

Towards the statutory registration of psychotherapists in Aotearoa New Zealand: political and personal reflections

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Abstract

The purpose of this paper is to reflect, both personally and politically, on our Association's move towards the statutory registration of psychotherapists. This reflection is timely since the Health Practitioners Competence Assurance Bill will come into effect in September of this year, allowing 15 health professions to be included under its provisions. The Minister of Health and the Ministry of Health are in the process of deciding whether psychotherapy is also to be included as a new profession under the Act.

Introduction

I want to begin by telling you about Number 8 wire. It wasn't until the 1860s that our pioneers began importing wire for fencing. This was in response to the problem of how to keep stock where it was supposed to be. By the 1880s, No.8 wire was the most popular. Soon, our country was, if not covered by it, at least divided up into tiny pieces by it. Because No.8 wire was available at all times around the farm, it was put to millions of uses - to bind, to tie, to construct, repair, modify and fashion things. As a boy, growing up on the farm in Ararua, I thought the whole world was divided up by No.8 wire. I think registration is a bit like No.8 wire. No.8 wire is used to protect that which is deemed valuable. If the cows and sheep were not protected by No. 8 wire, where would they wander? How would the farmer know where to find them?

How will registration protect the value of psychotherapy? I will answer this through asking you, the reader, to consider what would happen if psychotherapy were not registered? Would not the profession be likely to become further marginalised from public sector resources? Already, it seems to me that State funding for public sector mental health services is tending to favour registered professions. I am concerned that the value psychotherapy has to offer public sector health, welfare and justice systems will be eroded if psychotherapy is not registered soon. I favour psychotherapy being made more available, not less available, within the

public sector. I value the contribution psychotherapists are able to offer within a prison, within a District Health Board Community Mental Health Service and within Child Youth and Family.

Of course, wiring the farm to protect the value of the cattle is, also, inconvenient. As a young boy I must have climbed over a million fences. My walks of freedom were always constrained by ubiquitous No.8.

Tangata Whenua did not, pre-1860, have No.8 wire. They found other ways to protect what they deemed valuable. When I am invited onto a Marae, I am struck by the tikanga that protects the value of whaikorero. I am struck by how the karanga makes what was noa into tapu.

History of N.Z.A.P. and registration

Ruth and Brian Manchester (1996) have described much of the history of N.Z.A.P. in their chronology of the association's first fifty years. I recommend that readers take the time to find and read this important document. In their summing up, they wrote :

Issues that have not been achieved despite much discussion and effort over many years of the Association's life are:

- Statutory recognition of psychotherapists and their professional body and statutory provision for registration of psychotherapists. . . .
- Establishment of an Occupational Class or equivalent recognition of psychotherapists within Government and public services to ensure appropriate salary levels and rates of remuneration.
- Acceptance by private health insurance companies of reimbursement of costs to clients of psychotherapy provided by members of the Association...
(Manchester & Manchester : 1996 : 156)

Registration was first raised in the Association back in 1950. It continued to be raised at A.G.M.s right up until 1987. Throughout its history, at least up until 1987, the Association seems to have regularly lobbied for psychotherapy's inclusion in health legislation.

In 1981 the Psychologists Act was passed by Parliament. I believe that it was a political oversight, for a variety of historical reasons, that psychotherapy was not regulated at around the same time. By the mid-1980s, the mainstream political pendulum had swung abruptly towards a free-market non-regulatory era. To date, psychotherapy has remained unregistered by statute.

The advantages and disadvantages of registration

Clearly, from the Government's point of view the purpose of occupational registration is 'to protect the health and safety of members of the public by providing for mechanisms to ensure that health practitioners are competent and fit to practise their professions.' (Health Practitioners Competence Assurance Act 2003 : Section 3 (1)).

When encompassed by legal statute, only those on the Register would be entitled to call themselves psychotherapists. The profession would become more transparent to the public and there would be greater accountability as a consequence. The advantage of this for the profession is that this increased visibility might allow psychotherapy to have a more potent voice in State matters. In time, I would hope that the flow-on effect would be that more financial resources would become available for public sector psychotherapy, for the benefit of the public and for the profession.

One of the other reasons I have been pursuing registration for psychotherapists, is the growing challenge for new psychotherapists to find suitable work in the field. As an experienced practitioner, I feel some responsibility to help create a more solid bridge of public sector opportunities for the next generation.

The downside of being less marginalised and more visible is that the financial cost of being a psychotherapist would increase. Many of the functions that N.Z.A.P. does currently on a voluntary basis would be done professionally by Board members. It is a credit to the association that the functions of admissions and complaints have been undertaken by members on a voluntary basis for so long. With the change to Board members being paid, psychotherapists would finance this new cost through the registration fee.

The significant change that registration would make to our association might be seen by some as a further downside. The Board, rather than the association, would become responsible for the competency and safety standards of psychotherapists. This transfer of power to the Board would result in the association more truly becoming a professional association. There would no longer be the same pressure to join the association in order to gain professional credibility. The Board, not the association, would bestow credibility. Time will tell how many psychotherapists would choose to continue to belong to the association. Depending on how you view the Association, whether you see it as a doorway to professional credibility or an opportunity to associate with like-minded professionals, this change could be seen as either advantageous or disadvantageous.

Why my personal pursuit of registration?

Politically, I have always favoured psychotherapy being available within the public sector, within the Mental Health, Justice and Welfare systems. I had, and still have, a vision of psychotherapy being readily available to those individuals who are not able to afford fees within the private sector, where I and most of my colleagues work. I envision a time when someone in prison is able to access our services as a matter of ease rather than as an exception. I envision psychotherapists working throughout the country as members of multi-disciplinary teams within in-patient psychiatric units. I see many psychotherapists working collaboratively with mental health nurses, social workers, psychiatrists, psychologists, within community mental health teams. However, since the 1980s, this seemed an unlikely prospect in Aotearoa New Zealand, with the slogans of deregulation and 'user-pays' having dominance.

I have often wondered, given my more radical left-wing history, how I ended up carrying the baton of registration for the Association. I think part of the explanation lies in my experience, more than 30 years ago, of belonging to Nga Tamatoa. This group was formed in angry response to the near death of the language of the tangata whenua, and to other betrayals of the Treaty of Waitangi. I witnessed this small grouping develop in strength and become an unstoppable force. Nga Tamatoa, along with other groups, chose as its focus to fight for the revival of te reo o Maori. We were adamant that te reo would again be honoured in Aotearoa New Zealand and that the Treaty would regain its rightful place as a bicultural agreement of partnership and protection.

The rest is history. The Maori language is being taught throughout the country. The Treaty is, at times, being rehonoured. A surge of Maori renaissance moves over this land. Through the lobbying of many people over many decades, State regulation will now ensure that te reo will thrive. And, although I was involved in Nga Tamatoa for only a short time, I witnessed this early emerging of a political force that, over the next three decades, radically changed this country's view of itself and catalysed the State into reevaluating its attitude to the indigenous people. It is my memory of the determination of those long ago warriors that inspires my dialogue with the State.

Another strand that may help explain my leading psychotherapy towards registration is the fact that, like most of us, I carry a series of paradoxes within me. My life has been an oscillation between freedom and constraint. In the late 60s I was living within the strict regulatory environment of a Catholic Seminary. In the early 70s, the pendulum swung the other way. Freedom became

amplified and I was living in a commune. Then I became a Probation Officer, before freedom called again and, heeding its call, I spent a year travelling through Asia and the Middle East. Slowly, I have been learning that freedom and constraint are two sides of the same coin.

There may also be some relevance in the fact the my ancestors bequeathed me the surname Bailey. It is from Old French *bailler*, which means to enclose. Just as No.8 wire encloses, so the bailey was an enclosed court or the outermost wall of a castle.

Recent progress towards registration

When I took up the baton for registration in 1998, I was aware that the first challenge was to ensure that psychotherapy became an occupational category. Along with some Hawke's Bay colleagues, I lobbied for psychotherapy's inclusion in the New Zealand Standard Classification of Occupations. Statistics New Zealand was initially reluctant to include us because it tended to defer to the International Standard Classification of Occupations. This international document had omitted psychotherapy. Nonetheless, by the following year psychotherapy was officially an occupational category in this country.

Buoyed by this success, I made contact with Annette King, the Shadow Minister of Health in the then opposition Labour Party. She indicated that she was in favour of psychotherapy being registered by statute. Following the 1999 election, I reminded her of our pre-election correspondence. She referred me on to her senior policy advisor to guide us through the labyrinth of structural politics. At around the same time, I met with the Psychologists Board and representatives of the New Zealand Association of Counsellors to discuss our initiative.

During the February 2000 A.G.M. of our Association I asked members to vote on the motion 'that this Association seek occupational registration through Parliamentary regulation'. To my surprise, considering my own ambivalence, we voted unanimously for this move. Thus, I was given the mandate to proceed. The political winds of the new Government initially favoured us and we seemed to be sailing smoothly and swiftly towards the relatively unknown implications of registration.

In 2000 the Ministry of Health advised me that the Minister was intending to move all current occupational health regulation from individual statutes and to create an umbrella bill, covering a range of health professions. The plan was to rescind the 11 existing Acts, including the Medical Practitioners Act, and to create what has come to be called the Health Practitioners Competence

Assurance Bill. The Ministry indicated that, along with the 11 existing registered professions, four new professions, including psychotherapy, were being considered for such legislation.

In May 2000 Ros Broadmore and I, representing psychotherapy, were invited to a round table meeting with two representatives from each of the other 14 professions to explore with the Ministry what support there was for such a substantial overhaul of the legislation in this area. The meeting favoured this restructuring, in principle.

Early 2002, Joan Dallaway and I, representing N.Z.A.P., met with most of the members of the Parliamentary Health Select Committee to discuss psychotherapy and the forthcoming Bill. I felt that we received very favourable support from these politicians, many of whom surprised me with their degree of interest in and understanding of our profession.

On 11 June 2002 the Bill was introduced into the House for its first reading. On the same day, the Prime Minister announced an early election and dissolved Parliament. In July the General Election occurred, with a Labour-led coalition Government returned to power. Although Annette King stayed on as Minister of Health, the membership of the Health Select Committee changed considerably. The following February Joan Dallaway and I again presented our submission to the Committee for psychotherapy's inclusion in the Bill.

In September 2003 the Bill was passed, allowing a year of preparation before its enactment. Psychotherapy was not included. However, as the Ministry had been advising me all along, they had been favouring psychotherapy entering legislation through an Order in Council, once the Bill has been enacted in September 2004. Within its provisions, the Act sets out the criteria and process for new professions to be included.

In recent months, the Ministry has ratified a detailed protocol for the inclusion of new professions into the Act. At the time of writing (May 2004) the Ministry is forming a team that will provide it with a technical assessment of psychotherapy's application to be included within the legislation. If this process of technical assessment and wider consultation is successful, psychotherapy may be registered soon after the September enactment of the legislation.

Conclusion

History of peoples, families, nations and associations seems to move between the polarities of casting out and gathering in. Who will be gathered into this current legislation? Who will be cast out? Who will be free? Who will be constrained?

Seamus Heaney, one of my favourite poets, ends his poem about fishing, 'Casting and Gathering', with these lines :

. . . I love hushed air. I trust contrariness.
 Years and years go past and I do not move
 For I see that when one man casts, the other gathers
 And then, vice versa, without changing sides.
 (1991: 13)

There is a time to cast and there is a time to gather in. There is a time when No.8 wire is useful and there is a time for pulling down fences. There is a time, now, when psychotherapy ought to be registered and there may come a time, hopefully not too soon, when we may lobby for de-registration, depending on the state of the State.

As I wrote at the beginning, one of the main reasons a society legislates is to protect that which it holds valuable. Is psychotherapy valuable in Aotearoa New Zealand? If psychotherapy remains a marginalised work, with only its own internalised system of accountability, I believe that we do a disservice to the value psychotherapy can have for those on both sides of 'the couch'. I believe that psychotherapy has matured in Aotearoa New Zealand to a stage where an active dialogue with the State, in the form of registration, is appropriate. Registration will give the profession greater visibility and will address the public concern for greater accountability for health professions, including psychotherapists.

Am I naive to believe that we, as psychotherapists in Aotearoa New Zealand, can continue to stand on the solid ground of our diversity as we move into closer contact with the State? Of course, I and each of us can and will project our fears, our uncertainties and mistrust of the State onto the process of registration. Yet, the opposite reality may also prove to be true. The State may show itself to be as benign as it may be deemed to be malign to the work of psychotherapy. At this point in history, I am willing to trust the State as benign, provided the profession stays strong and watchful. I hope history proves my belief to be well-founded.

References

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