

16 October 2025

Te Kawa Mataaho | Public Service Commission
By email: codeconsultation@publicservice.govt.nz

Tēnā koutou,

Re: Code of Conduct for the Public Sector

The Council of Medical Colleges (CMC) represents eighteen Medical Colleges who provide support to over 9,000 medical practitioners working in the New Zealand health system. We welcome the opportunity to provide feedback on the updated Code of Conduct for the Public Sector.

The CMC acknowledges the importance of clear conduct standards for public servants. However, we have concerns about specific provisions in the Code that may create ambiguity or conflict with the professional obligations of medical practitioners working in the public sector. It is essential that the Code recognises and accommodates the professional obligations of medical practitioners and other regulated health professionals working in the public sector.

The following represents the majority view of the colleges.

Political Neutrality - Professional Commentary Rights

The CMC is concerned about the language used on page 9 regarding members of a profession commenting publicly on work-related matters. Specifically, the sentence: "Members of a profession may wish to comment publicly in a personal capacity on work-related matters within their areas of expertise."

First, **"wish to" should be removed**. The inclusion of "wish" creates unnecessary ambiguity around what is a fundamental professional right and responsibility. Medical professionals have professional obligations to speak on matters affecting patient care and public health. This is not merely something they "may wish" to do but is often a professional duty under their respective codes of ethics.

Second, **"in a personal capacity" should be changed to "in a professional capacity"**. Medical professionals, particularly those in leadership roles such as College Presidents and Chairs, routinely speak publicly representing their profession and colleagues, not in a personal capacity. For example, when a President or Chair of a College speaks to media about specific workforce issues relating to their profession or patient safety concerns, they are speaking in their professional capacity representing all their profession in New Zealand, not expressing a personal view.

The sentence should read: "Members of a profession may comment publicly in a professional capacity on work-related matters within their areas of expertise."

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Political Neutrality - Clarity on Policy Commentary

The Code states: "Public servants in this situation should not enter into debate criticising or advocating for particular politicians or political parties or comment on particular political party policies."

There is a long-standing convention that medical professionals can comment on the impact on the health system with regards to policy announcements, such as:

- Matters relating to public health as it affects patients (i.e. Smokefree Environments Amendment Act changes)
- Clinical safety concerns arising from policy decisions (i.e. regulation of physician associates)

The CMC is concerned that the current wording fails to adequately distinguish between:

- Supporting or criticising a political party (which should be avoided), and
- Constructively discussing the health and patient safety issues that a policy raises (which is a professional responsibility)

We recommend the Code be amended to clarify to allow for medical professionals to comment on the health system impacts and patient safety implications of policies, provided such commentary:

- Is based on their professional expertise
- Is clearly stated as professional opinion
- Focuses on health outcomes and patient care rather than partisan politics
- Does not advocate for or against politicians or political parties

This distinction is critical to maintaining both political neutrality and the medical profession's duty to advocate for patient safety and public health.

Implementation and Organisational Codes of Conduct

The Code states on page 9: "Members of a profession may have their own code of ethics or professional obligations, e.g., medical, accounting, social work, and legal professions. These professional obligations apply concurrently to this Code."

The CMC also welcomes the statement that "if professional or statutory role obligations are also legislative requirements, those will prevail over the requirements in this Code."

This is fundamental for health professionals whose statutory and ethical duties, such as patient safety, confidentiality, and clinical independence, are set out in law *and* professional standards.

While the CMC welcomes this acknowledgement, we note that the Code does not provide clear guidance on how these concurrent obligations will be managed in practice, particularly when organisational codes of conduct are developed or updated.

To support consistent practice across the public sector, **the CMC recommends that Te Kawa Mataaho provide guidance to agencies on how to apply this principle in practice**, including:

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- recognising when professional obligations take precedence;
- establishing clear processes for resolving conflicts between agency and professional duties; and
- engaging with relevant regulatory or professional bodies, such as the Medical Council of New Zealand, where needed.

We also ask the Public Service Commission to clarify:

- What mechanisms will be put in place to ensure that organisational codes of conduct acknowledge that professional obligations apply concurrently and are appropriately accommodated?

Without clear guidance and mechanisms, medical professionals may face untenable conflicts between their organisational employment obligations and their professional duties to patients and public health.

Summary

The CMC supports clear standards of conduct for public servants. However, it is essential that the Code recognises and accommodates the professional obligations of medical practitioners and other regulated health professionals working in the public sector.

Medical professionals must be able to advocate for patient safety and public health without fear that doing so may be misinterpreted as political activity or a breach of their employment obligations. The suggested amendments would provide the necessary clarity to support both political neutrality and professional advocacy for patients.

Thank you for the opportunity to provide feedback on this important Code. If you have any questions or would like to discuss the CMC's submission further, please contact Alex Marett, Executive Director at alex.marett@cmc.org.nz

Nāku noa, nā



Dr Samantha Murton
Chair

Australasian College for Emergency Medicine (ACEM)	College of Intensive Care Medicine of Australia and New Zealand (CICM)	New Zealand College of Sexual and Reproductive Health (NZCSRH)	Royal Australasian College of Medical Administrators (RACMA)	Royal Australian and New Zealand College of Obstetricians and Gynecologists (RANZCOG)	Royal College of Pathologists of Australasia (RCPA)
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