



Immediate Action Committee of the Chinese Medicine Board of Australia

Terms of reference

1. Purpose

The Immediate Action Committee (the Committee) is established by the Chinese Medicine Board of Australia under Schedule 4, clause 11 of the Health Practitioner Regulation National Law Act as in force in each state and territory (the National Law) to exercise any functions or powers delegated to the Committee under section 37 of the National Law.

The Committee forms part of a network of immediate action committees that have been set-up by a number of boards in the National Accreditation and Registration Scheme to operate under a single, multi-profession model for the management of immediate action matters under the National Law.

As part of the multi-professional model for the management of immediate action matters, the Committee will exercise the Board's powers to take immediate action to protect the public as a result of a notification received in respect of a practitioner or student registered with the Chinese Medicine Board of Australia, or for any other reason.

2. Functions

The function of the Committee is to exercise the Chinese Medicine Board of Australia's powers of immediate action under the National Law.

The Committee may exercise any power properly delegated to it by the Chinese Medicine Board of Australia under section 37 of the National Law. These delegations are described in the Chinese Medicine Board of Australia's Instrument of Delegation.

The Committee is to report to the Chinese Medicine Board of Australia on all decisions taken.

3. Appointment and Membership

The membership of the Committee will be determined in cooperation with the other boards participating in the multi-profession model. The membership will be identical across all Boards. Each participating board will nominate one practitioner member for appointment to the committee, from which a quorum will be drawn on each occasion the committee is constituted for the purposes of considering a particular matter or matters.

Community members will be common to all participating immediate action committees. A selection process managed by the steering committee will make recommendations to the participating Boards on the appointment of community members to the Committee.

The Chinese Medicine Board of Australia appoints members to the Committee. The membership of the Committee will be comprised of:

- One health practitioner member of the Chinese Medicine Board of Australia, to be a principal member of the Committee;

- One health practitioner member of the Chinese Medicine Board of Australia, to act as an alternate member if the principal member is unable to attend a meeting;
- One health practitioner member from each of the other National Boards participating in the multi-profession immediate action committee; and
- Three community members, selected from members of participating National Boards.

The Chair and any Deputy Chairs of the Committee will be community members.

All members are appointed to the Committee for their full term as a Board member on their respective national board, unless otherwise determined by the Board at the time of appointment.

For the purposes of convening a meeting to consider a particular matter or matters, a quorum of members will be drawn from the Committee following discussions with the relevant National Board Chair and in accordance with the requirements laid out below.

4. 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.

5. Meetings and procedures

The Committee will meet in a timely manner upon advice of the receipt of a notification, or information that requires a determination as to whether immediate action is required to protect the public.

The Chair, in consultation with the Secretariat, will determine the most appropriate medium for the Committee to meet.

6. Quorum

A quorum for all meetings shall be at least three members of the Committee: including,

- A health practitioner member of the Chinese Medicine Board of Australia
- A health practitioner member of another national board, and
- A Community member (Chair)

7. Voting

A decision of the Committee shall be agreed by all members of the Committee.

8. Public interest

Members are to act impartially and in the public interest in the exercise of a member's functions. A member of the Committee is to put the public interest before the interests of particular health practitioners or any entity that represents health practitioners, as set out in Schedule 4, clause 7 of the National Law.

9. Conflict of interest

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

10. Support

Operational support and advice is to be provided by AHPRA's National Immediate Action Team.

Secretariat support for the Committee will be provided by a dedicated Board Services officer identified by the National Director Board Services and will liaise with the Chair of the Board (or his or her nominee) and the National Immediate Action team regarding the membership of the Committee for a meeting.

11. Review

These terms of reference apply from November 2016. The Board will review these terms of reference in November 2017 and then every three years.