

BY-LAW

Dietetic Skills Recognition

(By-law made Pursuant to Clauses 10.2, 11.1, 11.2, 12.1, 21.3 and 36 of the [Constitution](#) and the gazettal by the Department of Immigration and Border Protection on 29 March 2005)

By-law for the assessment of competence as a dietitian for overseas qualified dietitians; and Australian qualified dietitians who have been out of the workforce and Accredited Practising Dietitian (APD) program for five years or more and who wish to return to the APD program under the requirements of the resumption of practice program; and dietitians who are required to undergo reaccreditation as the result of a Dietitians Australia (DA) Complaints and Disciplinary process.

1. General

1.1 Membership to DA and the APD credential shall be available to those dietitians who have met the required criteria for Dietetic Skills Recognition (DSR) as set out in this By-Law.

1.2 Processing and approval of DSR applications will be the responsibility of Regulatory Services staff. If an appeal is properly requested, the applicant and the DSR Administrator will follow the appeal process as set out in this By-Law.

1.3 Once achieved, eligibility to apply to join DA as a member with dietetic qualifications will not expire subject to the terms of the *Constitution*. Eligibility to apply to join the APD program is subject to the validity of an applicant's currency of practice which is dated from the date of receiving notification from Regulatory Services staff that the applicant has successfully passed Stage 3 of the DSR process (oral examination).

1.4 To meet the requirements for eligibility for membership to DA and the APD credential, DSR applicants must successfully progress through each stage of the DSR process with any exceptions noted below:

- (a) Stage 1 – Assessment of qualifications and recency of practice (not required for resumption of practice or disciplinary processes as these two groups enter the examination process via an alternate route.
- (b) Stage 2 – Multiple choice questionnaire (MCQ) examination
 - (i) The MCQ examination is offered biannually via a secure online examination platform.
 - (ii) The MCQ examination assesses the minimum level of competency required to practise dietetics in Australia across a variety of learning experiences reflecting socio-ecological approaches to health, major health priorities and the broad landscape of dietetic practice, including policy and the provision of services and care to individuals, groups, communities and populations, as outlined in the National Competency Standards (NCS). The DSR Reference Group review and ratify results as per the *DSR MCQ Reference Group Terms of Reference*. The DSR MCQ Reference Group's decision is final.

- (iii) The pass mark is indicative of each individual examination and is subject to change in subsequent examinations.
- (c) Stage 3 – Oral examination
 - (i) The Oral examination is offered biannually, facilitated by Regulatory Services staff and APDs who meet the criteria set out in the OSCE Examiners Terms of. Regulatory Services staff with support of the DSR Reference Group ratify the results.
 - (ii) The Oral examination is conducted via videoconference and assesses nutrition assessment and diagnosis, education and counselling skills and interprofessional practice skills via an objective structured clinical examination (OSCE) consisting of reading time and role play of three scenarios.

2. Stage 1 – Assessment of Qualifications and Recent Practice

2.1 To meet the requirements of Stage 1 of the DSR process (assessment of qualifications and recent practice) and progress to stage 2 (MCQ examination), the DSR applicants must meet each of the following criteria:

- (a) Be registered or credentialed or can demonstrate eligibility for registration or credentialing as a dietitian with the dietetic credentialing body in the country of tertiary education or practice.
- (b) Demonstrate completion of a tertiary education program of at least four years (or equivalent) which includes human systems physiology and human biochemistry at least at second year degree level (or equivalent) and 100 days of relevant practical placement in experiences reflecting socio-ecological approaches to health, major health priorities and the broad landscape of dietetic practice, including policy and the provision of services and care to individuals, groups, communities and populations. Acceptable programs will match the criteria specified in the *DA Processes for Accreditation of Dietetic Education Programs*.
- (c) Demonstrate completion of a tertiary dietetics qualification of which the program duration is a minimum of 2 years, in one of the following countries - United States of America, Canada (except Quebec), Ireland, New Zealand or United Kingdom; or have passed all four sections of the Occupational English Test (OET) and achieved an average result of B; or have passed the International English Language Testing Scheme (IELTS) examination (Academic Module) and achieved a minimum score of seven (7.0) in each of the four components (Listening, Reading, Writing and Speaking) with a minimum overall band score of seven (7.0); or passed all four sections of the PTE Academic English language exam and achieved a minimum score of 65 in each of the four components (Listening, Reading, Writing and Speaking)
- (d) Demonstrate currency of practice in the three years immediately prior to the application through either:
 - (i) employment in a dietetic position. The position of employment must meet the definition of dietetic practice as set out in DA's Dietitian Scope of Practice Framework; or
 - (ii) completion of a tertiary dietetic qualification.
- (e) Payment of relevant fees as per DA's *DSR Fee Schedule*.
- (f) Applicants who do not meet the criteria in Stage 1 are ineligible to sit the MCQ examination and are advised of this in writing.

3. Stage 2 – MCQ Examination

3.1 To meet the requirements of Stage 2 of the DSR process (MCQ examination) and progress to Stage 3 (oral examination), the DSR applicant must meet each of the following criteria, the applicant must:

- (a) have been advised by Regulatory Services staff that they are eligible to sit the MCQ examination;
- (b) have English language test results and currency of dietetic practice that are current at time of sitting MCQ examination (not required for resumption of practice or disciplinary processes);
- (c) sit the MCQ examination within three years of receiving notification of eligibility from Regulatory Services staff and subject to currency of English language test and currency of dietetic practice (not required for resumption of practice or disciplinary processes);
- (d) achieve an overall pass for the MCQ examination in one sitting of the exam within no more than three separate sittings/attempts; and
- (e) payment of relevant fees as per the *DSR Fee Schedule*.

3.2 If a DSR applicant fails to pass the first MCQ examination, they are eligible to sit the examination on a maximum of two further occasions subject to their English Language Test and Currency of Practice remaining current. The standard fee for sitting the MCQ examination will be charged for subsequent sittings.

4. Stage 3 – Oral examination

4.1 To meet the requirements of the third and final stage of the DSR process (Oral examination), the DSR applicant must meet each of the following criteria, the applicant must:

- (a) have been advised by Regulatory Services staff in writing that they are eligible to sit the Oral examination;
- (b) have met the English language test results and currency of dietetic practice requirements as set out in clause 2.1(d) (not required for resumption of practice or disciplinary processes);
- (c) be deemed competent by the DSR Reference Group in their ability to conduct a nutrition assessment and diagnosis, education and counselling skills and interprofessional practice skills; and
- (d) payment of relevant fees as per the *DSR Fee Schedule*.

4.2 If a DSR applicant fails to pass the first oral examination, they are eligible to sit the examination on a maximum of two further occasions subject to their English Language Test and Currency of Practice remaining current. The standard fee for sitting the Oral examination will be charged for subsequent sittings.

5. Appeals

5.1 All appeals are registered by the DSR Administrator and overseen by the General Manager Regulatory Services or delegate. Outcomes are recorded on the DSR database.

5.2 DSR applicants have the right to lodge an appeal under the following circumstances:

- 5.2.1 the applicant suspects error/s were made when the information provided by the applicant in their application for assessment (Section 2) was reviewed by Regulatory Services staff.
- 5.2.2 The applicant suspects errors in the recording and reporting of MCQ or Oral exam results.
- 5.2.3 Procedural matters (the conduct of examiners or problems with the examination facilitators) affected the applicant's ability to apply themselves suitably during the MCQ or Oral examinations.
- 5.2.4 There has been a breach of the examination assessment procedures.
- 5.3** All appeals must be in writing and clearly state the grounds for appeal and should include supporting information where applicable.
- 5.4** All appeals will incur a fee as per the *DSR fee schedule* payable by the applicant upon lodging the appeal.
- 5.5** Omission of relevant information from the original application is not grounds for appeal unless this was due to the actions of another or other parties e.g. migration officer.
- 5.6** If relevant information is omitted from a DSR application and the provision of new information occurs more than six months after notification of the assessment, a 'new application' fee will be charged to the applicant, as set out in the *DSR Fee Schedule*.
- 5.7** Written appeals, with application fee, must be received within 15 business days of the DSR Administrator notifying candidates of the assessment or examination outcome or outcome of a lower level appeal.
- 5.8** Applicants are notified in writing of the outcome of an appeal within the timeframe specified for Appeal Results. If the appeal is not upheld, the notification will include reasons for rejecting the appeal.
- 5.9** The notification of appeal results by the DSR Administrator to the applicant are:
 - (a) Appeal of Assessment of Eligibility to Sit Examination in Dietetics:
 - (i) Level 1 – 15 business days from date of receipt of appeal
 - (ii) Level 2 – 40 business days from date of receipt of appeal
 - (b) Appeal of Outcome of MCQ Examination in Dietetics:
 - (i) Level 1 – 15 business days from date of receipt of appeal
 - (ii) Level 2 – 40 business days from date of receipt of appeal
 - (c) c) Appeal of Outcome of Oral Examination in Dietetics:
 - (i) Level 1 – 15 business days from date of receipt of appeal
 - (ii) Level 2 – 40 business days from date of receipt of appeal
- 5.10** Appeals will be upheld if eligibility criteria are met. If not, the applicant will be notified in the time periods described in clause 5.9. Notifications will include reasons for upholding or rejecting the appeal.
- 5.11 First Level Appeals of Ineligibility to Sit Examination in Dietetics**
 - 5.11.1 An administrative review will be undertaken by the General Manager Regulatory Services or delegate of documentation and procedures.

- 5.11.2 Any errors or omissions relating solely to the information provided by the applicant that occurred during the assessment of eligibility will be acknowledged.
- 5.11.3 Where the administrative review finds there is no impact on the ability to demonstrate eligibility the assessment result will not be changed.
- 5.11.4 Where the administrative review finds there is impact on the ability to demonstrate eligibility the assessment result will be changed.

5.12 Second Level of Appeals of Ineligibility to Sit Examination in Dietetics

- 5.12.1 Applicants dissatisfied with the outcome of the First Level of Appeal, may write to the Appeals Panel of the Australian Dietetics Council (ADC) stating the grounds for appeal and requesting a review of the application.
- 5.12.2 The General Manager Regulatory Services or delegate will provide a written report to the Appeals Panel of ADC outlining all communication and findings from the first level appeal and list the reasons for rejection at the First Level of Appeal.
- 5.12.3 The ADC Appeals Panel decision is final and binding and cannot be appealed further.

5.13 First Level Appeal of Outcome of MCQ Examination in Dietetics

- 5.13.1 Appeals concerning the MCQ exam results will be investigated for errors in recording and reporting only. If an appeal relating to the reporting of results is upheld, the correct result will be recorded and action taken to allow the applicant to progress to the next stage of the DSR process.
- 5.13.2 Appeals on the content of the MCQ examination will not be considered.
- 5.13.3 Appeals will be upheld if an error in the recording and/or reporting of exam results is found that changes the overall assessment of exam performance.
- 5.13.4 Appeals based on procedural matters will be investigated. If an appeal on procedural grounds is upheld, the applicant will be able to sit a subsequent examination without incurring further fees.
- 5.13.5 If the appeal specifically relates to procedural matters involving the exam facilitation, the DSR Administrator will write to the exam provider describing the nature of the appeal and require a written response from the exam provider. The appeal will be upheld if the exam provider is found to be in breach of the contracted procedural arrangements for the exam.

5.14 Second Level Appeal of Outcome of MCQ Examination in Dietetics

- 5.14.1 Applicants dissatisfied with the outcome of the First Level of Appeal, may write to the General Manager Regulatory Services stating the grounds for appeal.
- 5.14.2 The General Manager Regulatory Services or delegate will review all communication with the applicant, examination assessment reports, the original application and why the appeal was rejected at the first level.

5.15 First Level Appeal of Outcome of Oral Examination in Dietetics

- 5.15.1 Appeals concerning the oral exam results will be investigated for errors in recording and reporting only. If an appeal relating to the reporting of results is upheld, the correct result will be recorded and action taken to allow the applicant to progress towards completion of the DSR process.
- 5.15.2 Appeals on the content of the oral examination will not be considered.

- 5.15.3 If the appeal specifically relates to procedural matters involving the exam delivery or conduct of the examiners, the General Manager Regulatory Services or delegate will write to the exam examiners describing the nature of the appeal, and requiring a written response from the exam examiners. The appeal will be upheld if the exam examiners are found to be in breach of the contracted procedural arrangements for the exam or if there has been a lapse in procedures.
- 5.15.4 The General Manager Regulatory Services or delegate will review the written response from the examiners and/or recording of the oral exam. The appeal will be upheld if;
- (a) there has been a breach of the examination assessment procedures and;
 - (b) that in the opinion of the General Manager Regulatory Services or delegate the breach may have adversely affected the performance of the applicant in the exam and/or the final outcome and;
 - (c) that in the opinion of the General Manager Regulatory Services or delegate the breach may have been sufficient to cause the applicant to fail.

5.16 Second Level Appeal of Outcome of Oral Examination in Dietetics

- 5.16.1 Applicants dissatisfied with the outcome of the First Level of Appeal, may write to the General Manager Regulatory Services stating the grounds for appeal.
- 5.16.2 The General Manager Regulatory Services or delegate will convene an ADC appeals panel and write to the panel outlining all communication with the applicant, all examination assessment reports and why the appeal was rejected at the first level.
- 5.16.3 Members of ADC are not eligible to sit on an Appeals Panel if they have a conflict of interest involving the appeal applicant. ADC members may sit on a number of Appeals Panels during their term on the Council.
- 5.16.4 The General Manager Regulatory Services or delegate will provide relevant documents to the Appeals Panel members and facilitate administrative processes and communication throughout the Appeals process.
- 5.16.5 The appeal will be upheld if the ADC Appeals Panel find that:
- (a) there has been a breach of the examination assessment procedures and;
 - (b) the breach may have adversely affected the performance of the applicant in the exam and/or the final outcome and;
 - (c) the breach may have been sufficient to cause the applicant to fail.
- 5.16.6 If the appeal is upheld by the ADC Appeals panel, the panel will decide based on the grounds of the appeal, if the applicant is eligible to sit the oral exam again or if the applicant is granted DSR status to join the APD program and seek DA membership.
- 5.16.7 If the appeal is denied, the DSR applicant will be informed and will only be eligible to re-sit the oral examination if they meet the criteria as set out in clause 4.
- 5.16.8 The ADC Appeals Panel decision is final and binding and cannot be appealed further.