



# Australian Health Ministers' Advisory Council

## Information guide

### Appointment to the AHPRA Agency Management Committee

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Individuals are invited to apply for appointment to fill vacancies arising on the Agency Management Committee of the Australian Health Practitioner Regulation Agency (AHPRA).

Appointments are made by the Australian Health Workforce Ministerial Council (AHWMC). The AHWMC is a Ministerial Council established under the Health Practitioner Regulation National Law, as in force in each state and territory (the National Law), and comprises Health Ministers of the governments of the Commonwealth and each state and territory.

### Applying for appointment

To apply for appointment, please complete the *Application form for appointment to the Agency Management Committee of the Australian Health Practitioner Regulation Agency (AHPRA)* and attach the requested documentation to the form.

**Applications must be submitted by 5pm AEDT Tuesday 28 November 2016** to the Health Workforce Principal Committee (HWPC) Secretariat via email to [hwpc@dhhs.vic.gov.au](mailto:hwpc@dhhs.vic.gov.au)

If you have any general enquiries or questions about completing the forms, please email [statutoryappointments@ahpra.gov.au](mailto:statutoryappointments@ahpra.gov.au).

For all other enquiries about the process, please email [hwpc@dhhs.vic.gov.au](mailto:hwpc@dhhs.vic.gov.au).

### Application form

Please carefully complete the *Application form for appointment to the Agency Management Committee of the Australian Health Practitioner Regulation Agency (AHPRA)*.

The application form sets out the information you need to provide. Please ensure that your application is complete. Unfortunately incomplete applications cannot be assessed.

## Agency Management Committee member appointments

### Role of the Agency Management Committee

The Agency Management Committee provides governance and oversight to the operations of AHPRA. This includes the development of policies and procedures to ensure that AHPRA is able to fulfil its functions as set by the National Law. More information may be obtained from <http://www.ahpra.gov.au/About-AHPRA/Who-We-Are.aspx>.

Potential applicants are also encouraged to read the AHPRA and National Boards Annual Reports, which are accessible from the AHPRA website: <http://www.ahpra.gov.au/Publications/Corporate-publications/Annual-reports.aspx>

### Eligibility requirements

In deciding whether to appoint a person, the AHWMC will have regard to the eligibility requirements for members under the National Law and the skills and expertise of the person, as relevant to the exercise of the functions of the Agency Management Committee.

Section 29 of the National Law requires the Committee to consist of at least 5 people appointed by the AHWMC.

The Agency Management Committee currently has 8 appointed members, including the Chair.

Of the members, there is to be:

- (a) a Chair who is not a registered health practitioner and has not been a health practitioner in the last 5 years
- (b) at least 2 people with expertise in health and/or education and training
- (c) at least 2 people with business or administrative expertise who are not current or previous registered health practitioners

Current Committee members are eligible to apply for reappointment.

A person is not eligible for membership if he/she has, at any time, been found guilty of an offence that, in the opinion of the AHWMC, renders the person unfit to hold the office of member.

All applicants will be asked to consent to probity checks being conducted; however, these will only be undertaken on shortlisted candidates, prior to appointments being made by the AHWMC.

These checks consist of:

- an Australia-wide criminal record check by CrimTrac
- a check of the Australian Securities and Investment Commission (ASIC) register of persons prohibited/disqualified by ASIC under the provisions of *the Corporations Act 2001* (Cth)
- a check of the Australian Financial Security Authority (AFSA) National Personal Insolvency Index which contains information about proceedings and administrations under the Bankruptcy Act 1966 (Cth).

Please note: If appointed to a National Board, a member is not eligible to serve as a member of the AHPRA Agency Management Committee.

### **Term of appointment**

The length of appointment is for a period of up to three years (as determined by the AHWMC). It is anticipated that the appointments or reappointments will commence April 2017.

### **Time commitment**

Committee members may attend different types of meetings, including:

- scheduled Agency Management Committee meetings (currently up to 11 times per year)
- sub-committee meetings (established as required by the Agency Management Committee)
- other meetings that are held between scheduled Committee meetings when additional matters need to be considered or urgent decisions need to be made
- retreats or planning days – these are often held away from the normal meeting location and are for a full day or weekend. They allow members to take part in more in-depth discussions about strategic challenges and directions for the next year or beyond.

Scheduled meetings are generally held at the AHPRA national office in Melbourne and on occasion in other capital cities. There may be a requirement for additional meetings by video conference, or by teleconference.

More information on the work of the Agency Management Committee, please visit <http://www.ahpra.gov.au/About-AHPRA/Agency-Management-Committee.aspx>.

### **Remuneration – current sitting fees for Agency Management Committee members**

The remuneration for Agency Management Committee members is determined by the AHWMC.

The AHWMC has determined that in accordance with the Queensland Government's Remuneration of Part-time Chairs and Members of Government Boards, Boards and Statutory Authorities', the Committee member's fees are set at Category C, Level 2, in keeping with members' having regulatory powers with substantial influence on a particular industry.

**All meetings:**

The current 2016 remuneration (daily sitting fee) is as follows:

Role	Attendance (fee includes preparation and up to 4 hours travel time) <b>Daily sitting fee</b> (more than 4 hours in a day)	Extra travel time	
		Between 4 & 8 hours	Over 8 hours
Chair	\$765	\$383	\$765
Member	\$627	\$314	\$627

For meetings that are less than 4 hours, half the fee is payable.

**Special assignment fee\* for Agency Management Committee members:**

Category C, Level 2 special assignment rate

Role	Attendance (fee includes preparation and up to 4 hours travel time) <b>Daily sitting fee</b> (more than 4 hours in a day)	Extra travel time	
		Between 4 & 8 hours	Over 8 hours
Chair	\$638	\$319	\$638
Member	\$523	\$262	\$523

*\* Special assignment fees are payable for Committee related commitments that are not related to meetings, and include consultations, conference, seminars, investigations or the writing of special reports by a committee member, as approved by the Chair. Dinners, functions, openings, ceremonies and social engagements are not considered to be special assignments. For special assignments that are less than 4 hours, half the daily fee is payable.*

**Statutory protections**

Under section 236 of the National Law, members of the Agency Management Committee are provided with appropriate statutory immunities for exercising their functions in good faith.

**Attachment 1: Agency Management Committee – roles, responsibilities and functions  
(extract from Health Practitioner Regulation National Law Act)**

**Division 2 Agency Management Committee**

**29 Agency Management Committee**

- (1) The Australian Health Practitioner Regulation Agency Management Committee is established.
- (2) The Agency Management Committee is to consist of at least 5 members appointed by the Ministerial Council.
- (3) Of the members—
  - (a) one is to be a person appointed by the Ministerial Council as Chairperson, being a person who—
    - (i) is not a registered health practitioner; and
    - (ii) has not been registered as a health practitioner under this Law or a corresponding prior Act within the last 5 years; and
  - (b) at least 2 others are to be persons who have expertise in health, or education and training, or both; and
  - (c) at least 2 others are to be persons who are not current or former registered health practitioners and who have business or administrative expertise.
- (4) Schedule 2 sets out provisions relating to the Agency Management Committee.

**30 Functions of Agency Management Committee**

- (1) The functions of the Agency Management Committee are as follows—
  - (a) subject to any directions of the Ministerial Council, to decide the policies of the National Agency;
  - (b) to ensure that the National Agency performs its functions in a proper, effective and efficient way;
  - (c) any other function given to the Committee by or under this Law.
- (2) The affairs of the National Agency are to be controlled by the Agency Management Committee and all acts and things done in the name of, or on behalf of, the National Agency by or with the authority of the Agency Management Committee are taken to have been done by the National Agency.

**Schedule 2 Agency Management Committee**

**Part 1 General**

**1 Definitions**

In this Schedule—

**Chairperson** means the Chairperson of the Committee.

**Committee** means the Agency Management Committee.

**member** means a member of the Committee.

**Part 2 Constitution**

**2 Terms of office of members**

Subject to this Schedule, a member holds office for the period (not exceeding 3 years) specified in the member's instrument of appointment, but is eligible (if otherwise qualified) for reappointment.

**3 Remuneration**

A member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Ministerial Council may from time to time determine with respect to the member.

**4 Vacancy in office of member**

- (1) The office of a member becomes vacant if the member—
  - (a) completes a term of office; or
  - (b) resigns the office by instrument in writing addressed to the Chairperson of the Ministerial Council; or
  - (c) is removed from office by the Chairperson of the Ministerial Council under this clause; or
  - (d) is absent, without leave first being granted by the Chairperson of the Committee, from 3 or more consecutive meetings of the Committee of which reasonable notice has been given to the member personally or by post; or

- (e) dies.
- (2) The Chairperson of the Ministerial Council may remove a member from office if—
  - (a) the member has been found guilty of an offence (whether in a participating jurisdiction or elsewhere) that, in the opinion of the Chairperson of the Ministerial Council, renders the member unfit to continue to hold the office of member; or
  - (b) the member ceases to be a registered health practitioner as a result of the member's misconduct, impairment or incompetence; or
  - (c) the member becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with the member's creditors or makes an assignment of the member's remuneration for their benefit; or
  - (d) the Committee recommends the removal of the member, on the basis that the member has engaged in misconduct or has failed or is unable to properly exercise the member's functions as a member.
- (3) In addition, the Chairperson of the Ministerial Council may remove the Chairperson of the Committee from office as a member if the Chairperson of the Committee becomes a registered health practitioner.

## 5 Vacancies to be advertised

- (1) Before the Ministerial Council appoints a member of the Committee, the vacancy to be filled is to be publicly advertised.
- (2) It is not necessary to advertise a vacancy in the membership of the Committee before appointing a person to act in the office of a member.

**Note.** *The general interpretation provisions applicable to this Law under section 6 confer power to appoint acting members of the Agency Management Committee.*

## 6 Extension of term of office during vacancy in membership

- (1) If the office of a member becomes vacant because the member has completed the member's term of office, the member is taken to continue to be a member during

that vacancy until the date on which the vacancy is filled (whether by reappointment of the member or appointment of a successor to the member).

- (2) However, this clause ceases to apply to the member if—
  - (a) the member resigns the member's office by instrument in writing addressed to the Chairperson of the Ministerial Council; or
  - (b) the Chairperson of the Ministerial Council determines that the services of the member are no longer required.
- (3) The maximum period for which a member is taken to continue to be a member under this clause after completion of the member's term of office is 6 months.

## 7 Members to act in public interest

- (1) A member of the Committee is to act impartially and in the public interest in the exercise of the member's functions as a member.
- (2) Accordingly, a member of the Committee is to put the public interest before the interests of particular health practitioners or any body or organisation that represents health practitioners.

## 8 Disclosure of conflict of interest

- (1) If—
  - (a) a member has a direct or indirect pecuniary or other interest in a matter being considered or about to be considered at a meeting of the Committee; and
  - (b) the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter;
 the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Committee.
- (2) Particulars of any disclosure made under this clause must be recorded by the Committee in a book kept for the purpose.
- (3) After a member has disclosed the nature of an interest in any matter, the member

must not, unless the Ministerial Council or the Committee otherwise determines—

- (a) be present during any deliberation of the Committee with respect to the matter; or
  - (b) take part in any decision of the Committee with respect to the matter.
- (4) For the purposes of the making of a determination by the Committee under subclause (3), a member who has a direct or indirect pecuniary or other interest in a matter to which the disclosure relates must not—
- (a) be present during any deliberation of the Committee for the purpose of making the determination; or
  - (b) take part in the making of the determination by the Committee.
- (5) A contravention of this clause does not invalidate any decision of the Committee.

### **Part 3 Procedure**

#### **9 General procedure**

The procedure for the calling of meetings of the Committee and for the conduct of business at those meetings is, subject to this Law, to be as determined by the Committee.

#### **10 Quorum**

The quorum for a meeting of the Committee is a majority of its members for the time being.

#### **11 Chief executive officer may attend meetings**

The chief executive officer of the National Agency may attend meetings of the Committee and may participate in discussions of the Committee, but is not entitled to vote at a meeting.

#### **12 Presiding member**

- (1) The Chairperson (or, in the absence of the Chairperson, a person elected by the members of the Committee who are present at a meeting of the Committee) is to preside at a meeting of the Committee.
- (2) The presiding member has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

#### **13 Voting**

A decision supported by a majority of the votes cast at a meeting of the Committee at which a quorum is present is the decision of the Committee.

#### **14 Transaction of business outside meetings or by telecommunication**

- (1) The Committee may, if it thinks fit, transact any of its business by the circulation of papers among all the members of the Committee for the time being, and a resolution in writing approved in writing by a majority of those members is taken to be a decision of the Committee.
- (2) The Committee may, if it thinks fit, transact any of its business at a meeting at which members (or some members) participate by telephone, closed-circuit television or other means, but only if any member who speaks on a matter before the meeting can be heard by the other members.
- (3) For the purposes of—
  - (a) the approval of a resolution under subclause (1); or
  - (b) a meeting held in accordance with subclause (2);the Chairperson and each member have the same voting rights as they have at an ordinary meeting of the Committee.
- (4) Papers may be circulated among the members for the purposes of subclause (1) by facsimile, email or other transmission of the information in the papers concerned.

#### **15 First meeting**

The Chairperson may call the first meeting of the Committee in any manner the Chairperson thinks fit.

#### **16 Defects in appointment of members**

A decision of the Committee is not invalidated by any defect or irregularity in the appointment of any member (or acting member) of the Committee.

### **Schedule 3 National Agency**

#### **Part 1 Chief executive officer**

##### **1 Chief executive officer**

- (1) The Agency Management Committee is to appoint a person as chief executive officer of the National Agency.
- (2) The chief executive officer of the National Agency is to be appointed for a period, not more than 5 years, specified in the officer's instrument of appointment, but is eligible for reappointment.
- (3) The chief executive officer of the National Agency is taken, while holding that office, to be a member of the staff of the National Agency.

## **2 Functions of chief executive officer**

- (1) The chief executive officer of the National Agency has the functions conferred on the chief executive officer by written instrument of the Agency Management Committee.
- (2) The Agency Management Committee may delegate any of the functions of the National Agency, or of the Agency Management Committee, to the chief executive officer of the National Agency, other than this power of delegation.

## **3 Delegation and subdelegation by chief executive officer**

- (1) The chief executive officer of the National Agency may delegate any of the functions conferred on the officer under clause 2(1) to a member of the staff of the National Agency, other than this power of delegation.
- (2) The chief executive officer of the National Agency may subdelegate any function delegated to the officer under clause 2(2) to any member of the staff of the National Agency if the chief executive officer is authorised to do so by the Agency Management Committee.

## **4 Vacancy in office**

- (1) The office of the chief executive officer of the National Agency becomes vacant if—

- (a) the chief executive officer resigns the officer's office by written instrument addressed to the Chairperson of the Agency Management Committee; or
  - (b) the appointment of the chief executive officer is terminated by the Agency Management Committee under this clause.
- (2) The Agency Management Committee may, at any time and for any reason, terminate the appointment of the chief executive officer of the National Agency by written notice given to the chief executive officer.



## ***Attachment 2: Objectives and guiding principles of the National Law***

**Section 3** of the National Law as follows:

- (1) The object of this Law is to establish a national registration and accreditation scheme for—
  - (a) the regulation of health practitioners; and
  - (b) the registration of students undertaking—
    - (i) programs of study that provide a qualification for registration in a health profession; or
    - (ii) clinical training in a health profession.
- (2) The objectives of the national registration and accreditation scheme are—
  - (a) to provide for the protection of the public by ensuring that only health practitioners who are suitably trained and qualified to practise in a competent and ethical manner are registered; and
  - (b) to facilitate workforce mobility across Australia by reducing the administrative burden for health practitioners wishing to move between participating jurisdictions or to practise in more than one participating jurisdiction; and
  - (c) to facilitate the provision of high quality education and training of health practitioners; and
  - (d) to facilitate the rigorous and responsive assessment of overseas-trained health practitioners; and
  - (e) to facilitate access to services provided by health practitioners in accordance with the public interest; and
  - (f) to enable the continuous development of a flexible, responsive and sustainable Australian health workforce and to enable innovation in the education of, and service delivery by, health practitioners.
- (3) The guiding principles of the national registration and accreditation scheme are as follows—
  - (a) the scheme is to operate in a transparent, accountable, efficient, effective and fair way;
  - (b) fees required to be paid under the scheme are to be reasonable having regard to the efficient and effective operation of the scheme;
  - (c) restrictions on the practice of a health profession are to be imposed under the scheme only if it is necessary to ensure health services are provided.