

Visiting dental officers, visiting dental specialists and visiting senior dental specialists – Engagement options

Human Resources Policy B61 (QH-POL-251)

Purpose

To outline the options for engagement and terms and conditions of employment for visiting dental officers, visiting dental specialists and visiting senior dental specialists.

Application

- This policy applies to employees who are engaged as visiting dental officers, visiting dental specialists and visiting senior dental specialists.
- Employment is the preferred engagement. If there is a requirement for a hospital and health service (HHS) to employ a visiting dental officer, visiting dental specialist or visiting senior dental specialist as a contractor, they are to liaise with their local Human Resources, Legal and Finance teams within the HHS for management.

Delegation

The ‘delegate’ is as listed in the relevant Department of Health Human Resource (HR) Delegations Manual, or Hospital and Health Services Human Resource (HR) Delegations Manual, as amended from time to time.

Legislative or other authority

- *Health Practitioners and Dental Officers (Queensland Health) Award – State 2015*
- *Health Practitioners and Dental Officers (Queensland Health) Certified Agreement (No. 4) 2022*

Related policy or documents

- *Dental – rural incentives HR Policy C62 (QH-POL-416)*

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Policy

1. Principles

Visiting dental officers and visiting dental specialists enhance dental services and are a key and valued employee group integral to the achievement of strategic priorities.

The wage rates contained within this policy have been updated by applying previous annual wage increases from 1 September 2011 up to and including 17 October 2024 as per the relevant industrial instrument that provides coverage for this discipline of employees.

Future increases in the rates of pay for visiting dental officers, visiting dental specialists and visiting senior dental specialists are to be applied, and be in line, with all future increases provided by the relevant industrial instrument that provides coverage for this discipline of employees.

2. Visiting dental officer engagement options

There are several options available through which visiting dental officers and dental specialists can be engaged:

- As an employee:
 - Permanent
 - Fixed term temporary; or
 - Casual.
- As a contractor:
 - A Dental Practice Company under a contract; or
 - A partnership under a contract

3. Terms and conditions of employment

Unless otherwise stated below, conditions of employment for visiting dental officers and visiting dental specialists are as prescribed by the *Health Practitioners and Dental Officers (Queensland Health) Award – State 2015* and *Health Practitioners and Dental Officers (Queensland Health) Certified Agreement (No. 4) 2022*.

3.1 Remuneration

Visiting dental employees are to be paid the loaded rate when calculating payments for ordinary work and leave. The base rate is used for overtime calculations only.

Rates of payment for visiting dental employees consist of the following components:

- Salary
- Private practice costs

The payment is to be paid by electronic funds transfer via the Queensland Health payroll system.

3.1.1 Rates of pay for visiting dental officers

Base rate/hr as at 17/04/22	Loaded rate as at 17/04/22
\$94.49	\$117.17

The loaded hourly rate is equal to the Base Hourly Rate plus 24%.

3.1.2 Rates of pay for visiting dental specialists

Year	Years of specialist registration	Base rate/hr as at 17/04/22	Loaded rate as at 17/04/22
Year 1	Less than 1 whole year eligibility	\$116.35	\$144.27
Year 2	1 whole year eligibility	\$120.73	\$149.71
Year 3	2 whole years' eligibility	\$125.14	\$155.17

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Year	Years of specialist registration	Base rate/hr as at 17/04/22	Loaded rate as at 17/04/22
Year 4	3 whole years' eligibility	\$129.80	\$160.95
Year 5	4 whole years' eligibility	\$133.99	\$166.15
Year 6	5 whole years' eligibility	\$138.51	\$171.75
Year 7, 8 or 9	6, 7, 8, and 9 whole years' eligibility	\$142.94	\$177.25
Year 10 & after	10 whole years' eligibility	\$146.55	\$181.72

The loaded hourly rate is equal to the Base Hourly Rate plus 24%.

Recognition of previous service

Recognition of previous service as a practising dental specialist is to be applied in determining the appointment salaries for visiting dental specialists.

The year expressed in the table above means the number of whole years from the date the employee first held specialist registration with the Australian Health Practitioner Regulation Agency (AHPRA) in the dental speciality relevant to their employment. One whole year eligibility refers to 12 calendar months service as a dental specialist.

A visiting dental specialist who is the sole practitioner within a HHS in a particular speciality, employed in a rural and remote area as prescribed in *HR Policy C62 Dental – rural incentives*, shall be employed at a commencing rate of not less than the year 2 rate.

Progression scale

From each anniversary of the commencement date of the appointment, a visiting dental specialist shall be entitled to payment at the rate of the next succeeding year. The anniversary is after a period of 12 months continuous service, not after the equivalent hours of 12 months full-time service.

3.1.3 Rates of pay for visiting senior dental specialists

Base rate/hr as at 17/04/22	Loaded rate as at 17/04/22
\$154.54	\$191.63

3.2 Appointment of visiting senior dental specialist

3.2.1 Criteria for appointment

The appointment of a visiting dental specialist as a visiting senior dental specialist is to be regarded as a designation for special and sustained merit and is not an automatic right. Consideration of such merit is to be given in at least one of the below areas:

- clinical skills
- teaching
- research

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- public health
- administration.

Criteria to apply for the designation of visiting senior dental specialist are:

- registration as a dental specialist with AHPRA in a speciality relevant to their appointment for a minimum of ten (10) years
- practicing as a dental specialist in a specialty relevant to their appointment

3.2.2 Application process

A visiting dental specialist who fulfils the above conditions and who can demonstrate special and sustained merit in any of these areas may apply to the employing HHS requesting designation as a visiting senior dental specialist. The application is to include certified evidence of:

- qualifications
- AHPRA registration
- curriculum vitae
- reasons for the application; and
- the area/s of special merit that are thought to support the designation.

The HHS is to acknowledge the application and forward (in confidence) the request to the Office of the Chief Dental Officer (OCDO).

OCDO is to convene a meeting of a committee not more than two months following the receipt of the application. If any member of the committee is unable to attend, a written opinion from that member is to be accepted by the committee. The committee is to consist of the following people:

- Chief Dental Officer (or representative) who is to be chair
- A representative nominated by the Health Service Chief Executive (HSCE)
- Clinical Director of relevant Oral Health Service
- Specialist within the same discipline as the applicant.

When the above committee has reached a decision, OCDO is to forward to the HSCE a recommendation as to whether the visiting dental specialist is or is not to be designated as a visiting senior dental specialist. The HSCE is to then consider the matter and notify the applicant of the decision.

No appeal on the decision of the HSCE is possible however, an unsuccessful applicant may seek feedback from the committee chair and resubmit an application not less than 12 months from the date of submission of the unsuccessful application.

3.3 Work arrangements

3.3.1 Probationary period

Visiting dental employees that are appointed on a permanent basis shall be subject to a probationary period of one (1) year.

3.3.2 Hours of work and overtime

Services shall be provided between 8.00am and 6.00pm, Monday to Friday, unless otherwise agreed.

The maximum number of ordinary hours worked by visiting dental officers, visiting dental specialists and visiting senior dental specialists within any one HHS shall not exceed 64 hours per fortnight. If an employee works across more than one HHS, the maximum number of ordinary hours worked across all HHSs shall not exceed 64 hours per fortnight. Any additional hours worked shall be considered overtime.

Visiting dental officers, visiting dental specialists and visiting senior dental specialists are required to declare hours of work undertaken in another HHS prior to undertaking work in more than one HHS.

Ordinary hours are paid at the applicable loaded rate per hour for the number of actual hours worked, e.g. payment is not to be made for three hours when only two hours work has been performed.

Each casual engagement stands alone with a minimum payment as for 2 hours' work to be made in respect to each engagement.

A part-time employee must be employed for no less than 8 ordinary hours per fortnight.

The HHS is to pre-determine the necessary duration of services in conjunction with the visiting dental officer, visiting dental specialist or visiting senior dental specialist.

3.3.3 Changes to rostered hours

Where a request to vary the rostered hours by either the HHS or the employee, a minimum of three (3) months' notice in writing shall be given outlining the reasons for the variation. A lesser period of notice may be mutually agreed in writing between the HHS and the employee. Provided further that final approval in respect of an adjustment to rostered hours as addressed in this subclause shall rest with the HHS.

3.3.4 On call

The payment for on call time shall be thirty per cent (30%) of one (1) hour at the applicable hourly base rate.

3.3.5 Recall

The payment for each hour of recall where the employee is required to attend a facility or department to provide clinical services shall be at the rate of one hundred and fifty percent (150%) of the applicable hourly base rate.

A minimum payment equal to two (2) hours payment for the first recall and one (1) hour for any subsequent recalls in any period of 24 hours shall be made. Where the period worked is in excess of the above minimal periods, the excess worked shall be taken to the nearest quarter of an hour for payment purposes.

A subsequent recall within the minimum periods referred to shall not be regarded as a separate recall.

3.3.6 Continuation of duty

Payment for continuation of duty shall be at the appropriate loaded hourly rate.

Self-initiated attendance is to be considered where the need for additional service exists for extended periods and is not usually considered for short term requirements.

An application is to be made to the HHS for consideration where a maximum of three (3) hours per week of self-initiated attendance may be granted provided the total number of hours worked within the fortnight does not exceed 64 hours per fortnight.

Payment will be made at the appropriate loaded rate multiplied by the number of hours of approved self-initiated attendance, regardless of the amount of service actually performed in each week. No payment will be made if the employee is on leave.

An employee who is not rostered on call and who receives an urgent request as above to attend the facility/department for recall, may elect not to attend. In making a decision to accept or to reject the request the employee should consider any existing clinical responsibilities and ethical issues in regard to patient needs. If the employee accepts the request, then all necessary treatment shall be provided forthwith.

3.3.7 Termination of employment

Except in the case of dismissal for misconduct, an employee shall receive three (3) months' notice of termination of employment or receive payment of three (3) months' salary in lieu thereof and shall give to the HHS three (3) months' notice of leaving such employment or forfeit three (3) months' salary in lieu thereof.

The HHS and the employee may mutually agree to a lesser period of notice in lieu of the period specified in this clause.

3.4 Payment for services

Where on any occasion an employee is late for the commencement of a rostered shift and/or reduces the duration of a rostered shift of the employee's own accord, payment shall only be made for the time worked, calculated to the nearest quarter of an hour.

Where a HHS on any occasion has been unable to provide the required amount of pre-arranged rostered hours for an employee, then payment shall be made for the full number of rostered hours.

Where a rostered shift is cancelled for any reason by the HHS, employees shall be remunerated as if they had worked in accordance with the projected roster agreed for that particular day provided that payment shall not be made where the shift is cancelled at the instigation of the employee, including cancellation of a shift where the employee is required to perform private dental services.

The following provisions apply in relation to public holidays and other absences.

- a) Deductions shall not be made in the remuneration of an employee when a normal rostered shift is not worked because it falls on a public holiday.
- b) If a rostered shift, which would normally fall on a public holiday, is rescheduled in advance to another day, no additional remuneration is payable for the rescheduled session.

- c) Deductions shall not be made in the remuneration if an employee is unable to attend a rostered shift for a reason other than sickness or to attend conferences provided that:
 - i. the HHS is given prior notification of the intending absence and the reason given is accepted by the HHS/Director; and
 - ii. the time missed is made up at a time approved by the HHS/Director.
- d) In other circumstances, the appropriate deduction in remuneration shall be made.

3.5 Superannuation guarantee change

The Federal Government has enacted the Superannuation Guarantee contribution legislation under which employers are required to provide a minimum level of superannuation contributions to a complying superannuation fund for the benefit of their employees. If an employer does not provide the minimum level of contributions in respect of each of their employees, the employer will be liable to pay the superannuation guarantee charge.

As an employee under a Letter of Appointment, the engagement is as an employee and paid through payroll. Employer superannuation contributions will be made as part of the payroll process. Payment of the appropriate superannuation contributions will be made by the HHS on their behalf. From 1 July 2017 employees have been able to choose their own complying superannuation fund.

4. Terms and conditions of engagement - contractors

Queensland Health is committed to complying with Government policy in relation to contracting out services. No visiting dental officers, visiting dental specialist or visiting senior dental specialist who are sole traders are to be engaged as contractors.

An independent contractor visiting dental officer, visiting dental specialist or visiting senior dental specialist must be engaged through a partnership or company, with that entity being the contracted third party that provides the nominated authorised visiting dental officer, visiting dental specialist or visiting senior dental specialist.

A Practice Company under a contract:

This means that the HHS contracting with the practice company is not the employer of the authorised visiting dental officer, visiting dental specialist or visiting senior dental specialist and is therefore not required to make superannuation guarantee contributions. The practice company is responsible for any superannuation, taxation or other obligations for the authorised practitioner as may be required by law.

There are, however, some issues which need to be addressed to ensure that the contract does not bring the authorised practitioner within the definition of an employee under the superannuation guarantee legislation.

The contract must be between the HHS and the practice company and not the individual visiting dental officer, visiting dental specialist, or visiting senior dental specialist. All documentation related to the work done (e.g. tax invoices) must be between the practice company and the hospital and or health facility. All payments must be made to the practice company who in turn must pay the visiting dental officer, visiting dental specialist, or visiting senior dental specialist.

The contract must provide that the practice company can provide more than one person (duly authorised) to perform the duties specified in the contract (i.e. authorised visiting dental officer, visiting dental specialist or visiting senior dental specialist). All such persons must be appropriately authorised by the HHS, but this qualification does not have any implication in determining where any employer/employee relationship lies.

The contract must be used and entered into between the HHS and the practice company to ensure there is no employment relationship.

In summary, the practice company will be regarded as the employer of the visiting dental officer, visiting dental specialist or visiting senior dental specialist for superannuation guarantee (SG) purposes, where eligible, provided the above requirements are met.

A Partnership under a contract:

In this scenario, the HHS contracts with and makes the payments to a partnership to provide a suitably qualified visiting dental officer, visiting dental specialist or visiting senior dental specialist, and not any specific individual.

If a partner contracts principally to provide their labour in their own right outside the partnership, then they cannot be engaged as a contractor, and will need to be engaged as an employee. This is because they cannot delegate the work to another person and SG contributions would have to be made.

Where the contract requires the partnership to supply a suitably qualified visiting dental officer, visiting dental specialist or visiting senior dental specialist (i.e. not a particular partner), the visiting dental officer, visiting dental specialist or visiting senior dental specialist will be an employee of the partnership. However, even if a partnership enters into a contract which requires labour to be performed by a particular partner, then the contract is not with that particular partner, but with the partnership. If a partner enters into a contract on behalf of the partnership, this is done so for each of the partners.

This means that the HHS is not the employer when contracting with the partnership entity and is therefore not required to make SG contributions for any authorised practitioners provided under the contract. All payments must be made to the partnership entity who in turn must pay the visiting dental officer, visiting dental specialist or visiting senior dental specialist.

For more information on terms and conditions of employment for visiting dental officer, visiting dental specialist or visiting senior dental specialist engaged as contractors, refer to your local HHS Recruitment, Legal or Finance departments in the first instance.

Definitions

Term	Definition
Entitlements	include any overtime, allowances, superannuation, leave accruals or any other payment to which the dental officer, visiting dental specialist or visiting senior dental specialist are entitled in respect of the provision of the services.

Term	Definition
Supplier	means the person who nominates one or more authorised visiting dental officer, visiting dental specialist or visiting senior specialist to perform the clinical services and associated tasks as per the Agreement with the HHS.
On call time	means a period - (a) between 6pm on a day and 8am the following day; and (b) between 8am and 6pm on a Saturday, Sunday or public holiday;
Recall	means an attendance by an authorised visiting dental officer, visiting dental specialist or visiting senior specialist at a hospital and/or health facility other than for a rostered shift or a self-initiated attendance, at the request of the State to provide professional dental services.
Rostered shift	means a period scheduled by the HHS for prearranged professional services to be provided at the time and place designated.
Superannuation Guarantee	Requires an employer to provide a minimum level of superannuation contributions to a complying fund for the benefit of their employees
Visiting dental officer	a dentist with general registration under the Health Practitioner Regulation National Law Act 2009 (Cth) in Australia and who incurs ongoing private practice costs.
Visiting dental specialist	a dentist with specialist registration under the Health Practitioner Regulation National Law Act 2009 (Cth) in Australia and who incurs ongoing private practice costs.
Visiting senior dental specialist	a dentist with specialist registration under the Health Practitioner Regulation National Law Act 2009 (Cth) in Australia, who incurs ongoing private practice costs and who has met the criteria for designation as a visiting senior specialist.

History

Date	Policy change
7 August 2023	<p>Policy amended:</p> <ul style="list-style-type: none"> Formatted as part of the HR Policy review Update wage rates Amended to update title, references, naming conventions and consolidate HR Policies B61 and B62 Addition of terms and conditions for visiting dental practitioners (contracts) Repealed HR Policy B62 Visiting General Dental Practitioners, Oral Surgeons and Other Visiting Dental Specialists (Contracts) – Terms and Conditions of Employment
February 2010	<ul style="list-style-type: none"> Developed as a result of the HR policy consolidation project. Supersedes IRM 2.7-8 Terms and Conditions of Employment, Visiting General Dental Practitioners, Oral Surgeons and Other Visiting Dental Specialists – Employees