

Medical Services Committee of NSW

Established under the Health Administration Act 1982

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Establishment, Role and Function of the Medical Services Committee

Manner of establishment

The Committee is established under the Health Administration Act 1982.

Membership

The membership is defined under the legislation: --

10 medical practitioners

A chairperson nominated by the Committee and appointed by the Minister.

4 appointed on the nomination of the Council of the New South Wales Branch of the Australian Medical Association -- one of whom shall be a general practitioner and one of whom shall be a salaried medical officer.

2 appointed on the nomination of the New South Wales State Committee of the Royal Australian College of Surgeons, one of whom shall be a salaried specialist.

1 appointed on the nomination of the New South Wales State Committee of this Australian Society of Orthopaedic Surgeons.

1 appointed on the nomination of the New South Wales Section of the Australian Society of Anaesthetists.

1 appointed on the nomination of the New South Wales Branch of the Royal Australian College of Physicians.

The term of office presently is four years. A member is eligible for reappointment but not for more than three consecutive terms of office.

A nominating body may, by instrument in writing addressed to the Minister, withdraw the nomination of a member.

Manner of appointment of the chairperson

As defined in the legislation. Nomination by Committee and appointed by the Minister

Role and Function

Health Administration Act.

Under this Act the Committee is required to advise and consult with the Minister and officers of the Department as to:

(a) matters affecting the practice of medicine in New South Wales (other than matters arising under State industrial instruments and other industrial matters within the meaning of the Industrial Relations Act 1996), and

(b) in particular:

(i) existing and proposed legislation, including proposed amendments to existing legislation, affecting or likely to affect patients or medical practitioners or both, in their respective capacities as such, and

(ii) existing and proposed administrative arrangements, including proposed changes to existing administrative arrangements, affecting or likely to affect patients or medical practitioners or both in their respective capacities as such.

Health Services Act

Under this Act the Committee has particular responsibility for advising on the Model By-law for Area Health Services and the by-laws for the individual Area Health Services.

The Committee is also required to advise on Regulations relating to the appointment, control and governance of visiting practitioners, including the conditions subject to which they perform work.

Other functions

It should be noted that a number of government activities, falling within the jurisdiction of portfolios other than Health, involve medical practice. In those situations, matters are referred directly to the Minister for Health to be referred by him to the Committee. The advice of the Committee is provided to the Minister or as may be requested by him or her.

Responsibilities and accountabilities

The members of the Committee are nominees, not representatives, of the nominating organisations. They must consider matters independently and the nominating organisation is not bound by the recommendations of the Medical Services Committee.

Where expert advice is required, appropriate independent opinion is sought by the Committee and considered prior to providing advice.

In some situations, a matter, referred to the Committee, may affect a number of medical organisations and it may be necessary to call a meeting of representatives of those organisations to establish their attitudes in relation to the matter under consideration.

The final advice of the Committee is independent and based upon all the information before it.

At all times matters referred to by the Minister or the Department are treated as strictly confidential unless the Committee is otherwise advised by the Minister or the Department. Advice provided by the Committee at the request of the Minister, or the Department is similarly treated as confidential.

Over the years it has developed experience and understanding of legislative requirements. A prime objective is to ensure that legislation, including regulations, is best able to achieve the intent of government in regard to patients and medical practitioners.

By-laws for Area Health Services are of particular importance in establishing proper communication between the Executive and medical staff and the appointment and role of medical practitioners appointed to provide medical services in health facilities. The Medical Services Committee has particular experience and knowledge in this area

Period of establishment

The Committee was established in November 1984 and has functioned continuously since it was established.

Frequency of meetings

The Committee meets on the fourth Monday of each month via Zoom with the exception of December and January, it meets at other times as may be required.

Estimated annual cost

The Committee is funded through the education account of The Medical Council of New South Wales and hence through the registration fees of all medical practitioners in New South Wales.

There is no remuneration for members of the Committee. All costs are of an administrative and support nature. A funding protocol was commenced in 2016. This is reviewed every 3 years.

The Committee submits a formal report of its activities and audited accounts to the Council, Health Secretary and the Ministry annually.