



# GOVERNMENT REGULATION OR SELF-REGULATION?

By Helen Smith (President MNZ)

This article is my own personal perspective and is merely a starting point for discussion, as there are a number of factors to take into account. It has come about due to feedback from members about the lack of regulation of the profession and the push from the Executive Committee to gain ACC registration. It includes details on the structure and character of the Government Regulation option versus staying with Self Regulation. The intention is to encourage thought and debate on this issue and argues no decisive preference either way.

As President of Massage New Zealand, discussions with the following have been useful:

- Janis Freegard, (Acting Manager, Strategy and Policy - Health Workforce NZ, Ministry of Health (MOH)) about the process of government regulation. Janis provided me with the figures below regarding costs involved in government regulation and stated that we are still at a low threshold, with regard to harm to the public, which is their main criterion for government regulation.
- Angie Harding, (President, Acupuncture NZ) about their process of getting government regulation. They have paid roles within the Acupuncture Council which has allowed them to progress with the government regulation protocols, which as stated below, have been lengthy.
- Anthony McFelin, (Executive Officer, Counselling Association) about their experience as a self-regulated body. Although self-regulated they adhere quite closely to the criteria for the Health Practitioners Competence Assurance Act (HPCAA).
- Georgia Wakefield, (Executive Director, Allied Health Aotearoa New Zealand

(AHANZ)) about joining as full members. Their criteria for membership also adheres to the HPCAA criteria which we also follow very closely. This can be found here <http://www.alliedhealth.org.nz/members.html>

The MOH has a project underway "Ensuring Safe Practice". We are not sure what this involves yet, but it may be a good interim measure which would eliminate the costs of full regulation yet give MOH "standards of practice" for the profession.

In order for MNZ to become "Government Regulated," this would require having a "Board" which is appointed by the MOH. This would be made up of members of the industry, training providers and would have to include at least two lay people. We could also become regulated under the umbrella of another organisation already regulated, such as Acupuncture NZ has done by going under the umbrella of the Medical Council of New Zealand (MCNZ).

After these discussions it is clear that MNZ has very robust processes and procedures. Included in these are our public complaints procedure, code of ethics (required to be displayed in clinics), continuing education requirements and our APC (annual practising certificate). These are on a par with other health providing organisations, such as Acupuncture NZ and the Counselling Association of NZ.

Rather than outlining pros and cons, below is a list of outcomes, some of which could be either seen as positive or negative, depending on perspective.

## GOVERNMENT REGULATION

- Protection of the term "massage therapist". Anyone could still set up calling themselves a "soft tissue" therapist or "manual therapist";
- Bound by the provisions of the Health

Practitioners Competence Assurance Act 2003;

- Public perception of MNZ as a professional health provider;
- Equal footing with other health providers;
- Access to hospitals for massage therapists;
- ACC registration for registered practitioners (not assured);
- Increased costs;
  - o In addition to existing membership fees there is a disciplinary levy and an APC (Annual Practising Certificate) levy as this now comes from MOH. Acupuncture NZ has 650 members who currently pay \$642/year. Their costs will increase to cover the levies. For Chiropractors (582 members) the APC/Disciplinary Levy is \$1,124, Osteopathy (432 members) \$1,135, and Physiotherapy (4,703 members) \$447;
  - o Membership fees would have to rise to cover work involved in the regulation process;
  - o Compulsory Indemnity Insurance;
- Stricter conditions for continuing professional development (CPD). CPD would have to have a substantial "hands-on" component;
- Lengthy process. Acupuncture NZ started in 2010 and is near completion, possibly this year;
- Time commitment from MNZ to implement process;
- Complaints against members increase substantially;
- Increased rigour for Recognition of Prior Learning (RPL) process.

## SELF-REGULATION

- Autonomy;
- Manageable costs for members;
- Ability to provide for a diverse membership - from wellness and relaxation therapists to degree qualified



- evidence-informed treatment protocols;
  - Manageable workload for volunteers and part-time workers;
  - Potential for ACC registration for MNZ practitioners (ongoing project);
  - Ability to set own CPD requirements;
  - Increased profile amongst other health providers when granted full membership of AHANZ;
- Their criteria for membership are based on the criteria for the HPCA Act (link provided below);
- Ability to include a wide range of modalities under the umbrella of massage;
  - Robust public complaints procedure against members;
  - No jurisdiction over non-members for complaints procedure – referral to Health and Disabilities Commission or Police where appropriate. (Referral

- to HDC and Police also occurs under Government Regulation);
- More difficult to get wider recognition by wider health sector (GP’s, hospitals, Government Departments etc).

As stated in a recent President’s email to members, it is the intention of the Executive Committee to conduct a survey to assess what future direction MNZ should take. This will be coming out in July. Please take the time to follow the links below to be as fully informed as possible. Further discussion will take place at the AGM in September after we have assembled the information gathered from the survey.

MNZ continues to lobby ACC for inclusion of its members and we are currently going through the process of applying for full membership of AHANZ. We are also involved in ongoing discussions with the

Ministry of Health around the new “Ensuring Safe Practice” regulatory framework and will be receiving consultation documents shortly. We will continue to keep members informed as this work progresses.

In the HPCA Act Clauses 11 and 12 are the most relevant standards to achieve.

<http://www.legislation.govt.nz/act/public/2003/0048/latest/whole.html#DLM203312>

<https://www.health.govt.nz/our-work/regulation-health-and-disability-system/health-practitioners-competence-assurance-act/regulating-new-profession>

<http://www.alliedhealth.org.nz/membership.html>



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