

Terms of Reference

Dental Notifications Committee: Assessment

Board approval date: 31 July 2020

To take effect from: 1 November 2020

1. Purpose

The Dental Notifications Committee: Assessment (DNCA) of the Dental Board of Australia (the National Board) has been established by the National Board pursuant to clause 11 of Schedule 4 of the Health Practitioner Regulation National Law (the National Law) to exercise any functions or powers delegated to a Notifications Committee under section 37 of the National Law.

2. Functions

The function of the DNCA is to exercise powers delegated to a Notifications committee by the Board under section 37 of the National Law. These delegations are described in the Board's Instrument of delegation.

The DNCA's functions are to:

1. To review and assess all notifications regarding dental practitioners and dental students that are received by Ahpra on behalf of the National Board.
2. To note Ahpra's assessment of whether each notification meets the criteria for a notification.
3. To consider Ahpra's assessment of the level of risk posed by a practitioner and, guided by that assessment of risk, determine the assessment outcome for each notification including by deciding whether to:
 - a) take no further action in relation to a notification;
 - b) refer a notification to another entity;
 - c) exercise powers to caution a practitioner or student under Division 10 of Part 8 of the National Law in appropriate circumstances, including by providing the practitioner or student with a show cause opportunity;
 - d) exercise powers to impose a condition on a practitioner's or student's registration under Division 10 of Part 8 of the National Law in appropriate circumstances, including a show cause process for the practitioner or student;
 - e) to exercise powers to accept an undertaking from a practitioner or student under Division 10 of Part 8 of the National Law in appropriate circumstances;
 - f) investigate a practitioner;
 - g) require a practitioner to undergo a health assessment;
 - h) require a practitioner to undergo a performance assessment;
 - i) refer the matter to the relevant Notifications or Immediate Action Committee for consideration of *immediate action*.
4. To determine and articulate reasons for the DNCA's assessment decision.
5. To contribute to the determination of the relevant issues for investigation or assessment.

6. To refer to a Notifications committee any matters of concern about individual registrants or matters which are complex and/or where the DNCA cannot reach a decision on a matter.

3. Membership of the DNCA

The DNCA comprises

- practitioner members appointed by the National Board
- community members appointed by the National Board
- Ahpra regulatory members appointed by the National Director, Notifications.

4. Quorum for a meeting

A quorum for a DNCA meeting (the Committee) is achieved where there are three (3) members: a practitioner, a community and an Ahpra regulatory member.

Practitioner, community and Ahpra regulatory members will be called upon as required to participate in a convened meeting, according to the membership requirements for meetings.

5. Chair

Meetings of the Committee will be chaired by a practitioner member.

6. Defects in appointment of members

A decision of the Committee is not invalidated by any defect or irregularity in the appointment of any member (or acting member) of the Committee.

7. Meetings and procedures

The Committee will meet in a timely manner, in response to demand.

The Chair, in consultation with the Secretariat, will determine the most appropriate medium for the Committee to meet.

8. Voting

A decision of the Committee shall be agreed to by consensus. If consensus cannot be reached, then a decision will be agreed to by a simple majority of votes (more than half of the members who cast a vote) of the Committee members. In the event of an equality of votes the Chair of the meeting has a second or casting vote.

9. Public interest

Members are to act impartially and in the public interest in the exercise of a member's functions. A member of the Committee is to put the public interest before the interests of particular health practitioners or any entity that represents health practitioners, as set out in Schedule 4, clause 7 of the National Law and corresponding Board policies and procedures.

10. Conflict of interest

Members of the Committee are to comply with the conflict of interest requirements set out in Schedule 4, clause 8 of the National Law and corresponding Board policies and procedures.

11. Appellable decisions

The Committee may exercise an appellable decision as specified in these terms of reference and the Instrument of Delegation. Where the decision of the Committee is appealed, instructions in respect of the appeal will be provided by the applicable Notifications Committee, to ensure that appropriate advice and expertise is obtained in order to appropriately manage the appeal.

12. Support

Ahpra's Intake and assessment team will provide operational support and advice to the Committee.

Ahpra's Board Services team will provide secretariat support to the Committee.

Other Ahpra staff, not included in the quorum, may also be in attendance to support the meeting. Other staff may include:

- Clinical Input Manager or Clinical Advisers
- An appropriately experienced senior manager from Ahpra
- Senior Regulatory Advisors
- Regulatory Advisors
- Secretariat support.

Decisions and actions arising from the Committee will be recorded by Ahpra staff and can be either confirmed at the meeting as undisturbed or via email or other electronic means or at the next meeting of the Committee.

13. Review

These terms of reference apply from 30 September 2020. The Board will review these terms of references every three years or as necessary.

14. Other matters

1. Committee members who have considered any aspect of a notification about a practitioner cannot be on a Health Panel or a Performance and Professional Standards Panel about that matter. It may be necessary to exclude members from participating in the Committee if it is anticipated that they may be required to sit on a panel.
2. Schedule 4, Clause 7 of the National Law states that:
 - (1) A member of a National Board is to act impartially and in the public interest in the exercise of the member's functions as a member.
 - (2) Accordingly, a member of a National Board is to put the public interest before the interests of particular health practitioners or any entity that represents health practitioners.

The National Board requires members of DNCA to act in accordance with the principles in Schedule 4, Clause 7 of the National Law.