

IQNM EN Examination Committee

Terms of Reference

January 2021

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 Accreditation Committee (NMAC) has decided to establish a committee to undertake the assessment functions relevant to section 52 and 54 of the National Law, to oversee the clinical assessment of overseas qualified registered nurses.
- 1.2. The EN Examination Committee (the Committee) is established by the NMAC in accordance with section 11 of schedule 4 of the National Law.
- 1.3. The Committee will undertake the following functions relevant to sections 52 and 54 of the National Law:
 - (a) oversight of the EN OSCE Examination; and the relevant assessment 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 NMAC about the EN OSCE Examination and EN MCQ Examination for IQNM and associated matters.

2. Functions

- 2.1 The Committee will, in exercising its functions provide oversight of the outcomes-based assessment (OBA) of Enrolled Nurses in the following:
 - a. oversee the strategic approach for the management of EN OSCE examinations
 - b. consider applications of IQNM procedural review relating to any EN OSCE examination and/or EN MCQ examination issues, as necessary
 - c. consider applications of IQNM requests for reasonable adjustments in relation to any EN OSCE examination and/or EN MCQ examination, as necessary
 - d. provide recommendations on EN OSCE examinations and/or EN MCQ examinations for consideration and decision request of the Nursing and Midwifery Board of Australia (NMBA) and/or the Nursing and Midwifery Accreditation Committee (NMAC)
 - e. provide subject matter expertise on EN OSCE examinations, EN MCQ examinations and assessment process and content
 - f. provide subject matter expertise and approval on EN OSCE examination and/or EN MCQ examination results reports via formal ratification processes as needed
 - g. provide subject matter expertise and recommendations regarding any examination related issues/candidate applications post examination.

The Committees work will be informed by updates from legal, policy and operations.

3. Membership

- 3.1 The Committee will consist of up to a maximum of seven (7) members with the combined skills, knowledge and experience of the Committee addressing the following areas:
 - a. experience and currency in OSCE design and evaluation.
 - 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.
- 3.2 One member of the Committee will be a member of the Nursing and Midwifery Accreditation Committee (NMAC). These persons may take part in the meeting discussions but have no voting rights.
- 3.3 The NMAC will appoint one of the Committee members as the Chair of the Committee. The NMAC may also choose to appoint a Committee member as a Deputy Chair.
- 3.4 The Committee may appoint members to the Committee as determined or required by the Committee.
- 3.5 A candidate representative will be invited to join the EN Examination Committee within the first year of establishment. The successful incumbent will be required to satisfy the following criteria:
- a. be a recent examination candidate who has passed both the MCQ and OSCE exams within the previous 18-month period,
 - b. have experience working as an Enrolled Nurse
- 3.6 The Committee 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.

4. Quorum

- 4.1 The quorum for the Committee is three members, including chair or delegate.

5. Appointment of members and terms of appointment

- 5.1 With the exception of the appointee from the Nursing and Midwifery Accreditation Committee, members of the Committee shall be appointed for a term determined by the NMAC for up to three years and be eligible for reappointment for a maximum of three terms
- 5.2 The Committee and/or NMAC 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 NMAC, 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.
- 5.3 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.

6. Meetings and Procedures

- 6.1 Meetings of the EN Examination Committee will be via teleconference or videoconference and will be held as required as results become available.

7. Decision Making

- 7.1 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.

7.2 In the event of an equality of votes, the chair has a second or casting vote.

8. Support

8.1 Support for the Committee and its delivery of examination related functions will be provided by the Senior Project Officer – Exam Coordination & Operational Implementation.

8.2 Meeting agendas and document packs are to be prepared and circulated to the committee members 1-3 business days before each scheduled meeting.

9. Reporting and communication arrangements

9.1 The Committee will submit reports relating to its functions when required by the NMAC.

9.2 Meetings between the Chair of the Committee, Ahpra staff supporting the Committee and the NMAC Chair (or delegate) and NMBA Executive Officer will be conducted as required.

9.3 The NMAC and Committee will work together in a spirit of cooperation and collaboration.

10. Dispute resolution

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

11. Other

11.1 Duty of confidentiality

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

11.2 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:

- a. 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),
- b. attach to a protected person attaches instead to the National Agency.

12. Review of these arrangements

12.1 The NMAC may review the functions of the Committee at any time.

12.2 The NMAC 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.

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

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