



VICTORIA

**AUSTRALIAN DENTAL ASSOCIATION VICTORIAN BRANCH INC.**

**BY-LAW 2**

**ETHICS AND MEMBERSHIP OBLIGATIONS**

The provisions of this By-Law fall within the province of Rule 108 and By-Law 3 of the Branch which deal with the investigation into alleged infringements of Membership conditions and possible disciplinary actions.

**(1) INTERPRETATION**

Unless inconsistent with the context or subject matter words and expressions defined in the Rules of the Branch shall be given the same meanings in this By-Law.

**(2) GENERAL**

- (a) Members shall behave in all circumstances, both within and outside their professional life, in a manner that will enhance the prestige, honour and dignity of their profession.
- (b) All Members shall recognise and uphold their professional responsibilities and obligations to their patients, to the community, to their colleagues, to the Association, the Branch and to dentistry.
- (c) In view of these considerations, the following Code of Ethics shall be observed by all Members of the Branch.
- (d) Any Member who has had a guilty verdict or a penalty recorded by a Court, in those cases where the conduct of the practitioner, whether occurring in connection with the practice of the health practitioner's profession or not, that is inconsistent with the practitioner being a fit and proper person to hold registration as a dentist, shall be deemed to have infringed this By-Law.
- (e) In accordance with the Association Constitution Clause 105 a member may be referred to the Branch for investigation of a written complaint or a penalty recorded by a court or a breach of the Association Constitution or By-Laws or Code of Ethics or conduct likely to bring discredit to the Association. Association By-Law XV covers use of the Australian Dental Association crest, logo and name. For the purposes of this By-Law the relevant rules regarding the Association Logo shall apply to the Branch logo.

**(3) ASSOCIATION CODE OF ETHICS**

This code is the Association's Code of Ethics, as amended from time to time by Federal Council.

**(a) OBLIGATIONS TOWARDS PATIENTS**

- (i) The primary responsibility of dentists is the health, welfare and safety of their patients.
- (ii) Except in emergencies, or where they would be failing in their duties on humanitarian grounds, dentists have a right to decline to treat a patient provided that the reason for refusal does not contravene any legislation or principle of law.
- (iii) Dentists should perform treatment only within areas of their competence.

If appropriate, referral for advice or treatment to other professional colleagues should be arranged.

- (iv) Dentists must accept responsibility for all treatment undertaken by themselves and, as permitted by law, by allied dental personnel acting under their supervision.
- (v) No service or treatment shall be delegated to a person who is not qualified or is not permitted by the Laws of the Commonwealth, State or Territory to undertake that service or treatment.
- (vi) Records that are comprehensive, accurate and respectful must be created and safeguarded for all patients.
- (vii) Confidentiality and privacy with respect to both clinical and non-clinical information must be maintained except where the Laws of the Commonwealth, State or Territory dictate otherwise. It should be recognised that patients have the right to access their personal records and/or receive copies of them. Care should also be exercised to make certain that the issuing or transferring of personal records can only occur with the proper authority of the patient concerned. It is the obligation of dentists to ensure that allied dental personnel, contractors and other service providers under their supervision observe that same confidentiality.
- (viii) Dentists should ensure that they provide patients with clear information about their dental condition and proposed treatment options so that patients are then able to make decisions that lead to informed consent for a particular option, without which it should not proceed.
- (ix) Members shall recognise that patients are entitled to consult any dentist and change their dentists at will, even during the course of treatment.
- (x) Where dentists recommend a product or service in which they have a commercial interest, this should be disclosed to patients at the time the recommendation is made.

#### **(b) OBLIGATIONS TOWARDS EMPLOYEES**

- (i) Owners of dental practices must not aid, abet, counsel or induce an employee dentist or other health care worker to:
  - provide treatment that might be knowingly or likely to be deleterious to a patient; or
  - provide treatment that does not meet reasonable standards of professional competence or best practice as may prevail from time to time.

#### **(c) ATTITUDES TOWARDS COLLEAGUES**

- (i) Dentists should build their professional reputation on merit.
- (ii) Dentists should be reasonably willing to assist their colleagues, including allied dental personnel, by the provision of professional services and in furtherance of the principles set out in this Code of Ethics.
- (iii) When a patient seeks advice from dentists other than their usual dentist:
  - if the dentist is consulted in an emergency by the patient of another dentist, the consulted dentist should relieve any immediate problem and notify the patient's usual dentist of that treatment;
  - if the patient is seeking an opinion about their oral condition, the dentist should endeavour not to say anything which calls into question the integrity of their usual dentist;
  - if the patient is consulting a specialist dentist, the specialist should inform the usual dentist of the results of such consultation, including any diagnoses made, treatments, investigations or referrals recommended and of any treatments completed.

- (iv) Dentists should make the results of personal research freely available and should be prepared to share any scientific, clinical or technical knowledge Whilst being able to preserve whatever proprietary rights they hold in the personal research as Intellectual Property or otherwise.
- (v) Dentists should only delegate tasks to allied dental personnel who are legally authorised, formally educated, trained and competent to complete the task delegated.

#### **(d) THE PRACTICE OF THE PROFESSION**

- (i) Dentists should act at all times in a manner that will uphold and enhance the integrity dignity and reputation of the profession.
- (ii) Dentists should express opinions, make statements, quote fees, or give evidence in an objective and truthful manner.
- (iii) Dentists should maintain professional competence throughout their careers by active and continual advancement of their knowledge of scientific, clinical and technical developments.
- (iv) Dentists shall not advertise in a manner which is false or misleading, is harmful to the reputation of the profession, is inconsistent with reasonable standards of advertising of goods or services ordinarily undertaken by the profession as a whole or is in poor taste.
- (v) Dentists must be familiar with and comply without exception with all relevant legislation, regulations, codes and guidelines governing dentistry including but not limited to the Dental Code of Conduct for Health Practitioners published by the Dental Board of Australia as may be varied from time to time.

#### **(4) RELEASE OF BRANCH INFORMATION**

- (a) No Member shall, without the consent of the Branch Council or the Executive Committee, disclose
  - (i) to any person (whether a Member or non-Member of the Branch), corporation, newspaper or periodical, the details of any of the proceedings of the Branch Council or of any Committee appointed by the Branch or by the Branch Council;
  - (ii) to any person (not being a Member of the Branch), corporation, newspaper or periodical, the details of any of the proceedings of any Meeting of the Branch;
  - (iii) to any person (not being a Member of the Branch), corporation, newspaper or periodical, the Rules and By-Laws of the Branch.
- (b) Members shall not publish or disseminate via any medium whatsoever, any material on behalf of the Branch, without prior approval from the Branch President.

#### **(5) INFRINGEMENT OF BY-LAW 2**

- (a) All the provisions of this By-Law shall be strictly observed by Members of the Branch.
- (b) Any infringement of such provisions may be dealt with in accordance with By-Law 3, *Management of Disputes and Ethical Complaints*.
- (c) Disciplinary action of Members may be proceeded with under Rule 108 of the Branch Constitution.

- (d) Members may be found to have infringed this By-Law for actions occurring beyond the immediate confines of the State of Victoria. Infringements of the rules, regulations or By-Laws of another Country, State or Territory Association while in that Country, State or Territory may be treated as if they contravened this Section of this present By-Law.

Adopted by the Branch Council	
Amended by the Branch Council	09/05/05 25/07/05 24/07/06 26/03/07 20/07/09 22/07/13 24/03/14 13/10/14 01/05/17