

Terms of Reference

Dental Notification and Compliance Committee

Board approval date: 29 October 2020

To take effect from: 1 February 2021

1. Purpose

The Dental Notification and Compliance Committee (the Committee) is established by the Dental Board of Australia (the National Board) pursuant to Schedule 4, clause 11 of the Health Professions Regulation National Law Act (National Law), as in force in each state and territory to:

1. exercise functions delegated under section 37 of the National Law and,
2. undertake associated functions as set out in these terms of reference.

2. Functions

The function of the Committee is to exercise powers delegated to a Registration and/or Notification and/or Compliance Committee by the Board under section 37 of the National Law. These delegations are described in the Board's Instrument of delegation.

The Committee's functions are to:

1. perform functions delegated by the National Board under section 37 of the National Law;
2. the receipt, assessment and investigation of notifications about dental practitioners or students;
3. review, assess and make decisions in relation to notifications regarding dental practitioners or students, including but not limited to:
 - 3.1 articulating the issues for investigation or health/performance assessments;
 - 3.2 requiring a dental practitioner or student (if applicable) to undergo a health or performance assessments;
 - 3.3 taking regulatory action against a dental practitioner's or student's registration;
 - 3.4 establishing a health or performance and professional standards panels; and
 - 3.5 referring matters to the responsible tribunal;
4. determine and articulate reasons for the Committee's decisions;
5. advise the Immediate Action Committee (through Ahpra staff) when urgent action may be required;
6. overseeing the monitoring of notification related conditions and undertakings imposed on the registration of the dental practitioners;
7. advise the National Board on emerging trends or issues relating to notifications.
8. provide expertise, assistance or advice to the National Board in the exercise of its functions.

3. Membership of the Committee

Members shall be appointed by the National Board and should comprise:

- practitioner members; and
- community members.

Where:

- any member of the Committee is unavailable for a particular meeting/s; or
- any member of the Committee has an apparent or real conflict of interest in relation to item/s listed for a Committee meeting; or

- there is a necessity, based in the item/s listed for the Committee meeting, for a practitioner member from a division of the Register of Dental Practitioners to be included in the deliberations of the meeting;
- the Chair of the Committee at his or her discretion may appoint an approved member of another Registration or Compliance Committee as an acting member of that member of that Committee. If the Chair of the Committee is unavailable or unable to undertake this responsibility then the Chair of the National Board will appoint both the Chair (if necessary) and member, as set out above, at his or her discretion.

4. Quorum for a meeting

A quorum shall be three members, including at least one community member.

Practitioner and community 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. At least two members of the Committee will be nominally appointed by the National Board to act as a Chair of a convened meeting.

For the purposes of convening a meeting to consider a matter or matters, one of the nominally appointed Chairs of the Committee will be selected to chair a meeting. The Chair will be selected by Ahpra's regulatory secretariat (the Secretariat) function in consultation with either the National Director, Notifications or National Director, Compliance where necessary.

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 National Board's 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 National 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 Committee, to ensure that appropriate advice and expertise is obtained in order to appropriately manage the appeal.

12. Tribunal referrals

The Committee may make decisions to refer matters about dental practitioners to a responsible tribunal under section 193 of the National Law. Instructions in respect of a Tribunal referral will be provided by the Committee, to ensure that appropriate advice and expertise is obtained in order to appropriately manage the appeal.

13. Support

A member of Ahpra's Regulatory Operations Directorate will provide operational support and advice to the Committee.

Ahpra's Regulatory Secretariat 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
- Regulatory Secretariat support.

Decisions and actions arising from the Committee will be recorded by Ahpra's Regulatory Secretariat 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.

14. Review

These terms of reference apply from 1 February 2021. The National Board will review these terms of references at least every three years or as necessary.