

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

W. S. MOWLE,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 27 January, 1927.*

New South Wales.



ANNO SEPTIMO DECIMO

GEORGI V REGIS.

Act No. 8, 1927.

An Act to amend the Dentists Act, 1912, and certain other Acts; and for purposes connected therewith. [Assented to, 3rd February, 1927.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Dentists (Amendment) Act, 1927." Short title and commencement.

(2) This Act shall commence upon a date to be appointed by the Governor and notified by proclamation published in the Gazette.

(3) The Dentists Act, 1912, as amended by subsequent Acts, is herein referred to as the Principal Act.

2.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

R. GREIG,
Chairman of Committees of the Legislative Assembly.

Dentists (Amendment).

Amendment
of Act No. 26,
1912, s. 4.

2. (1) The Principal Act is amended by omitting section four and by inserting in lieu thereof the following new section :—

Dental
Board.

4. (1) The Dental Board shall consist of eight members, one of whom shall be the Dean of the Faculty of Dentistry at the University of Sydney, and another the President of the United Dental Hospital of Sydney.

Of the other members of the board, two, one of whom shall be a duly qualified medical practitioner and the other a barrister or solicitor, shall be appointed by the Governor, and four shall be dentists elected in the prescribed manner by the persons registered as dentists under this Act for the year in which the election is held.

(2) The Governor may appoint one of the members of the board to be the president of the board.

(3) The term of office of an elected or appointed member of the board shall be three years from the date of his election or appointment.

(4) Any vacancy in the office of an elected or appointed member may be filled by appointment by the Governor. If the vacancy is in the office of an elected member the person who at the last election received the next largest number of votes if qualified and willing to act shall be appointed to fill the vacancy, and if there shall be no such person qualified and willing to act the vacancy shall be filled by the Governor. Any person appointed to fill a vacancy shall hold office for the residue of the term for which his predecessor was elected or appointed.

(5) Each member of the board shall be paid a fee of one guinea for each meeting of the board which he attends and the president shall be paid an additional fee of one guinea for each meeting which he attends: Provided that the fees paid to any member during any year shall not exceed twenty-five guineas, or in the case of the president shall not exceed fifty guineas. (6)

Dentists (Amendment).

(6) Notwithstanding any vacancy in the membership of the board the business, jurisdiction, and functions of the board may be carried on by the members actually in office, who shall have all the powers of the board.

(2) The members of the Dental Board in office at the commencement of this Act other than ex officio members shall cease to hold office upon a date to be fixed by the Governor and notified by proclamation published in the Gazette, but shall be eligible for appointment or election to the board under the provisions of section four of the Principal Act inserted by this Act.

Certain present members of board to cease to hold office.

3. The Principal Act is further amended by omitting from section six subsection two thereof and by inserting in lieu thereof the following new subsections :—

Further amendment of Act No. 26, 1912, s. 6.

(2) In any proceedings against any person for a contravention of any of the provisions of this Act a certificate in the prescribed form under the hands of the president and the registrar, of whose signatures judicial notice shall be taken, may be received in evidence to prove the fact that the person charged was not on the date mentioned in the certificate registered as a dentist under this Act.

(3) Every dentist shall in or before the month of October in each year pay to the registrar a roll fee of ten shillings for the following year.

Annual roll fee.

(4) If any dentist does not pay the roll fee in or before the month of October in any year, the board may remove his name from the register :

Provided that the name of a dentist shall not be removed from the register under this subsection unless the roll fee is still unpaid at the expiration of one month after the posting of a registered letter addressed to him at the address appearing in the register, notifying him that it is the intention of the board so to remove his name.

(5) If the name of any dentist is removed from the register under this section, the board shall upon application in the prescribed form restore his name to the register upon payment of such fees as are prescribed by the regulations made under this

Act.

Dentists (Amendment).

Act. The regulations may provide for the waiver of such part of the fees as the board may in a particular case deem proper.

(6) Together with the roll fee the dentist shall furnish particulars of his address for entry in the register.

(7) Where the name of a dentist has been removed from the register and until the name has been restored thereto the dentist shall be deemed to be a person not registered as a dentist under this **Act.**

(8) This section shall apply to persons who were registered as dentists or deemed to be so registered at the commencement of the Dentists (Amendment) Act, 1927, as well as to persons registered as dentists after such commencement.

Further amendment of Act No. 26, 1912, s. 7.

Death of dentist to be reported to board.

4. The Principal Act is further amended by inserting at the end of section seven the following new subsections:—

(2) Every district registrar appointed under the Registration of Births, Deaths, and Marriages Act, 1899 (including the Registrar-General in respect of deaths registered in the district of Sydney), upon registering the death of any dentist shall transmit notice of such death to the registrar of the dental board at Sydney in the manner and the times prescribed, and the board shall upon receipt of such notice cause the name of such dentist to be removed from the register.

(3) Every such district registrar shall be entitled to receive a fee of two shillings for each such notification; and subsection two of section fifteen of the said Act shall extend to such fees.

Further amendment of Act No. 26, 1912, s. 8.

5. The Principal Act is further amended—

- (a) (i) by omitting from section eight the words “infamous conduct” where those words firstly and thirdly occur and by inserting in lieu thereof the word “misconduct”;
- (ii) by omitting from the same section the words “any registered dentist who makes use

Dentists (Amendment).

use of any title or description which has not been conferred upon him by some body recognised by the board shall be deemed guilty of infamous conduct in a professional respect” and by inserting in lieu thereof the words:—

“ Without limiting the meaning of the expression ‘misconduct in a professional respect’ a dentist shall be deemed guilty of such conduct who—

- (i) makes use of any title or description other than one granted to him by some body recognised by the board ; or by any dental board previously in existence in New South Wales ; or
 - (ii) save or in such cases as are prescribed, practises in dentistry in a name other than his own ; or
 - (iii) allows the use of his name in connection with the practice of dentistry at premises at which he is not in regular attendance for the purpose of practice and supervision ; or
 - (iv) advertises otherwise than in a manner prescribed.”
- (b) by adding the following paragraphs at the end of the said section:—

Every complaint respecting the conduct of any dentist lodged with the board, involving a charge of misconduct in a professional respect, shall be accompanied by a deposit of five pounds. Deposit on
complaint.

Such deposit shall not be required where the complaint is lodged by a member of the police force or an officer of the board.

If after due inquiry as aforesaid the board is of opinion that the complaint is vexatious or frivolous in its nature, it shall so declare, and thereupon the sum so deposited shall be forfeited.

In the absence of such declaration as aforesaid the sum so deposited shall be refunded.

Dentists (Amendment).

Further amend-
ment of Act
No. 26, 1912.

Sec. 10.

6. (1) The Principal Act is further amended—

- (a) by inserting in section ten after the words "any person who" the words "proves to the satisfaction of the board that he is of good character, and who";
- (b) by omitting from paragraph (a) of the same section the words "and who proves to the satisfaction of the board that he is of good character";
- (c) by omitting from paragraph (b) of the same section the words "an examination before the board according to the prescribed regulations" and by inserting in lieu thereof the words "the prescribed examinations, which shall be conducted by the University of Sydney";
- (d) by omitting paragraph (c) of the same section.
- (e) by inserting at the end of the same section the following new paragraphs:—

After the commencement of the Dentists (Amendment) Act, 1927, no person at such commencement apprenticed to a dentist shall be registered upon the qualification set out in paragraph (b) of this section unless he has passed in the prescribed subjects an examination of a standard equal to that of the examination for the intermediate certificate.

After the commencement of the Dentists (Amendment) Act, 1927, no person shall be permitted to be apprenticed to a dentist before passing in the prescribed subjects, the prescribed examination.

Sec. 3.

(2) The Principal Act is further amended by inserting after the definition "prescribed" in section three the following new definition:—

Recognised
certificate.

"Recognised certificate" means a certificate, diploma, membership, degree, license, letters, testimonial, or other title, status, or document granted by some university, college, or other public

Dentists (Amendment):

public institution in a British possession or foreign country, and which is recognised by the board—

- (a) as entitling the holder thereof to practise dentistry in such possession or country; and
- (b) as furnishing sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practise of dentistry.

7. (1) The Principal Act is further amended—

Further amendment of Act No. 26, 1912.

- (a) by omitting section 10A; Repeal of s. 10A.
- (b) by omitting from section three the words “(b) a person is an operating dental assistant if he practises in dentistry as an assistant to a person practising in dentistry”; Sec. 3.
(Consequential amendment.)
- (c) by omitting from section twelve the words “or a person authorised by this Act to practise in dentistry”; Sec. 12.
Ibid.
- (d) by omitting from section 12A the words “or a person practising in dentistry or acting as assistant to a dentist, under the authority of this Act.” Sec. 12A.
Ibid.

(2) Section two of the Dentists (Amendment) Act, 1916, is amended by omitting paragraph (b) of the matter added to section three of the Dentists Act, 1912. Amendment of Act No. 15, 1916, s. 2.

(3) Section two of the Dentists (Further Amendment) Act, 1916, is amended by omitting paragraph (b). Amendment of Act No. 54, 1916, s. 2.

(4) Any person who before the commencement of this Act has been accepted by the board for examination under section 10A of the Principal Act omitted by this Act shall be deemed to be eligible to sit for such examination at any time within twelve months from the commencement of this Act or within such further time as the board may allow, and if he passes such examination may be registered as a dentist under the Principal Act. Any such examination shall be conducted by the University of Sydney. Savings.

Dentists (Amendment).

Further
amendment of
Act No. 26, 1912.
Substituted
s. 11.

Reciprocal
registration.

8. (1) The Principal Act is further amended by omitting section eleven and by inserting the following section in lieu thereof:—

11. The holder of a recognised certificate, as hereinbefore defined, shall not be entitled to be registered in virtue of such certificate under this Act as a dentist without further prescribed examination, unless he shows to the satisfaction of the board that by the laws or regulations in that behalf in force in the country where such certificate was issued, the right to practise dentistry therein is granted to persons who are registered as dentists under this Act by virtue of their being so registered and without further examination.

Consequential
amendment.

(2) Section seven of the Dentists (Further Amendment) Act, 1916, is omitted.

Further
amendment of
Act No. 26, 1912.

Sec. 12B.

9. The Principal Act is further amended—

(a) by inserting in section 12B the following new subsection:—

(2) The name of a locum tenens engaged by a dentist to carry on his practice for any period exceeding one month, shall be notified to the board in the prescribed manner.

Locum
tenens.

13.

(b) (i) by omitting from paragraph (c) of section thirteen the words "section eleven" and by inserting the words "this Act" in lieu thereof;

(ii) by omitting from the same section the words "and a copy thereof" and by inserting in lieu thereof the words "and shall take effect from the date of such publication or from a later date specified in the regulations. Such regulations";

(iii) by inserting in the same section after the word "fourteen" wherever occurring the word "sitting";

(iv) by inserting at the end of the same section the words "If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days

Dentists (Amendment).

days after the regulations have been laid before such House disallowing the regulation or any part thereof, the regulation or part shall thereupon cease to have effect”;

- (c) by inserting in section sixteen after the words ^{Sec. 16.} “that purpose” the words “or a member of the police force”;
- (d) by omitting from section seventeen the words ^{Sec. 17.} “such fees” and by inserting in lieu thereof the words “all fees paid to the registrar under this Act or the regulations”;
- (e) by inserting at the end of section one the ^{Sec. 1.} following new subsection:—

(2) This Act as amended by the Dentists (Amendment) Act, 1916 (Act No. 15, 1916), the Dentists (Further Amendment) Act, 1916 (Act No. 54, 1916), and the Dentists (Amendment) Act, 1927, may be cited as the Dentists Acts, 1912-1927.

In the name and on behalf of His Majesty I assent to this Act.

D. R. S. DE CHAIR,

Government House.

Governor.

Sydney, 3rd February, 1927.

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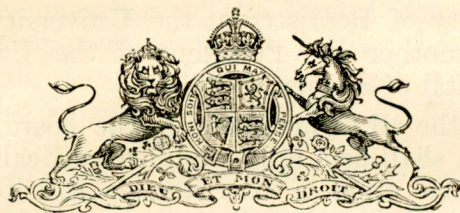
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W. S. MOWLE,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
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Act No. 8, 1927.

An Act to amend the Dentists Act, 1912, and certain other Acts; and for purposes connected therewith. [Assented to, 3rd February, 1927.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Dentists (Amendment) Act, 1927." Short title and commencement.

(2) This Act shall commence upon a date to be appointed by the Governor and notified by proclamation published in the Gazette.

(3) The Dentists Act, 1912, as amended by subsequent Acts, is herein referred to as the Principal Act.

2.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

R. GREIG,
Chairman of Committees of the Legislative Assembly.

Dentists (Amendment).

Amendment
of Act No. 26,
1912, s. 4.

2. (1) The Principal Act is amended by omitting section four and by inserting in lieu thereof the following new section :—

Dental
Board.

4. (1) The Dental Board shall consist of eight members, one of whom shall be the Dean of the Faculty of Dentistry at the University of Sydney, and another the President of the United Dental Hospital of Sydney.

Of the other members of the board, two, one of whom shall be a duly qualified medical practitioner and the other a barrister or solicitor, shall be appointed by the Governor, and four shall be dentists elected in the prescribed manner by the persons registered as dentists under this Act for the year in which the election is held.

(2) The Governor may appoint one of the members of the board to be the president of the board.

(3) The term of office of an elected or appointed member of the board shall be three years from the date of his election or appointment.

(4) Any vacancy in the office of an elected or appointed member may be filled by appointment by the Governor. If the vacancy is in the office of an elected member the person who at the last election received the next largest number of votes if qualified and willing to act shall be appointed to fill the vacancy, and if there shall be no such person qualified and willing to act the vacancy shall be filled by the Governor. Any person appointed to fill a vacancy shall hold office for the residue of the term for which his predecessor was elected or appointed.

(5) Each member of the board shall be paid a fee of one guinea for each meeting of the board which he attends and the president shall be paid an additional fee of one guinea for each meeting which he attends: Provided that the fees paid to any member during any year shall not exceed twenty-five guineas, or in the case of the president shall not exceed fifty guineas. (6)

Dentists (Amendment).

(6) Notwithstanding any vacancy in the membership of the board the business, jurisdiction, and functions of the board may be carried on by the members actually in office, who shall have all the powers of the board.

(2) The members of the Dental Board in office at the commencement of this Act other than ex officio members shall cease to hold office upon a date to be fixed by the Governor and notified by proclamation published in the Gazette, but shall be eligible for appointment or election to the board under the provisions of section four of the Principal Act inserted by this Act.

Certain present members of board to cease to hold office.

3. The Principal Act is further amended by omitting from section six subsection two thereof and by inserting in lieu thereof the following new subsections :—

Further amendment of Act No. 26, 1912, s. 6.

(2) In any proceedings against any person for a contravention of any of the provisions of this Act a certificate in the prescribed form under the hands of the president and the registrar, of whose signatures judicial notice shall be taken, may be received in evidence to prove the fact that the person charged was not on the date mentioned in the certificate registered as a dentist under this Act.

(3) Every dentist shall in or before the month of October in each year pay to the registrar a roll fee of ten shillings for the following year.

Annual roll fee.

(4) If any dentist does not pay the roll fee in or before the month of October in any year, the board may remove his name from the register :

Provided that the name of a dentist shall not be removed from the register under this subsection unless the roll fee is still unpaid at the expiration of one month after the posting of a registered letter addressed to him at the address appearing in the register, notifying him that it is the intention of the board so to remove his name.

(5) If the name of any dentist is removed from the register under this section, the board shall upon application in the prescribed form restore his name to the register upon payment of such fees as are prescribed by the regulations made under this

Act.

Dentists (Amendment).

Act. The regulations may provide for the waiver of such part of the fees as the board may in a particular case deem proper.

(6) Together with the roll fee the dentist shall furnish particulars of his address for entry in the register.

(7) Where the name of a dentist has been removed from the register and until the name has been restored thereto the dentist shall be deemed to be a person not registered as a dentist under this Act.

(8) This section shall apply to persons who were registered as dentists or deemed to be so registered at the commencement of the Dentists (Amendment) Act, 1927, as well as to persons registered as dentists after such commencement.

Further amendment of Act No. 26, 1912, s. 7.

4. The Principal Act is further amended by inserting at the end of section seven the following new subsections :—

Death of dentist to be reported to board.

(2) Every district registrar appointed under the Registration of Births, Deaths, and Marriages Act, 1899 (including the Registrar-General in respect of deaths registered in the district of Sydney), upon registering the death of any dentist shall transmit notice of such death to the registrar of the dental board at Sydney in the manner and the times prescribed, and the board shall upon receipt of such notice cause the name of such dentist to be removed from the register.

(3) Every such district registrar shall be entitled to receive a fee of two shillings for each such notification ; and subsection two of section fifteen of the said Act shall extend to such fees.

Further amendment of Act No. 26, 1912, s. 8.

5. The Principal Act is further amended—

- (a) (i) by omitting from section eight the words “infamous conduct” where those words firstly and thirdly occur and by inserting in lieu thereof the word “misconduct” ;
- (ii) by omitting from the same section the words “any registered dentist who makes use

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use of any title or description which has not been conferred upon him by some body recognised by the board shall be deemed guilty of infamous conduct in a professional respect" and by inserting in lieu thereof the words:—

"Without limiting the meaning of the expression 'misconduct in a professional respect' a dentist shall be deemed guilty of such conduct who—

- (i) makes use of any title or description other than one granted to him by some body recognised by the board; or by any dental board previously in existence in New South Wales; or
- (ii) save or in such cases as are prescribed, practises in dentistry in a name other than his own; or
- (iii) allows the use of his name in connection with the practice of dentistry at premises at which he is not in regular attendance for the purpose of practice and supervision; or
- (iv) advertises otherwise than in a manner prescribed."

(b) by adding the following paragraphs at the end of the said section:—

Every complaint respecting the conduct of any dentist lodged with the board, involving a charge of misconduct in a professional respect, shall be accompanied by a deposit of five pounds. Deposit on
complaint.

Such deposit shall not be required where the complaint is lodged by a member of the police force or an officer of the board.

If after due inquiry as aforesaid the board is of opinion that the complaint is vexatious or frivolous in its nature, it shall so declare, and thereupon the sum so deposited shall be forfeited.

In the absence of such declaration as aforesaid the sum so deposited shall be refunded.

Dentists (Amendment).

Further amend-
ment of Act
No. 26, 1912.

Sec. 10.

6. (1) The Principal Act is further amended—

- (a) by inserting in section ten after the words “any person who” the words “proves to the satisfaction of the board that he is of good character, and who”;
- (b) by omitting from paragraph (a) of the same section the words “and who proves to the satisfaction of the board that he is of good character”;
- (c) by omitting from paragraph (b) of the same section the words “an examination before the board according to the prescribed regulations” and by inserting in lieu thereof the words “the prescribed examinations, which shall be conducted by the University of Sydney”;
- (d) by omitting paragraph (c) of the same section.
- (e) by inserting at the end of the same section the following new paragraphs:—

After the commencement of the Dentists (Amendment) Act, 1927, no person at such commencement apprenticed to a dentist shall be registered upon the qualification set out in paragraph (b) of this section unless he has passed in the prescribed subjects an examination of a standard equal to that of the examination for the intermediate certificate.

After the commencement of the Dentists (Amendment) Act, 1927, no person shall be permitted to be apprenticed to a dentist before passing in the prescribed subjects, the prescribed examination.

Sec. 3.

(2) The Principal Act is further amended by inserting after the definition “prescribed” in section three the following new definition:—

Recognised
certificate.

“Recognised certificate” means a certificate, diploma, membership, degree, license, letters, testimonial, or other title, status, or document granted by some university, college, or other public

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public institution in a British possession or foreign country, and which is recognised by the board—

- (a) as entitling the holder thereof to practise dentistry in such possession or country; and
- (b) as furnishing sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practise of dentistry.

7. (1) The Principal Act is further amended—

- (a) by omitting section 10A ;
- (b) by omitting from section three the words “ (b) a person is an operating dental assistant if he practises in dentistry as an assistant to a person practising in dentistry ” ;
- (c) by omitting from section twelve the words “ or a person authorised by this Act to practise in dentistry ” ;
- (d) by omitting from section 12A the words “ or a person practising in dentistry or acting as assistant to a dentist, under the authority of this Act.”

Further amendment of Act No. 26, 1912.

Repeal of s. 10A.

Sec. 3.
(Consequential amendment.)

Sec. 12.
Ibid.

Sec. 12A.
Ibid.

(2) Section two of the Dentists (Amendment) Act, 1916, is amended by omitting paragraph (b) of the matter added to section three of the Dentists Act, 1912.

Amendment of Act No. 15, 1916, s. 2.

(3) Section two of the Dentists (Further Amendment) Act, 1916, is amended by omitting paragraph (b).

Amendment of Act No. 54, 1916, s. 2.

(4) Any person who before the commencement of this Act has been accepted by the board for examination under section 10A of the Principal Act omitted by this Act shall be deemed to be eligible to sit for such examination at any time within twelve months from the commencement of this Act or within such further time as the board may allow, and if he passes such examination may be registered as a dentist under the Principal Act. Any such examination shall be conducted by the University of Sydney.

Savings.

Dentists (Amendment).

Further
amendment of
Act No. 26, 1912.
Substituted
s. 11.

Reciprocal
registration.

8. (1) The Principal Act is further amended by omitting section eleven and by inserting the following section in lieu thereof:—

11. The holder of a recognised certificate, as hereinbefore defined, shall not be entitled to be registered in virtue of such certificate under this Act as a dentist without further prescribed examination, unless he shows to the satisfaction of the board that by the laws or regulations in that behalf in force in the country where such certificate was issued, the right to practise dentistry therein is granted to persons who are registered as dentists under this Act by virtue of their being so registered and without further examination.

Consequential
amendment.

(2) Section seven of the Dentists (Further Amendment) Act, 1916, is omitted.

Further
amendment of
Act No. 26, 1912.

Sec. 12B.

9. The Principal Act is further amended—

(a) by inserting in section 12B the following new subsection:—

(2) The name of a locum tenens engaged by a dentist to carry on his practice for any period exceeding one month, shall be notified to the board in the prescribed manner.

Locum
tenens.

13.

(b) (i) by omitting from paragraph (c) of section thirteen the words "section eleven" and by inserting the words "this Act" in lieu thereof;

(ii) by omitting from the same section the words "and a copy thereof" and by inserting in lieu thereof the words "and shall take effect from the date of such publication or from a later date specified in the regulations. Such regulations";

(iii) by inserting in the same section after the word "fourteen" wherever occurring the word "sitting";

(iv) by inserting at the end of the same section the words "If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days

Dentists (Amendment).

days after the regulations have been laid before such House disallowing the regulation or any part thereof, the regulation or part shall thereupon cease to have effect”;

- (c) by inserting in section sixteen after the words Sec. 16. “that purpose” the words “or a member of the police force”;
- (d) by omitting from section seventeen the words Sec. 17. “such fees” and by inserting in lieu thereof the words “all fees paid to the registrar under this Act or the regulations”;
- (e) by inserting at the end of section one the Sec. 1. following new subsection:—

(2) This Act as amended by the Dentists (Amendment) Act, 1916 (Act No. 15, 1916), the Dentists (Further Amendment) Act, 1916 (Act No. 54, 1916), and the Dentists (Amendment) Act, 1927, may be cited as the Dentists Acts, 1912-1927.

In the name and on behalf of His Majesty I assent to this Act.

Government House.

Sydney, 3rd February, 1927.

D. R. S. DE CHAIR,

Governor.

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Legislative Council.

Dentists (Amendment) Bill.

EXPLANATORY NOTE.

THE amendments to the Dentists Act, 1912, proposed are to come into operation on a date to be proclaimed.

Clause 2 provides for the Dental Board to be reconstituted on the following basis :—

Four members to be dentists, who shall be elected by persons whose names appear on the Register of Dentists for New South Wales ;

Two members (one of whom is to be a medical practitioner and the other a barrister or solicitor), who shall be appointed by the Governor

The Dean of the Faculty of Dentistry ; and

The President of the United Dental Hospital.

The President of the Board will be appointed by the Governor from among the members.

The term of membership will be three years, and the members will receive fees as at present (£1 Is. per meeting attended) ; the President to receive double fees.

The appointed members of the present board (two medical practitioners and four dentists) are to cease to hold office on a date to be proclaimed.

Clause 3 introduces annual registration of dentists by which means the register will be purged of the names of those dentists who have died and of whose deaths there has been no notification.

The names of dentists who neglect to pay the annual fee may be removed from the register, but shall be replaced upon application and payment of the prescribed fees.

Clause 5 proposes to amend Section 8 of the Principal Act—the section under which “infamous conduct in a professional respect” is dealt with by the board.

The provision by which those who were pupils or apprentices prior to 1900 may be registered without examination is omitted.

The qualifications for registration will be—

a recognised certificate (governed to an extent by reciprocity provision) ;

passing examination after four years in acquiring professional knowledge (the apprenticeship section) ; or

the degree course at an Australian University (B.D.Sc., &c.)

All examinations hitherto conducted by the Board will in future be conducted by the University.

Clause 7 proposes to repeal, with appropriate savings, those portions of the 1916 amending Acts, the operation of which has become spent.

Clause 9 will add a new paragraph to existing section 12B requiring the notification of a locum tenens acting for longer than one month, and makes various machinery amendments.

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. S. MOWLE,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 19 January, 1927.

New South Wales.



ANNO SEPTIMO DECIMO

GEORGI V REGIS.

Act No. , 1927.

An Act to amend the Dentists Act, 1912, and certain other Acts; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Dentists (Amendment) Act, 1927."

Short title
and com-
mencement

(2) This Act shall commence upon a date to be appointed by the Governor and notified by proclamation published in the Gazette.

(3) The Dentists Act, 1912, as amended by subsequent Acts, is herein referred to as the Principal Act.

Dentists (Amendment).

2. (1) The Principal Act is amended by omitting section four and by inserting in lieu thereof the following new section :—

Amendment
of Act No. 26,
1912, s. 4.

5 4. (1) The Dental Board shall consist of eight members, one of whom shall be the Dean of the Faculty of Dentistry at the University of Sydney, and another the President of the United Dental Hospital of Sydney.

Dental
Board.

10 Of the other members of the board, two, one of whom shall be a duly qualified medical practitioner and the other a barrister or solicitor, shall be appointed by the Governor, and four shall be dentists elected in the prescribed manner by the persons registered as dentists under this Act for the

15 year in which the election is held.

(2) The Governor may appoint one of the members of the board to be the president of the board.

20 (3) The term of office of an elected or appointed member of the board shall be three years from the date of his election or appointment.

25 (4) Any vacancy in the office of an elected or appointed member may be filled by appointment by the Governor. If the vacancy is in the office of an elected member the person who at the last election received the next largest number of votes if qualified and willing to act shall be appointed to fill the vacancy, and if there shall be no such person qualified and willing to act the vacancy shall be

30 filled by the Governor. Any person appointed to fill a vacancy shall hold office for the residue of the term for which his predecessor was elected or appointed.

35 (5) Each member of the board shall be paid a fee of one guinea for each meeting of the board which he attends and the president shall be paid an additional fee of one guinea for each meeting which he attends: Provided that the fees paid to any member during any year shall not exceed

40 twenty-five guineas, or in the case of the president shall not exceed fifty guineas. (6)

Dentists (Amendment).

5 (6) Notwithstanding any vacancy in the membership of the board the business, jurisdiction, and functions of the board may be carried on by the members actually in office, who shall have all the powers of the board.

(2) The members of the Dental Board in office at the commencement of this Act other than ex officio members shall cease to hold office upon a date to be fixed by the Governor and notified by proclamation 10 published in the Gazette, but shall be eligible for appointment or election to the board under the provisions of section four of the Principal Act inserted by this Act.

15 **3.** The Principal Act is further amended by omitting from section six subsection two thereof and by inserting in lieu thereof the following new subsections :—

(2) In any proceedings against any person for a contravention of any of the provisions of this Act a certificate in the prescribed form under the hands of the president and the registrar, of whose signatures 20 judicial notice shall be taken, may be received in evidence to prove the fact that the person charged was not on the date mentioned in the certificate registered as a dentist under this Act.

(3) Every dentist shall in or before the month 25 of October in each year pay to the registrar a roll fee of ten shillings for the following year.

(4) If any dentist does not pay the roll fee in or before the month of October in any year, the board may remove his name from the register :

30 Provided that the name of a dentist shall not be removed from the register under this subsection unless the roll fee is still unpaid at the expiration of one month after the posting of a registered letter addressed to him at the address appearing in the 35 register, notifying him that it is the intention of the board so to remove his name.

(5) If the name of any dentist is removed from the register under this section, the board shall upon application in the prescribed form restore 40 his name to the register upon payment of such fees as are prescribed by the regulations made under this

Act.

Certain present members of board to cease to hold office.

Further amendment of Act No. 26, 1912, s. 6.

Annual roll fee.

Dentists (Amendment).

Act. The regulations may provide for the waiver of such part of the fees as the board may in a particular case deem proper.

5 (6) Together with the roll fee the dentist shall furnish particulars of his address for entry in the register.

10 (7) Where the name of a dentist has been removed from the register and until the name has been restored thereto the dentist shall be deemed to be a person not registered as a dentist under this Act.

15 (8) This section shall apply to persons who were registered as dentists or deemed to be so registered at the commencement of the Dentists (Amendment) Act, 1927, as well as to persons registered as dentists after such commencement.

4. The Principal Act is further amended by inserting at the end of section seven the following new subsections:—

20 (2) Every district registrar appointed under the Registration of Births, Deaths, and Marriages Act, 1899 (including the Registrar-General in respect of deaths registered in the district of Sydney), upon registering the death of any dentist shall transmit notice of such death to the registrar of the dental board at Sydney in the manner and the times prescribed, and the board shall upon receipt of such notice cause the name of such dentist to be removed from the register.

30 (3) Every such district registrar shall be entitled to receive a fee of two shillings for each such notification; and subsection two of section fifteen of the said Act shall extend to such fees.

5. The Principal Act is further amended—

35 (a) (i) by omitting from section eight the words "infamous conduct" where those words firstly and thirdly occur and by inserting in lieu thereof the word "misconduct";

40 (ii) by omitting from the same section the words "any registered dentist who makes use

Further amendment of Act No. 26, 1912, s. 7.

Death of dentist to be reported to board.

Further amendment of Act No. 26, 1912, s. 8.

Dentists (Amendment).

use of any title or description which has not been conferred upon him by some body recognised by the board shall be deemed guilty of infamous conduct in a professional respect" and by inserting in lieu thereof the words:—

"Without limiting the meaning of the expression 'misconduct in a professional respect' a dentist shall be deemed guilty of such conduct who—

- (i) makes use of any title or description other than one granted to him by some body recognised by the board; or by any dental board previously in existence in New South Wales; or
- (ii) save or in such cases as are prescribed, practises in dentistry in a name other than his own; or
- (iii) allows the use of his name in connection with the practice of dentistry at premises at which he is not in regular attendance for the purpose of practice and supervision; or
- (iv) advertises otherwise than in a manner prescribed."

(b) by adding the following paragraphs at the end of the said section:—

Every complaint respecting the conduct of any dentist lodged with the board, involving a charge of misconduct in a professional respect, shall be accompanied by a deposit of five pounds.

Deposit on
complaint.

Such deposit shall not be required where the complaint is lodged by a member of the police force or an officer of the board.

If after due inquiry as aforesaid the board is of opinion that the complaint is vexatious or frivolous in its nature, it shall so declare, and thereupon the sum so deposited shall be forfeited.

In the absence of such declaration as aforesaid the sum so deposited shall be refunded.

*Dentists (Amendment).***6. (1) The Principal Act is further amended—**Further amend-
ment of Act
No. 26, 1912.

- 5 (a) by inserting in section ten after the words
“any person who” the words “proves to the
satisfaction of the board that he is of good
character, and who”;
- 10 (b) by omitting from paragraph (a) of the same
section the words “and who proves to the
satisfaction of the board that he is of good
character”;
- 15 (c) by omitting from paragraph (b) of the same
section the words “an examination before the
board according to the prescribed regulations”
and by inserting in lieu thereof the words
“the prescribed examinations, which shall be
conducted by the University of Sydney”;
- (d) by omitting paragraph (c) of the same section.
- (e) by inserting at the end of the same section the
following new paragraphs:—

20 After the commencement of the Dentists
(Amendment) Act, 1927, no person at such
commencement apprenticed to a dentist shall
be registered upon the qualification set out
in paragraph (b) of this section unless he
25 has passed in the prescribed subjects an
examination of a standard equal to that of the
examination for the intermediate certificate.

30 After the commencement of the Dentists
(Amendment) Act, 1927, no person shall be
permitted to be apprenticed to a dentist before
passing in the prescribed subjects, the pre-
scribed examination.

(2) The Principal Act is further amended by Sec. 3.
inserting after the definition “prescribed” in section
three the following new definition:—

35 “Recognised certificate” means a certificate, Recognised
certificate.
diploma, membership, degree, license, letters,
testimonial, or other title, status, or document
granted by some university, college, or other
public

Dentists (Amendment).

public institution in a British possession or foreign country, and which is recognised by the board—

- 5 (a) as entitling the holder thereof to practise dentistry in such possession or country; and
- (b) as furnishing sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practise of dentistry.
- 10

7. (1) The Principal Act is further amended—

Further amendment of Act No. 26, 1912.

- (a) by omitting section 10A; Repeal of s. 10A.
- 15 (b) by omitting from section three the words “(b) a person is an operating dental assistant if he practises in dentistry as an assistant to a person practising in dentistry”; Sec. 3. (Consequential amendment.)
- (c) by omitting from section twelve the words “or a person authorised by this Act to practise in dentistry”; Sec. 12. *Ibid.*
- 20 (d) by omitting from section 12A the words “or a person practising in dentistry or acting as assistant to a dentist, under the authority of this Act.” Sec. 12A. *Ibid.*

25 (2) Section two of the Dentists (Amendment) Act, 1916, is amended by omitting paragraph (b) of the matter added to section three of the Dentists Act, 1912. Amendment of Act No. 15, 1916, s. 2.

(3) Section two of the Dentists (Further Amendment) Act, 1916, is amended by omitting paragraph (b). Amendment of Act No 54, 1916, s. 2.

30 (4) Any person who before the commencement of this Act has been accepted by the board for examination under section 10A of the Principal Act omitted by this Act shall be deemed to be eligible to sit for such examination at any time within twelve months from the commencement of this Act or within such further time

35 as the board may allow, and if he passes such examination may be registered as a dentist under the Principal Act. Any such examination shall be conducted by the University of Sydney. Savings.

Dentists (Amendment).

8. (1) The Principal Act is further amended by omitting section eleven and by inserting the following section in lieu thereof:—

Further
Amendment of
Act No. 26, 1912
Substituted
s. 11.

5 11. The holder of a recognised certificate, as
hereinbefore defined, shall not be entitled to be
registered in virtue of such certificate under this
Act as a dentist without further prescribed
examination, unless he shows to the satisfaction of
10 the board that by the laws or regulations in that
behalf in force in the country where such certificate
was issued, the right to practise dentistry therein is
granted to persons who are registered as dentists
under this Act by virtue of their being so registered
and without further examination.

Reciprocal
registration.

15 (2) Section seven of the Dentists (Further
Amendment) Act, 1916, is omitted.

Consequential
amendment.

9. The Principal Act is further amended—

Further
amendment of
Act No. 25, 1912

(a) by inserting in section 12B the following new subsection:—

Sec. 12B.

20 (2) The name of a locum tenens engaged by
a dentist to carry on his practice for any period
exceeding one month, shall be notified to the
board in the prescribed manner.

Locum
tenens.

25 (b) (i) by omitting from paragraph (c) of section
thirteen the words "section eleven" and
by inserting the words "this Act" in lieu
thereof;

Sec. 13.

(ii) by omitting from the same section the
words "and a copy thereof" and by
30 inserting in lieu thereof the words "and
shall take effect from the date of such
publication or from a later date specified in
the regulations. Such regulations";

35 (iii) by inserting in the same section after the
word "fourteen" wherever occurring the
word "sitting";

(iv) by inserting at the end of the same section
the words "If either House of Parliament
40 passes a resolution of which notice has been
given at any time within fifteen sitting
days

Dentists (Amendment).

- 5 days after the regulations have been laid before such House disallowing the regulation or any part thereof, the regulation or part shall thereupon cease to have effect”;
- (c) by inserting in section sixteen after the words Sec. 16. “that purpose” the words “or a member of the police force”;
- 10 (d) by omitting from section seventeen the words Sec. 17. “such fees” and by inserting in lieu thereof the words “all fees paid to the registrar under this Act or the regulations”;
- (e) by inserting at the end of section one the Sec. 1. following new subsection :—
- 15 (2) This Act as amended by the Dentists (Amendment) Act, 1916 (Act No. 15, 1916), the Dentists (Further Amendment) Act, 1916 (Act No. 54, 1916), and the Dentists (Amendment) Act, 1927, may be cited as the Dentists
- 20 Acts, 1912-1927.

[10d.]

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