

# Internationally Qualified Nurse Examinations Committee

## Terms of Reference

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September 2024

### 1 Background

The Nursing and Midwifery Board of Australia (Board) has adopted a pre-registration assessment of the knowledge, clinical skills and professional attributes of internationally qualified nurses and midwives (IQNM) wanting to register in Australia. The Board established the Nursing and Midwifery Accreditation Committee (Assessment of overseas qualified nurses and midwives) (NMAC) to oversee the assessment. The NMAC also make recommendations and gives advice to the Board about issues relating to the pre-registration assessment of IQNM and associated matters.

In the first stage of the assessment, each IQNM's qualifications are assessed against the Board's three qualification criteria to assign them to one of three streams. If an IQNM's qualifications meet all three criteria, they are qualified for general registration and assigned to Stream A. Subject to applying for registration and meeting all other registration standards, they are eligible to be registered.

Generally, if an IQNM's qualifications meet two of the criteria, they are assigned to Stream B and need to complete an outcomes-based assessment (OBA) to qualify for general registration. The OBA comprises a multiple-choice question (MCQ) examination and an objective structured clinical examination (OSCE). There are separate MCQ examinations and OSCEs for internationally qualified registered nurses (IQRN), internationally qualified midwives (IQM) and internationally qualified enrolled nurses (IQEN).

The NMAC has convened the Internationally Qualified Nurse Examinations Committee to help the NMAC oversee the OBA for IQRN and IQEN.

### 2 Purpose

2.1 The Internationally Qualified Nurse Examinations Committee (IQNEC) is part of the arrangements established by NMAC to ensure the OBA for IQRN and IQEN reflect good assessment practice and examination governance. The IQNEC is important in managing risks related to the OBA and will facilitate:

- a) the reliability and validity of examination tools and processes
- b) the transparency and defensibility of examination results, and
- c) the consistency across examination sessions.

### 3 Functions

3.1 The IQNEC is accountable to the NMAC and will:

- a) help the NMAC oversee the OBA for IQRN and IQEN, and
- b) make recommendations and give advice to the NMAC about issues relating to the OBA for IQRN and IQEN and associated matters including:
  - i. the maintenance, policy, delivery and content of the MCQ examinations

- ii. the maintenance, policy, delivery and content of the objective structured clinical examinations (OSCEs), and
- iii. the selection of suitable examination facilities for delivery of the MCQ examinations (as relevant) and OSCEs.

3.2 In carrying out these functions, the IQNEC will provide subject matter expertise and work with Ahpra to:

- a) monitor and give advice on content and procedural aspects of the IQRN and IQEN MCQ examinations and OSCEs
- b) oversee and give advice on moderation of results for IQRN and IQEN OSCEs
- c) ratify the results for IQRN and IQEN OSCEs
- d) report to NMAC on IQRN OSCEs and IQEN MCQ examinations and OSCEs
- e) give advice about escalating or resolving any examination related issues identified by Ahpra, including issues raised by examiners and/or candidates during or after IQRN and IQEN MCQ examinations and OSCEs
- f) exercise any powers and other responsibilities arising from the policies and processes for the OBA for IQRN and IQEN
- g) monitor and make recommendations and/or give advice to the NMAC on the policies and processes for the OBA for IQRN and IQEN, and related matters, and
- h) undertake any other work requested by the NMAC that is within the scope of the functions in these terms of reference.

#### **4 Membership**

4.1 The IQNEC will consist of up to seven members including a current member of the NMAC.

4.2 The members' combined skills, knowledge and experience will address the following areas:

- a) knowledge of contemporary nursing practice within the Australian health care system
- b) experience and currency in design, implementation and/or evaluation of MCQ examinations and/or OSCEs
- c) experience and currency in using psychometric analysis of examinations to optimise reliability and validity
- d) experience in health, education and/or regulation in Australia
- e) formal qualifications in health and/or education/pedagogy expertise
- f) experience in training and/or evaluation of OSCE examiners
- g) lived experience of successfully completing the current OBA for IQRN.

#### **5 Appointment of Members**

5.1 Members of the Board, members of the state and territory boards of the Board and any person employed by Ahpra as an IQRN or IQEN examiner are not eligible for appointment to the IQNEC.

5.2 The NMAC will appoint each member of the IQNEC following a call for applications published on the Board's website. In deciding whether to appoint a person as a member of the IQNEC, the NMAC is to have regard to their skills, knowledge and experience relevant to the IQNEC's functions in clause 3 and the areas set out in clause 4.

- 5.3 Where a vacancy occurs before the end of an IQNEC member's term, the NMAC may fill the vacancy on a temporary or longer-term basis. It is not necessary to advertise such a vacancy before appointing a person to fill a casual vacancy, but the appointment must be consistent with clause 4.
- 5.4 If the NMAC identifies a gap in the expertise of the members appointed under this clause, it may appoint another member on a temporary or longer-term basis. It is not necessary to advertise such vacancies before appointing another member, but the appointment must be consistent with clause 4.
- 5.5 The IQNEC and Ahpra will advise the NMAC if they identify gaps in the expertise of the members appointed under this clause.

## **6 Removal of Members**

- 6.1 The NMAC may remove an IQNEC member if:
- a) the member has been found guilty of an offence (whether in a participating jurisdiction or elsewhere) that, in the opinion of the NMAC, renders the member unfit to continue to hold the office of member; or
  - b) the member is a registered health practitioner and has conditions imposed or undertakings accepted on their registration; or
  - c) the member holds the position as a current member of the NMAC and ceases to be a member of the NMAC; or
  - d) the member is appointed as a member of the Board or a state or territory board of the Board, or employed by Ahpra as an IQRN or IQEN examiner; or
  - e) the NMAC or Board 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.

## **7 Term of Appointment**

- 7.1 Each member of the IQNEC will be appointed for a term determined by the NMAC for up to three years.
- 7.2 Members of the IQNEC are eligible for reappointment for a maximum of three terms.

## **8 Chair**

- 8.1 The NMAC will appoint one of the IQNEC members as the chair.

## **9 Deputy Chair**

- 9.1 The NMAC may also choose to appoint an IQNEC member as the deputy chair.

## **10 Quorum**

- 10.1 A quorum for a meeting or out of session decision is the majority of the IQNEC members eligible to participate in making the decision including the Chair (or delegate in the absence of the Chair).

## **11 Decision making**

- 11.1 A decision of the IQNEC shall be agreed by consensus. If consensus cannot be reached, then a decision will be agreed by a simple majority of the members eligible to participate in making the decision.
- 11.2 In the event of an equality of votes, the chair of the meeting has a second or casting vote.

## **12 Meetings and Procedures**

- 12.1 The IQNEC will meet by teleconference or videoconference.
- 12.2 Meetings will be held as required, as examination results become available.
- 12.3 If the IQNEC is able to reach a consensus without discussion, a decision may be agreed out of session by email, without holding a meeting.

## **13 Duty to act in the public interest**

- 13.1 A member of the IQNEC is to act impartially and in the public interest in the exercise of their functions.
- 13.2 A member of the IQNEC is to put the public interest before any other interests, including the interests of any health profession or any entity that represents a health profession.

## **14 Conflicts of interest**

- 14.1 Each member of the IQNEC must act impartially and in the public interest in the exercise of their functions, and put the public interest before:
  - a) the interests of particular internationally qualified nurses and midwives (IQNM) or any entity that represents IQNM
  - b) the interests of the profession or any entity that represents the profession, and
  - c) the interests of employers or any entity that represents employers.

## **15 Administration**

- 15.1 Ahpra will provide support for the IQNEC to carry out its functions.
- 15.2 Ahpra will prepare meeting agendas and papers, and circulate document packs to the IQNEC members 1-3 business days before each scheduled meeting.
- 15.3 Ahpra will prepare a record of each meeting and circulate this to members for their agreement.
- 15.4 Ahpra will provide updates to the NMAC on outcomes of IQNEC meetings, including IQRN and IQEN examination results.

## **16 Reporting and communication arrangements**

- 16.1 The IQNEC will submit a quarterly report on its activities to the NMAC.
- 16.2 The Chair of the IQNEC, Ahpra staff supporting the IQNEC and the NMAC Chair (or delegate) and Executive Officer, Nursing and Midwifery will be conducted as required.

## **17 Dispute resolution**

- 17.1 In the event of a disagreement between the IQNEC and the NMAC about an IQNEC decision, the Chair of IQNEC and the Chair of the NMAC will meet to discuss the matter and seek to resolve the disagreement. Ahpra will assist with the arrangements for such a meeting as part of its usual role in providing support to the IQNEC and NMAC.

## **18 Duty of confidentiality**

- 18.1 Members of the IQNEC are bound by the duty of the confidentiality under section 216 of the National Law.

## 19 Protection from personal liability for persons exercising functions

- 19.1 Section 236 of the National Law, which provides protection from personal liability, will apply to an IQNEC member exercising functions under the National Law and acting in good faith. Section 236 provides that:

*A protected person is not personally liable for anything done or omitted to be done in good faith—*

- (i) in the exercise of a function under this Law; or*
- (ii) in the reasonable belief that the act or omission was the exercise of a function under this Law. 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.*

## 20 Review of these arrangements

- 20.1 The NMAC may change the Terms of Reference, at any time, in consultation with the IQNEC, the Board and Ahpra.

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