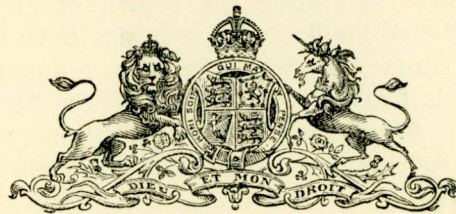


I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

W. R. McCOURT,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 8 August, 1934.

New South Wales.



ANNO VICESIMO QUINTO

GEORGIUS V REGIS.

Act No. 10, 1934.

An Act to consolidate and amend the Acts relating to the registration of dentists; to regulate the qualifications for and the effect of such registration; to repeal the Dentists Acts, 1912-1927; and for purposes connected therewith. [Assented to, 13th August, 1934.]

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 Act, 1934." Short title and commencement.
- (2)

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

W. W. HEDGES,
Chairman of Committees of the Legislative Assembly.

Dentists.

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

Repeal and savings.
cf. Act No. 26, 1912,
s. 2.

2. (1) The Acts mentioned in the First Schedule to this Act are hereby repealed.

(2) Notwithstanding the repeal of any such Act the Dental Board shall continue in existence; and every person who immediately before the commencement of this Act holds office as a member of the Dental Board shall continue to hold such office in all respects as if this Act were in force at the time of his appointment or election to such office; and the person who immediately before such commencement holds office as president of the Dental Board shall continue to hold such office in all respects as if this Act were in force at the time of his appointment to such office.

(3) The Registrar and every officer appointed under any of the Acts hereby repealed, and holding office immediately before the commencement of this Act, shall continue to hold office in all respects as if this Act were in force at the time of their appointment.

(4) All persons who, immediately before the commencement of this Act, are registered or deemed to be registered as dentists under any of the Acts hereby repealed, shall be deemed to be registered under this Act.

The register of dentists kept under any of the Acts hereby repealed shall be deemed to be a register for the purposes of this Act.

(5) All regulations made under the authority of any of the Acts hereby repealed, and in force immediately before the commencement of this Act, shall, to the extent to which they are not inconsistent with this Act, be deemed to have been made under this Act and shall continue in force until amended or repealed by regulations made under this Act.

Interpretation.
cf. *Ibid.* s 3.

3. (1) In this Act, unless the context or subject matter otherwise indicates or requires:—

“Dental Board” or “Board” means the dental board constituted or continued under the provisions of this Act.

“Dentist”

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“Dentist” means a person registered, or deemed to be registered, as a dentist under this Act.

“Inspector” means the inspector appointed under this Act.

“Prescribed” means prescribed by this Act or by the regulations.

“President” means President of the Board.

“Registrar” means the Registrar appointed or deemed to be appointed under this Act.

“Regulations” means regulations made or deemed to be made under this Act.

(2) For the purposes of this Act the practice of dentistry shall be deemed to include—

- (a) the performance of any operation and the treatment of any diseases, deficiencies or lesions on or of the human teeth or jaws and the correction of malpositions thereof and the performance of radiographic work in connection with the human teeth or jaws; and
- (b) the giving of any anaesthetic in connection with any operation on the human teeth or jaws; and
- (c) the mechanical construction or the renewal or repair of artificial dentures or restorative dental appliances; and
- (d) the performance of any operation on, or the giving of any treatment, advice or attendance to any person, as preparatory to, or for the purpose of or for or in connection with the fitting, insertion, fixing, constructing, repairing or renewing of artificial dentures or restorative dental appliances; and
- (e) the performance of any such operation and the giving of any such treatment, advice, or attendance as is usually performed or given by dentists.

The verb “practise” in relation to dentistry shall have a corresponding meaning.

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.
cf. Act No. 26, 1912, s. 4.

Of

Dentists.

Of the other members of the Board, two, one of whom shall be a legally 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 for the time being registered as dentists.

(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) (a) Any vacancy in the office of an appointed member of the Board may be filled by appointment by the Governor.

(b) Any vacancy in the office of an elected member of the Board shall be filled by the election of a dentist in the prescribed manner by the persons for the time being registered as dentists:

Provided that where the vacancy occurs within the last six months of the term of office of the member, the Minister may, on the application of the Board, order that an election shall not be held; and may, on the like application, revoke any such order.

(c) Any person appointed or elected under this subsection shall hold office for the residue of the term for which his predecessor was appointed or elected.

(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) 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.

5. (1) The Governor may from time to time appoint a registrar, an inspector or inspectors and such other officers as he may think fit for the purposes of this Act.

(2)

Appoint-
ments.
cf. Act No.
26, 1912,
s. 5.

Dentists.

(2) For the purpose of ascertaining—

(a) whether any of the provisions of this Act or of the regulations has been or is being contravened by any dentist; or

(b) whether a dentist is so conducting himself as to be guilty of misconduct in a professional respect,

an inspector may enter any premises in which such dentist is carrying on the practice of dentistry, and may make such enquiries therein as such inspector may think fit.

6. (1) The Registrar shall enter in a register, in the prescribed manner and on payment of the prescribed fee—

Particulars
in register.
cf. Act No.
26, 1912,
s. 6.

(a) the full name and address of every registered dentist;

(b) the date of his registration;

(c) particulars of the qualification or qualifications in respect of which his registration is granted;

(d) particulars of such further or additional qualifications possessed by him as the Board may direct to be entered in the register;

(e) particulars of any certificate, diploma, membership, degree, license, letters, testimonial, or other title, status, document or description which he is authorised by the Board to use in relation to himself as a dentist or the practice of dentistry by him;

(f) such other particulars and matters as are directed by this Act or the regulations to be entered therein.

(2) The Registrar shall, in the month of January in each year, transmit a certified copy of such register to the Minister, who shall cause the same to be published in the Gazette as soon as practicable.

(3) Every dentist shall in or before the month of October in each year pay to the Registrar a roll fee of such amount as may be prescribed for the following year. The fee so prescribed shall be not less than ten shillings nor more than two pounds.

(4)

Dentists.

(4) If any dentist does not pay the prescribed roll fee before the thirty-first day of October in any year, the Board shall notify him by registered letter addressed to him at the address appearing in the register, that if the fee be not paid within one month after the posting of the letter his name will be removed from the register. If any dentist who has been so notified fails to pay such fee within the time specified in the letter, the Board shall remove his name from the register.

(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. 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.

Removal of
name of
deceased
dentists, etc.
cf. Act No.
26, 1912,
s. 7.

7. (1) The Board shall cause to be removed from the register the names of—

- (a) every deceased dentist;
- (b) every dentist who has ceased to possess or does not possess the qualifications in respect of which he was registered;
- (c) every dentist who has become an insane person or patient or an incapable person within the meaning of the Lunacy Act of 1898.

(2) Every district registrar under the Registration of Births, Deaths and Marriages Act, 1899, as amended by subsequent Acts (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 at 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)

Dentists.

(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.

S. (1) Where a person registered in the dentists' register has—

- (a) been convicted, either in New South Wales or elsewhere, of an offence which, if committed in New South Wales, would be a felony or misdemeanour; or
- (b) been adjudged by the Board, after an enquiry as hereinafter provided, to have been guilty of misconduct in a professional respect,

the Board may remove his name from the register or suspend his registration for such period as the Board shall think fit.

(2) Without limiting the meaning of the expression "misconduct in a professional respect" a dentist shall be guilty of such misconduct who—

- (a) is a habitual drunkard; or
- (b) is habitually addicted to any drug to which Part VI of the Police Offences (Amendment) Act, 1908, applies; or
- (c) contravenes the provisions of subsection six of section ten of this Act; or
- (d) carries on the practice of dentistry under a name other than his own name except whilst he is acting as the duly appointed locum tenens of another registered dentist; or
- (e) allows the use of his name in connection with the practice of dentistry at premises at which he or his duly appointed locum tenens is not in regular attendance for the purposes of practice and supervision during the hours in which such premises are open for the practice of dentistry; or
- (f) advertises otherwise than in accordance with the regulations, or advertises in contravention of the regulations; or
- (g) practises in dentistry in contravention of any regulation made under paragraph (d) of subsection one of section thirteen of this Act; or
- (h)

Removal of name on account of misconduct, etc.
cf. Act No. 26, 1912, s. 8.

Dentists.

(h) for fee, salary or other reward is employed by or associates himself with a person who is not a registered dentist in carrying on the practice of dentistry. In this paragraph "person" includes a body or corporation (other than the Crown, a public hospital, or charitable or philanthropic institution).

(3) For the purposes of this section no person shall be deemed to be a duly appointed locum tenens unless—

- (a) he is appointed in writing by another registered dentist; and
- (b) he is a registered dentist at the time of taking up his duties; and
- (c) he is employed only during the temporary absence of his employer and for a period not exceeding three months or for such further period as the Board may in any particular case permit.

A dentist who is engaged in the practice of dentistry as a member of a partnership shall, subject to the foregoing provisions of this subsection, be entitled to appoint his partner or one of his partners as his locum tenens.

(4) In the case of a conviction for an offence as aforesaid, no person shall have his name removed from the register or have his registration suspended on account thereof if such offence does not, either from its trivial nature or from the circumstances under which it was committed, render such person unfit in the public interest to practise dentistry.

(5) In the case of a charge of misconduct in a professional respect the Board, in making due enquiry, shall sit as in open court, and the person charged shall be afforded an opportunity of defence either in person or by counsel.

(6) Every person, other than a member of the police force or a member of the public service, who makes a complaint to the Board alleging misconduct in a professional respect against any person, shall deposit with the Board the sum of five pounds at the time of lodging his complaint.

If

Dentists.

If after considering the complaint the Board is of the 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 the sum so deposited shall be refunded to the complainant.

(7) For the purpose of an enquiry in the case of a charge of misconduct in a professional respect the Board and the President or member of the Board presiding at the enquiry shall have the powers conferred by the Royal Commissions Act, 1923, on a commissioner and the chairman of a commission respectively appointed under Division 1 of Part II of that Act, and the said Act, section thirteen and Division 2 of Part II excepted, shall, mutatis mutandis, apply to any witness summoned by or appearing before the Board.

(8) Whenever the registration of a dentist is suspended under the provisions of this section the Registrar shall enter in the register a memorandum of that fact and of the date and cause thereof.

(9) Any person aggrieved by the removal of his name from the register or by the suspension of his registration or by any refusal or failure to register his name in the register may, within three months after the date on which notice is given to him by the Registrar that his name has been so removed or his registration suspended, or within six months after the date on which he applied to be registered, as the case may be, appeal against the removal or suspension or the refusal or failure, as the case may be, to the Supreme Court.

Every such appeal shall be in the nature of a rehearing, and shall be made in accordance with rules of court.

Upon any such appeal, the Supreme Court may summon witnesses, hear evidence, and determine the matter, having regard to this Act, the regulations, the circumstances of the case, and the public interest, and may make such order as it deems fit.

The decision of the Supreme Court upon any such appeal shall be final, and shall be binding upon the Board and the appellant, and for the purposes of this Act shall be deemed to be the final decision of the Board.

If

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If in any decision by the Supreme Court under this section costs are awarded, such costs may be enforced and recovered in like manner to costs awarded in a judgment of the Supreme Court.

The jurisdiction conferred on the Supreme Court by this section may be exercised by a single judge thereof.

Restoration
of name to
register.
cf. Act No.
26, 1912,
s. 9.

9. Where the Board directs the removal from the register of the name of any person, the name of that person shall not be again entered on the register, except by direction of the Board or by order of a court of competent jurisdiction. The Board may, if it thinks fit in any case, direct the Registrar to restore to the register any name removed therefrom without fee, or on payment of such fee, not exceeding the registration fee, as the Board may from time to time direct, and the Registrar shall restore the same accordingly.

Qualifica-
tions for
registration.
cf. *Ibid.*
s. 10.

10. (1) Any person who proves to the satisfaction of the Board that he is of good character, shall be entitled to be registered as a dentist if he—

- (a) is a graduate in dentistry of any University in Australia, or of a dental college affiliated with a University in Australia; or
- (b) is the holder of a diploma or degree in dentistry from a University in any country, whether British or foreign (other than Australian), which diploma or degree is recognised by the Dental Board as at least equal to the degree of Bachelor of Dental Surgery in the University of Sydney:

Provided that a person shall not be entitled to be registered by virtue of the qualification set out in this paragraph 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 diploma or degree was granted or issued, graduation in Dentistry in the University of Sydney is recognised as furnishing sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of dentistry in that country; or

(c)

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- (c) is the holder of a recognised certificate as hereinafter defined: cf. Act No. 26, 1912, s. 11.

Provided that a person shall not be entitled to be registered by virtue of the qualification set out in this paragraph 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; or

- (d) has attained the age of twenty-one years, and
- (i) within three months after the commencement of this Act establishes, to the satisfaction of the Board, that he had, prior to the first day of May, one thousand nine hundred and twenty-seven, become engaged in the acquirement of professional knowledge in dentistry within the State of New South Wales, and has been so engaged within the said State for a total period of not less than four years; and
 - (ii) within five years after such commencement passes (not necessarily at one and the same time) examinations of a standard to be approved by the Board, and to be conducted by the University of Sydney, in each of the following subjects, namely, operative dentistry, mechanical dentistry, dental surgery and dental materia medica; and
 - (iii) before sitting for any such examination, presents to the Board a certificate signed by the Superintendent of the United Dental Hospital of Sydney, setting out that he has regularly attended a twelve **months'**

Dentists.

- months' course at such hospital in acquiring professional knowledge in dentistry, and that he has been a satisfactory student during such course; or
- (e) has attained the age of twenty-one years, and
 - (i) within three months after the commencement of this Act establishes to the satisfaction of the Board that prior to such commencement and since the first day of May, one thousand nine hundred and twenty-seven, he had become engaged in the acquirement of professional knowledge in dentistry in the State of New Wales; and
 - (ii) before the commencement of this Act has passed the matriculation examination of the University of Sydney in the subjects prescribed by the University for entrance to the faculty of dentistry, or within three years after such commencement passes such examination; and
 - (iii) within six years after such commencement establishes to the satisfaction of the Board that he has been engaged in the acquirement of professional knowledge in dentistry in the State of New South Wales for a total period of not less than four years; and
 - (iv) before the expiration of six years after such commencement has passed the prescribed examinations which shall be conducted by the University of Sydney; or
 - (f) has attained the age of twenty-one years, and
 - (i) within three months after the commencement of this Act establishes, to the satisfaction of the Board, that he had, prior to the first day of May, one thousand nine hundred and twenty-seven, become engaged in the acquirement of professional knowledge

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knowledge in dentistry within the State of New South Wales, and has been so engaged within the said State for a total period of not less than four years; and

- (ii) before the commencement of this Act has passed in the subjects prescribed by regulations made under the Dentists Acts, 1912-1927, an examination of a standard equal to that of the examination for the intermediate certificate; and
- (iii) before the expiration of six years after such commencement has passed the prescribed examinations which shall be conducted by the University of Sydney; or
- (g) having been at any time before the commencement of this Act accepted by the Board for examination under section 10A of the Dentists Act, 1912, as inserted by the Dentists (Amendment) Act, 1916, or under that section as amended by the Dentists (Further Amendment) Act, 1916, passes such examination (which shall be conducted by the University of Sydney) within five years after the commencement of this Act.

cf. Act No.
8, 1927,
s. 7 (4).

(2) Any person who passed the examination in operative dentistry, mechanical dentistry, dental surgery, and dental materia medica, conducted at the request of the Board, by the University of Sydney during the period commencing on the fourth and ending on the fourteenth day of December, one thousand nine hundred and thirty-three, shall be deemed to have fulfilled all the requirements of paragraph (d) of subsection one of this section in all respects; and any person who, having passed in one or more subjects at the said examination, passes within five years after the commencement of this Act in the remaining subjects at examinations in those subjects held in accordance with subparagraph (ii) of the said paragraph (d) shall be deemed to have fulfilled all the requirements of the said paragraph (d) in all respects.

(3)

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(3) (a) For the purposes of subparagraph (iv) of paragraph (e) and subparagraph (iii) of paragraph (f) of subsection one of this section the expression "prescribed examinations" means the examinations which an applicant for registration under paragraph (b) of section ten of the Dentists Acts, 1912-1927, would have been required to pass in order to qualify for such registration if the Dentists Acts, 1912-1927, had not been repealed.

(b) Subject to the provisions of paragraph (c) of this subsection—

(i) a person who has passed any of such examinations either wholly or in part before the commencement of this Act shall, to the extent to which he would have been credited with such passing under the Dentists Acts, 1912-1927, and the regulations made thereunder, be deemed to have passed to that extent the prescribed examinations referred to in subparagraph (iv) of paragraph (e) and subparagraph (iii) of paragraph (f) of subsection one of this section;

(ii) the conditions governing the prescribed examinations referred to in paragraph (b) of section ten of the Dentists Acts, 1912-1927, as set out in the regulations made thereunder and in force immediately before the commencement of this Act, shall govern the prescribed examinations referred to in subparagraph (iv) of paragraph (e) and subparagraph (iii) of paragraph (f) of subsection one of this section.

(c) For the purposes of subparagraph (iii) of paragraph (f) of subsection one of this section a person who, either before or after the commencement of this Act, has passed in one or more subjects of any of the prescribed examinations, shall be credited with having passed in such subject or subjects and shall be entitled to a deferred examination from time to time in the remaining subject or subjects of that examination.

The fee for each deferred examination shall be three pounds three shillings.

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(4) Any certificate, diploma, membership degree, license, letters, testimonial or other title, status, or document granted by a University, college, or other institution in any country, whether British or foreign (other than New South Wales), and which—

- (a) is proved to the satisfaction of the Board to be accepted in such country as a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of dentistry in that country; and
- (b) is recognised by the Board as furnishing sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of dentistry in New South Wales,

shall be deemed to be a recognised certificate for the purposes of this Act.

(5) After the commencement of this Act a dentist shall not take an apprentice in dentistry, nor shall he accept any pupil or student for any purpose connected with the practice of dentistry.

(6) A registered dentist shall not use any certificate, diploma, membership, degree, license, letters, testimonial or other title, status, document or description in relation to himself as a dentist or the practice of dentistry by him other than those (if any) which the Board has authorised in pursuance of paragraph (e) of subsection one of section six of this Act to be entered in connection with his name in the register.

This subsection shall not be construed—

- (a) to preclude a registered dentist who was registered under the Dentists Acts, 1912-1927, from using any certificate, diploma, membership, degree, license, letters, testimonial or other title, status, document or description which was lawfully used by him immediately before the commencement of this Act;
- (b) to preclude any registered dentist from using the description "dentist," "dental surgeon," or "surgeon dentist."

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Penalty—
unregistered
person hold-
ing himself
out as
dentist.
cf. Act No.
26, 1912,
s 12.

11. If any person, not being a dentist registered under this Act, takes or uses the name or title of “dentist,” or of “dental surgeon,” or of “surgeon dentist,” or pretends, or by any means whatsoever advertises or holds himself out to be a dentist (whether or not purporting to be registered) or to be a person who is willing or capable or entitled to do or perform any act, matter, or thing, the doing or performance of which forms part of the practice of dentistry, or takes or uses any name, initials, word, title, addition, symbol, or description which, either alone or in conjunction with other words, implies or tends to the belief, or indicates, or is capable of being understood to indicate, or is calculated to lead persons to infer that he possesses a degree, diploma, or other qualification in dentistry, or that he is registered under this Act as a dentist, or that he is willing or capable or entitled to do or perform any act, matter or thing, the doing or performance of which forms part of the practice of dentistry, he shall be liable for each offence to a penalty not exceeding fifty pounds nor less than ten pounds.

Penalty for
practice of
dentistry by
unregistered
person.
cf. *Ibid.*
s. 12A.

12. (1) No person, other than a dentist registered under this Act, shall practise in dentistry, or do or perform any act, matter or thing, the doing or performance of which forms part of the practice of dentistry.

(2) Any person who acts in contravention of the provisions of this section shall, in respect of each offence, be liable to a penalty not exceeding fifty pounds nor less than ten pounds.

(3) Nothing in this section shall operate to prevent—

- (a) the practice of dentistry by a medical practitioner in the ordinary course of his work as a medical practitioner; or
- (b) the carrying on of the practice of dentistry at any hospital attached to the University of Sydney, or at the United Dental Hospital of Sydney, or at any other hospital recognised by the Board as a training school for students in dentistry; or

(c)

Dentists.

- (c) the performance by any person of any radiographic work—
 - (i) at a public hospital; or
 - (ii) upon the order or at the request of a medical practitioner or a registered dentist; or
- (d) the mechanical construction or the renewal or repair of artificial dentures or restorative dental appliances by any person upon the order of a registered dentist.

13. (1) The Governor, on the recommendation of the Board, may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act.

Regulations.
cf. Act No.
26, 1912,
s. 13.

In particular, and without prejudice to the generality of the foregoing provision, regulations may be made—

- (a) regulating the proceedings and fixing the quorum of the Board;
- (b) regulating the duties of officers under this Act;
- (c) specifying the manner in which and the extent to which a dentist is authorised to advertise;
- (d) prohibiting a dentist from practising dentistry in any building in or upon or in the vicinity of which is exhibited or displayed (whether by the dentist or by any other person) any advertisement, sign, notice or device which indicates or is capable of being understood to indicate that dentistry is practised in such building, other than an advertisement, sign, notice or device which is—
 - (i) authorised in pursuance of paragraph (c) of this subsection; or
 - (ii) of such character and dimensions and so exhibited or displayed as may be prescribed in the regulations;
- (e) regulating the holding of examinations under this Act, and prescribing the subjects of and fees for such examinations;

(f)

Dentists.

(f) providing for the issue of certificates for passing such examinations, and for registration under this Act.

(2) Such regulations shall—

(a) be published in the Gazette; and

(b) take effect from the date of such publication or from a later date specified in the regulations; and

(c) be laid before both Houses of Parliament within fourteen sitting days after such publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

(3) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

False entries
in register,
misrepresentation,
etc.
cf. Act No.
26, 1912,
s. 14.

14. Any registrar or other person who wilfully makes or causes to be made any false entry in or falsification of the register, and any person who wilfully procures or attempts to procure himself or any other person to be registered under this Act by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either verbally or in writing, and any person aiding or assisting therein, shall be guilty of a misdemeanour, and shall, on conviction, be liable to be imprisoned for any term not exceeding twelve months.

Board may
examine
witnesses
cf. *Ibid.*
s. 15.
on oath.

15. The Board may examine any person upon oath, or take a solemn declaration from any person for the purposes of this Act; and if any person wilfully makes any false statement upon such examination or in such declaration, or utters or attempts to utter, or put off as true before the Board any false, forged or counterfeit certificate, diploma, license, letter, testimonial or other document or writing, he shall be guilty of a misdemeanour, and

Dentists.

and shall, on conviction, be liable to be imprisoned for any period not exceeding twelve months.

16. Any person who contravenes any of the provisions of this Act for which a penalty is not expressly provided or who contravenes any provision of the regulations shall, in addition to his liability (if any) to be removed from the register for misconduct in a professional respect, be liable to a penalty not exceeding fifty pounds.

Information to be laid by Registrar, etc.
cf. Act No. 26, 1912, s. 16.

All information for offences against this Act shall be laid by the Registrar or the inspector or some other person appointed by the Board for that purpose, or a member of the police force, and all penalties when recovered shall be paid to the Board, which shall cause the same to be paid into an account in the Special Deposits Account in the Treasury, to be called the "Dental Board Education and Research Account." All such penalties may be recovered before any stipendiary or police magistrate or two justices of the peace sitting in petty sessions.

17. The fees mentioned in the Second Schedule to this Act shall be paid to the Registrar. The amount of all fees paid to the Registrar under this Act or the regulations shall be paid by the Registrar into the Treasury, and shall be carried to the Consolidated Revenue Fund:

Fees.
cf. *Ibid.* s. 17.

Provided that, where in any year the prescribed roll fee exceeds the sum of ten shillings, only the amount of ten shillings shall be carried to the Consolidated Revenue Fund, and the balance of the roll fees shall be paid into the Dental Board Education and Research Account.

18. The Board may at any time, and from time to time, appropriate any portion or portions of the moneys in the Dental Board Education and Research Account for or towards dental education and research or any public purpose connected with the profession of dentistry within the State of New South Wales, provided that no appropriation shall be made under this section, unless the same is authorised by a resolution passed by a majority of two-thirds of all the members of the Board at a meeting specially convened for the purpose of considering such resolution.

Appropriation of moneys by Board for education, etc.

Dentists.

Document under hand of Registrar to be prima facie evidence.

cf. Act No. 26, 1912, s. 6 (1) and (2).

19. A document purporting to be a certificate under the hand of the Registrar, and stating any one or more of the following matters:—

- (a) that any person was or was not on any date or during any period mentioned in the certificate registered under this Act; or
- (b) that on any date or during any period mentioned in the certificate the registration of any person was suspended,

shall in all courts and before all persons and bodies authorised by law to receive evidence, be prima facie evidence of the facts stated.

Prima facie evidence of entry in register may be given in all courts.
cf. *Ibid.*

20. (1) Prima facie evidence of any entry in the register may be given in all courts and before all such persons and bodies as aforesaid—

- (a) by production of a document purporting to be a true copy of such entry, and purporting to be certified as such by the Registrar; or
- (b) by production of a copy of the Gazette containing the latest published copy of the register.

(2) An entry in the register shall be prima facie evidence in all courts and before all such persons and bodies as aforesaid of the truth of all matters contained in it.

Protection of Board and members and others from liability.

21. No matter or thing done or suffered by the Board, or any member of the Board or the Registrar or an inspector, bona fide in the execution or intended execution of this Act, or the exercise or discharge of any of its or his powers, authorities, duties or functions, shall subject the Board or any member of the Board or the Registrar or an inspector, or any person, or the Crown, to any liability in respect thereof.

SCHEDULES.

Dentists.

SCHEDULES.

FIRST SCHEDULE.

Sec. 2.

Reference to Act.	Title of Act.
Act No. 26 of 1912 ..	Dentists Act, 1912.
Act No. 15 of 1916 ..	Dentists (Amendment) Act, 1916.
Act No. 54 of 1916 ..	Dentists (Further Amendment) Act, 1916.
Act No. 8 of 1927 ..	Dentists (Amendment) Act, 1927.

SECOND SCHEDULE.

Sec. 17.

	£	s.	d.
On application for registration	5	5	0
Certificate of registration	0	5	0
Inspection of register	0	5	0
Alteration of register	0	5	0

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

P. W. STREET,
Lieutenant-Governor.

*Government House,
Sydney, 13th August, 1934.*

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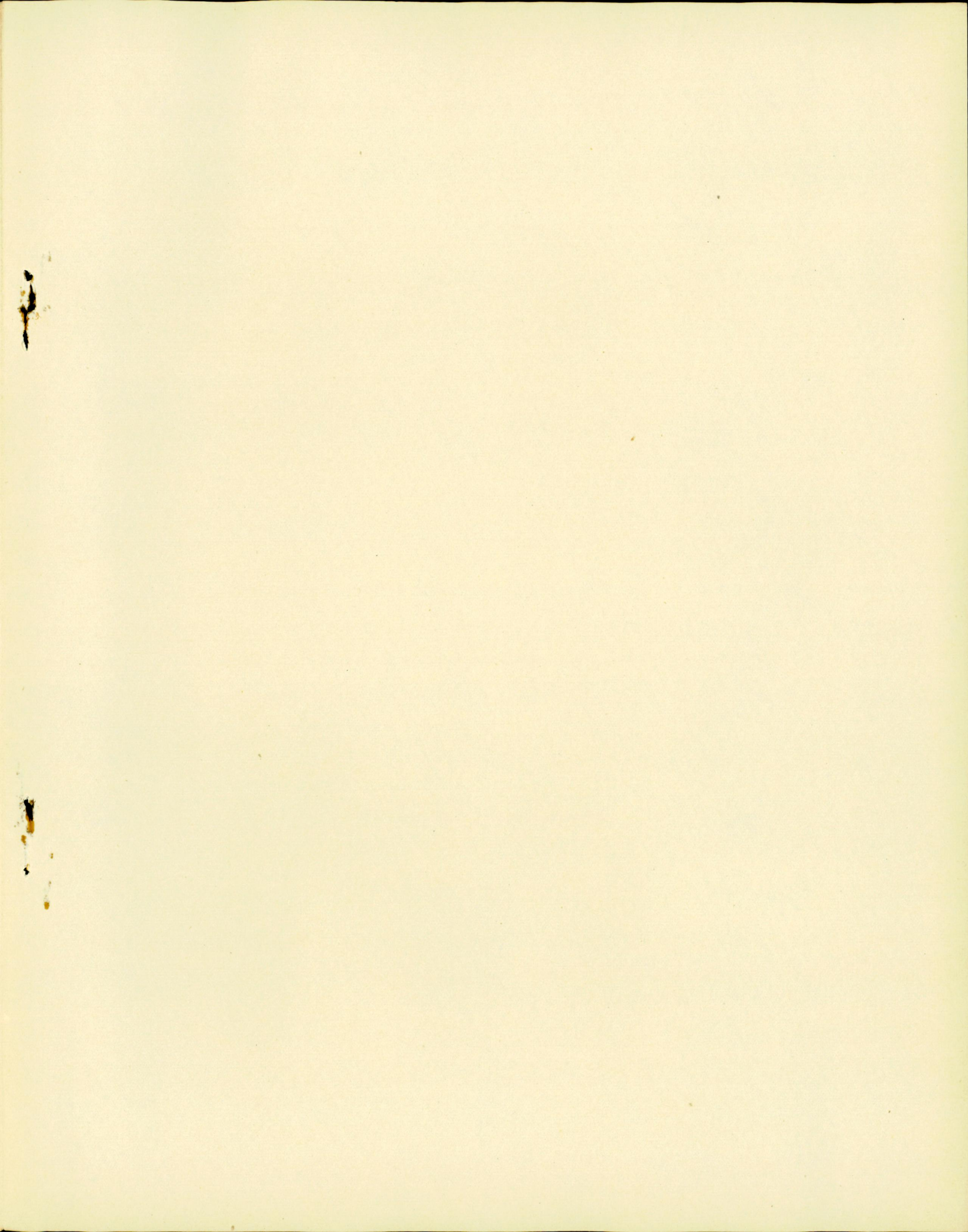
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DENTISTS BILL, 1934.

SCHEDULE of the Amendment referred to in Message of 2nd August, 1934.

Page 15, clause 10, lines 37 and 38. *Omit* “(c) to preclude any registered dentist from using the letters ‘D.B.L.’”

from using the letters "D.B.T."
Page 12, clause 10, lines 31 and 32. Amend (c) to provide and register

SCHEDULE of the Amendment referred to in Message of May 1, 1934

DEALERS BILL, 1934

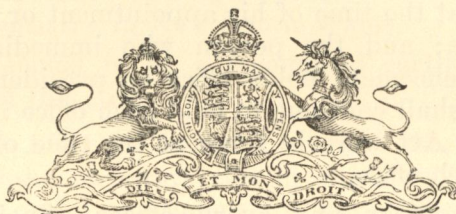
This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. R. McCOURT,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 10 July, 1934.

THE LEGISLATIVE COUNCIL *has this day agreed to this Bill with an Amendment.*

C. H. H. CALVERT,
Clerk of the Parliaments.
Legislative Council Chamber,
Sydney, 2nd August, 1934.

New South Wales.



ANNO VICESIMO QUINTO

GEORGII V REGIS. ©

Act No. , 1934.

An Act to consolidate and amend the Acts relating to the registration of dentists; to regulate the qualifications for and the effect of such registration; to repeal the Dentists Acts, 1912–1927; 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 Act, 1934."

33031

51—A

(2)

Short title
and com-
mencement.

NOTE.—The words to be omitted are ruled through.

Dentists.

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

2. (1) The Acts mentioned in the First Schedule to this Act are hereby repealed.

Repeal and savings.
cf. Act No. 26, 1912, s. 2.

(2) Notwithstanding the repeal of any such Act the Dental Board shall continue in existence; and every person who immediately before the commencement of this Act holds office as a member of the Dental Board shall continue to hold such office in all respects as if this Act were in force at the time of his appointment or election to such office; and the person who immediately before such commencement holds office as president of the Dental Board shall continue to hold such office in all respects as if this Act were in force at the time of his appointment to such office.

(3) The Registrar and every officer appointed under any of the Acts hereby repealed, and holding office immediately before the commencement of this Act, shall continue to hold office in all respects as if this Act were in force at the time of their appointment.

(4) All persons who, immediately before the commencement of this Act, are registered or deemed to be registered as dentists under any of the Acts hereby repealed, shall be deemed to be registered under this Act.

The register of dentists kept under any of the Acts hereby repealed shall be deemed to be a register for the purposes of this Act.

(5) All regulations made under the authority of any of the Acts hereby repealed, and in force immediately before the commencement of this Act, shall, to the extent to which they are not inconsistent with this Act, be deemed to have been made under this Act and shall continue in force until amended or repealed by regulations made under this Act.

3. (1) In this Act, unless the context or subject matter otherwise indicates or requires:—

Interpretation.
cf. *Ibid.* s 3.

“Dental Board” or “Board” means the dental board constituted or continued under the provisions of this Act.

“Dentist”

Dentists.

- “Dentist” means a person registered, or deemed to be registered, as a dentist under this Act.
- “Inspector” means the inspector appointed under this Act.
- 5 “Prescribed” means prescribed by this Act or by the regulations.
- “President” means President of the Board.
- “Registrar” means the Registrar appointed or deemed to be appointed under this Act.
- 10 “Regulations” means regulations made or deemed to be made under this Act.
- (2) For the purposes of this Act the practice of dentistry shall be deemed to include—
- 15 (a) the performance of any operation and the treatment of any diseases, deficiencies or lesions on or of the human teeth or jaws and the correction of malpositions thereof and the performance of radiographic work in connection with the human teeth or jaws; and
- 20 (b) the giving of any anaesthetic in connection with any operation on the human teeth or jaws; and
- (c) the mechanical construction or the renewal or repair of artificial dentures or restorative dental appliances; and
- 25 (d) the performance of any operation on, or the giving of any treatment, advice or attendance to any person, as preparatory to, or for the purpose of or for or in connection with the fitting, insertion, fixing, constructing, repairing or renewing of artificial dentures or restorative dental appliances; and
- 30 (e) the performance of any such operation and the giving of any such treatment, advice, or attendance as is usually performed or given by dentists.
- 35 The verb “practise” in relation to dentistry shall have a corresponding meaning.

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
 40 President of the United Dental Hospital of Sydney.

Dental Board.
 cf. Act No. 26, 1912, s. 4.

Of

Dentists.

Of the other members of the Board, two, one of whom shall be a legally 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 for the time being registered as dentists.

(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) (a) Any vacancy in the office of an appointed member of the Board may be filled by appointment by the Governor.

(b) Any vacancy in the office of an elected member of the Board shall be filled by the election of a dentist in the prescribed manner by the persons for the time being registered as dentists:

Provided that where the vacancy occurs within the last six months of the term of office of the member, the Minister may, on the application of the Board, order that an election shall not be held; and may, on the like application, revoke any such order.

(c) Any person appointed or elected under this subsection shall hold office for the residue of the term for which his predecessor was appointed or elected.

(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) 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.

5. (1) The Governor may from time to time appoint a registrar, an inspector or inspectors and such other officers as he may think fit for the purposes of this Act.

(2)

Appoint-
ments.
cf. Act No.
26, 1912,
s. 5.

Dentists.

(2) For the purpose of ascertaining—

- (a) whether any of the provisions of this Act or of the regulations has been or is being contravened by any dentist; or
- 5 (b) whether a dentist is so conducting himself as to be guilty of misconduct in a professional respect, an inspector may enter any premises in which such dentist is carrying on the practice of dentistry, and may make such enquiries therein as such inspector may think
- 10 fit.

6. (1) The Registrar shall enter in a register, in the prescribed manner and on payment of the prescribed fee—

Particulars
in register.
cf. Act No.
26, 1912,
s. 6.

- (a) the full name and address of every registered dentist;
- 15 (b) the date of his registration;
- (c) particulars of the qualification or qualifications in respect of which his registration is granted;
- 20 (d) particulars of such further or additional qualifications possessed by him as the Board may direct to be entered in the register;
- (e) particulars of any certificate, diploma, membership, degree, license, letters, testimonial, or other title, status, document or description which
- 25 he is authorised by the Board to use in relation to himself as a dentist or the practice of dentistry by him;
- (f) such other particulars and matters as are directed by this Act or the regulations to be
- 30 entered therein.

(2) The Registrar shall, in the month of January in each year, transmit a certified copy of such register to the Minister, who shall cause the same to be published in the Gazette as soon as practicable.

- 35 (3) Every dentist shall in or before the month of October in each year pay to the Registrar a roll fee of such amount as may be prescribed for the following year. The fee so prescribed shall be not less than ten shillings nor more than two pounds.

(4)

Dentists.

(4) If any dentist does not pay the prescribed roll fee before the thirty-first day of October in any year, the Board shall notify him by registered letter addressed to him at the address appearing in the register, that if
 5 the fee be not paid within one month after the posting of the letter his name will be removed from the register. If any dentist who has been so notified fails to pay such fee within the time specified in the letter, the Board shall remove his name from the register.

10 (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. The regulations
 15 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.

20 (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.

25 **7.** (1) The Board shall cause to be removed from the register the names of—

(a) every deceased dentist;

(b) every dentist who has ceased to possess or does not possess the qualifications in respect of which he was registered;

30 (c) every dentist who has become an insane person or patient or an incapable person within the meaning of the Lunacy Act of 1898.

(2) Every district registrar under the Registration of Births, Deaths and Marriages Act, 1899, as amended
 35 by subsequent Acts (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 at the times prescribed, and the Board shall, upon receipt of such notice,
 40 cause the name of such dentist to be removed from the register.

(3)

Removal of
 name of
 deceased
 dentists, etc.
 cf. Act No.
 26, 1912,
 s. 7.

Dentists.

(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 **8.** (1) Where a person registered in the dentists' register has—

(a) been convicted, either in New South Wales or elsewhere, of an offence which, if committed in New South Wales, would be a felony or misdemeanour; or

Removal of name on account of misconduct, etc.
cf. Act No. 26, 1912, s. 8.

10

(b) been adjudged by the Board, after an enquiry as hereinafter provided, to have been guilty of misconduct in a professional respect,

the Board may remove his name from the register or
15 suspend his registration for such period as the Board shall think fit.

(2) Without limiting the meaning of the expression "misconduct in a professional respect" a dentist shall be guilty of such misconduct who—

20

(a) is a habitual drunkard; or

(b) is habitually addicted to any drug to which Part VI of the Police Offences (Amendment) Act, 1908, applies; or

25

(c) contravenes the provisions of subsection six of section ten of this Act; or

(d) carries on the practice of dentistry under a name other than his own name except whilst he is acting as the duly appointed locum tenens of another registered dentist; or

30

(e) allows the use of his name in connection with the practice of dentistry at premises at which he or his duly appointed locum tenens is not in regular attendance for the purposes of practice and supervision during the hours in which such premises are open for the practice of dentistry; or

35

(f) advertises otherwise than in accordance with the regulations, or advertises in contravention of the regulations; or

40

(g) practises in dentistry in contravention of any regulation made under paragraph (d) of subsection one of section thirteen of this Act; or

(h)

Dentists.

5 (h) for fee, salary or other reward is employed by or associates himself with a person who is not a registered dentist in carrying on the practice of dentistry. In this paragraph "person" includes a body or corporation (other than the Crown, a public hospital, or charitable or philanthropic institution).

10 (3) For the purposes of this section no person shall be deemed to be a duly appointed locum tenens unless—

(a) he is appointed in writing by another registered dentist; and

(b) he is a registered dentist at the time of taking up his duties; and

15 (c) he is employed only during the temporary absence of his employer and for a period not exceeding three months or for such further period as the Board may in any particular case permit.

20 A dentist who is engaged in the practice of dentistry as a member of a partnership shall, subject to the foregoing provisions of this subsection, be entitled to appoint his partner or one of his partners as his locum tenens.

25 (4) In the case of a conviction for an offence as aforesaid, no person shall have his name removed from the register or have his registration suspended on account thereof if such offence does not, either from its trivial nature or from the circumstances under which it was committed, render such person unfit in the public interest

30 to practise dentistry.

(5) In the case of a charge of misconduct in a professional respect the Board, in making due enquiry, shall sit as in open court, and the person charged shall be afforded an opportunity of defence either in person

35 or by counsel.

(6) Every person, other than a member of the police force or a member of the public service, who makes a complaint to the Board alleging misconduct in a professional respect against any person, shall deposit with

40 the Board the sum of five pounds at the time of lodging his complaint.

If

Dentists.

If after considering the complaint the Board is of the opinion that the complaint is vexatious or frivolous in its nature it shall so declare, and thereupon the sum so deposited shall be forfeited.

5 In the absence of such declaration the sum so deposited shall be refunded to the complainant.

(7) For the purpose of an enquiry in the case of a charge of misconduct in a professional respect the Board and the President or member of the Board presiding at the enquiry shall have the powers conferred by the Royal Commissions Act, 1923, on a commissioner and the chairman of a commission respectively appointed under Division 1 of Part II of that Act, and the said Act, section thirteen and Division 2 of Part II excepted, shall, mutatis mutandis, apply to any witness summoned by or appearing before the Board.

(8) Whenever the registration of a dentist is suspended under the provisions of this section the Registrar shall enter in the register a memorandum of that fact and of the date and cause thereof.

(9) Any person aggrieved by the removal of his name from the register or by the suspension of his registration or by any refusal or failure to register his name in the register may, within three months after the date on which notice is given to him by the Registrar that his name has been so removed or his registration suspended, or within six months after the date on which he applied to be registered, as the case may be, appeal against the removal or suspension or the refusal or failure, as the case may be, to the Supreme Court.

Every such appeal shall be in the nature of a rehearing, and shall be made in accordance with rules of court.

Upon any such appeal, the Supreme Court may summon witnesses, hear evidence, and determine the matter, having regard to this Act, the regulations, the circumstances of the case, and the public interest, and may make such order as it deems fit.

The decision of the Supreme Court upon any such appeal shall be final, and shall be binding upon the Board and the appellant, and for the purposes of this Act shall be deemed to be the final decision of the Board.

If

Dentists.

If in any decision by the Supreme Court under this section costs are awarded, such costs may be enforced and recovered in like manner to costs awarded in a judgment of the Supreme Court.

5 The jurisdiction conferred on the Supreme Court by this section may be exercised by a single judge thereof.

9. Where the Board directs the removal from the register of the name of any person, the name of that person shall not be again entered on the register, except
10 by direction of the Board or by order of a court of competent jurisdiction. The Board may, if it thinks fit in any case, direct the Registrar to restore to the register any name removed therefrom without fee, or on payment of such fee, not exceeding the registration fee, as the
15 Board may from time to time direct, and the Registrar shall restore the same accordingly.

Restoration
of name to
register.
cf. Act No.
26, 1912,
s. 9.

10. (1) Any person who proves to the satisfaction of the Board that he is of good character, shall be entitled to be registered as a dentist if he—

Qualifica-
tions for
registration.
cf. *Ibid.*
s. 10.

- 20 (a) is a graduate in dentistry of any University in Australia, or of a dental college affiliated with a University in Australia; or
- 25 (b) is the holder of a diploma or degree in dentistry from a University in any country, whether British or foreign (other than Australian), which diploma or degree is recognised by the Dental Board as at least equal to the degree of Bachelor of Dental Surgery in the University of Sydney:

30 Provided that a person shall not be entitled to be registered by virtue of the qualification set out in this paragraph 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 diploma or degree was granted or issued, graduation in Dentistry in
35 the University of Sydney is recognised as furnishing sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of dentistry in that country; or
(c).

Dentists.

- (c) is the holder of a recognised certificate as hereinafter defined: cf. Act No. 26, 1912, s. 11.

5 Provided that a person shall not be entitled to be registered by virtue of the qualification set out in this paragraph 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
10 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; or

- (d) has attained the age of twenty-one years, and

15 (i) within three months after the commencement of this Act establishes, to the satisfaction of the Board, that he had, prior to the first day of May, one thousand nine hundred and twenty-seven, become
20 engaged in the acquirement of professional knowledge in dentistry within the State of New South Wales, and has been so engaged within the said State for a total period of not less than four years; and

25 (ii) within five years after such commencement passes (not necessarily at one and the same time) examinations of a standard to be approved by the Board, and to be
30 conducted by the University of Sydney, in each of the following subjects, namely, operative dentistry, mechanical dentistry, dental surgery and dental materia medica; and

35 (iii) before sitting for any such examination, presents to the Board a certificate signed by the Superintendent of the United Dental Hospital of Sydney, setting out that he has regularly attended a twelve months'

Dentists.

- months' course at such hospital in acquiring professional knowledge in dentistry, and that he has been a satisfactory student during such course; or
- 5 (e) has attained the age of twenty-one years, and
- (i) within three months after the commencement of this Act establishes to the satisfaction of the Board that prior to such commencement and since the first day of
- 10 May, one thousand nine hundred and twenty-seven, he had become engaged in the acquirement of professional knowledge in dentistry in the State of New
- 15 Wales; and
- (ii) before the commencement of this Act has passed the matriculation examination of the University of Sydney in the subjects prescribed by the University for entrance to the faculty of dentistry, or within three
- 20 years after such commencement passes such examination; and
- (iii) within six years after such commencement establishes to the satisfaction of the Board that he has been engaged in the
- 25 acquirement of professional knowledge in dentistry in the State of New South Wales for a total period of not less than four years; and
- (iv) before the expiration of six years after such commencement has passed the prescribed examinations which shall be conducted by the University of Sydney; or
- 30 (f) has attained the age of twenty-one years, and
- (i) within three months after the commencement of this Act establishes, to the satisfaction of the Board, that he had, prior
- 35 to the first day of May, one thousand nine hundred and twenty-seven, become engaged in the acquirement of professional
- 40 knowledge in dentistry within the State
of

Dentists

- of New South Wales, and has been so engaged within the said State for a total period of not less than four years; and
- 5 (ii) before the commencement of this Act has passed in the subjects prescribed by regulations made under the Dentists Acts, 1912-1927, an examination of a standard equal to that of the examination for the intermediate certificate; and
- 10 (iii) before the expiration of six years after such commencement has passed the prescribed examinations which shall be conducted by the University of Sydney; or
- 15 (g) having been at any time before the commencement of this Act accepted by the Board for examination under section 10A of the Dentists Act, 1912, as inserted by the Dentists (Amendment) Act, 1916, or under that section as amended by the Dentists (Further Amendment) Act, 1916, passes such examination (which shall be conducted by the University of Sydney) within five years after the commencement of this Act. cf. Act No. 8, 1927, s. 7 (4).
- 20
- (2) Any person who passed the examination in
- 25 operative dentistry, mechanical dentistry, dental surgery, and dental materia medica, conducted at the request of the Board, by the University of Sydney during the period commencing on the fourth and ending on the fourteenth day of December, one thousand nine hundred and
- 30 thirty-three, shall be deemed to have fulfilled all the requirements of paragraph (d) of subsection one of this section in all respects; and any person who, having passed in one or more subjects at the said examination, passes within five years after the commencement of this
- 35 Act in the remaining subjects at examinations in those subjects held in accordance with subparagraph (ii) of the said paragraph (d) shall be deemed to have fulfilled all the requirements of the said paragraph (d) in all respects.
- (3) (a) For the purposes of subparagraph (iv) of paragraph (e) and subparagraph (iii) of paragraph
- 40 (f) of subsection one of this section the expression "prescribed

Dentists.

“prescribed examinations” means the examinations which an applicant for registration under paragraph (b) of section ten of the Dentists Acts, 1912-1927, would have been required to pass in order to qualify for such registration if the Dentists Acts, 1912-1927, had not been repealed.

(b) Subject to the provisions of paragraph (c) of this subsection—

- 10 (i) a person who has passed any of such examinations either wholly or in part before the commencement of this Act shall, to the extent to which he would have been credited with such passing under the Dentists Acts, 1912-1927, and the regulations made thereunder, be deemed to
15 have passed to that extent the prescribed examinations referred to in subparagraph (iv) of paragraph (e) and subparagraph (iii) of paragraph (f) of subsection one of this section;
- 20 (ii) the conditions governing the prescribed examinations referred to in paragraph (b) of section ten of the Dentists Acts, 1912-1927, as set out in the regulations made thereunder and in force immediately before the commencement of this Act, shall govern the prescribed examinations
25 referred to in subparagraph (iv) of paragraph (e) and subparagraph (iii) of paragraph (f) of subsection one of this section.

(c) For the purposes of subparagraph (iii) of paragraph (f) of subsection one of this section a
30 person who, either before or after the commencement of this Act, has passed in one or more subjects of any of the prescribed examinations, shall be credited with having passed in such subject or subjects and shall be entitled to a deferred examination from time to time in the re-
35 maining subject or subjects of that examination.

The fee for each deferred examination shall be three pounds three shillings.

(4) Any certificate, diploma, membership degree, license, letters, testimonial or other title, status, or document granted by a University, college, or other institution
in

Dentists.

in any country, whether British or foreign (other than New South Wales), and which—

5 (a) is proved to the satisfaction of the Board to be accepted in such country as a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of dentistry in that country; and

10 (b) is recognised by the Board as furnishing sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of dentistry in New South Wales,

shall be deemed to be a recognised certificate for the purposes of this Act.

15 (5) After the commencement of this Act a dentist shall not take an apprentice in dentistry, nor shall he accept any pupil or student for any purpose connected with the practice of dentistry.

20 (6) A registered dentist shall not use any certificate, diploma, membership, degree, license, letters, testimonial or other title, status, document or description in relation to himself as a dentist or the practice of dentistry by him other than those (if any) which the Board has authorised in pursuance of paragraph (e) of subsection one of section six of this Act to be entered in connection
25 with his name in the register.

This subsection shall not be construed—

30 (a) to preclude a registered dentist who was registered under the Dentists Acts, 1912-1927, from using any certificate, diploma, membership, degree, license, letters, testimonial or other title, status, document or description which was lawfully used by him immediately before the commencement of this Act;

35 (b) to preclude any registered dentist from using the description "dentist," "dental surgeon," or "surgeon dentist";

(c) to preclude any registered dentist from using the letters "D.B.L."

Dentists.

11. If any person, not being a dentist registered under this Act, takes or uses the name or title of "dentist," or of "dental surgeon," or of "surgeon dentist," or pretends, or by any means whatsoever
 5 advertises or holds himself out to be a dentist (whether or not purporting to be registered) or to be a person who is willing or capable or entitled to do or perform any act, matter, or thing, the doing or performance of which forms part of the practice of dentistry, or
 10 takes or uses any name, initials, word, title, addition, symbol, or description which, either alone or in conjunction with other words, implies or tends to the belief, or indicates, or is capable of being understood to indicate, or is calculated to lead persons to infer that he possesses
 15 a degree, diploma, or other qualification in dentistry, or that he is registered under this Act as a dentist, or that he is willing or capable or entitled to do or perform any act, matter or thing, the doing or performance of which forms part of the practice of dentistry, he shall
 20 be liable for each offence to a penalty not exceeding fifty pounds nor less than ten pounds.

Penalty—
 unregistered person holding himself out as dentist.
 cf. Act No. 26, 1912, s 12.

12. (1) No person, other than a dentist registered under this Act, shall practise in dentistry, or do or perform any act, matter or thing, the doing or performance
 25 of which forms part of the practice of dentistry.

Penalty for practice of dentistry by unregistered person.
 cf. *Ibid.* s. 12A.

(2) Any person who acts in contravention of the provisions of this section shall, in respect of each offence, be liable to a penalty not exceeding fifty pounds nor less than ten pounds.

30 (3) Nothing in this section shall operate to prevent—

- (a) the practice of dentistry by a medical practitioner in the ordinary course of his work as a medical practitioner; or
 35 (b) the carrying on of the practice of dentistry at any hospital attached to the University of Sydney, or at the United Dental Hospital of Sydney, or at any other hospital recognised by the Board as a training school for students in
 40 dentistry; or

(c)

Dentists.

- (c) the performance by any person of any radio-graphic work—
- 5 (i) at a public hospital; or
 (ii) upon the order or at the request of a medical practitioner or a registered dentist; or
- (d) the mechanical construction or the renewal or repair of artificial dentures or restorative dental appliances by any person upon the order of a registered dentist.
- 10

13. (1) The Governor, on the recommendation of the Board, may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or

15 convenient to be prescribed for carrying out or giving effect to the provisions of this Act.

Regulations.
 cf. Act No.
 26, 1912,
 s. 13.

In particular, and without prejudice to the generality of the foregoing provision, regulations may be made—

- (a) regulating the proceedings and fixing the quorum of the Board;
- 20 (b) regulating the duties of officers under this Act;
- (c) specifying the manner in which and the extent to which a dentist is authorised to advertise;
- 25 (d) prohibiting a dentist from practising dentistry in any building in or upon or in the vicinity of which is exhibited or displayed (whether by the dentist or by any other person) any advertisement, sign, notice or device which indicates or is capable of being understood to indicate that dentistry is practised in such building, other than an advertisement, sign, notice or device which is—
- 30 (i) authorised in pursuance of paragraph (c) of this subsection; or
- 35 (ii) of such character and dimensions and so exhibited or displayed as may be prescribed in the regulations;
- (e) regulating the holding of examinations under this Act, and prescribing the subjects of and fees for such examinations;
- 40

Dentists.

(f) providing for the issue of certificates for passing such examinations, and for registration under this Act.

(2) Such regulations shall—

- 5 (a) be published in the Gazette; and
- (b) take effect from the date of such publication or from a later date specified in the regulations; and
- 10 (c) be laid before both Houses of Parliament within fourteen sitting days after such publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

(3) If either House of Parliament passes a
15 resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

- 20 14. Any registrar or other person who wilfully makes or causes to be made any false entry in or falsification of the register, and any person who wilfully procures or attempts to procure himself or any other person to be registered under this Act by making or producing, or
25 causing to be made or produced, any false or fraudulent representation or declaration, either verbally or in writing, and any person aiding or assisting therein, shall be guilty of a misdemeanour, and shall, on conviction, be liable to be imprisoned for any term not exceeding
30 twelve months.

False entries in register, misrepresentation, etc.
cf. Act No. 26, 1912, s. 14.

15. The Board may examine any person upon oath, or take a solemn declaration from any person for the purposes of this Act; and if any person wilfully makes any false statement upon such examination or in such
35 declaration, or utters or attempts to utter, or put off as true before the Board any false, forged or counterfeit certificate, diploma, license, letter, testimonial or other document or writing, he shall be guilty of a misdemeanour, and

Board may examine witnesses on oath.
cf. *Ibid.* s. 15.

Dentists.

and shall, on conviction, be liable to be imprisoned for any period not exceeding twelve months.

- 16.** Any person who contravenes any of the provisions of this Act for which a penalty is not expressly provided or who contravenes any provision of the regulations shall, in addition to his liability (if any) to be removed from the register for misconduct in a professional respect, be liable to a penalty not exceeding fifty pounds.
- 17.** All information for offences against this Act shall be laid by the Registrar or the inspector or some other person appointed by the Board for that purpose, or a member of the police force, and all penalties when recovered shall be paid to the Board, which shall cause the same to be paid into an account in the Special Deposits Account in the Treasury, to be called the "Dental Board Education and Research Account." All such penalties may be recovered before any stipendiary or police magistrate or two justices of the peace sitting in petty sessions.
- 18.** The fees mentioned in the Second Schedule to this Act shall be paid to the Registrar. The amount of all fees paid to the Registrar under this Act or the regulations shall be paid by the Registrar into the Treasury, and shall be carried to the Consolidated Revenue Fund:
- Provided that, where in any year the prescribed roll fee exceeds the sum of ten shillings, only the amount of ten shillings shall be carried to the Consolidated Revenue Fund, and the balance of the roll fees shall be paid into the Dental Board Education and Research Account.
- 19.** The Board may at any time, and from time to time, appropriate any portion or portions of the moneys in the Dental Board Education and Research Account for or towards dental education and research or any public purpose connected with the profession of dentistry within the State of New South Wales, provided that no appropriation shall be made under this section, unless the same is authorised by a resolution passed by a majority of two-thirds of all the members of the Board at a meeting specially convened for the purpose of considering such resolution.

Information to be laid by Registrar, etc.

cf. Act No. 26, 1912, s. 16.

Fees.

cf. *Ibid.* s. 17.

Appropriation of moneys by Board for education, etc.

Dentists.

- 19.** A document purporting to be a certificate under the hand of the Registrar, and stating any one or more of the following matters:—
- 5 (a) that any person was or was not on any date or during any period mentioned in the certificate registered under this Act; or
- (b) that on any date or during any period mentioned in the certificate the registration of any person was suspended,
- 10 shall in all courts and before all persons and bodies authorised by law to receive evidence, be prima facie evidence of the facts stated.
- 20.** (1) Prima facie evidence of any entry in the register may be given in all courts and before all such
- 15 persons and bodies as aforesaid—
- (a) by production of a document purporting to be a true copy of such entry, and purporting to be certified as such by the Registrar; or
- (b) by production of a copy of the Gazette containing the latest published copy of the register.
- 20 (2) An entry in the register shall be prima facie evidence in all courts and before all such persons and bodies as aforesaid of the truth of all matters contained in it.
- 25 **21.** No matter or thing done or suffered by the Board, or any member of the Board or the Registrar or an inspector, bona fide in the execution or intended execution of this Act, or the exercise or discharge of any of its or his powers, authorities, duties or functions, shall subject
- 30 the Board or any member of the Board or the Registrar or an inspector, or any person, or the Crown, to any liability in respect thereof.

Document under hand of Registrar to be prima facie evidence.

cf. Act No. 26, 1912, s. 6 (1) and (2).

Prima facie evidence of entry in register may be given in all courts. cf. *Ibid.*

Protection of Board and members and others from liability.

Dentists.

SCHEDULES.

FIRST SCHEDULE.

Sec. 2.

Reference to Act.	Title of Act.
Act No. 26 of 1912 ..	Dentists Act, 1912.
5 Act No. 15 of 1916 ..	Dentists (Amendment) Act, 1916.
Act No. 54 of 1916 ..	Dentists (Further Amendment) Act, 1916.
Act No. 8 of 1927 ..	Dentists (Amendment) Act, 1927.

SECOND SCHEDULE.

Sec. 17.

				£	s.	d.
10	On application for registration .. ..	..	..	..	5	5 0
	Certificate of registration	0	5 0
	Inspection of register	0	5 0
	Alteration of register	0	5 0

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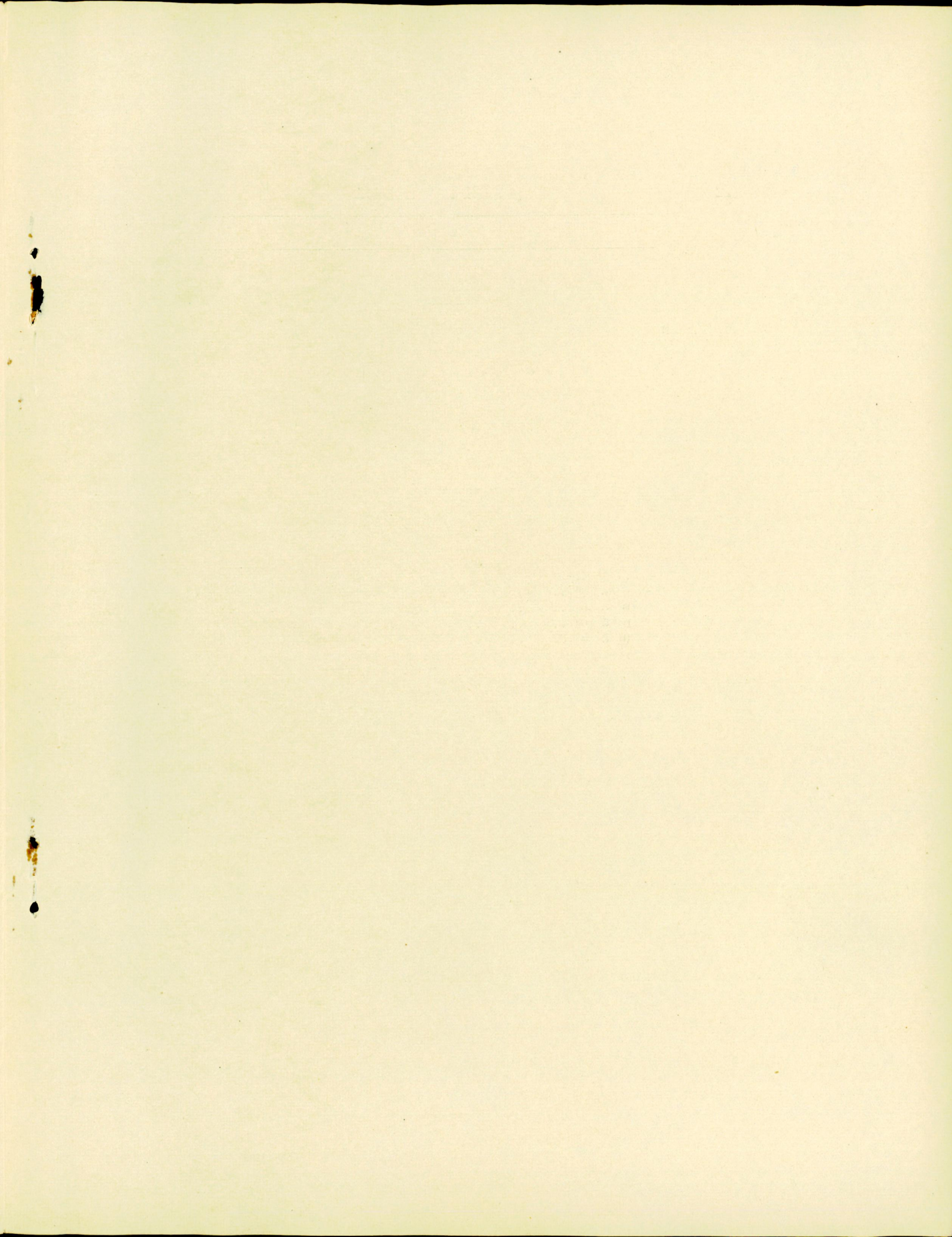
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1907	1908	1909	1910
1911	1912	1913	1914
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1933	1934	1935	1936
1937	1938	1939	1940



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. R. McCOURT,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 10 July, 1934.

THE LEGISLATIVE COUNCIL has this day agreed to this Bill with an Amendment.

Clerk of the Parliaments.
Legislative Council Chamber,
Sydney, August, 1934.

New South Wales.



ANNO VICESIMO QUINTO

GEORGI V REGIS.

Act No. , 1934.

An Act to consolidate and amend the Acts relating to the registration of dentists; to regulate the qualifications for and the effect of such registration; to repeal the Dentists Acts, 1912-1927; 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 Act, 1934."

33031

51—A

(2)

Short title
and com-
mencement.

NOTE.—The words to be omitted are ruled through.

Dentists.

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

5 2. (1) The Acts mentioned in the First Schedule to this Act are hereby repealed.

Repeal and savings.

cf. Act No. 26, 1912, s. 2.

(2) Notwithstanding the repeal of any such Act the Dental Board shall continue in existence; and every person who immediately before the commencement of this Act holds office as a member of the Dental Board shall continue to hold such office in all respects as if this Act were in force at the time of his appointment or election to such office; and the person who immediately before such commencement holds office as president of the Dental Board shall continue to hold such office in all respects as if this Act were in force at the time of his appointment to such office.

(3) The Registrar and every officer appointed under any of the Acts hereby repealed, and holding office immediately before the commencement of this Act, shall continue to hold office in all respects as if this Act were in force at the time of their appointment.

(4) All persons who, immediately before the commencement of this Act, are registered or deemed to be registered as dentists under any of the Acts hereby repealed, shall be deemed to be registered under this Act.

The register of dentists kept under any of the Acts hereby repealed shall be deemed to be a register for the purposes of this Act.

(5) All regulations made under the authority of any of the Acts hereby repealed, and in force immediately before the commencement of this Act, shall, to the extent to which they are not inconsistent with this Act, be deemed to have been made under this Act and shall continue in force until amended or repealed by regulations made under this Act.

3. (1) In this Act, unless the context or subject matter otherwise indicates or requires:—

Interpretation.

“Dental Board” or “Board” means the dental board constituted or continued under the provisions of this Act.

cf. *Ibid.* s 3.

40

“Dentist”

Dentists.

- “Dentist” means a person registered, or deemed to be registered, as a dentist under this Act.
- “Inspector” means the inspector appointed under this Act.
- 5 “Prescribed” means prescribed by this Act or by the regulations.
- “President” means President of the Board.
- “Registrar” means the Registrar appointed or deemed to be appointed under this Act.
- 10 “Regulations” means regulations made or deemed to be made under this Act.
- (2) For the purposes of this Act the practice of dentistry shall be deemed to include—
- 15 (a) the performance of any operation and the treatment of any diseases, deficiencies or lesions on or of the human teeth or jaws and the correction of malpositions thereof and the performance of radiographic work in connection with the human teeth or jaws; and
- 20 (b) the giving of any anaesthetic in connection with any operation on the human teeth or jaws; and
- (c) the mechanical construction or the renewal or repair of artificial dentures or restorative dental appliances; and
- 25 (d) the performance of any operation on, or the giving of any treatment, advice or attendance to any person, as preparatory to, or for the purpose of or for or in connection with the fitting, insertion, fixing, constructing, repairing or renewing of artificial dentures or restorative dental appliances; and
- 30 (e) the performance of any such operation and the giving of any such treatment, advice, or attendance as is usually performed or given by dentists.
- 35 The verb “practise” in relation to dentistry shall have a corresponding meaning.

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.
cf. Act No. 26, 1912, s. 4.

Of

Dentists.

Of the other members of the Board, two, one of whom shall be a legally 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 for the time being registered as dentists.

(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) (a) Any vacancy in the office of an appointed member of the Board may be filled by appointment by the Governor.

(b) Any vacancy in the office of an elected member of the Board shall be filled by the election of a dentist in the prescribed manner by the persons for the time being registered as dentists:

Provided that where the vacancy occurs within the last six months of the term of office of the member, the Minister may, on the application of the Board, order that an election shall not be held; and may, on the like application, revoke any such order.

(c) Any person appointed or elected under this subsection shall hold office for the residue of the term for which his predecessor was appointed or elected.

(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) 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.

5. (1) The Governor may from time to time appoint a registrar, an inspector or inspectors and such other officers as he may think fit for the purposes of this Act.

Appoint-
ments.
cf. Act No.
26, 1912,
s. 5.

(2)

Dentists.

(2) For the purpose of ascertaining—

(a) whether any of the provisions of this Act or of the regulations has been or is being contravened by any dentist; or

5 (b) whether a dentist is so conducting himself as to be guilty of misconduct in a professional respect,

an inspector may enter any premises in which such dentist is carrying on the practice of dentistry, and may make such enquiries therein as such inspector may think

10 fit.

6. (1) The Registrar shall enter in a register, in the prescribed manner and on payment of the prescribed fee—

Particulars
in register.
cf. Act No.
26, 1912,
s. 6.

15 (a) the full name and address of every registered dentist;

(b) the date of his registration;

(c) particulars of the qualification or qualifications in respect of which his registration is granted;

20 (d) particulars of such further or additional qualifications possessed by him as the Board may direct to be entered in the register;

(e) particulars of any certificate, diploma, membership, degree, license, letters, testimonial, or other title, status, document or description which he is authorised by the Board to use in relation to himself as a dentist or the practice of dentistry by him;

25 (f) such other particulars and matters as are directed by this Act or the regulations to be entered therein.

30 (2) The Registrar shall, in the month of January in each year, transmit a certified copy of such register to the Minister, who shall cause the same to be published in the Gazette as soon as practicable.

35 (3) Every dentist shall in or before the month of October in each year pay to the Registrar a roll fee of such amount as may be prescribed for the following year. The fee so prescribed shall be not less than ten shillings nor more than two pounds.

Dentists.

(4) If any dentist does not pay the prescribed roll fee before the thirty-first day of October in any year, the Board shall notify him by registered letter addressed to him at the address appearing in the register, that if
 5 the fee be not paid within one month after the posting of the letter his name will be removed from the register. If any dentist who has been so notified fails to pay such fee within the time specified in the letter, the Board shall remove his name from the register.

10 (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. The regulations
 15 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.

20 (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.

25 **7.** (1) The Board shall cause to be removed from the register the names of—

- (a) every deceased dentist;
- (b) every dentist who has ceased to possess or does not possess the qualifications in respect of which he was registered;
- 30 (c) every dentist who has become an insane person or patient or an incapable person within the meaning of the Lunacy Act of 1898.

(2) Every district registrar under the Registration of Births, Deaths and Marriages Act, 1899, as amended
 35 by subsequent Acts (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 at the times prescribed, and the Board shall, upon receipt of such notice,
 40 cause the name of such dentist to be removed from the register.

(3)

Removal of name of deceased dentists, etc.

cf. Act No. 26, 1912, s. 7.

Dentists.

(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 **8.** (1) Where a person registered in the dentists' register has—

- (a) been convicted, either in New South Wales or elsewhere, of an offence which, if committed in New South Wales, would be a felony or misdemeanour; or
- 10 (b) been adjudged by the Board, after an enquiry as hereinafter provided, to have been guilty of misconduct in a professional respect,

the Board may remove his name from the register or
15 suspend his registration for such period as the Board shall think fit.

(2) Without limiting the meaning of the expression "misconduct in a professional respect" a dentist shall be guilty of such misconduct who—

- 20 (a) is a habitual drunkard; or
- (b) is habitually addicted to any drug to which Part VI of the Police Offences (Amendment) Act, 1908, applies; or
- 25 (c) contravenes the provisions of subsection six of section ten of this Act; or
- (d) carries on the practice of dentistry under a name other than his own name except whilst he is acting as the duly appointed locum tenens of another registered dentist; or
- 30 (e) allows the use of his name in connection with the practice of dentistry at premises at which he or his duly appointed locum tenens is not in regular attendance for the purposes of practice and supervision during the hours in which such premises are open for the practice of dentistry; or
- 35 (f) advertises otherwise than in accordance with the regulations, or advertises in contravention of the regulations; or
- 40 (g) practises in dentistry in contravention of any regulation made under paragraph (d) of subsection one of section thirteen of this Act; or

Removal of name on account of misconduct, etc.
cf. Act No. 26, 1912, s. 8.

(h)

Dentists.

5 (h) for fee, salary or other reward is employed by or associates himself with a person who is not a registered dentist in carrying on the practice of dentistry. In this paragraph "person" includes a body or corporation (other than the Crown, a public hospital, or charitable or philanthropic institution).

(3) For the purposes of this section no person shall be deemed to be a duly appointed locum tenens
10 unless—

(a) he is appointed in writing by another registered dentist; and

(b) he is a registered dentist at the time of taking up his duties; and

15 (c) he is employed only during the temporary absence of his employer and for a period not exceeding three months or for such further period as the Board may in any particular case permit.

20 A dentist who is engaged in the practice of dentistry as a member of a partnership shall, subject to the foregoing provisions of this subsection, be entitled to appoint his partner or one of his partners as his locum tenens.

(4) In the case of a conviction for an offence as
25 aforesaid, no person shall have his name removed from the register or have his registration suspended on account thereof if such offence does not, either from its trivial nature or from the circumstances under which it was committed, render such person unfit in the public interest
30 to practise dentistry.

(5) In the case of a charge of misconduct in a professional respect the Board, in making due enquiry, shall sit as in open court, and the person charged shall be afforded an opportunity of defence either in person
35 or by counsel.

(6) Every person, other than a member of the police force or a member of the public service, who makes a complaint to the Board alleging misconduct in a professional respect against any person, shall deposit with
40 the Board the sum of five pounds at the time of lodging his complaint.

If

Dentists.

If after considering the complaint the Board is of the opinion that the complaint is vexatious or frivolous in its nature it shall so declare, and thereupon the sum so deposited shall be forfeited.

5 In the absence of such declaration the sum so deposited shall be refunded to the complainant.

(7) For the purpose of an enquiry in the case of a charge of misconduct in a professional respect the Board and the President or member of the Board presiding at the enquiry shall have the powers conferred by the Royal Commissions Act, 1923, on a commissioner and the chairman of a commission respectively appointed under Division 1 of Part II of that Act, and the said Act, section thirteen and Division 2 of Part II excepted, shall, mutatis mutandis, apply to any witness summoned by or appearing before the Board.

(8) Whenever the registration of a dentist is suspended under the provisions of this section the Registrar shall enter in the register a memorandum of that fact and of the date and cause thereof.

(9) Any person aggrieved by the removal of his name from the register or by the suspension of his registration or by any refusal or failure to register his name in the register may, within three months after the date on which notice is given to him by the Registrar that his name has been so removed or his registration suspended, or within six months after the date on which he applied to be registered, as the case may be, appeal against the removal or suspension or the refusal or failure, as the case may be, to the Supreme Court.

Every such appeal shall be in the nature of a rehearing, and shall be made in accordance with rules of court.

Upon any such appeal, the Supreme Court may summon witnesses, hear evidence, and determine the matter, having regard to this Act, the regulations, the circumstances of the case, and the public interest, and may make such order as it deems fit.

The decision of the Supreme Court upon any such appeal shall be final, and shall be binding upon the Board and the appellant, and for the purposes of this Act shall be deemed to be the final decision of the Board.

If

Dentists.

If in any decision by the Supreme Court under this section costs are awarded, such costs may be enforced and recovered in like manner to costs awarded in a judgment of the Supreme Court.

5 The jurisdiction conferred on the Supreme Court by this section may be exercised by a single judge thereof.

9. Where the Board directs the removal from the register of the name of any person, the name of that person shall not be again entered on the register, except
 10 by direction of the Board or by order of a court of competent jurisdiction. The Board may, if it thinks fit in any case, direct the Registrar to restore to the register any name removed therefrom without fee, or on payment of such fee, not exceeding the registration fee, as the
 15 Board may from time to time direct, and the Registrar shall restore the same accordingly.

Restoration
of name to
register.
cf. Act No.
26, 1912,
s. 9.

10. (1) Any person who proves to the satisfaction of the Board that he is of good character, shall be entitled to be registered as a dentist if he—

Qualifica-
tions for
registration.
cf. *Ibid.*
s. 10.

20 (a) is a graduate in dentistry of any University in Australia, or of a dental college affiliated with a University in Australia; or

25 (b) is the holder of a diploma or degree in dentistry from a University in any country, whether British or foreign (other than Australian), which diploma or degree is recognised by the Dental Board as at least equal to the degree of Bachelor of Dental Surgery in the University of Sydney:

30 Provided that a person shall not be entitled to be registered by virtue of the qualification set out in this paragraph 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 diploma or degree was
 35 granted or issued, graduation in Dentistry in the University of Sydney is recognised as furnishing sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of dentistry in that country; or

(c).

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(c) is the holder of a recognised certificate as hereinafter defined: cf. Act No. 26, 1912, s. 11.)

5 Provided that a person shall not be entitled to be registered by virtue of the qualification set out in this paragraph 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
10 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; or

15 (d) has attained the age of twenty-one years, and

20 (i) within three months after the commencement of this Act establishes, to the satisfaction of the Board, that he had, prior to the first day of May, one thousand nine hundred and twenty-seven, become engaged in the acquirement of professional knowledge in dentistry within the State of New South Wales, and has been so engaged within the said State for a total period of not less than four years; and

25 (ii) within five years after such commencement passes (not necessarily at one and the same time) examinations of a standard to be approved by the Board, and to be conducted by the University of Sydney, in each of the following subjects, namely, operative dentistry, mechanical dentistry, dental surgery and dental materia
30 medica; and

35 (iii) before sitting for any such examination, presents to the Board a certificate signed by the Superintendent of the United Dental Hospital of Sydney, setting out that he has regularly attended a twelve months'

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months' course at such hospital in acquiring professional knowledge in dentistry, and that he has been a satisfactory student during such course; or

5 (e) has attained the age of twenty-one years, and

(i) within three months after the commencement of this Act establishes to the satisfaction of the Board that prior to such commencement and since the first day of
10 May, one thousand nine hundred and twenty-seven, he had become engaged in the acquirement of professional knowledge in dentistry in the State of New
Wales; and

15 (ii) before the commencement of this Act has passed the matriculation examination of the University of Sydney in the subjects prescribed by the University for entrance to the faculty of dentistry, or within three
20 years after such commencement passes such examination; and

(iii) within six years after such commencement establishes to the satisfaction of the
25 Board that he has been engaged in the acquirement of professional knowledge in dentistry in the State of New South Wales for a total period of not less than four years; and

(iv) before the expiration of six years after
30 such commencement has passed the prescribed examinations which shall be conducted by the University of Sydney; or

(f) has attained the age of twenty-one years, and

(i) within three months after the commencement of this Act establishes, to the satisfaction of the Board, that he had, prior
35 to the first day of May, one thousand nine hundred and twenty-seven, become engaged in the acquirement of professional knowledge in dentistry within the State
40 of

Dentists

- of New South Wales, and has been so engaged within the said State for a total period of not less than four years; and
- 5 (ii) before the commencement of this Act has passed in the subjects prescribed by regulations made under the Dentists Acts, 1912-1927, an examination of a standard equal to that of the examination for the intermediate certificate; and
- 10 (iii) before the expiration of six years after such commencement has passed the prescribed examinations which shall be conducted by the University of Sydney; or
- 15 (g) having been at any time before the commencement of this Act accepted by the Board for examination under section 10A of the Dentists Act, 1912, as inserted by the Dentists (Amendment) Act, 1916, or under that section as amended by the Dentists (Further Amendment) Act, 1916, passes such examination (which shall be conducted by the University of Sydney) within five years after the commencement of this Act. cf. Act No. 8, 1927, s. 7 (4).
- 20
- (2) Any person who passed the examination in
- 25 operative dentistry, mechanical dentistry, dental surgery, and dental materia medica, conducted at the request of the Board, by the University of Sydney during the period commencing on the fourth and ending on the fourteenth day of December, one thousand nine hundred and
- 30 thirty-three, shall be deemed to have fulfilled all the requirements of paragraph (d) of subsection one of this section in all respects; and any person who, having passed in one or more subjects at the said examination, passes within five years after the commencement of this
- 35 Act in the remaining subjects at examinations in those subjects held in accordance with subparagraph (ii) of the said paragraph (d) shall be deemed to have fulfilled all the requirements of the said paragraph (d) in all respects.
- (3) (a) For the purposes of subparagraph (iv)
- 40 of paragraph (e) and subparagraph (iii) of paragraph (f) of subsection one of this section the expression "prescribed

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“prescribed examinations” means the examinations which an applicant for registration under paragraph (b) of section ten of the Dentists Acts, 1912-1927, would have been required to pass in order to qualify for such registration if the Dentists Acts, 1912-1927, had not been repealed.

(b) Subject to the provisions of paragraph (c) of this subsection—

- 10 (i) a person who has passed any of such examinations either wholly or in part before the commencement of this Act shall, to the extent to which he would have been credited with such passing under the Dentists Acts, 1912-1927, and the regulations made thereunder, be deemed to have passed to that extent the prescribed examinations referred to in subparagraph (iv) of paragraph (c) and subparagraph (iii) of paragraph (f) of subsection one of this section;
- 15
- 20 (ii) the conditions governing the prescribed examinations referred to in paragraph (b) of section ten of the Dentists Acts, 1912-1927, as set out in the regulations made thereunder and in force immediately before the commencement of this Act, shall govern the prescribed examinations referred to in subparagraph (iv) of paragraph (c) and subparagraph (iii) of paragraph (f) of subsection one of this section.
- 25

(c) For the purposes of subparagraph (iii) of paragraph (f) of subsection one of this section a person who, either before or after the commencement of this Act, has passed in one or more subjects of any of the prescribed examinations, shall be credited with having passed in such subject or subjects and shall be entitled to a deferred examination from time to time in the remaining subject or subjects of that examination.

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The fee for each deferred examination shall be three pounds three shillings.

(4) Any certificate, diploma, membership degree, license, letters, testimonial or other title, status, or document granted by a University, college, or other institution in

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in any country, whether British or foreign (other than New South Wales), and which—

5 (a) is proved to the satisfaction of the Board to be accepted in such country as a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of dentistry in that country; and

10 (b) is recognised by the Board as furnishing sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of dentistry in New South Wales,

shall be deemed to be a recognised certificate for the purposes of this Act.

15 (5) After the commencement of this Act a dentist shall not take an apprentice in dentistry, nor shall he accept any pupil or student for any purpose connected with the practice of dentistry.

20 (6) A registered dentist shall not use any certificate, diploma, membership, degree, license, letters, testimonial or other title, status, document or description in relation to himself as a dentist or the practice of dentistry by him other than those (if any) which the Board has authorised in pursuance of paragraph (e) of subsection one of section six of this Act to be entered in connection
25 with his name in the register.

This subsection shall not be construed—

30 (a) to preclude a registered dentist who was registered under the Dentists Acts, 1912-1927, from using any certificate, diploma, membership, degree, license, letters, testimonial or other title, status, document or description which was lawfully used by him immediately before the commencement of this Act;

35 (b) to preclude any registered dentist from using the description “dentist,” “dental surgeon,” or “surgeon dentist”;

~~(c) to preclude any registered dentist from using the letters “D.B.L.”~~

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11. If any person, not being a dentist registered under this Act, takes or uses the name or title of "dentist," or of "dental surgeon," or of "surgeon dentist," or pretends, or by any means whatsoever
 5 advertises or holds himself out to be a dentist (whether or not purporting to be registered) or to be a person who is willing or capable or entitled to do or perform any act, matter, or thing, the doing or performance of which forms part of the practice of dentistry, or
 10 takes or uses any name, initials, word, title, addition, symbol, or description which, either alone or in conjunction with other words, implies or tends to the belief, or indicates, or is capable of being understood to indicate, or is calculated to lead persons to infer that he possesses
 15 a degree, diploma, or other qualification in dentistry, or that he is registered under this Act as a dentist, or that he is willing or capable or entitled to do or perform any act, matter or thing, the doing or performance of which forms part of the practice of dentistry, he shall
 20 be liable for each offence to a penalty not exceeding fifty pounds nor less than ten pounds.

Penalty—
 unregistered
 person hold-
 ing himself
 out as
 dentist.
 cf. Act No.
 26, 1912,
 s 12.

12. (1) No person, other than a dentist registered under this Act, shall practise in dentistry, or do or perform any act, matter or thing, the doing or performance
 25 of which forms part of the practice of dentistry.

Penalty for
 practice of
 dentistry by
 unregistered
 person.
 cf. *Ibid.*
 s. 12A.

(2) Any person who acts in contravention of the provisions of this section shall, in respect of each offence, be liable to a penalty not exceeding fifty pounds nor less than ten pounds.

30 (3) Nothing in this section shall operate to prevent—

- (a) the practice of dentistry by a medical practitioner in the ordinary course of his work as a medical practitioner; or
 35 (b) the carrying on of the practice of dentistry at any hospital attached to the University of Sydney, or at the United Dental Hospital of Sydney, or at any other hospital recognised by the Board as a training school for students in
 40 dentistry; or

(c)

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- (c) the performance by any person of any radiographic work—
- 5 (i) at a public hospital; or
(ii) upon the order or at the request of a medical practitioner or a registered dentist; or
- (d) the mechanical construction or the renewal or repair of artificial dentures or restorative dental appliances by any person upon the order of a registered dentist.
- 10 **13.** (1) The Governor, on the recommendation of the Board, may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or
- 15 convenient to be prescribed for carrying out or giving effect to the provisions of this Act.
- In particular, and without prejudice to the generality of the foregoing provision, regulations may be made—
- 20 (a) regulating the proceedings and fixing the quorum of the Board;
- (b) regulating the duties of officers under this Act;
- (c) specifying the manner in which and the extent to which a dentist is authorised to advertise;
- 25 (d) prohibiting a dentist from practising dentistry in any building in or upon or in the vicinity of which is exhibited or displayed (whether by the dentist or by any other person) any advertisement, sign, notice or device which indicates or is capable of being understood to indicate that dentistry is practised in such building, other than an advertisement, sign, notice or device which is—
- 30 (i) authorised in pursuance of paragraph (c) of this subsection; or
- 35 (ii) of such character and dimensions and so exhibited or displayed as may be prescribed in the regulations;
- (e) regulating the holding of examinations under this Act, and prescribing the subjects of and fees for such examinations;
- 40

Regulations.
cf. Act No.
26, 1912,
s. 13.

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- (f) providing for the issue of certificates for passing such examinations, and for registration under this Act.
- (2) Such regulations shall—
- 5 (a) be published in the Gazette; and
- (b) take effect from the date of such publication or from a later date specified in the regulations; and
- 10 (c) be laid before both Houses of Parliament within fourteen sitting days after such publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.
- (3) If either House of Parliament passes a
- 15 resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.
- 20 **14.** Any registrar or other person who wilfully makes or causes to be made any false entry in or falsification of the register, and any person who wilfully procures or attempts to procure himself or any other person to be registered under this Act by making or producing, or
- 25 causing to be made or produced, any false or fraudulent representation or declaration, either verbally or in writing, and any person aiding or assisting therein, shall be guilty of a misdemeanour, and shall, on conviction, be liable to be imprisoned for any term not exceeding
- 30 twelve months.
- 15.** The Board may examine any person upon oath, or take a solemn declaration from any person for the purposes of this Act ; and if any person wilfully makes any false statement upon such examination or in such
- 35 declaration, or utters or attempts to utter, or put off as true before the Board any false, forged or counterfeit certificate, diploma, license, letter, testimonial or other document or writing, he shall be guilty of a misdemeanour, and

False entries
in register,
misrepresentation,
etc.
cf. Act No.
26, 1912,
s. 14.

Board may
examine
witnesses
on oath.
cf. *Ibid.*
s. 15.

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and shall, on conviction, be liable to be imprisoned for any period not exceeding twelve months.

- 16.** Any person who contravenes any of the provisions of this Act for which a penalty is not expressly provided or who contravenes any provision of the regulations shall, in addition to his liability (if any) to be removed from the register for misconduct in a professional respect, be liable to a penalty not exceeding fifty pounds.
- 10** All information for offences against this Act shall be laid by the Registrar or the inspector or some other person appointed by the Board for that purpose, or a member of the police force, and all penalties when recovered shall be paid to the Board, which shall cause the same to be paid into an account in the Special Deposits Account in the Treasury, to be called the "Dental Board Education and Research Account." All such penalties may be recovered before any stipendiary or police magistrate or two justices of the peace sitting in petty sessions.
- 20** **17.** The fees mentioned in the Second Schedule to this Act shall be paid to the Registrar. The amount of all fees paid to the Registrar under this Act or the regulations shall be paid by the Registrar into the Treasury, and shall be carried to the Consolidated Revenue Fund:
- 25** Provided that, where in any year the prescribed roll fee exceeds the sum of ten shillings, only the amount of ten shillings shall be carried to the Consolidated Revenue Fund, and the balance of the roll fees shall be paid into the Dental Board Education and Research Account.
- 30** **18.** The Board may at any time, and from time to time, appropriate any portion or portions of the moneys in the Dental Board Education and Research Account for or towards dental education and research or any public purpose connected with the profession of dentistry within the State of New South Wales, provided that no appropriation shall be made under this section, unless the same is authorised by a resolution passed by a majority of two-thirds of all the members of the Board at a meeting specially convened for the purpose of considering such resolution.
- 40**

Information to be laid by Registrar, etc.

cf. Act No. 26, 1912, s. 16.

Fees.

cf. *Ibid.* s. 17.

Appropriation of moneys by Board for education, etc.

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19. A document purporting to be a certificate under the hand of the Registrar, and stating any one or more of the following matters:—

Document under hand of Registrar to be prima facie evidence.

5 (a) that any person was or was not on any date or during any period mentioned in the certificate registered under this Act; or

cf. Act No. 26, 1912, s. 6 (1) and (2).

(b) that on any date or during any period mentioned in the certificate the registration of any person was suspended,

10 shall in all courts and before all persons and bodies authorised by law to receive evidence, be prima facie evidence of the facts stated.

20. (1) Prima facie evidence of any entry in the register may be given in all courts and before all such persons and bodies as aforesaid—

Prima facie evidence of entry in register may be given in all courts. cf. *Ibid.*

(a) by production of a document purporting to be a true copy of such entry, and purporting to be certified as such by the Registrar; or

20 (b) by production of a copy of the Gazette containing the latest published copy of the register.

(2) An entry in the register shall be prima facie evidence in all courts and before all such persons and bodies as aforesaid of the truth of all matters contained in it.

25 **21.** No matter or thing done or suffered by the Board, or any member of the Board or the Registrar or an inspector, bona fide in the execution or intended execution of this Act, or the exercise or discharge of any of its or his powers, authorities, duties or functions, shall subject
30 the Board or any member of the Board or the Registrar or an inspector, or any person, or the Crown, to any liability in respect thereof.

Protection of Board and members and others from liability.

Dentists.

SCHEDULES.

FIRST SCHEDULE.

Sec. 2.

Reference to Act.	Title of Act.
Act No. 26 of 1912 ..	Dentists Act, 1912.
5 Act No. 15 of 1916 ..	Dentists (Amendment) Act, 1916.
Act No. 54 of 1916 ..	Dentists (Further Amendment) Act, 1916.
Act No. 8 of 1927 ..	Dentists (Amendment) Act, 1927.

SECOND SCHEDULE.

Sec. 17.

				£	s.	d.
10	On application for registration .. ..	..	..	..	5	5 0
	Certificate of registration .. ..	..	..	..	0	5 0
	Inspection of register .. ..	..	..	..	0	5 0
	Alteration of register .. ..	..	..	..	0	5 0

