

# PAN PROFESSIONAL MEDICAL FORUM

Friday, 21 July 2006

Dear Member

We write to advise you of an important threat to the governance of the practice of medicine in New Zealand. A threat to the authority of the Medical Council of New Zealand. We seek your advice on how to address this threat.

You will be aware that earlier this year the Medical Council held an election for four places on the Council. You may not have realised that these were "informal" elections. There is now no provision in law for the election of members of the Council.

The Medical Council now operates under the Health Practitioners Competence Assurance Act (2003) which provides for the appointment of all of the members of the Council by the Minister of Health. While the Minister may pass regulations to allow the Medical Council to hold elections for a minority of four places on the ten member Council, he has chosen not to do so. In the absence of such regulations, the Council has run "informal" elections, but both the former and the current Minister have agreed only to be "guided by" those elections and have refused to undertake to appoint automatically those who are so elected. In the view of many doctors, this amounts to taxation without representation.

The Council of Medical Colleges in New Zealand, the New Zealand Medical Association, the Association of Salaried Medical Specialists and the Resident Doctors' Association, both before and since the passage of the Act, advocated on the question of elected members of the Medical Council with the former and present Ministers of Health. Our combined view is that while the HPCA Act specifies that the members of the Council are appointed by the Minister, it is open to the Minister to accept that a number (currently four) of appointments will be made of members elected by the profession. Both Ministers have refused to give such an assurance. The only possible reason for such a refusal is that the Minister reserves the right not to appoint individuals who have been successful in such an election, for reasons known only to himself or his unknown advisors.

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**ASMS**

Association of Salaried Medical Specialists

  
Council of Medical  
Colleges in New  
Zealand

  
New Zealand Medical Association



In his reply to us dated 15 February this year, Mr Hodgson said:

*"I do not believe that it would be appropriate for me to automatically appoint those members who have been elected by the profession in the Council's internal process. While I would certainly take account of the results of the election, I would need to consider the overall balance of skills on [sic] the Council members before making new appointments to ensure that there is an appropriate mix of skills and knowledge to carry out the purpose of the Act."*

This process is different to that used for appointments to District Health Boards. There, the elected members are automatically accepted and Government then appoints others to balance any perceived deficiencies in skill and knowledge. We believe the Government should utilise that model for appointments to the MCNZ also.

In a letter we received from the Ministry of Health dated 7 July, we were notified of the appointment of four doctors to the Medical Council. Whilst all four were candidates in the Council election, not all of them were among the four highest-polling candidates. It is apparent that the Minister has not accepted the verdict of the medical electorate.

We believe that the refusal of the Government to allow the members of the medical profession to have genuine participation in its own governance has grave consequences for the profession, for the practice of medicine, and for our patients, the people of New Zealand. It threatens the ongoing authority of the Medical Council as a governing body, a licensing institution, and a guiding ethical agency for the medical workforce. We have written to Mr Hodgson advising him of this, and we now seek advice from you as to what further steps you wish us to take on your behalf.



Dr Phil Bagshaw  
Chairman  
Council of Medical Colleges in New Zealand



Dr Ross Boswell  
Chairman  
New Zealand Medical Association



Dr Jeff Brown  
President  
Association of Salaried Medical Specialists



Dr Deralie Flower  
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