

Terms of Reference



Section 152J Committee

1. Purpose

The Section 152J Committee enables timely decision-making when considering the recommendations of the Impaired Registrants Panel (IRP), on behalf of the Council.

2. Functions

The functions of the Committee include:

- a) consideration of the recommendations of an Impaired Registrants Panel only if there is evidence that the practitioner or student has voluntarily agreed to:
 - a suspension upon registration
 - conditions imposed on registration
 - vary or amend conditions or suspension

If satisfied, impose conditions or suspension; or

if dissatisfied with the recommendations, provide reasons why, and if required seek further information (e.g. the Impaired Registrants Panel report).

- b) if available, consideration of Impaired Registrants Panel reports
- c) take action where necessary by imposing a critical impairment condition.
- d) determining whether to end a period of suspension or alter or remove conditions under section 150C, noting the provisions of section 150I duration of conditions – impairment matters [NSW].
- e) if required, providing recommendations or comments to Council about reports and/or recommendations of the IRP to improve quality and consistency of decisions.
- f) if the recommendations of an Impaired Registrants Panel cannot be approved, the matter be referred to the next available meeting of the Notifications Committee, Monitoring and Review Committee or the Council for consideration.

3. Delegations

The Council has delegated any two members of the Committee with the following powers under the *Health Practitioner Regulation National Law (NSW)*:

- i. to impose conditions or suspend a practitioner or student's registration, if recommended by an Impaired Registrants Panel – section 152J

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- ii. to refuse to alter or remove conditions, or refuse to terminate or shorten the suspension – section 152K(3) & (5)
- iii. to suspend or impose specific conditions on student's registration in the public interest – section 152M
- iv. to order that a condition on the registration of a practitioner that is imposed or altered because of the impairment of the practitioner is a critical impairment condition – section 150FA
- v. to alter or remove conditions or end suspension imposed under section 150 – s150C

4. Membership

The Committee comprises of a minimum two Council members.

5. Quorum

A quorum comprises of two Council members.

Two Council members must agree for an Impaired Registrants Panel's recommendation to be implemented.

6. Meeting Requirements

As required via email consultation.

7. Expectations and Obligations

The Committee are expected to:

- ensure detailed review of each matter by considering:
 - background document
 - exhibit documents
 - additional submissions and
 - a copy of the signed voluntary conditions
- provide their response to the RAPPs (Risk, Assessment, Professional Programs and Scheduling) team within 72 hours of a request to consider the Impaired Registrants Panel's recommendations.

The Committee's response must advise:

- Agreement with recommendations; or
- Disagreement with recommendations and the reasons why; or
- Unable to agree and request further information (e.g. Panel's report).

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8. Records and Reporting

Impaired Registrant Panel reports are considered by the Council at its bi-monthly meeting. Any recommendations or comments about specific matters must be reported to the Council in a separate brief.

9. Resources

The RAPPS team are responsible for the Committee's meeting requirements and ensuring decisions are actioned within the timeframe specified.

10. Remuneration

Council Members: remuneration for participation in this committee is included in the Annual Council Member payment, as approved by the NSW Health Minister

Non Council Members: receive remuneration for participation in this committee at the sitting fee rate approved by the NSW Health Minister.

11. Review

The terms of reference are to be reviewed every 12 months.