

Terms of Reference

December 2020

Nursing and Midwifery Accreditation Committee (Assessment of overseas qualified nurses and midwives)

1 Purpose

- 1.1. Pursuant to section 43 of the Health Practitioner Regulation National Law as in force in each state and territory (the National Law), the Nursing and Midwifery Board of Australia (NMBA) has decided to establish a committee to undertake accreditation functions relevant to section 42(d) of the National Law, to oversee the assessment of overseas qualified nurses and midwives.
- 1.2. The Accreditation Committee (the Committee) is established by the NMBA in accordance with clause 11 of schedule 4 of the National Law.
- 1.3. The Committee will undertake the following functions relevant to section 42(d) of the National Law:
 - (a) oversight of the outcomes-based assessment (OBA) of the knowledge, clinical skills and professional attributes of internationally qualified nurses and midwives (IQNM) wanting to register in Australia, and
 - (b) make recommendations and give advice to the NMBA about the OBA for IQNM and associated matters.

2 Functions

- 2.1. The Committee will, in exercising its accreditation functions provide oversight of the OBA component of the assessment of IQNM in relation to the:
 - (a) OBA assessment for internationally qualified nurses, oversight of the:
 - i. multiple choice question (MCQ) examination including the examination maintenance, policy, delivery and content
 - ii. objective structured clinical examination (OSCE) including maintenance, policy, delivery and content
 - iii. Examination Committee/s to support the delivery of the MCQ and OSCE (as necessary), including appointments, and
 - iv. examination facility and delivery for the MCQ (as relevant) and OSCE
 - (b) OBA assessment for internationally qualified midwives, oversight of the:
 - i. MCQ examination including the examination maintenance, policy, delivery and content
 - ii. OSCE including maintenance, policy, delivery and content
 - iii. Australia / New Zealand Midwifery Examination Committee and other examination committees as required, including appointments, and
 - iv. examination facility and delivery for the MCQ (as relevant) and OSCE
 - (c) orientation to the Australian context component of the OBA, including content

- (c) any powers and other responsibilities as necessary relating to examination policies for; misconduct, special consideration, reasonable adjustments and procedural review
- (d) make recommendations and give advice to the NMBA about matters referred to in (a), (b), (c), and
- (e) undertake any other work requested by NMBA consistent with the Committee's accreditation functions.

For the sake of clarity, the NMBA appointed External Accreditation Entity will retain all functions relating to the development of accreditation standards and the accreditation of education providers and programs of study for the nursing and midwifery professions.

3 Duty to act in the public interest

- 3.1. A member of the Committee is to act impartially and in the public interest in the exercise of their functions.
- 3.2. A member of the Committee is to put the public interest before the interests of particular education providers or any entity that represents education providers.

4 Conflicts of interest

- 4.1. Members of the Committee are to comply with the conflict of interest requirements set out in clause 8 of schedule 4 of the National Law.

5 Membership

- 5.1. The Committee will consist of not less than seven (7) members with the combined skills, knowledge and experience of the Committee addressing the following areas:
 - a. experience and currency in MCQ examination and OSCE design, evaluation and maintenance
 - b. experience and currency in psychometric testing
 - c. experience in health, education and/or regulation
 - d. formal qualifications in health and/or education, or
 - e. experience in OSCE examiner recruitment, education and training.
- 5.2. One member of the Committee will be the CEO of the Australian Nursing and Midwifery Accreditation Council.
- 5.3. The NMBA will appoint one of the Committee members as the Chair of the Committee. The NMBA may also choose to appoint a Committee member as a Deputy Chair.
- 5.4. The NMBA may appoint members to the Committee as determined or required by the NMBA.
- 5.5. The NMBA may allow other persons to attend the Committee meetings by invitation. These persons may take part in the meeting discussions but have no voting rights.
- 5.6. Members of the NMBA and the state and territory boards and committees of the NMBA are not eligible for appointment to the Accreditation Committee

6 Quorum

- 6.1. A quorum for the Committee shall be a majority of the members.

7 Appointment of members and terms of appointment

- 7.1. With the exception of the CEO of the Australian Nursing and Midwifery Accreditation Council, members of the Committee shall be appointed for a term determined by the NMBA for up to three years and be eligible for reappointment for a maximum of three terms.
- 7.2. The NMBA may remove a Committee member if:

- (a) the member has been found guilty of an offence (whether in a participating jurisdiction or elsewhere) that, in the opinion of NMBA, 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, or the NMBA determines that the member should be removed, 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. Where a vacancy occurs NMBA may fill the vacancy on a temporary or longer term basis either:
 - i. by appointing to the Committee a person appointed to the course assessment working group (see section 8 on meetings and procedures), or
 - ii. by publicly advertising the vacancy.

7.3. 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.

8 Meetings and procedures

- 8.1. Meetings will be scheduled by the Committee as required and be either face-to-face or held by other means such as teleconference or videoconference in accordance with clause 16 to schedule 4 of the National Law.
- 8.2. A record of meeting will be made by Australian Health Practitioner Regulation Agency (Ahpra) staff and confirmed at the next Committee meeting.

9 Decision making

- 9.1. While it is preferred that the Committee reaches decisions by consensus, if this is not possible, a decision supported by a majority of the votes cast at a meeting at which a quorum is present, is the decision.
- 9.2. In the event of an equality of votes, the chair has a second or casting vote.

10 Support

- 10.1. Support for the Committee and its delivery of the accreditation functions will be provided by Ahpra.

11 Reporting and communication arrangements

- 11.1. The Committee will submit reports relating to its functions when required.
- 11.2. Meetings between the Chair of the Committee, Ahpra staff supporting the Committee and the NMBA Chair (or delegate) and NMBA Executive Officer will be conducted as required.
- 11.3. The NMBA and Committee will work together in a spirit of cooperation and collaboration.

12 Dispute resolution

- 12.1. In the event of a disagreement between the Committee and the NMBA, the Chair of NMBA and the Chair of the Committee will meet to discuss the matter.

13 Other

- 13.1. Duty of confidentiality

Members of the Committee are bound by the duty of the confidentiality under section 216 of

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the National Law.

13.2. Protection from personal liability for persons exercising functions

Section 236 of the National Law, which provides protection from personal liability, will apply to a Committee member exercising functions under the National Law and acting in good faith.

Section 236 provides that:

- (1) A protected person is not personally liable for anything done or omitted to be done in good faith—
 - a) in the exercise of a function under this Law; or
 - b) in the reasonable belief that the act or omission was the exercise of a function under this Law.
- (2) Any liability resulting from an act or omission that would, but for subsection (1), attach to a protected person attaches instead to the National Agency.

14 Review of these arrangements

14.1. The NMBA may review the functions of the Committee at any time.

14.2. The NMBA may determine, at any time that the Committee is no longer required as it has completed the functions set out in these Terms of Reference.

14.3. The NMBA may change the Terms of Reference, at any time, in consultation with Ahpra.

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