August 2025
Security level:	IN CONFIDENCE	Reference:	H2025071018
To:	Hon Simeon Brown, Minister of Health		
Consulted:	Health New Zealand: <input type="checkbox"/>		
Proactive release:	This title is proposed by the Ministry of Health for proactive release: <input checked="" type="checkbox"/>		

Contact for telephone discussion

Name	Position	Telephone
Allison Bennett	Group Manager, Health System Settings, Strategy & Policy	s 9(2)(a)
Oliver Poppelwell	Acting Manager, Regulatory Policy, Strategy & Policy	

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Cabinet Social Outcomes Committee: Policy approval for amendments to the Health Practitioners Competence Assurance Act 2003

Date due: 13 August 2025

To: Hon Simeon Brown, Minister of Health

Security level: IN CONFIDENCE **Reference:** H2025071018

About the Meeting

Purpose of Meeting: You are seeking approval for amendments to the Health Practitioners Competence Assurance (the HPCA) Act 2003.

Details of Meeting:

Date:	Wednesday 20 August 2025
Time:	10:30 - 11:30 am
Venue:	Meeting room 8.5

Ministry representatives: Allison Bennett - Group Manager, Health System Settings s 9(2)(a)
Oliver Poppelwell - Acting Manager, Regulatory Policy s 9(2)(a)

Cabinet Committee: Cabinet Social Outcomes Committee (SOU)

Summary:

- You are seeking Cabinet approval for three key changes to the HPCA Act:
 - To empower the Minister to issue policy directions to workforce regulators;
 - To make regulators subject to the requirements of Crown agents, and;
 - To create a committee to review regulators' decisions about individual practitioners.
- You are also seeking agreement to make a number of smaller changes relating to the basic machinery of the Act.
- In response to agency feedback, we have included a five-year review provision.
- s 9(2)(f)(iv)

Context

1. You are presenting a Cabinet paper to the Social Outcomes Committee (SOU) to get agreement to amend the Health Practitioners Competence Assurance Act 2003 (the HPCA Act).
2. You are proposing to amend the HPCA Act in order to align health workforce regulation with the needs of patients. To do this, you propose three key changes to the HPCA Act:
 - a. The Minister of Health can direct regulators on matters relating to their functions and objectives.
 - b. Regulators are subject to the planning and reporting requirements of Crown agents.
 - c. Review committee to overturn or change decisions made by regulators about individual practitioners.
3. You are also seeking Cabinet agreement for you to make improvements to existing provisions in the HPCA Act through the drafting process. While these provisions remain broadly suitable, the proposed changes identified (see **Annex 2** of the Cabinet paper) will improve regulatory efficiency and lead to benefits for patients.

The proposals in the paper relate to government priorities

4. The Government Policy Statement on Health 2024-2027 commits to reviewing health workforce regulatory settings.
5. Your proposal to establish a ministerial review committee responds to a commitment in the National Party and ACT Party Coalition Agreement to 'better recognise people with overseas medical qualifications and experience for accreditation in New Zealand including consideration of an occupations tribunal'.

The proposals in the paper are informed by departmental and ministerial consultation

6. Agencies raised concerns about a proposal to expand Cabinet's power to recognise currently unregulated professions, through a "proportionate" regulatory option. We received feedback that the proposal was not sufficiently developed for inclusion in the Bill. We removed this proposal as we consider that most of the benefits can be achieved through the other proposals, particularly the ability for the Minister of Health to direct regulators.
7. Other changes in response to agency feedback include:
 - a. A review of changes five years after commencement.
 - b. We have added more detail to the RIS, outlining the alternatives to direction powers considered (changed functions, ministerial approval of rules, and broader appointment provisions). The paper has a brief outline of options considered and explains they were rejected as not meeting the objectives of the change.
 - c. Agencies suggested the proposed review committee needed to be considered by the Ministry of Justice. We disagree - it is not a tribunal and is not exercising judicial functions - in particular it cannot penalise anyone.
 - d. Agencies wanted to be clear that the direction power would not apply to decisions relating to individuals, or to clinical issues. We have amended the paper to be clear on this.

PROACTIVELY RELEASED

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A handwritten signature in black ink, appearing to read "Allison Bennett".

Allison Bennett
Group Manager, Health System Settings
Strategy & Policy
Date: 13 August 2025