

## Terms of Reference

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### Dental Notifications Committee: Assessment

#### 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. review and assess all notifications regarding dental practitioners and dental students that are received by Ahpra on behalf of the National Board.
2. note Ahpra's assessment of whether each notification meets the criteria for a notification.
3. 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. determine and articulate reasons for the DNCA's assessment decision.
5. contribute to the determination of the relevant issues for investigation or assessment.
6. 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. Appointment and membership**

There shall be at least six members of the DNCA. Members shall be appointed by the National Board and must comprise an equal number of:

- practitioner members, and
- community members.

All practitioner and community members are appointed to the Committee by the National Board for a period of three years or as otherwise determined at the time of appointment.

Membership will also include Ahpra regulatory members appointed by the National Director, Notifications.

### **4. Chair**

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

### **5. Quorum**

A quorum for all meetings shall be at least three members: a practitioner, a community and an Ahpra regulatory member.

### **6. Voting**

A decision of the DNCA 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 DNCA. In the event of an equality of votes the Chair of the meeting has a second or casting vote.

### **7. Defects in appointment of members**

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

### **8. Meetings and procedures**

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

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

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

## 12. Support

Staff from Ahpra's Regulatory Operations Directorate will provide operational support and advice to the DNCA.

Ahpra's Regulatory Secretariat will provide secretariat support to the DNCA.

## 13. Other matters

DNCA 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 DNCA if it is anticipated that they may be required to sit on a panel.

## 14. Document Control

<b>Approver</b>	Dental Board of Australia	
<b>Date Approved</b>	27 December 2023	
<b>Date Commenced</b>	1 July 2024	
<b>Date for review</b>	These terms of reference will be reviewed every 3 years or as necessary.	
<b>Responsible Officer</b>	Executive Officer, Dental	
<b>Sections modified</b>	<b>Date</b>	<b>Description</b>
	December 2023	Amendments made to the following sections: <ul style="list-style-type: none"><li>• Functions</li><li>• Appointment and membership</li><li>• Chair</li><li>• Quorum</li><li>• Voting</li><li>• Defects in appointment of members</li><li>• Meetings and procedures</li><li>• Public interest</li><li>• Conflict of interest</li><li>• Appealable decisions</li><li>• Support</li><li>• Other matters</li><li>• Review</li></ul>