

Terms of Reference

Dental Notification and Compliance Committee

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 Practitioner Regulation National Law (the 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. receive, assess and investigate 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 assessment(s);
 - 3.3 taking regulatory action against a dental practitioner's or student's registration;
 - 3.4 establishing 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. oversee the monitoring of notification related conditions and undertakings imposed on the registration of dental practitioners;
7. advise the National Board on emerging trends or issues relating to notifications; and
8. provide expertise, assistance or advice to the National Board in the exercise of its functions.

3. Appointment and membership

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

- practitioner members; and
- community members.

All 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.

Where:

- any member of the Committee is unavailable for a particular meeting/s; 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 their discretion may appoint an approved member of another Registration and/or Compliance Committee as an acting member of this Committee. If the Chair of this 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 their discretion.

4. Chair

At least two members of the Committee will be nominally appointed by the National Board to act as a Chair. Meetings of the Committee can be chaired by either a practitioner member or community member.

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.

5. Quorum

A quorum for all meetings shall be at least four members including:

- two health practitioner members, and
- two community members.

The quorum must always comprise an equal number of practitioner members and community members.

6. 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.

7. 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.

8. 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.

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 Chair.

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 Chair.

13. Support

Staff from 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.

14. Document Control

Approver	Dental Board of Australia	
Date Approved	27 December 2023	
Date Commenced	1 July 2024	
Date for review	These terms of reference will be reviewed every 3 years or as necessary.	
Responsible Officer	Executive Officer, Dental	
Sections modified	Date	Description
	December 2023	Amendments made to the following sections: <ul style="list-style-type: none">• Purpose• Membership of the Committee• Quorum for a meeting• Chair of a meeting• Appealable decisions• Tribunal referrals• Support• Review