

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.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 16 September, 1971.*

New South Wales



ANNO VICESIMO

ELIZABETHÆ II REGINÆ

Act No. , 1971.

An Act to make further provision relating to the powers of inspectors, the registration of dentists and the authorisation of persons not entitled to registration to practise dentistry in certain cases or to be granted certificates of provisional registration; for these and other purposes to amend the Dentists Act, 1934; and for purposes connected therewith.

BE

Dentists (Amendment).

BE it enacted by the Queen'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. This Act may be cited as the "Dentists (Amendment) Short title.
 Act, 1971".

2. The Dentists Act, 1934, is amended—

- | | | |
|----|--|---------------------------------------|
| | | Amendment
of Act No.
10, 1934. |
| 10 | (a) by omitting from the definition of "Inspector" in subsection one of section three the word "the"; | Sec. 3.
(Interpretation.) |
| | (b) by omitting from subsection one of section four the word "Public"; | Sec. 4.
(Dental Board.) |
| 15 | (c) by inserting next after subsection two of section five the following new subsections:— | Sec. 5.
(Appointments.) |
| 20 | (3) Upon complaint made by an inspector on oath before a justice that the inspector suspects or believes that any of the provisions of this Act or of the regulations have been or are being contravened, and upon reasonable grounds being shown in such complaint for the inspector so suspecting or believing, that justice may grant a search warrant authorising that inspector, at any time or times within one month from the date of the warrant, to enter the premises named in the warrant and to make such enquiries therein as such inspector may think fit. | |
| 25 | (4) A person shall not wilfully delay or obstruct an inspector in the exercise of his powers under this section. | |
| 30 | (d) by inserting in subsection five of section six after the word "form" the words "and if it is satisfied that he is of good character"; | Sec. 6.
(Particulars in register.) |
| | (e) | |

Dentists (Amendment).

(e) by omitting paragraph (c) of subsection one of section seven;

(Removal of name of deceased dentists, etc.)

(f) (i) by omitting paragraph (a) of subsection one of section eight and by inserting in lieu thereof the following paragraph : —

(Removal of name on account of misconduct, etc.)

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

(ii) by inserting at the end of the same subsection the words "or caution or reprimand him";

(iii) by omitting from paragraph (b) of subsection two of the same section the words "drug to which Part VI of the Police Offences (Amendment) Act, 1908, applies" and by inserting in lieu thereof the words "drug of addiction within the meaning of the Poisons Act, 1966";

(iv) by omitting subsection four of the same section and by inserting in lieu thereof the following subsections : —

(4) In the case of a conviction as referred to in paragraph (a) of subsection one of this section, no person shall have his name removed from the register or have his registration suspended on account thereof if the act in respect of which such person is so convicted 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.

(4A)

Dentists (Amendment).

5 (4A) The Board may, after receiving a complaint alleging misconduct in a professional respect against a dentist, inform the dentist of the nature of the complaint and, by notice, invite the dentist to make, within such time as the Board specifies in the notice, such representations to the Board with respect to the complaint as he thinks fit.

10 (4B) The Board may, after receiving such representations or after the expiry of the time specified in the notice, whichever first happens, dismiss the complaint or set it down for enquiry under this section.

15 (v) by omitting subsections eight and nine of the same section;

(g) by inserting next after the same section the following new sections :— New secs. 8A, 8B.

20 8A. (1) Where the name of a dentist has been removed from the register under any provision of this Act, the dentist shall be deemed to be not registered as a dentist under this Act. Effect of removal from register or suspension.

(2) Where the registration of a dentist has been suspended under any provision of this Act—

25 (a) the Registrar shall enter in the register a memorandum of such suspension and of the date and cause thereof; and

(b) such person shall, during the period of such suspension, be deemed to be not registered as a dentist under this Act.

30 8B. (1) Any person aggrieved by— Appeals.

(a) an adjudgment by the Board that he has been guilty of misconduct in a professional respect;

(b)

Dentists (Amendment).

- 5
- (b) a finding by the Board that he is, by reason of infirmity, injury or illness, whether mental or physical, unfit to carry on the practice of dentistry;
 - (c) the removal of his name from the register;
 - (d) his suspension from practice as a dentist;
 - (e) a refusal or failure by the Board to direct that his name be restored to the register under section nine of this Act; or
 - 10 (f) any other refusal or failure to register his name in the register,

15 may, within three months after the date on which notice is given to him by the Board or Registrar of such adjudgment, finding, removal or suspension, or within six months after the date on which he applied to have his name restored to or registered in the register, as the case may be, appeal against such adjudgment, finding, removal or suspension, or against such refusal or failure, as the case may be, to the District Court having jurisdiction in the district within which such person resides or carries on the practice of dentistry.

20

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

25

(3) Upon any such appeal, the District 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.

30

(4) Without limiting the generality of subsection three of this section, upon any such appeal the District Court may make any order which the Board might have made in the first instance.

35

(5)

Dentists (Amendment).

5 (5) The decision of the District 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.

(6) If in any decision by the District 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 District Court.

10 (7) The provisions of this section do not apply so as to enable an applicant for provisional registration or the holder of a certificate of provisional registration that has been cancelled to appeal
15 against the refusal to grant a certificate of provisional registration or the cancellation of the certificate of provisional registration.

(h) (i) by omitting from paragraph (d) of subsection one of section ten the words "or subparagraph (i) of paragraph (b) of subsection two";

Sec. 10.
(Qualifications for registration.)

20 (ii) by omitting subparagraph (i) of paragraph (e) of the same subsection and by inserting in lieu thereof the following subparagraph :—

25 (i) under the supervision of a dentist in such government department, public hospital, State hospital, mental hospital, private hospital or other institution, as the Minister may have approved, for a period of or periods aggregating three years or more; or;

30 (iii) by inserting in subparagraph (ii) of the same paragraph after the word "such" where secondly occurring the words "government department,";

(iv)

Dentists (Amendment).

(iv) by omitting paragraph (a) of subsection two of the same section and by inserting in lieu thereof the following paragraph :—

5 (a) who has been convicted in New South
Wales of any felony, misdemeanour,
crime or offence, or has been con-
victed elsewhere than in New South
10 Wales of an offence which, if com-
mitted in New South Wales, would be
a felony, misdemeanour, crime or
offence; or;

(v) by omitting paragraph (c) of the same subsection and by inserting in lieu thereof the following paragraph :—

15 (c) who is an habitual drunkard or is
habitually addicted to any drug of
addiction within the meaning of the
Poisons Act, 1966.

20 (vi) by omitting from the same subsection the
words "the offence" and by inserting in lieu
thereof the words "the act in respect of which
such person was convicted".

25 (i) (i) by omitting subsection two of section 10A and **Sec. 10A.**
by inserting in lieu thereof the following (Further
subsection :— qualifications for
registration.)

30 (2) In the case of a person who is not
otherwise entitled to be registered as a dentist,
and in respect of whom the Board is not
prepared to recommend to the Minister that
he should be granted registration under the
provisions of subsection one of this section,
but who is able to satisfy the requirements of
paragraphs (a), (b) and (c) of that subsection,
the Board may recommend to the

Minister

Dentists (Amendment).

Minister that such person be licensed by the Board to practise—

- 5 (a) under the supervision of a dentist in such government department, public hospital, State hospital, mental hospital, private hospital or other institution, as the Minister may approve; or
- 10 (b) in such part of the State or in such government department, public hospital, State hospital, mental hospital, private hospital or other institution, as the Minister may direct,

and if the Minister so approves or directs such person shall be so licensed.

- 15 (ii) by inserting in subsection three of the same section after the word "ten" the words "and subsections one, two and three of section 10D";
- 20 (iii) by omitting from subsection five of the same section the words "and nine" and by inserting in lieu thereof the words and symbols ", 8B, nine and 10D";

(j) by inserting next after section 10B the following new sections :—

New secs. 10c, 10d.

25 10c. (1) When a person has applied to be registered, the Registrar, upon being satisfied that such person—

Certificate of provisional registration may be granted. cf. Act No. 37, 1938, s. 20.

- (a) is entitled to be registered under this Act; or
- 30 (b) (i) is justly entitled to a degree (granted after due examination) in dentistry of any university in the Commonwealth which is legally authorised to grant such degree;

(ii)

Dentists (Amendment).

(ii) will have such degree conferred upon him in due course according to the practice of the university in question in conferring degrees; and

5 (iii) is of good character,

may, on behalf of the Board and on payment of the prescribed fee, grant to such person a certificate of provisional registration in the prescribed form.

10 (2) Where a person has obtained a certificate of provisional registration he shall be deemed to be registered under this Act until—

(a) the date stated in such certificate as the date upon which such certificate expires; or

15 (b) such later date as is fixed by the Board, which in no case shall be later than three months from the granting of such certificate.

20 (3) The Board may, at any time before the date so stated or fixed, for such cause as to it seems proper, cancel a certificate of provisional registration without prejudice to the application of the person who was the holder of the certificate to be registered.

25 (4) Upon the cancellation of a certificate of provisional registration, the holder of the certificate shall thereupon cease to be deemed to be registered.

30 (5) If a person to whom a certificate of provisional registration has been granted becomes registered under this Act during the currency of such certificate, his registration shall, unless otherwise decided by the Board, date from the granting of such certificate.

Dentists (Amendment).

5 10D. (1) Notwithstanding any other provision of this Act, where the Board is satisfied on such evidence as to it seems proper that any applicant for registration under this Act or any dentist is, by reason of infirmity, injury or illness, whether mental or physical, unfit to carry on the practice of dentistry the Board may refuse to register the applicant's name in the register or may cause the name of the dentist to be removed from the register or suspend his registration for such period as the Board shall think fit.

Refusal
or suspen-
sion of
registra-
tion or
removal
from
register on
ground of
unfitness.

10 (2) For the purposes of subsection one of this section the Board—

15 (a) may require an applicant for registration or a dentist to undergo, at the expense of the Board, such medical examinations by such medical practitioners as may be specified by the Board; and

20 (b) may hold such enquiry as the Board thinks fit.

25 (3) A failure or refusal by any person required by the Board to undergo a medical examination in accordance with a requirement of the Board made under paragraph (a) of subsection two of this section may be regarded by the Board as evidence that that person is, by reason of infirmity, injury or illness, whether mental or physical, unfit to carry on the practice of dentistry.

30 (4) The Director of State Psychiatric Services shall, when any dentist becomes a mentally ill person, a protected person, or an incapable person, within the meaning of the Mental Health Act, 1958, forward to the Registrar, in the manner and within the time prescribed, notice of such fact.

(k)

Dentists (Amendment).

- (k) (i) by omitting from paragraph (b1) of sub-
 section three of section twelve the word
 "Public"; (Penalty for
 practice of
 dentistry by
 unregis-
 tered
 person.)
- 5 (ii) by omitting from paragraph (d) of the same
 subsection the word "order" and by inserting
 in lieu thereof the words "written order in the
 prescribed form";
- (l) by omitting from subparagraph (i) of paragraph
 (b) of subsection two of section 12A the word
 "Public"; Sec. 12A.
 (Dentists
 Charges
 Commit-
 tee.)
- 10 (m) (i) by inserting next after paragraph (c) of
 subsection one of section thirteen the following
 new paragraph :— Sec. 13.
 (Regula-
 tions.)
- 15 (ca) specifying the manner in which and the
 extent to which a society, council,
 body or corporation referred to in
 subparagraph (iii), (iiia) or (iv) of
 paragraph (h) of subsection two of
 section eight of this Act may advertise
 20 the dental services available from it for
 persons who are not employees or
 members of the society, council, body
 or corporation ;
- (ii) by inserting next after paragraph (g) of
 the same subsection the following new
 25 paragraph :—
- (h) with respect to the furnishing to the
 Board by a dentist or an applicant for
 registration under this Act of evidence
 30 of the date of his birth.

(n)

Dentists (Amendment).

(n) by omitting the proviso to section seventeen and by Sec. 17.
inserting in lieu thereof the following proviso :— (Fees.)

5 Provided that only one half of the prescribed
roll fee shall be carried to the Consolidated
Revenue Fund and the balance thereof shall be
paid into the Dental Board Education and Research
Account.

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971

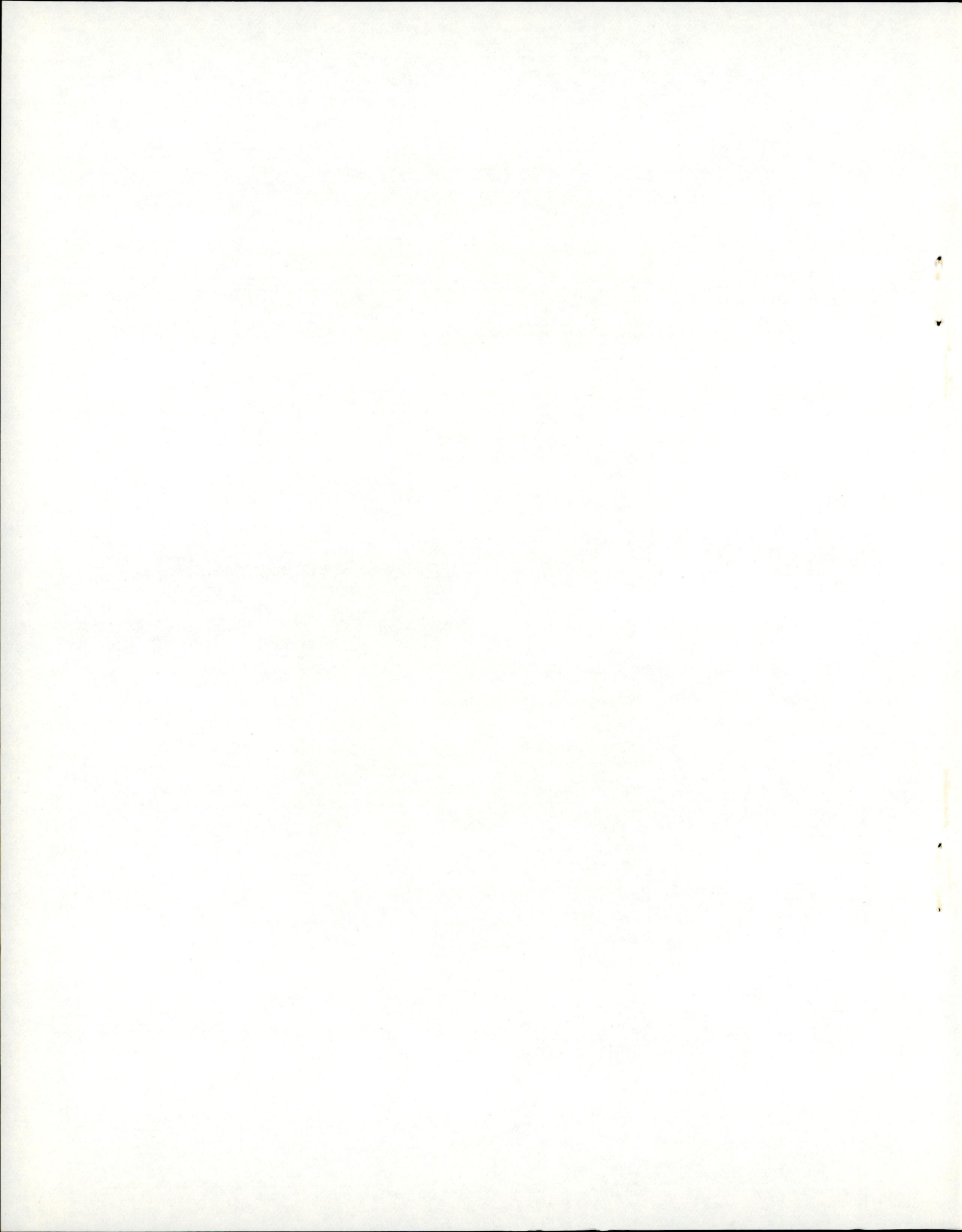
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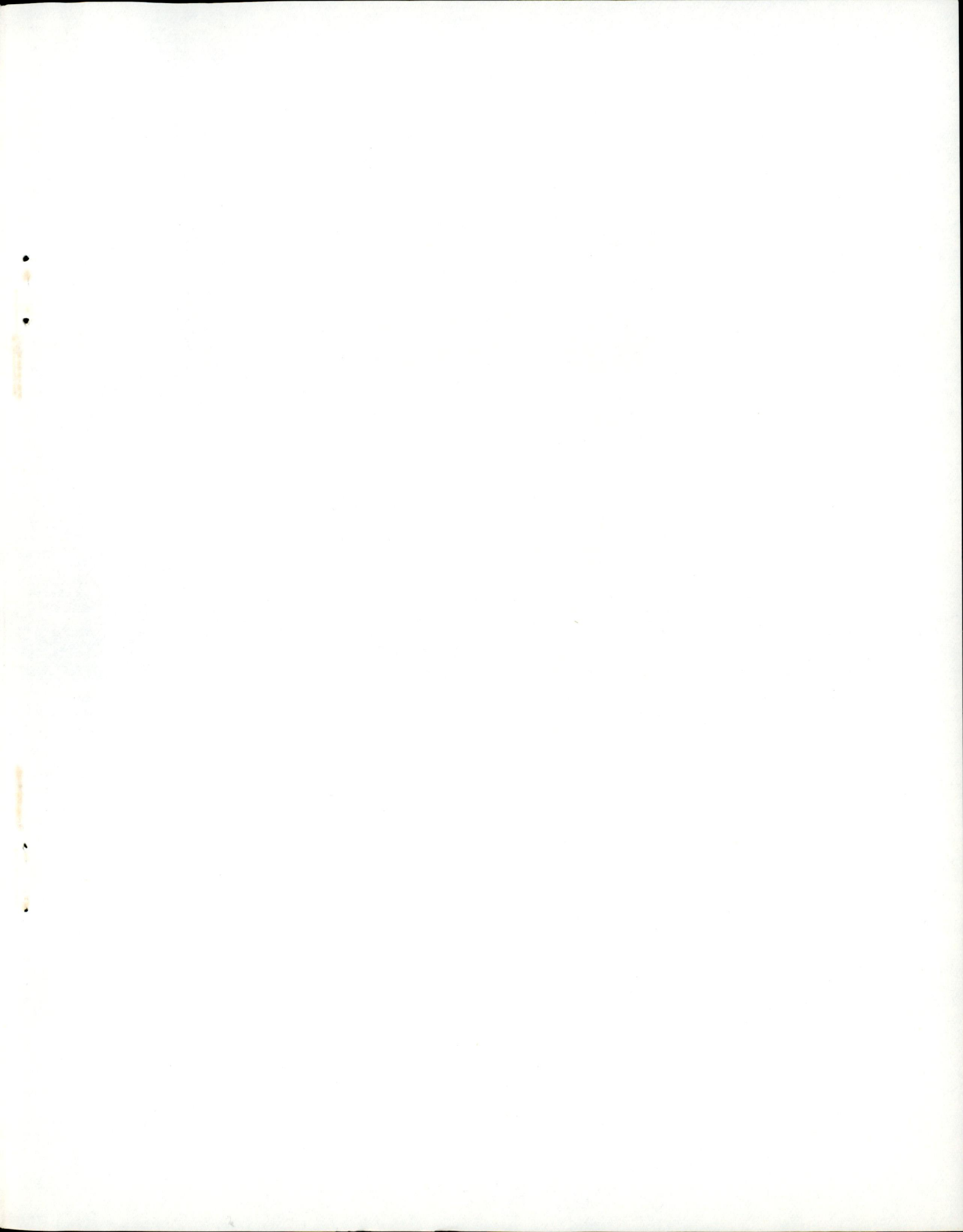
MEMORANDUM

TO : [Illegible]

FROM : [Illegible]

[Illegible]





No. , 1971.

A BILL

To make further provision relating to the powers of inspectors, the registration of dentists and the authorisation of persons not entitled to registration to practise dentistry in certain cases or to be granted certificates of provisional registration; for these and other purposes to amend the Dentists Act, 1934; and for purposes connected therewith.

[MR JAGO—24 August, 1971.]

BE

Dentists (Amendment).

BE it enacted by the Queen'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. This Act may be cited as the "Dentists (Amendment) Act, 1971". Short title.

2. The Dentists Act, 1934, is amended—

- 10 (a) by omitting from the definition of "Inspector" in subsection one of section three the word "the"; Amendment of Act No. 10, 1934. Sec. 3. (Interpretation.)
- (b) by omitting from subsection one of section four the word "Public"; Sec. 4. (Dental Board.)
- 15 (c) by inserting next after subsection two of section five the following new subsections:— Sec. 5. (Appointments.)
- 20 (3) Upon complaint made by an inspector on oath before a justice that the inspector suspects or believes that any of the provisions of this Act or of the regulations have been or are being contravened, and upon reasonable grounds being shown in such complaint for the inspector so suspecting or believing, that justice may grant a search warrant authorising that inspector, at any time or times within one month from the date of the warrant, to enter the premises named in the warrant and to
- 25 make such enquiries therein as such inspector may think fit.
- (4) A person shall not wilfully delay or obstruct an inspector in the exercise of his powers under this section.
- 30 (d) by inserting in subsection five of section six after the word "form" the words "and if it is satisfied that he is of good character"; Sec. 6. (Particulars in register.)

(e)

Dentists (Amendment).

(e) by omitting paragraph (c) of subsection one of section seven; Sec. 7.
(Removal of name of deceased dentists, etc.)

5 (f) (i) by omitting paragraph (a) of subsection one of section eight and by inserting in lieu thereof the following paragraph :— Sec. 8.
(Removal of name on account of misconduct, etc.)

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

(ii) by inserting at the end of the same subsection the words "or caution or reprimand him";

15 (iii) by omitting from paragraph (b) of subsection two of the same section the words "drug to which Part VI of the Police Offences (Amendment) Act, 1908, applies" and by inserting in lieu thereof the words "drug of addiction within the meaning of the Poisons Act, 1966";

20 (iv) by omitting subsection four of the same section and by inserting in lieu thereof the following subsections :—

25 (4) In the case of a conviction as referred to in paragraph (a) of subsection one of this section, no person shall have his name removed from the register or have his registration suspended on account thereof if the act in respect of which such person is so convicted 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.

(4A)

Dentists (Amendment).

5 (4A) The Board may, after receiving a complaint alleging misconduct in a professional respect against a dentist, inform the dentist of the nature of the complaint and, by notice, invite the dentist to make, within such time as the Board specifies in the notice, such representations to the Board with respect to the complaint as he thinks fit.

10 (4B) The Board may, after receiving such representations or after the expiry of the time specified in the notice, whichever first happens, dismiss the complaint or set it down for enquiry under this section.

15 (v) by omitting subsections eight and nine of the same section;

(g) by inserting next after the same section the following new sections : — New secs.
8A, 8B.

20 8A. (1) Where the name of a dentist has been removed from the register under any provision of this Act, the dentist shall be deemed to be not registered as a dentist under this Act. Effect of
removal
from
register or
suspension.

(2) Where the registration of a dentist has been suspended under any provision of this Act—

25 (a) the Registrar shall enter in the register a memorandum of such suspension and of the date and cause thereof; and

(b) such person shall, during the period of such suspension, be deemed to be not registered as a dentist under this Act.

30 8B. (1) Any person aggrieved by—

Appeals.

(a) an adjudgment by the Board that he has been guilty of misconduct in a professional respect;

(b)

Dentists (Amendment).

- 5 (b) a finding by the Board that he is, by reason of infirmity, injury or illness, whether mental or physical, unfit to carry on the practice of dentistry;
- (c) the removal of his name from the register;
- (d) his suspension from practice as a dentist;
- (e) a refusal or failure by the Board to direct that his name be restored to the register under section nine of this Act; or
- 10 (f) any other 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 Board or Registrar of such adjudgment, finding, removal or suspension, or within six months after the date on which he applied to have his name restored to or registered in the register, as the case may be, appeal against such adjudgment, finding, removal or suspension, or against such refusal or failure, as the case may be, to the District Court having jurisdiction in the district within which such person resides or carries on the practice of dentistry.

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

30 (3) Upon any such appeal, the District 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.

35 (4) Without limiting the generality of subsection three of this section, upon any such appeal the District Court may make any order which the Board might have made in the first instance.

(5)

Dentists (Amendment).

5 (5) The decision of the District 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.

(6) If in any decision by the District 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 District Court.

10 (7) The provisions of this section do not apply so as to enable an applicant for provisional registration or the holder of a certificate of provisional registration that has been cancelled to appeal
15 against the refusal to grant a certificate of provisional registration or the cancellation of the certificate of provisional registration.

(h) (i) by omitting from paragraph (d) of subsection one of section ten the words "or subparagraph (i) of paragraph (b) of subsection two"; Sec. 10. (Qualifications for registration.)

20 (ii) by omitting subparagraph (i) of paragraph (e) of the same subsection and by inserting in lieu thereof the following subparagraph : —

25 (i) under the supervision of a dentist in such government department, public hospital, State hospital, mental hospital, private hospital or other institution, as the Minister may have approved, for a period of or periods aggregating three years or more; or;

30 (iii) by inserting in subparagraph (ii) of the same paragraph after the word "such" where secondly occurring the words "government department,";

(iv)

Dentists (Amendment).

(iv) by omitting paragraph (a) of subsection two of the same section and by inserting in lieu thereof the following paragraph :—

5 (a) who has been convicted in New South
Wales of any felony, misdemeanour,
crime or offence, or has been con-
victed elsewhere than in New South
10 Wales of an offence which, if com-
mitted in New South Wales, would be
a felony, misdemeanour, crime or
offence; or;

(v) by omitting paragraph (c) of the same subsec-
tion and by inserting in lieu thereof the
following paragraph :—

15 (c) who is an habitual drunkard or is
habitually addicted to any drug of
addiction within the meaning of the
Poisons Act, 1966.

20 (vi) by omitting from the same subsection the
words "the offence" and by inserting in lieu
thereof the words "the act in respect of which
such person was convicted".

25 (i) (i) by omitting subsection two of section 10A and
by inserting in lieu thereof the following subsection :—

30 (2) In the case of a person who is not
otherwise entitled to be registered as a dentist,
and in respect of whom the Board is not
prepared to recommend to the Minister that
he should be granted registration under the
provisions of subsection one of this section,
but who is able to satisfy the requirements of
paragraphs (a), (b) and (c) of that subsec-
tion, the Board may recommend to the

Sec. 10A.
(Further
qualifica-
tions for
registra-
tion.)

Minister

Dentists (Amendment).

Minister that such person be licensed by the Board to practise—

5 (a) under the supervision of a dentist in such government department, public hospital, State hospital, mental hospital, private hospital or other institution, as the Minister may approve; or

10 (b) in such part of the State or in such government department, public hospital, State hospital, mental hospital, private hospital or other institution, as the Minister may direct,

and if the Minister so approves or directs such person shall be so licensed.

15 (ii) by inserting in subsection three of the same section after the word "ten" the words "and subsections one, two and three of section 10D";

20 (iii) by omitting from subsection five of the same section the words "and nine" and by inserting in lieu thereof the words and symbols ", 8B, nine and 10D";

(j) by inserting next after section 10B the following new sections :— New secs. 10c, 10d.

25 10c. (1) When a person has applied to be registered, the Registrar, upon being satisfied that such person— Certificate of provisional registration may be granted.

(a) is entitled to be registered under this Act; cf. Act No. 37, 1938, s. 20.
or

30 (b) (i) is justly entitled to a degree (granted after due examination) in dentistry of any university in the Commonwealth which is legally authorised to grant such degree;

(ii)

Dentists (Amendment).

(ii) will have such degree conferred upon him in due course according to the practice of the university in question in conferring degrees; and

5 (iii) is of good character,

may, on behalf of the Board and on payment of the prescribed fee, grant to such person a certificate of provisional registration in the prescribed form.

10 (2) Where a person has obtained a certificate of provisional registration he shall be deemed to be registered under this Act until—

(a) the date stated in such certificate as the date upon which such certificate expires; or

15 (b) such later date as is fixed by the Board, which in no case shall be later than three months from the granting of such certificate.

20 (3) The Board may, at any time before the date so stated or fixed, for such cause as to it seems proper, cancel a certificate of provisional registration without prejudice to the application of the person who was the holder of the certificate to be registered.

25 (4) Upon the cancellation of a certificate of provisional registration, the holder of the certificate shall thereupon cease to be deemed to be registered.

30 (5) If a person to whom a certificate of provisional registration has been granted becomes registered under this Act during the currency of such certificate, his registration shall, unless otherwise decided by the Board, date from the granting of such certificate.

Dentists (Amendment).

5 10d. (1) Notwithstanding any other provision of this Act, where the Board is satisfied on such evidence as to it seems proper that any applicant for registration under this Act or any dentist is, by reason of infirmity, injury or illness, whether mental or physical, unfit to carry on the practice of dentistry the Board may refuse to register the applicant's name in the register or may cause the name of the dentist to be removed from the register or suspend his registration for such period as the Board shall think fit.

Refusal or suspension of registration or removal from register on ground of unfitness.

15 (2) For the purposes of subsection one of this section the Board—

20 (a) may require an applicant for registration or a dentist to undergo, at the expense of the Board, such medical examinations by such medical practitioners as may be specified by the Board; and

25 (b) may hold such enquiry as the Board thinks fit.

30 (3) A failure or refusal by any person required by the Board to undergo a medical examination in accordance with a requirement of the Board made under paragraph (a) of subsection two of this section may be regarded by the Board as evidence that that person is, by reason of infirmity, injury or illness, whether mental or physical, unfit to carry on the practice of dentistry.

(4) The Director of State Psychiatric Services shall, when any dentist becomes a mentally ill person, a protected person, or an incapable person, within the meaning of the Mental Health Act, 1958, forward to the Registrar, in the manner and within the time prescribed, notice of such fact.

(k)

Dentists (Amendment).

- (k) (i) by omitting from paragraph (b1) of sub- Sec. 12.
 section three of section twelve the word (Penalty for
 "Public"; dentistry by
 unregis-
 tered
 person.)
- 5 (ii) by omitting from paragraph (d) of the same
 subsection the word "order" and by inserting
 in lieu thereof the words "written order in the
 prescribed form";
- 10 (l) by omitting from subparagraph (i) of paragraph Sec. 12A.
 (b) of subsection two of section 12A the word (Dentists
 "Public"; Charges
 Commit-
 tee.)
- (m) (i) by inserting next after paragraph (c) of Sec. 13.
 subsection one of section thirteen the following (Regula-
 new paragraph : — tions.)
- 15 (ca) specifying the manner in which and the
 extent to which a society, council,
 body or corporation referred to in
 subparagraph (iii), (iiia) or (iv) of
 paragraph (h) of subsection two of
 section eight of this Act may advertise
 20 the dental services available from it for
 persons who are not employees or
 members of the society, council, body
 or corporation ;
- 25 (ii) by inserting next after paragraph (g) of
 the same subsection the following new
 paragraph : —
- 30 (h) with respect to the furnishing to the
 Board by a dentist or an applicant for
 registration under this Act of evidence
 of the date of his birth.

(n)

Dentists (Amendment).

(n) by omitting the proviso to section seventeen and by Sec. 17.
inserting in lieu thereof the following proviso :— (Fees.)

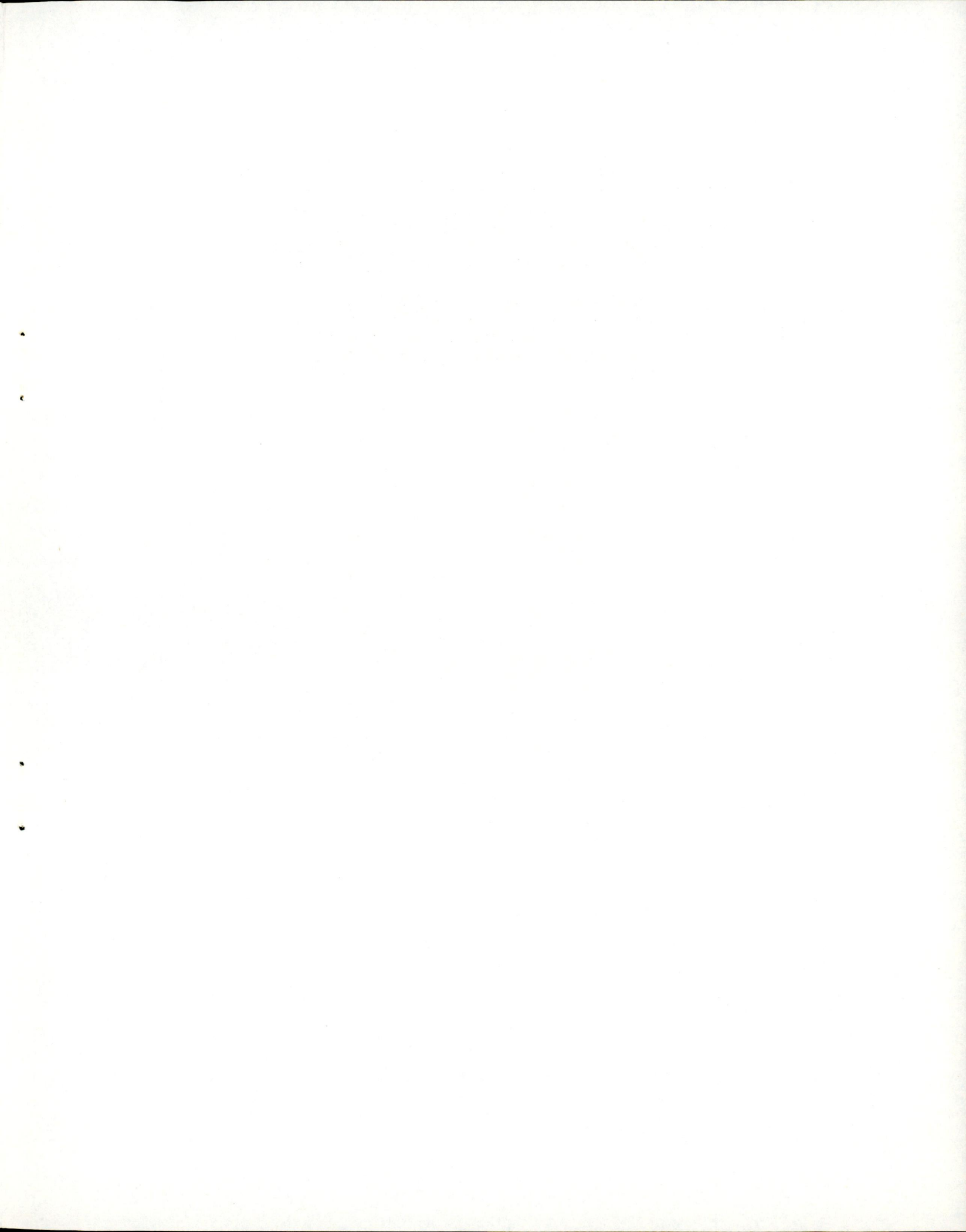
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Provided that only one half of the prescribed
roll fee shall be carried to the Consolidated
Revenue Fund and the balance thereof shall be
paid into the Dental Board Education and Research
Account.

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971

[10c]



DENTISTS (AMENDMENT) BILL, 1971

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to extend the powers of inspectors to enter premises to include power to enter premises in which it is reasonably suspected that the provisions of the Dentists Act, 1934, or the regulations made thereunder are being contravened;
- (b) to require that an applicant for restoration to the register of dentists shall be of good character;
- (c) to empower the Dental Board to reprimand or caution dentists, and not to proceed with complaints alleging misconduct in a professional respect against a dentist in certain circumstances;
- (d) to make further provision as to the refusal to register or removal from the register of a dentist who is mentally or physically unfit to carry on the practice of dentistry;
- (e) to make further provision as to appeals against certain decisions of the Dental Board;
- (f) to make further provision for the licensing of persons not entitled to be registered as dentists to practise under supervision or otherwise in approved institutions or areas of the State;
- (g) to provide for the granting and regulation of certificates of provisional registration as dentists;
- (h) to require that orders by dentists for the construction or repair of dentures shall be in writing in the prescribed form;
- (i) to authorise the making of regulations with respect to—
 - (i) advertising by friendly societies, councils and certain other bodies and corporations; and
 - (ii) the furnishing to the Board by a dentist or an applicant for registration of evidence of the date of his birth;
- (j) to provide for the payment of one half of the annual roll fee to the Dental Board Education and Research Account and the other half to the Consolidated Revenue Fund;
- (k) to make provisions of a consequential or ancillary character.

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PROOF

No. , 1971.

A BILL

To make further provision relating to the powers of inspectors, the registration of dentists and the authorisation of persons not entitled to registration to practise dentistry in certain cases or to be granted certificates of provisional registration; for these and other purposes to amend the Dentists Act, 1934; and for purposes connected therewith.

[MR JAGO—24 August, 1971.]

BE

Dentists (Amendment).

5 **B**E it enacted by the Queen'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. This Act may be cited as the "Dentists (Amendment) Act, 1971". Short title.

2. The Dentists Act, 1934, is amended—

- | | | |
|----|--|---------------------------------------|
| | | Amendment
of Act No.
10, 1934. |
| 10 | (a) by omitting from the definition of "Inspector" in subsection one of section three the word "the"; | Sec. 3.
(Interpretation.) |
| | (b) by omitting from subsection one of section four the word "Public"; | Sec. 4.
(Dental Board.) |
| 15 | (c) by inserting next after subsection two of section five the following new subsections:— | Sec. 5.
(Appointments.) |
| 20 | (3) Upon complaint made by an inspector on oath before a justice that the inspector suspects or believes that any of the provisions of this Act or of the regulations have been or are being contravened, and upon reasonable grounds being shown in such complaint for the inspector so suspecting or believing, that justice may grant a search warrant authorising that inspector, at any time or times within one month from the date of the warrant, to enter the premises named in the warrant and to make such enquiries therein as such inspector may think fit. | |
| 25 | (4) A person shall not wilfully delay or obstruct an inspector in the exercise of his powers under this section. | |
| 30 | (d) by inserting in subsection five of section six after the word "form" the words "and if it is satisfied that he is of good character"; | Sec. 6.
(Particulars in register.) |
| | (e) | |

Dentists (Amendment).

- (e) by omitting paragraph (c) of subsection one of section seven; Sec. 7.
(Removal of name of deceased dentists, etc.)
- 5 (f) (i) by omitting paragraph (a) of subsection one of section eight and by inserting in lieu thereof the following paragraph :— Sec. 8.
(Removal of name on account of misconduct, etc.)
- 10 (a) been convicted in New South Wales of any felony, misdemeanour, crime or offence, or been convicted elsewhere than in New South Wales of an offence which, if committed in New South Wales, would be a felony, misdemeanour, crime or offence; or
- (ii) by inserting at the end of the same subsection the words “or caution or reprimand him”;
- 15 (iii) by omitting from paragraph (b) of subsection two of the same section the words “drug to which Part VI of the Police Offences (Amendment) Act, 1908, applies” and by inserting in lieu thereof the words “drug of addiction within the meaning of the Poisons Act, 1966”;
- 20 (iv) by omitting subsection four of the same section and by inserting in lieu thereof the following subsections :—
- 25 (4) In the case of a conviction as referred to in paragraph (a) of subsection one of this section, no person shall have his name removed from the register or have his registration suspended on account thereof if the act in respect of which such person is so convicted 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.
- 30

(4A)

Dentists (Amendment).

5 (4A) The Board may, after receiving a complaint alleging misconduct in a professional respect against a dentist, inform the dentist of the nature of the complaint and, by notice, invite the dentist to make, within such time as the Board specifies in the notice, such representations to the Board with respect to the complaint as he thinks fit.

10 (4B) The Board may, after receiving such representations or after the expiry of the time specified in the notice, whichever first happens, dismiss the complaint or set it down for enquiry under this section.

15 (v) by omitting subsections eight and nine of the same section;

(g) by inserting next after the same section the following new sections : — New secs. 8A, 8B.

20 8A. (1) Where the name of a dentist has been removed from the register under any provision of this Act, the dentist shall be deemed to be not registered as a dentist under this Act. Effect of removal from register or suspension.

(2) Where the registration of a dentist has been suspended under any provision of this Act—

25 (a) the Registrar shall enter in the register a memorandum of such suspension and of the date and cause thereof; and

(b) such person shall, during the period of such suspension, be deemed to be not registered as a dentist under this Act.

30 8B. (1) Any person aggrieved by—

(a) an adjudgment by the Board that he has been guilty of misconduct in a professional respect;

Appeals.

(b)

Dentists (Amendment).

- (b) a finding by the Board that he is, by reason of infirmity, injury or illness, whether mental or physical, unfit to carry on the practice of dentistry;
- 5 (c) the removal of his name from the register ;
- (d) his suspension from practice as a dentist ;
- (e) a refusal or failure by the Board to direct that his name be restored to the register under section nine of this Act ; or
- 10 (f) any other 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 Board or Registrar of such adjudgment, finding, removal or suspension, or within six months after the date on which he applied to have his name restored to or registered in the register, as the case may be, appeal against such adjudgment, finding, removal or suspension, or against such refusal or failure, as the case may be, to the District Court having jurisdiction in the district within which such person resides or carries on the practice of dentistry.

15

20

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

25

(3) Upon any such appeal, the District 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.

30

(4) Without limiting the generality of subsection three of this section, upon any such appeal the District Court may make any order which the Board might have made in the first instance.

35

(5)

Dentists (Amendment).

5 (5) The decision of the District 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.

(6) If in any decision by the District 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 District Court.

10 (7) The provisions of this section do not apply so as to enable an applicant for provisional registration or the holder of a certificate of provisional registration that has been cancelled to appeal
15 against the refusal to grant a certificate of provisional registration or the cancellation of the certificate of provisional registration.

- (h) (i) by omitting from paragraph (d) of subsection one of section ten the words "or subparagraph (i) of paragraph (b) of subsection two"; (Qualifications for registration.)
- 20 (ii) by omitting subparagraph (i) of paragraph (e) of the same subsection and by inserting in lieu thereof the following subparagraph :—
- 25 (i) under the supervision of a dentist in such government department, public hospital, State hospital, mental hospital, private hospital or other institution, as the Minister may have approved, for a period of or periods aggregating three years or more; or;
- 30 (iii) by inserting in subparagraph (ii) of the same paragraph after the word "such" where secondly occurring the words "government department,";

(iv)

Dentists (Amendment).

(iv) by omitting paragraph (a) of subsection two of the same section and by inserting in lieu thereof the following paragraph :—

5 (a) who has been convicted in New South
Wales of any felony, misdemeanour,
crime or offence, or has been con-
victed elsewhere than in New South
10 Wales of an offence which, if com-
mitted in New South Wales, would be
a felony, misdemeanour, crime or
offence; or;

(v) by omitting paragraph (c) of the same subsec-
tion and by inserting in lieu thereof the
following paragraph :—

15 (c) who is an habitual drunkard or is
habitually addicted to any drug of
addiction within the meaning of the
Poisons Act, 1966.

20 (vi) by omitting from the same subsection the
words "the offence" and by inserting in lieu
thereof the words "the act in respect of which
such person was convicted".

25 (i) (i) by omitting subsection two of section 10A and Sec. 10A.
by inserting in lieu thereof the following (Further
subsection :— qualifica-
tions for
registra-
tion.)

30 (2) In the case of a person who is not
otherwise entitled to be registered as a dentist,
and in respect of whom the Board is not
prepared to recommend to the Minister that
he should be granted registration under the
provisions of subsection one of this section,
but who is able to satisfy the requirements of
paragraphs (a), (b) and (c) of that subsec-
tion, the Board may recommend to the

Minister

Dentists (Amendment).

Minister that such person be licensed by the Board to practise—

5 (a) under the supervision of a dentist in such government department, public hospital, State hospital, mental hospital, private hospital or other institution, as the Minister may approve; or

10 (b) in such part of the State or in such government department, public hospital, State hospital, mental hospital, private hospital or other institution, as the Minister may direct,

and if the Minister so approves or directs such person shall be so licensed.

15 (ii) by inserting in subsection three of the same section after the word "ten" the words "and subsections one, two and three of section 10D";

20 (iii) by omitting from subsection five of the same section the words "and nine" and by inserting in lieu thereof the words and symbols " , 8B, nine and 10D";

(j) by inserting next after section 10B the following New secs. 10c, 10d.
new sections :—

25 10c. (1) When a person has applied to be registered, the Registrar, upon being satisfied that such person—

(a) is entitled to be registered under this Act; Certificate of provisional registration may be granted. cf. Act No. 37, 1938, s. 20.
or

30 (b) (i) is justly entitled to a degree (granted after due examination) in dentistry of any university in the Commonwealth which is legally authorised to grant such degree;

(ii)

Dentists (Amendment).

(ii) will have such degree conferred upon him in due course according to the practice of the university in question in conferring degrees; and

5 (iii) is of good character,

may, on behalf of the Board and on payment of the prescribed fee, grant to such person a certificate of provisional registration in the prescribed form.

10 (2) Where a person has obtained a certificate of provisional registration he shall be deemed to be registered under this Act until—

(a) the date stated in such certificate as the date upon which such certificate expires; or

15 (b) such later date as is fixed by the Board, which in no case shall be later than three months from the granting of such certificate.

20 (3) The Board may, at any time before the date so stated or fixed, for such cause as to it seems proper, cancel a certificate of provisional registration without prejudice to the application of the person who was the holder of the certificate to be registered.

25 (4) Upon the cancellation of a certificate of provisional registration, the holder of the certificate shall thereupon cease to be deemed to be registered.

30 (5) If a person to whom a certificate of provisional registration has been granted becomes registered under this Act during the currency of such certificate, his registration shall, unless otherwise decided by the Board, date from the granting of such certificate.

Dentists (Amendment).

5 10D. (1) Notwithstanding any other provision of this Act, where the Board is satisfied on such evidence as to it seems proper that any applicant for registration under this Act or any dentist is, by reason of infirmity, injury or illness, whether mental or physical, unfit to carry on the practice of dentistry the Board may refuse to register the applicant's name in the register or may cause the name of the dentist to be removed from the register or suspend his registration for such period as the Board shall think fit.

Refusal or suspension of registration or removal from register on ground of unfitness.

(2) For the purposes of subsection one of this section the Board—

15 (a) may require an applicant for registration or a dentist to undergo, at the expense of the Board, such medical examinations by such medical practitioners as may be specified by the Board; and

20 (b) may hold such enquiry as the Board thinks fit.

25 (3) A failure or refusal by any person required by the Board to undergo a medical examination in accordance with a requirement of the Board made under paragraph (a) of subsection two of this section may be regarded by the Board as evidence that that person is, by reason of infirmity, injury or illness, whether mental or physical, unfit to carry on the practice of dentistry.

30 (4) The Director of State Psychiatric Services shall, when any dentist becomes a mentally ill person, a protected person, or an incapable person, within the meaning of the Mental Health Act, 1958, forward to the Registrar, in the manner and within the time prescribed, notice of such fact.

(k)

Dentists (Amendment).

- (k) (i) by omitting from paragraph (b1) of sub- Sec. 12.
 section three of section twelve the word (Penalty for
 "Public"; practice of
 dentistry by
 unregis-
 tered
 person.)
- 5 (ii) by omitting from paragraph (d) of the same
 subsection the word "order" and by inserting
 in lieu thereof the words "written order in the
 prescribed form";
- 10 (l) by omitting from subparagraph (i) of paragraph Sec. 12A.
 (b) of subsection two of section 12A the word (Dentists
 "Public"; Charges
 Commit-
 tee.)
- (m) (i) by inserting next after paragraph (c) of Sec. 13.
 subsection one of section thirteen the following (Regula-
 new paragraph :— tions.)
- 15 (ca) specifying the manner in which and the
 extent to which a society, council,
 body or corporation referred to in
 subparagraph (iii), (iia) or (iv) of
 paragraph (h) of subsection two of
 20 section eight of this Act may advertise
 the dental services available from it for
 persons who are not employees or
 members of the society, council, body
 or corporation;
- 25 (ii) by inserting next after paragraph (g) of
 the same subsection the following new
 paragraph :—
- 30 (h) with respect to the furnishing to the
 Board by a dentist or an applicant for
 registration under this Act of evidence
 of the date of his birth.

(n)

Dentists (Amendment).

(n) by omitting the proviso to section seventeen and by **Sec. 17.**
inserting in lieu thereof the following proviso :— (Fees.)

5

Provided that only one half of the prescribed
roll fee shall be carried to the Consolidated
Revenue Fund and the balance thereof shall be
paid into the Dental Board Education and Research
Account.

BY AUTHORITY

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