



Australian Government

Department of Health

# Prostheses List Advisory Committee

## Operational Guidelines



**April 2019**

**Disclaimer**

Please note that the content of this document is intended as a guide only and may be subject to change without prior notice.

## Table of Contents

1. Purpose.....	3
2. Chair .....	3
3. Membership .....	3
4. Secretariat.....	3
5. Quorum .....	4
6. Resolving Matters and Issues .....	4
7. Referral of PLAC Business .....	4
8. Meeting Arrangements.....	4
9. Proxies .....	5
10. Conflict of Interest .....	6
11. Key Performance Indicators.....	8

## Version Control

Version Number	Date	Changes
1.0	21 September 2016	Approved
1.1	25 October 2016	<ul style="list-style-type: none"><li>• Corrected typographical error</li></ul>
1.2	1 December 2016	<ul style="list-style-type: none"><li>• Conflict of interest and non-disclosure</li><li>• Out-of-session feedback process</li><li>• Boardvantage technical support</li></ul>
1.3	22 December 2016	<ul style="list-style-type: none"><li>• Update to out-of-session feedback process</li></ul>
1.4	5 April 2019	<ul style="list-style-type: none"><li>• 7 Referral of PLAC Business:<ul style="list-style-type: none"><li>○ Added subcommittee acronyms to paragraph 1</li><li>○ Added paragraph 2</li></ul></li><li>• 8.2 Agenda, Meeting Papers and Record of Meeting:<ul style="list-style-type: none"><li>○ Replaced references to “Boardvantage” with “SharePoint”.</li><li>○ Changed circulation of meeting papers to members from 1 (one) week to 2 (two) weeks before the meeting.</li></ul></li></ul>

## 1. Purpose

---

The purpose of this document is to set out the arrangements under which the Prostheses List Advisory Committee (PLAC) will operate to deliver on its Terms of Reference. This document is supported and should be read in parallel with the PLAC Member Guidelines and Terms of Reference.

## 2. Chair

---

The Chair will work closely with the PLAC Secretariat and oversee any other work requested by the Minister or the Department. If unavailable for all or part of a scheduled PLAC meeting, the Chair will delegate the role to a suitably experienced Member of the PLAC. The Secretariat must be notified of any and all delegated roles.

## 3. Membership

---

The PLAC will have up to 21 Members, comprising both Expert Members and Advisory Members:

### **Expert Members**

- 7 x clinicians
- 1 x health consumer
- 2 x health economists
- 1 x epidemiologist
- 1 x current MSAC member
- 1 x medical bioengineer

### **Advisory Members**

- 1 x Therapeutic Goods Administration officer
- 2 x medical device industry representatives
- 2 x private health insurance representatives
- 3 x private hospital representatives

Each Member is appointed in either an expert or advisory capacity on the basis of their individual skills, knowledge and expertise; and holds their appointment at the discretion of the Minister and Minister's Delegate.

## 4. Secretariat

---

The Department of Health will fulfil the role of Secretariat.

## **5. Quorum**

---

To enable a PLAC meeting to occur and for decisions to be made, a quorum must be present at all meetings.

For business relating to making recommendations on listings and benefits for prostheses, a quorum consists of half the expert members. The Chair (or their alternative) must also be present.

For business relating to reform deliberations, any advice developed by the PLAC will be circulated by the Secretariat to absent members and comments noted.

## **6. Resolving Matters and Issues**

---

As far as practical, recommendations on applications to list devices and other matters relating to listing of devices on the Prostheses List will be made by consensus of the expert members.

Where the members cannot arrive at a consensus position, a vote will be taken and the matter or issue decided by a simple majority. Expert members only will vote on matters relating to listing of devices. In the event of a tied vote, the Chair will cast the deciding vote.

## **7. Referral of PLAC Business**

---

The PLAC will initiate and receive referrals of PLAC business with the Clinical Advisory Groups (CAGs), the Panel of Clinical Experts (Panel), Health Economics Sub-Committee (HESC), the Therapeutic Goods Administration (TGA), Medical Services Advisory Committee (MSAC), and the Pharmaceutical Benefits Advisory Committee (PBAC).

When the PLAC seeks advice on, or discusses an application with, the CAG or a member of the Panel, all members of the CAG or Panel with relevant expertise will be included in the preparation of advice.

## **8. Meeting Arrangements**

---

### **8.1 Frequency, attendance and costs**

The PLAC will meet either face to face or by teleconference as required to address PLAC business. Business may also be conducted out-of-session.

Members will agree to the schedule of meeting dates for each calendar year. The meeting location and venue will be arranged by the Secretariat at the discretion of the Chair.

The Department will meet the costs of the meeting and participation of the Chair and Members of the committee, including travel, accommodation and some meals. Arrangements regarding travel are defined in the PLAC Member Guidelines.

## **8.2 Agenda, meeting papers and record of meeting**

The Secretariat will develop meeting agendas in consultation with the Chair.

The Secretariat will circulate meeting papers to members electronically via SharePoint (*Office 365*) two (2) calendar weeks prior to a meeting. The Secretariat will alert Members via email when meeting papers are available or delays in circulation of papers occur.

Members are required to bring and utilise their own devices at each meeting.

The Secretariat will draft the meeting Record of meeting, including a list of action items. The PLAC Chair will clear the draft meeting Record of meeting.

The Secretariat will circulate the draft meeting Record of meeting to members for comments and/ or suggested corrections electronically via SharePoint within one (1) calendar week following the meeting. Should members experience any technical difficulties accessing SharePoint, notification of the technical issues should be sent to the PLAC Secretariat as soon as practicable.

The Chair will review comments and suggested corrections to the draft Record of meeting. The draft Record of meeting will be tabled for acceptance by the PLAC at the next scheduled meeting, and circulated via SharePoint once finalised.

The Secretariat will follow up on action arising three (3) weeks prior to each meeting to support progress.

When a member notifies an inability to attend for all or part of a meeting, the Secretariat will liaise with the member to inquire if they have any comments on the agenda papers or other business they would like the Secretariat to table on their behalf.

## **8.3 Out-of-session feedback process**

In instances where the Secretariat circulates papers for feedback or calls for input as an out-of-session action, members are required to respond within the timeframe identified in the email. With the exception of urgent matters affecting the committee, the members will be provided with five (5) business days to respond. After three (3) business days, the Secretariat will contact members to prompt them for a response. Where no response is received, the member will be deemed to have accepted the paper as circulated, or where relevant to have provided a nil response.

## **9. Proxies**

---

Expert Members are not permitted to send proxies to attend PLAC meetings.

If an Advisory Member is unable to attend a meeting, he or she may send a proxy with the prior agreement of the Chair. A proxy Advisory Member will not be paid a sitting fee to attend a meeting, but the Secretariat may arrange travel and accommodation depending on the amount of notice given.

A proxy must complete a Deed of Confidentiality and a declaration of Conflict of Interest prior to attending a meeting.

The Chair may co-opt non PLAC members, from other departmental committees, with appropriate expertise to present or discuss relevant matters and contribute to meetings as required. These co-opted committee members will be remunerated according to their existing committee arrangements.

The Chair may invite suitably qualified non PLAC members to present or discuss relevant matters and contribute to meetings as required. These invited presenters may be remunerated according to PLAC Advisory Members remuneration arrangements.

Observers may be invited to attend part or all of a meeting, with the prior approval of the Chair. An Observer will not be entitled to remuneration, travel or accommodation.

All Observers and Presenters must complete a Deed of Confidentiality and a declaration of Conflict of Interest prior to attending a meeting.

## 10. Conflict of Interest

---

The PLAC will comply with the *Department of Health advisory committee guidelines on conflict of interest for members and nominees*. The Guidelines are an internal departmental document which provides the department, the Prostheses List Advisory Committee and its sub-committees with guidance relating to:

- declaration of interest requirements;
- the management by committees of members' interests in relation to matters coming before the committee; and
- members' obligations of confidentiality.

The PLAC Chair and Members are regarded as part time office holders, as per the current Remuneration Tribunal Determination on *Remuneration and Allowances for Holders of Part-time Public Office*.

### Conflict Of Interest

#### What is a conflict of interest?

The Department of Health defines conflict of interest as any instance where a staff member, contractor, partner/family member or close family friend has a direct financial or other interest that influences, or may appear to influence, proper consideration or decision making on a matter or proposed matter.

It is important to note that the **appearance** of a conflict of interest is as important as any actual conflict of interest. Perception alone can call in to question the impartiality of a person in discharging their duties. This is particularly relevant in cases where a person is required to fulfil multiple roles, as is the case for most PLAC Members.

#### Failure to disclose conflict of interest

Under the *Public Service Act 1999*, APS employees who breach the requirement to disclose and avoid conflicts of interest may be subject to numerous sanctions,

including termination of employment. In the case of the PLAC, this would translate to removal of Members from the committee.

If the private interest compromises the proper performance of the official's public duties then the conduct moves beyond a conflict of interest and may constitute corrupt conduct as defined in the *Independent Commission Against Corruption Act 1988*.

### **Managing conflict of interest**

Members of PLAC are required to submit completed Conflict of Interest Declarations to the PLAC secretariat (PLAC@health.gov.au) **three business days prior** to the next PLAC meeting.

These Conflict of Interest Declarations will be forwarded to the Chair for consideration, so that they may determine the 'materiality' of the interest, and decide whether to:

- Allow the Member to participate fully in the deliberation by the committee and in any decision about making recommendations; or,
- Allow the Member to participate in discussion but not in making a decision about a recommendation; or,
- Allow the Member to be present to answer questions or provide specific advice on particular matters or of a technical nature, but not to participate in discussion or in making a decision about a recommendation; or,
- Exclude the Member wholly from consideration of the matter.

Ad hoc declarations can be submitted to the Chair or the Secretariat on the day of the meeting for consideration and Members will be advised if it is necessary for them to excuse themselves for the relevant part or all of the meeting.

All members' Meeting Disclosure of Interest Declarations (including declarations of no conflict) must be recorded in each PLAC record of meeting.

## **Disclosure of Information**

### **Deed of Undertaking**

Prior to commencement of their official duties, committee members are asked to read and sign a Deed of Undertaking in Relation to Confidential Information and Conflict of Interest. In signing this Deed Poll, members have agreed to the outlined definitions of Conflict of Interest, as well as to adhere to the confidentiality requirements for the information being handled by the committee.

In particular members are obliged to keep secret and confidential all Confidential Information and ensure that they do not directly or indirectly disclose Committee-In-Confidence information to any person outside the Committee.

In signing the Deed Poll, members have understood and acknowledged that any unauthorised use or disclosure of Confidential Information may make him or her liable for prosecution under the laws of the Commonwealth.

## **11. Key Performance Indicators**

---

There are three (3) Key Performance Indicators (KPI's) for the PLAC.

1. The percentage of applications to list devices on the Prostheses List completed within 22 weeks, as set out in the current Department of Health Portfolio Budget Statement.
2. Members must attend 70% of all scheduled PLAC meetings within a 12 month period. Attendance must be for the entirety of the committee meeting.
3. Work plan deliverables and targets will be met, as defined within the PLAC work plan.