



## Dental Board of Queensland

ABN: 33 663 105 895

27 August 2008

Our ref: D202 08-08-09

Your ref:

The General Manager  
Adjudication Branch  
Australian Competition and Consumer Commission  
adjudication@acc.gov.au

Dear Dr Chadwick

I refer to your letter dated 25 July 2008 inviting comments about an application for authorisation by the Australian Dental Association for possible price fixing conduct and exclusionary provisions with respect to shared practices in the dental profession.

Under the legislation administered by the Board:

- the objects are:
  - (a) to protect the public by ensuring health care is delivered by registrants in a professional, safe and competent way; and
  - (b) to uphold the standards of practice within the health professions; and
  - (c) to maintain public confidence in the health professions; and
  - (d) to provide a uniform system to deal with complaints, investigations and disciplinary proceedings relating to registrants, and the management of impaired registrants; and
  - (e) to provide a system to deal with complaints about registrants that is complementary to the Health Quality and Complaints Commission Act 2006.
- a ground for disciplinary action against a registrant is that a the registrant has behaved in a way that constitutes unsatisfactory professional conduct;
- unsatisfactory professional conduct, for a registrant, includes the following—
  - (a) professional conduct that is of a lesser standard than that which might reasonably be expected of the registrant by the public or the registrant's professional peers;
  - (b) professional conduct that demonstrates incompetence, or a lack of adequate knowledge, skill, judgment or care, in the practise of the registrant's profession;
  - (c) infamous conduct in a professional respect;
  - (d) misconduct in a professional respect;
  - (e) conduct discreditable to the registrant's profession;
  - (f) providing a person with health services of a kind that are excessive, unnecessary or not reasonably required for the person's wellbeing;
  - (g) influencing, or attempting to influence, the conduct of another registrant in a way that may compromise patient care;
  - (h) fraudulent or dishonest behaviour in the practise of the registrant's profession;
  - (i) other improper or unethical conduct.

As a result, the Board advises that provided registrants in their price fixing conduct do not behave in a way that constitutes unsatisfactory professional conduct, the matter would not come within the functions of the Board.

Thank you - the Board was grateful for the opportunity to consider this matter.

Yours sincerely

Peter Collie  
**Principal Coordinator**