

## **Medical Staff Council Terms of Reference**

This document is a generic format suggested by the NSW MSEC that forms the basis of a ToR for an MSC based on the NSW Health By-Laws 2012

The Local Health District is to establish the Medical Staff Councils and Medical Staff Executive Councils

### **The Chief Executive is to establish either:**

(a) a medical staff council (in the case of a local health district that is a statutory health corporation); or

(b) a medical staff executive council and at least two medical staff councils (in all other cases).

Medical staff councils are to be composed of all visiting practitioners, staff specialists, career medical officers and dentists appointed to the local health district or the hospital or hospitals the council represents.

Sufficient medical staff councils should be established to ensure that all visiting practitioners, staff specialists, career medical officers and dentists of the local health district are members.

### **The objectives of the MSC are:**

(1) facilitate effective patient care and services through a co-operative approach to the management and efficient operation of public hospitals between hospital executive management and medical practitioners

(2) provide a forum for information sharing and to support feedback to staff on issues affecting the administration of the hospital(s) through the members of the councils

### **Medical Staff Executive Council**

(1) A Medical Staff Executive Council shall be composed of representatives of the Medical Staff Councils for the hospitals under the control of the local health district.

(2) Subject to subclause (4), each Medical Staff Council shall nominate as its representative or representatives on the Medical Staff Executive Council – this is usually the Chair and office bearers (one member for every 50 of council whole membership). Alternates can be arranged as mutually agreed with the CE.

(3) The number of members of a Medical Staff Council shall be determined as at 1 January in the relevant year.

(4) The number of representatives from any single Medical Staff Council on a Medical Staff Executive Council shall not exceed 50% of the total number of members of the Medical Staff Executive Council.

### **Functions of Councils**

The medical staff executive council or the medical staff council (if there is only one council for the local health district) is to:

(a) provide advice to the Chief Executive and Board on medical matters;

(b) nominate, every 3 years from the date of issuing of this By-law, a short list of up to 5 medical practitioners to be available to the Minister for Health when considering the appointment of a member or members of the Board.

### **Voting at meetings of councils**

Any matter put to the vote at any meeting of a council is to be decided by a show of hands, or by secret ballot if requested by a member present at that meeting.

### **Office bearers of councils**

(1) A council is to elect a chairperson of the council and other office bearers it considers necessary from among the members.

(2) Such elections are to be held at an ordinary meeting of a council once each calendar year.

(3) An office bearer (including the chairperson) is to hold office until vacation of the office or until the next election, whichever occurs first.

(4) An office bearer (including the chairperson) shall be eligible for re-election to the same office, provided that no more than three (3) consecutive terms are served, unless there are special circumstances and a further consecutive term has been approved by the Chief Executive

(5) If an office becomes vacant between elections, the vacancy is to be filled by an election at a special meeting of the council. The special meeting is to be held within 30 days of the vacancy occurring.

### **Ordinary meetings of councils**

(1) Ordinary meetings of a council are to be held at least twice a year, and at such additional times and places as determined by the council.

(2) The chairperson of a council, or other office bearer of the council authorised by the chairperson to do so, is to provide written notice to each member, at least 7 days prior to an ordinary meeting.

(3) The medical administrator (however designated) of the local health district is to be invited to attend all meetings of the council (unless already a member). However the council may exclude the medical administrator from any meeting, or part of a meeting, where the business under consideration relates to the conduct or performance of the medical administrator in that position.

(4) A council may invite any other person, including any staff member of the local health district, to attend any of its meetings.

(5) The council may exclude any invitee from any meeting, or part of a meeting. 29. Special meetings of councils

### **Extraordinary Meetings of the Council**

(1) A special meeting of a council may be called by the chairperson of the council.

(2) A special meeting of a council is to be called by the chairperson within forty-eight hours after the chairperson of the council receives: (a) for a council with 6 to 20 members, a written request signed by a majority of the members of the council; (b) for a council with more than 20 members, a written request signed by at least 11 members of the council.

(3) The chairperson of a council is to give at least 24 hours' notice of a special meeting of the council to all members.

(4) Notice of a special meeting of a council is to specify the business to be considered at the meeting.

(5) Only business specified in the notice is to be considered at a meeting.

### **Quorum**

The quorum for a meeting of a council is:

(a) for a medical staff executive council, a majority of the members;

(b) for a medical staff council with 6 to 20 members, a majority of the members of the council;

(c) for a medical staff council with more than 20 members, one tenth of the members or 11 members of the council, whichever is the greater number.

### **Smaller medical staff councils**

For a council with five members or less:

(a) clauses 11 and 25-27 of this By-law do not apply – see [www.nswmsec.com](http://www.nswmsec.com) for full by-laws;

(b) the Chief Executive, or a person authorised on his or her behalf, is to call a meeting of the council not later than seven days after receiving a written request for such a meeting from a member of the council;

(c) the Chief Executive, or a person authorised on his or her behalf, is to give written notice of a meeting of the council to all members and to the medical administrator (however designated) of the local health district;

(d) the medical administrator (however designated) of the local health district is to be invited to attend all duly convened meetings of the council. However the council may exclude the medical administrator from any meeting, or part of a meeting, where the business under consideration relates to the conduct or performance of the medical administrator in that position;

(e) the council is to ensure that minutes of a meeting of the council are kept;

(f) the quorum for a meeting of the council is a majority of its members