

DENTAL TECHNICIANS REGISTRATION BILL.

*Schedule of Amendments referred to in Legislative Council's
Message of 6 March, 1975*

- No. 1.—Page 4, clause 6, line 19. *Omit "seven", insert "eight"*.
- No. 2.—Page 5, clause 6, line 4. *Omit "one shall be a dental technician", insert "two shall be dental technicians"*.
- No. 3.—Page 7, clause 9, line 24. *Omit "Four", insert "Five"*.

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.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 26 November, 1974.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

A. W. SAXON,
Clerk of the Parliaments.

*Legislative Assembly Chamber,
Sydney, 6 March, 1975*

New South Wales



ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

Act No. , 1974.

An Act to constitute the Dental Technicians Registration Board and to define its powers, authorities, duties and functions; to make provision for the registration of dental technicians; to regulate the qualifications for and the effect of registration; to amend the Dentists Act, 1934; and for purposes connected therewith.

BE

70005 147—A

NOTE.—The words to be *omitted* are ruled through; those to be *inserted* are printed in **black letter**.

Dental Technicians Registration.

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 :—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Dental Technicians Registration Act, 1974". Short title.

2. (1) This section and section 1 shall commence on the date of assent to this Act. Commence-
ment.

(2) Sections 25, 26, 27 and 28, sections 32 and 33 and section 36 shall commence on the day that is six months after the appointed day.

3. Except as provided in subsections (1) and (2), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. This Act is divided as follows :—

**Division
of Act.**

20 PART I.—PRELIMINARY—ss. 1–5.

PART II.—DENTAL TECHNICIANS REGISTRATION BOARD—ss. 6–13.

PART III.—REGISTRATION OF DENTAL TECHNICIANS—ss. 14–24.

25 PART IV.—GENERAL—ss. 25–35.

PART V.—AMENDMENT OF DENTISTS ACT, 1934—s. 36.

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4. (1) This Act does not apply to or in respect of any ^{Application} legally qualified medical practitioner, any dentist or any person ^{of Act.} carrying out technical work under the supervision of such a medical practitioner or a dentist at a university, school, college
5 or hospital in New South Wales as part of a course leading to a degree in medicine, surgery or dental surgery.

(2) After the day that is two years after the appointed day—

10 (a) sections 25 and 26 of the Apprentices Act, 1969, do not apply to the training in technical work of a person desirous of becoming a dental technician; and

15 (b) neither the Director nor an apprenticeship committee shall approve of an application for the establishment of an apprenticeship in technical work.

(3) After the day that is six years after the appointed day, no provision of the Apprentices Act, 1969, applies to the training in technical work of a person desirous of becoming
20 a dental technician.

5. (1) In this Act, except in so far as the context or ^{Interpre-} subject-matter otherwise indicates or requires— ^{tation.}

“appointed day” means the day appointed by the Governor under section 2 (3);

25 “board” means the Dental Technicians Registration Board constituted under section 6 (1);

“dental technician” means person registered as a dental technician under this Act;

30 “dentist” has the meaning ascribed thereto in the Dentists Act, 1934;

“inspector” means person appointed to be an inspector under section 11;

“member” means member of the board;

“register”

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- “register” means the Register of Dental Technicians of New South Wales kept by the board under section 14;
- “regulations” means regulations made under this Act;
- 5 “secretary” means person appointed to be secretary under section 11;
- “technical work” means the mechanical construction or the renewal or repair of artificial dentures or restorative dental appliances.
- 10 (2) For the purposes of the constitution of the first Dental Technicians Registration Board, a reference in section 6 (1) to a dental technician is a reference to a person who, in the opinion of the Minister, is a person likely to be able to satisfy the requirements of the board in respect of his
- 15 qualifications for registration under this Act.

PART II.

DENTAL TECHNICIANS REGISTRATION BOARD.

6. (1) The Governor may constitute a Dental Technicians Registration Board consisting of ~~seven~~ **eight** members and of those members—
- 20 Constitution of Dental Technicians Registration Board.
- (a) one shall be a person, not being a person registered or entitled to be registered as a dentist under the Dentists Act, 1934, or registered or entitled to be registered as a dental technician under this Act, who is nominated by the Health Commission of New South Wales and, in and by the instrument of his appointment, appointed as chairman;
- 25 (b) one shall be a dentist nominated by the Dental Board constituted under the Dentists Act, 1934;
- 30 (c) one shall be a dentist nominated by the board of control of the United Dental Hospital of Sydney;
- (d) one shall be a dental technician nominated by the Dental Technicians' Association of New South Wales;

(e)

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- (e) one shall be a dental technician nominated by the Dental Laboratories Association of New South Wales;
- 5 (f) ~~one shall be a dental technician~~ **two shall be dental technicians** nominated by the Minister; and
- (g) one shall be a barrister-at-law admitted by, or a solicitor of, the Supreme Court, nominated by the Minister.

(2) The person appointed to be chairman of the board
10 may nominate an officer of the Health Commission of New South Wales to act in his place as chairman of the board and a person so acting shall be deemed to be a member and shall be chairman at any meeting of the board at which he is present.

15 (3) Where a nomination for the purposes of subsection (1) (paragraphs (f) and (g) excepted) or section 8 (1) is not submitted within the time or in the manner specified by the Minister in a notice in writing given to the person entitled to make the nomination, the nomination may
20 be made by the Minister.

(4) A member shall, subject to this Act, hold office for a term of three years and shall, if otherwise qualified, be eligible for reappointment.

(5) A person who is above the age of seventy years
25 is not qualified for appointment as a member.

(6) The provisions of the Public Service Act, 1902, shall not apply to the appointment of a member and a member shall not, in his capacity as a member, be subject to the provisions of that Act during his term of office.

30 (7) The office of a member shall not for the purpose of any Act be deemed to be an office or place of profit under the Crown.

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7. (1) A member ceases to hold office as a member and there is a casual vacancy in his office— Vacation
of office.

- (a) if he dies;
- 5 (b) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- 10 (c) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- 15 (d) if he is convicted in New South Wales of a felony or of a misdemeanour punishable by imprisonment for a period of twelve months or more, or if he is convicted elsewhere than in New South Wales of an offence that, if it were committed in New South Wales, would be a felony or misdemeanour so punishable;
- 20 (e) if he resigns his office in writing under his hand addressed to the Governor and his resignation is accepted;
- 25 (f) if he is absent from three consecutive meetings of the board of which reasonable notice has been given to him personally or in the ordinary course of post and is not, within six weeks after the last of those meetings, excused by the board for his absence from those meetings;
- 30 (g) if, not being the member appointed pursuant to section 6 (1) (a), he ceases to hold the qualification by virtue of which he was nominated for appointment as a member;

(h)

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- (h) if he is removed from office by the Governor; or
- (i) if he attains the age of seventy years.

(2) The Governor may, for any cause which appears to him to be sufficient, remove any member from office.

5 **8.** (1) On the occurrence of a vacancy in the office of a member otherwise than by the expiration of the term for which he was appointed, the Governor may appoint a person to hold office for the balance of his predecessor's term of office, being a person qualified and nominated under the same paragraph of section 6 (1) as his predecessor.

Filling of casual vacancies.

(2) A member appointed pursuant to subsection (1) is, if otherwise qualified, eligible for reappointment.

15 **9.** (1) The procedure for the calling of meetings of the board and for the conduct of business at those meetings shall be as determined by the board.

Meetings of the board.

(2) At any meeting of the board the chairman or, in his absence, his nominee, shall preside, but if the chairman and his nominee are both absent from that meeting, a person elected from among their number by the members present shall preside at that meeting.

(3) The person presiding at any meeting of the board in accordance with subsection (2) shall have a deliberative vote and, in the event of an equality of votes, a casting vote.

25 (4) ~~Four~~ **Five** members shall form a quorum at any meeting of the board and any duly convened meeting of the board at which a quorum is present shall be competent to transact any business of the board and shall have and may exercise the functions of the board.

(5)

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(5) A decision supported by a majority of votes at a meeting of the board at which a quorum is present shall be the decision of the board.

5 **10.** A member shall, if he is not a member of the public service or a member of the Health Commission of New South Wales, be entitled to such expenses in relation to his acting as a member as may be fixed from time to time by the Minister. Expenses of members.

10 **11.** The Governor may, under and subject to the provisions of the Public Service Act, 1902, appoint and employ a secretary to the board and such inspectors and other officers and employees as may be necessary for the purposes of this Act. Secretary, inspectors, officers and employees.

15 **12.** No matter or thing done or suffered by the board, any member, the secretary, any inspector or any other officer or employee, bona fide in the execution, or intended execution, of this Act, or in the exercise or discharge, or intended exercise or discharge, of any of its or his powers or duties, shall subject the board or any member, the secretary, any 20 inspector or any other officer or employee, or the Crown, to any liability in respect thereof. Protection of board and officers, etc.

13. (1) The functions and duties of the board are to do all acts and exercise or perform all powers necessary for carrying the provisions of this Act into effect. Functions and duties of the board.

25 (2) Without limiting the generality of subsection (1), the board may—

30 (a) approve courses of training in technical work that may be undertaken or have been completed by persons desirous of becoming dental technicians, whether those courses are to be undertaken or have been completed in New South Wales or elsewhere;

(b)

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- (b) recommend the standard to be achieved in the examinations to be completed by persons undertaking courses of training in technical work in New South Wales;
- 5 (c) arrange, in such cases as it sees fit, for a person who applies for registration pursuant to section 15 (1) (c) to undertake an examination as to his knowledge of and skill in carrying out technical work and to demonstrate his ability satisfactorily to
10 carry out technical work in New South Wales;
- (d) promote the establishment in New South Wales of courses of training for persons desirous of becoming dental technicians;
- 15 (e) order the registration of persons as dental technicians, suspend or cancel the registration of persons so registered, annul any such suspension or cancellation and order the restoration to the register of the name of a person who was formerly a dental technician; and
- 20 (f) approve, in such cases as it sees fit, of the carrying out by a person who has applied for registration under section 15 (1) (c) but who has failed, upon examination arranged under paragraph (c), to
25 satisfy the board as to the matters specified in section 15 (1) (c), of technical work for a period, and under the supervision of a person, specified in the approval and revoke, alter or vary any such approval.

(3) An approval under subsection (2) (f) shall
30 operate for a period not exceeding two years.

PART

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PART III.

REGISTRATION OF DENTAL TECHNICIANS.

14. (1) The board shall keep a register, to be called the Register. "Register of Dental Technicians of New South Wales".

5 (2) A person shall be registered by the entering in the register of—

(a) his full name;

(b) his address;

(c) the date on which he is registered; and

10 (d) particulars of the qualification by which he is entitled to registration.

(3) The register shall at all reasonable times be open to inspection at the office of the board by any person on payment of the prescribed fee.

15 (4) The secretary shall, as soon as practicable after the first day of July in each year, transmit a list of names and addresses entered in the register to the Minister and if the Minister so directs, the list shall be printed and published.

15. (1) A person who makes application for registration as a dental technician in the prescribed manner and proves to the satisfaction of the board that he is of good character and has attained the age of eighteen years is entitled to be registered as a dental technician if—

25 (a) he has, in the opinion of the board, satisfactorily completed a course of training approved by the board in technical work;

(b)

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5 (b) he establishes to the satisfaction of the board that he has, within the period of ten years immediately preceding the day on which he applies for registration, been bona fide engaged in carrying out technical work in New South Wales for a period of not less than four years; or

10 (c) not being a person referred to in paragraph (a) or (b), he has, in the opinion of the board, satisfactorily completed any examination in technical work arranged by the board for the purpose of determining his knowledge of and skill in carrying out technical work and demonstrated his ability satisfactorily to carry out technical work in New South Wales.

15 (2) For the purposes of subsection (1) (b), a period during which a person has been engaged in training in technical work in New South Wales as an apprentice is a period during which that person has been bona fide engaged in carrying out technical work.

20 (3) A person is not entitled to become registered pursuant to subsection (1) (b) after a day that is six years after the appointed day.

25 (4) Subsection (3) does not apply to a person who has previously been registered as a dental technician and who pays a restoration fee within five years after the day on which he ceased to be registered as a dental technician or last ceased to be so registered, as the case may be.

(5) Where the board—

30 (a) is satisfied as to the matters specified in subsection (1) it shall direct that the person applying for registration as a dental technician be registered upon payment of the prescribed fee; or

(b)

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5 (b) is not satisfied as to the matters specified in sub-section (1) it shall refuse the application for registration and the secretary shall give the person who has applied for registration as a dental technician notice of that refusal in accordance with section 29 (1).

10 (6) If the board does not, within sixty days after the receipt by it of an application by a person for registration as a dental technician, give notice to the person applying for registration of the result of the application the secretary shall be deemed to have given that person a notice that the board has refused to direct that he be registered as a dental technician.

15 **16.** (1) The board may, for the purpose of obtaining any information required by it for the purposes of section 15, require any applicant for registration or other person to appear before it for examination by the members of the board. Inquiries in connection with section 15.

(2) A person who—

- (a) wilfully makes a false statement; or
- 20 (b) utters or attempts to utter or put off as true before the board a false, forged or counterfeit document purporting to be an academic award or a document signifying a technical qualification,

25 in connection with a matter into which the board is inquiring for the purposes of section 15, is guilty of a misdemeanour and liable to be imprisoned for a period not exceeding twelve months.

17. (1) Every dental technician shall, on or before the thirty-first day of March in each year, pay a roll fee of such amount as is prescribed for the year commencing on the first day of July next following. Roll fee.

(2)

Dental Technicians Registration.

(2) A dental technician shall, at the time he pays the roll fee, furnish particulars of his address for entry in the register.

5 (3) If a dental technician does not pay the roll fee on or before the thirty-first day of March in any year the board shall forthwith notify him by letter addressed to him at his address appearing in the register that if the fee is not paid on or before the thirtieth day of June next following his name will be removed from the register.

10 (4) Where a dental technician who has been notified in accordance with subsection (3) fails to pay the roll fee on or before the thirtieth day of June next after the notice has been forwarded to him the board shall cause his name to be removed from the register.

15 **18.** The board shall cause to be removed from the register the name of—

(a) a dental technician who requests that his name be removed;

Removal of name of dental technician from register.

(b) a deceased dental technician; and

20 (c) a dental technician who does not possess or who has ceased to possess the qualifications in respect of which he was registered.

19. (1) Where the board is satisfied after inquiry that a dental technician—

Proceedings before board against dental technician.

25 (a) has been convicted in New South Wales or elsewhere by any court of any felony, misdemeanour, crime or offence;

(b) has been guilty of habitual drunkenness or of addiction to any deleterious drug;

(c)

Dental Technicians Registration.

(c) is not of good character; or

(d) is, by reason of infirmity, injury or illness, whether mental or physical, unfit to carry out technical work,

5 it may by order—

(e) reprimand or caution that dental technician;

(f) suspend his registration for such period as it thinks fit; or

(g) direct that his name be removed from the register,

10 and shall, where it is satisfied after inquiry that a dental technician is, by reason of some act or omission in connection with his work as a dental technician, unfit to carry out technical work, by order direct that his name be removed from the register.

15 (2) Where the board directs that the name of a dental technician be removed from the register it may in its order fix a time after which the person whose name is so removed may apply for restoration of his name to the register.

20 (3) The board shall not make an order directing that a dental technician be suspended from registration or that his name be removed from the register because of a conviction referred to in subsection (1) (a) where it is satisfied that, whether from its trivial nature or from the
25 circumstances in which it occurred or for any other reason, the felony, misdemeanour, crime or offence does not in the public interest disqualify the dental technician from carrying out technical work.

(4)

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(4) An order made by the board under subsection (1) shall not take effect until the expiration of a period of twenty-one days after notice of the making of the order is given to the dental technician by the secretary in accordance
5 with section 29 (1).

20. (1) In this section, "delegate" means a member of the board or an officer or employee appointed under the Public Service Act, 1902, specified in a resolution referred to in subsection (2). Inquiry by board or delegate.

10 (2) The board may by resolution authorise a delegate to make an inquiry under section 19 (1) and a document purporting to be a copy of a resolution so authorising a delegate and fixing the terms of the inquiry, and to be signed by the chairman or member presiding at the meeting at which
15 the resolution was passed, shall be sufficient evidence for all purposes of a delegation pursuant to this subsection and of the terms of the inquiry.

(3) The board or delegate holding an inquiry shall sit as in open court and the dental technician in respect of
20 whom the inquiry is being held shall be afforded an opportunity of defence either in person or by his solicitor or counsel.

(4) For the purpose of an inquiry the board, the chairman or other person presiding at the meeting of the
25 board at which the inquiry is made and a delegate shall have the powers, authorities, protections and immunities 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 that Act, section 13 and
30 Division 2 of Part II excepted, shall apply to any witness summoned by or appearing before the board or delegate in the same way as it applies to a witness summoned before a royal commission.

(5)

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(5) A delegate shall forward to the board a report as to the inquiry made by him, a copy certified by him of all evidence taken at the inquiry and his recommendation in relation to the dental technician the subject of the inquiry.

5 (6) The decision of the board upon an inquiry held before a delegate shall be given after consideration by it of the report, evidence and recommendation referred to in subsection (5).

21. (1) A person aggrieved—

Appeal.

10 (a) by the refusal of the board to direct that he be registered as a dental technician; or

(b) by an order of the board under section 19,

may appeal to the District Court in accordance with the rules of court.

15 (2) An appeal under subsection (1) shall be dealt with by way of rehearing.

(3) The District Court, in deciding an appeal referred to in subsection (1), may—

20 (a) confirm a refusal referred to in subsection (1) (a) or order that the person applying for registration be registered; or

25 (b) in respect of an appeal against an order referred to in subsection (1) (b) uphold the appeal, confirm the order of the board or substitute for that order any other order that the board might have made.

(4) The decision of the District Court in respect of an appeal referred to in subsection (1) shall be final and conclusive and be given effect to by the board.

22.

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22. Where the board makes an order under section 19 in respect of a dental technician or the District Court confirms such an order or makes some other order in respect of an appeal made to it in respect of such an order the secretary shall make a notation of the terms of the order made by the board and, as the case may require, of the order made by the District Court, in the register adjacent to the name of the person in respect of whom the order has been made.

Notations in register.

23. (1) The name of a person whose name has been removed from the register shall only be again entered on the register at the direction of the board or in pursuance of an order of the District Court.

Restoration of name to register.

(2) Where the name of a dental technician has been removed from the register and—

(a) an application in the prescribed form is received from the person whose name has been removed for the restoration of his name to the register ;

(b) any disability that caused the removal of the name of that person from the register has ceased to exist ; and

(c) the prescribed restoration fee is paid and, where the roll fee in respect of the year in which registration is applied for has not previously been paid, the roll fee in respect of that year is paid,

the board shall, if it is otherwise satisfied that the person is entitled to be registered as a dental technician, direct that the name of that person be entered on the register.

(3) Where the District Court orders that the name of a person be entered on the register the name of that person shall, if the roll fee in respect of the year in which registration is to be effected has not previously been paid, be entered on the register only after the roll fee in respect of that year is paid.

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(4) Subsection (2) (c) has effect subject to any order of the board reducing or waiving the prescribed restoration fee or the roll fee, or any part of either of those fees.

5 (5) Subsection (3) has effect subject to an order of the District Court to the contrary.

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

Falsification
of register.

PART IV.

GENERAL.

25. (1) For the purpose of ascertaining—

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

(b) whether a dental technician is, by reason of some act or omission in connection with his work as a dental technician, unfit to carry out technical work,

25 an inspector may at any reasonable time enter any premises which a dental technician uses in connection with technical work and may make such inquiries therein as the inspector thinks fit.

Power
of entry
of inspec-
tors.

(2)

Dental Technicians Registration.

(2) 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 after the date of the warrant, to enter the premises named in the warrant and to make such inquiries therein as that inspector may think fit.

(3) A person who wilfully delays or obstructs an inspector in the exercise of his powers under this section is guilty of an offence.

26. (1) A person other than—

- 15 (a) a dental technician;
- (b) a person bona fide undergoing training in technical work under the supervision of a dentist or dental technician or, subject to section 4 (2), employed as a probationer within the meaning of section 25 (1) of the Apprentices Act, 1969, by a dental technician or by a person employing a dental technician; or
- 20 (c) a person approved by the board pursuant to section 13 (2) (f) who is acting within the terms of the approval given in respect of him,
- 25

Practice by unregistered persons.

is guilty of an offence if he carries out technical work.

(2) A person is guilty of an offence if he permits a person employed by him, other than a person referred to in subsection (1), to carry out technical work.

30 27. A dental technician is guilty of an offence if he carries out technical work unless that technical work is carried out on the written order, in or to the effect of the form prescribed under the Dentists Act, 1934, of a dentist.

Dental technicians not to deal directly with public.

28.

Dental Technicians Registration.

28. (1) A dental technician who uses in his business as a dental technician a title or description other than dental technician or dental laboratory is guilty of an offence. Use of certain titles, etc., prohibited.

5 (2) A person, not being a dental technician, who employs a dental technician in connection with his business of supplying technical work who uses in connection with that business a title or description other than dental laboratory is guilty of an offence.

10 (3) A person other than a dental technician who uses the title or description of dental technician is guilty of an offence.

15 (4) A person other than a dental technician or a person, not being a dental technician, who employs a dental technician in connection with his business of supplying technical work who uses the title or description of dental laboratory is guilty of an offence.

20 (5) A dental technician who uses in connection with his business as a dental technician any symbols or letters other than symbols or letters approved by the board as a description of the qualification of a dental technician is guilty of an offence.

29. (1) A notice under this Act addressed to a dental technician or to a person who has made an application for registration as a dental technician may be served— Service of notices.

25 (a) by delivering it personally to the person to whom it is addressed; or

30 (b) by posting it in an envelope duly stamped and addressed to the person to whom it is addressed at the place last known to the secretary to be the place of residence or business of that person,

and shall be deemed to have been served upon its being so delivered or, in the case of a notice referred to in paragraph (b), shall be prima facie deemed to have been served when it would be delivered in the ordinary course of post.

(2)

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(2) A notice or other document required to be served on the board may be served—

- 5 (a) by being left with some person apparently employed in the administration of this Act at the office of the secretary; or
- (b) by posting it in an envelope duly stamped and addressed to the secretary or to the board at the office of the secretary,

10 and shall be deemed to have been served upon its being so left or, in the case of a notice or document referred to in paragraph (b), shall be prima facie deemed to have been served when it would be delivered in the ordinary course of post.

15 **30.** A document purporting to be a certificate signed by the secretary and stating that a person specified therein—

Certificate
admissible
as prima
facie
evidence.

- 20 (a) has been appointed as an inspector under this Act and during any period specified therein held office as an inspector;
- (b) was or was not, on a day or during any period specified therein, a dental technician; or
- (c) was, on a day or during any period specified therein, a person in respect of whom an order under section 19 had been made or was in force,

25 shall, in all courts and before all persons and bodies authorised by law to receive evidence, be admissible and be prima facie evidence of the matters specified therein.

31. (1) An information for an offence against this Act or the regulations shall be laid by—

Proceedings
for
offences.

- 30 (a) the secretary, an inspector or some other person appointed by the board for that purpose, either generally or in a particular case; or
- (b) a member of the police force.

(2)

Dental Technicians Registration.

(2) Proceedings for an offence against this Act or the regulations may be taken in a summary manner before a court of petty sessions constituted by a stipendiary magistrate or any two justices.

5 **32.** Where a company is convicted of an offence against this Act or the regulations, every director and every officer concerned in the management of the company is guilty of the same offence if he knowingly and wilfully authorised or permitted the commission of the offence. Offence by company.

10 **33.** A person who is guilty of an offence against this Act for which no penalty is expressly provided is liable to a penalty not exceeding \$500. Penalty.

15 **34.** (1) The expenses of the board in carrying out the administration of this Act shall be paid out of moneys provided by Parliament. Cost of administration of Act.

(2) The fees payable under this Act shall be paid to the secretary who shall transmit them to the Treasurer to be carried to the Consolidated Revenue Fund.

20 **35.** (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter which, by this Act, is required or permitted to be prescribed or which is necessary or convenient to be prescribed for carrying out or giving effect to this Act. Regulations.

25 (2) Without prejudice to the generality of the power conferred by subsection (1), the Governor may make regulations for or with respect to—

(a) the manner in which applications for registration as a dental technician shall be made;

(b)

Dental Technicians Registration.

- (b) forms of application for, and fees to be paid in connection with, registration as a dental technician and restoration of the name of a person to the register;
- 5 (c) the amount of the roll fee and the amount to be paid for inspection of the register;
- (d) notations to be made in the register;
- (e) the duties of the secretary and any inspectors, other officers and persons employed in connection with the administration of this Act;
- 10 (f) standards of hygiene to be observed by and protective clothing to be worn by dental technicians and persons employed in and about premises used for or in connection with technical work; and
- 15 (g) standards to be observed in the fitting out of premises to be used for or in connection with technical work.

(3) Regulations referred to in subsection (2) (d), (f) and (g) may be made so as to apply differently according to such factors as are specified in the regulations.

20

(4) A regulation may impose a penalty not exceeding \$200 for any breach thereof.

PART V.

AMENDMENT OF DENTISTS ACT, 1934.

25 36. The Dentists Act, 1934, is amended—

Amendment
of Act No.
10, 1934.

- (a) (i) by omitting from section 12 (1) the words “, or do” and by inserting instead the words “or, except as provided in subsection (3), do”;
- (ii) Sec. 12.
(Penalty for practice of dentistry by unregistered person.)

Dental Technicians Registration.

(ii) by omitting section 12 (3) (d) and by inserting instead the following paragraph :—

5 (d) the mechanical construction or the renewal or repair of artificial dentures or restorative dental appliances—

(i) by a person registered as a dental technician under the Dental Technicians Registration Act, 1974; or

10 (ii) by a person authorised under the Dental Technicians Registration Act, 1974, to carry out technical work within the meaning of that Act,

15 upon the written order, in or to the effect of the prescribed form, of a registered dentist.

(b) by inserting after section 12A (5) (e) the following paragraph :—

20 (e1) what amount, if any, was paid by the dentist to any other person in respect of any dental prosthesis used in the dental treatment; and.

Sec. 12A.
(Dentists
Charges
Committee.)

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1974
[24c]

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.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 26 November, 1974.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

Clerk of the Parliaments.

*Legislative Assembly Chamber,
Sydney, March, 1975*

New South Wales



ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

Act No. , 1974.

An Act to constitute the Dental Technicians Registration Board and to define its powers, authorities, duties and functions; to make provision for the registration of dental technicians; to regulate the qualifications for and the effect of registration; to amend the Dentists Act, 1934; and for purposes connected therewith.

BE

70005 147—A

NOTE.—The words to be *omitted* are ruled through; those to be *inserted* are printed in **black letter**.

Dental Technicians Registration.

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 :—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Dental Technicians Registration Act, 1974". Short title.

2. (1) This section and section 1 shall commence on the date of assent to this Act. Commence-
ment.

(2) Sections 25, 26, 27 and 28, sections 32 and 33 and section 36 shall commence on the day that is six months after the appointed day.

3. (3) Except as provided in subsections (1) and (2), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. This Act is divided as follows :—

**Division
of Act.**

20 PART I.—PRELIMINARY—*ss.* 1–5.

PART II.—DENTAL TECHNICIANS REGISTRATION BOARD—*ss.* 6–13.

PART III.—REGISTRATION OF DENTAL TECHNICIANS—*ss.* 14–24.

25 PART IV.—GENERAL—*ss.* 25–35.

PART V.—AMENDMENT OF DENTISTS ACT, 1934—*s.* 36.

Dental Technicians Registration.

4. (1) This Act does not apply to or in respect of any ^{Application} legally qualified medical practitioner, any dentist or any person ^{of Act.} carrying out technical work under the supervision of such a medical practitioner or a dentist at a university, school, college
5 or hospital in New South Wales as part of a course leading to a degree in medicine, surgery or dental surgery.

(2) After the day that is two years after the appointed day—

- 10 (a) sections 25 and 26 of the Apprentices Act, 1969, do not apply to the training in technical work of a person desirous of becoming a dental technician; and
- 15 (b) neither the Director nor an apprenticeship committee shall approve of an application for the establishment of an apprenticeship in technical work.

(3) After the day that is six years after the appointed day, no provision of the Apprentices Act, 1969, applies to the training in technical work of a person desirous of becoming
20 a dental technician.

5. (1) In this Act, except in so far as the context or ^{Interpre-} subject-matter otherwise indicates or requires— ^{tation.}

- 25 “appointed day” means the day appointed by the Governor under section 2 (3);
- “board” means the Dental Technicians Registration Board constituted under section 6 (1);
- “dental technician” means person registered as a dental technician under this Act;
- 30 “dentist” has the meaning ascribed thereto in the Dentists Act, 1934;
- “inspector” means person appointed to be an inspector under section 11;
- “member” means member of the board;

“register”

Dental Technicians Registration.

“register” means the Register of Dental Technicians of New South Wales kept by the board under section 14;

“regulations” means regulations made under this Act;

5 “secretary” means person appointed to be secretary under section 11;

“technical work” means the mechanical construction or the renewal or repair of artificial dentures or restorative dental appliances.

10 (2) For the purposes of the constitution of the first Dental Technicians Registration Board, a reference in section 6 (1) to a dental technician is a reference to a person who, in the opinion of the Minister, is a person likely to be able to satisfy the requirements of the board in respect of his
15 qualifications for registration under this Act.

PART II.

DENTAL TECHNICIANS REGISTRATION BOARD.

6. (1) The Governor may constitute a Dental Technicians Registration Board consisting of ~~seven~~ **eight** members
20 and of those members—

Constitution
of Dental
Technicians
Registration
Board.

(a) one shall be a person, not being a person registered or entitled to be registered as a dentist under the Dentists Act, 1934, or registered or entitled to be registered as a dental technician under this Act, who
25 is nominated by the Health Commission of New South Wales and, in and by the instrument of his appointment, appointed as chairman;

(b) one shall be a dentist nominated by the Dental Board constituted under the Dentists Act, 1934;

30 (c) one shall be a dentist nominated by the board of control of the United Dental Hospital of Sydney;

(d) one shall be a dental technician nominated by the Dental Technicians' Association of New South Wales;

(e)

Dental Technicians Registration.

- (e) one shall be a dental technician nominated by the Dental Laboratories Association of New South Wales;
- 5 (f) ~~one shall be a dental technician~~ **two shall be dental technicians** nominated by the Minister; and
- (g) one shall be a barrister-at-law admitted by, or a solicitor of, the Supreme Court, nominated by the Minister.
- (2) The person appointed to be chairman of the board
10 may nominate an officer of the Health Commission of New South Wales to act in his place as chairman of the board and a person so acting shall be deemed to be a member and shall be chairman at any meeting of the board at which he is present.
- 15 (3) Where a nomination for the purposes of subsection (1) (paragraphs (f) and (g) excepted) or section 8 (1) is not submitted within the time or in the manner specified by the Minister in a notice in writing given to the
20 person entitled to make the nomination, the nomination may be made by the Minister.
- (4) A member shall, subject to this Act, hold office for a term of three years and shall, if otherwise qualified, be eligible for reappointment.
- (5) A person who is above the age of seventy years
25 is not qualified for appointment as a member.
- (6) The provisions of the Public Service Act, 1902, shall not apply to the appointment of a member and a member shall not, in his capacity as a member, be subject to the provisions of that Act during his term of office.
- 30 (7) The office of a member shall not for the purpose of any Act be deemed to be an office or place of profit under the Crown.

Dental Technicians Registration.

7. (1) A member ceases to hold office as a member and there is a casual vacancy in his office— Vacation
of office.

- (a) if he dies;
- 5 (b) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- 10 (c) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- 15 (d) if he is convicted in New South Wales of a felony or of a misdemeanour punishable by imprisonment for a period of twelve months or more, or if he is convicted elsewhere than in New South Wales of an offence that, if it were committed in New South Wales, would be a felony or misdemeanour so punishable;
- 20 (e) if he resigns his office in writing under his hand addressed to the Governor and his resignation is accepted;
- 25 (f) if he is absent from three consecutive meetings of the board of which reasonable notice has been given to him personally or in the ordinary course of post and is not, within six weeks after the last of those meetings, excused by the board for his absence from those meetings;
- 30 (g) if, not being the member appointed pursuant to section 6 (1) (a), he ceases to hold the qualification by virtue of which he was nominated for appointment as a member;

(h)

Dental Technicians Registration.

(h) if he is removed from office by the Governor; or

(i) if he attains the age of seventy years.

(2) The Governor may, for any cause which appears to him to be sufficient, remove any member from office.

5 **8.** (1) On the occurrence of a vacancy in the office of a member otherwise than by the expiration of the term for which he was appointed, the Governor may appoint a person to hold office for the balance of his predecessor's term of office, being a person qualified and nominated under the same paragraph of section 6 (1) as his predecessor.

Filling of casual vacancies.

(2) A member appointed pursuant to subsection (1) is, if otherwise qualified, eligible for reappointment.

15 **9.** (1) The procedure for the calling of meetings of the board and for the conduct of business at those meetings shall be as determined by the board.

Meetings of the board.

(2) At any meeting of the board the chairman or, in his absence, his nominee, shall preside, but if the chairman and his nominee are both absent from that meeting, a person elected from among their number by the members present shall preside at that meeting.

(3) The person presiding at any meeting of the board in accordance with subsection (2) shall have a deliberative vote and, in the event of an equality of votes, a casting vote.

25 (4) ~~Four~~ **Five** members shall form a quorum at any meeting of the board and any duly convened meeting of the board at which a quorum is present shall be competent to transact any business of the board and shall have and may exercise the functions of the board.

(5)

Dental Technicians Registration.

(5) A decision supported by a majority of votes at a meeting of the board at which a quorum is present shall be the decision of the board.

5 **10.** A member shall, if he is not a member of the public service or a member of the Health Commission of New South Wales, be entitled to such expenses in relation to his acting as a member as may be fixed from time to time by the Minister. Expenses of members.

11. The Governor may, under and subject to the provisions of the Public Service Act, 1902, appoint and employ a secretary to the board and such inspectors and other officers and employees as may be necessary for the purposes of this Act. Secretary, inspectors, officers and employees.

12. No matter or thing done or suffered by the board, any member, the secretary, any inspector or any other officer or employee, bona fide in the execution, or intended execution, of this Act, or in the exercise or discharge, or intended exercise or discharge, of any of its or his powers or duties, shall subject the board or any member, the secretary, any inspector or any other officer or employee, or the Crown, to any liability in respect thereof. Protection of board and officers, etc.

13. (1) The functions and duties of the board are to do all acts and exercise or perform all powers necessary for carrying the provisions of this Act into effect. Functions and duties of the board.

25 (2) Without limiting the generality of subsection (1), the board may—

(a) approve courses of training in technical work that may be undertaken or have been completed by persons desirous of becoming dental technicians, whether those courses are to be undertaken or have been completed in New South Wales or elsewhere;

(b)

30

Dental Technicians Registration.

- (b) recommend the standard to be achieved in the examinations to be completed by persons undertaking courses of training in technical work in New South Wales;
- 5 (c) arrange, in such cases as it sees fit, for a person who applies for registration pursuant to section 15 (1) (c) to undertake an examination as to his knowledge of and skill in carrying out technical work and to demonstrate his ability satisfactorily to
10 carry out technical work in New South Wales;
- (d) promote the establishment in New South Wales of courses of training for persons desirous of becoming dental technicians;
- 15 (e) order the registration of persons as dental technicians, suspend or cancel the registration of persons so registered, annul any such suspension or cancellation and order the restoration to the register of the name of a person who was formerly a dental technician; and
- 20 (f) approve, in such cases as it sees fit, of the carrying out by a person who has applied for registration under section 15 (1) (c) but who has failed, upon examination arranged under paragraph (c), to satisfy the board as to the matters specified in
25 section 15 (1) (c), of technical work for a period, and under the supervision of a person, specified in the approval and revoke, alter or vary any such approval.

(3) An approval under subsection (2) (f) shall
30 operate for a period not exceeding two years.

PART

Dental Technicians Registration.

PART III.

REGISTRATION OF DENTAL TECHNICIANS.

14. (1) The board shall keep a register, to be called the Register. "Register of Dental Technicians of New South Wales".

5 (2) A person shall be registered by the entering in the register of—

- (a) his full name;
- (b) his address;
- (c) the date on which he is registered; and

10 (d) particulars of the qualification by which he is entitled to registration.

(3) The register shall at all reasonable times be open to inspection at the office of the board by any person on payment of the prescribed fee.

15 (4) The secretary shall, as soon as practicable after the first day of July in each year, transmit a list of names and addresses entered in the register to the Minister and if the Minister so directs, the list shall be printed and published.

15. (1) A person who makes application for registration 20 as a dental technician in the prescribed manner and proves to the satisfaction of the board that he is of good character and has attained the age of eighteen years is entitled to be registered as a dental technician if—

25 (a) he has, in the opinion of the board, satisfactorily completed a course of training approved by the board in technical work;

(b)

Dental Technicians Registration.

5 (b) he establishes to the satisfaction of the board that he has, within the period of ten years immediately preceding the day on which he applies for registration, been bona fide engaged in carrying out technical work in New South Wales for a period of not less than four years; or

10 (c) not being a person referred to in paragraph (a) or (b), he has, in the opinion of the board, satisfactorily completed any examination in technical work arranged by the board for the purpose of determining his knowledge of and skill in carrying out technical work and demonstrated his ability satisfactorily to carry out technical work in New South Wales.

15 (2) For the purposes of subsection (1) (b), a period during which a person has been engaged in training in technical work in New South Wales as an apprentice is a period during which that person has been bona fide engaged in carrying out technical work.

20 (3) A person is not entitled to become registered pursuant to subsection (1) (b) after a day that is six years after the appointed day.

25 (4) Subsection (3) does not apply to a person who has previously been registered as a dental technician and who pays a restoration fee within five years after the day on which he ceased to be registered as a dental technician or last ceased to be so registered, as the case may be.

(5) Where the board—

30 (a) is satisfied as to the matters specified in subsection (1) it shall direct that the person applying for registration as a dental technician be registered upon payment of the prescribed fee; or

(b)

Dental Technicians Registration.

5 (b) is not satisfied as to the matters specified in sub-section (1) it shall refuse the application for registration and the secretary shall give the person who has applied for registration as a dental technician notice of that refusal in accordance with section 29 (1).

10 (6) If the board does not, within sixty days after the receipt by it of an application by a person for registration as a dental technician, give notice to the person applying for registration of the result of the application the secretary shall be deemed to have given that person a notice that the board has refused to direct that he be registered as a dental technician.

15 **16.** (1) The board may, for the purpose of obtaining any information required by it for the purposes of section 15, require any applicant for registration or other person to appear before it for examination by the members of the board. Inquiries in connection with section 15.

(2) A person who—

- (a) wilfully makes a false statement; or
- 20 (b) utters or attempts to utter or put off as true before the board a false, forged or counterfeit document purporting to be an academic award or a document signifying a technical qualification,

25 in connection with a matter into which the board is inquiring for the purposes of section 15, is guilty of a misdemeanour and liable to be imprisoned for a period not exceeding twelve months.

17. (1) Every dental technician shall, on or before the thirty-first day of March in each year, pay a roll fee of such amount as is prescribed for the year commencing on the first day of July next following.

(2)

Dental Technicians Registration.

(2) A dental technician shall, at the time he pays the roll fee, furnish particulars of his address for entry in the register.

5 (3) If a dental technician does not pay the roll fee on or before the thirty-first day of March in any year the board shall forthwith notify him by letter addressed to him at his address appearing in the register that if the fee is not paid on or before the thirtieth day of June next following his name will be removed from the register.

10 (4) Where a dental technician who has been notified in accordance with subsection (3) fails to pay the roll fee on or before the thirtieth day of June next after the notice has been forwarded to him the board shall cause his name to be removed from the register.

15 **18.** The board shall cause to be removed from the register the name of—

- Removal
of name
of dental
technician
from
register.
- (a) a dental technician who requests that his name be removed;
- (b) a deceased dental technician; and

20 (c) a dental technician who does not possess or who has ceased to possess the qualifications in respect of which he was registered.

19. (1) Where the board is satisfied after inquiry that a dental technician—

- Proceedings
before
board
against
dental
technician.
- 25 (a) has been convicted in New South Wales or elsewhere by any court of any felony, misdemeanour, crime or offence;
- (b) has been guilty of habitual drunkenness or of addiction to any deleterious drug;

(c)

Dental Technicians Registration.

(c) is not of good character; or

(d) is, by reason of infirmity, injury or illness, whether mental or physical, unfit to carry out technical work,

5 it may by order—

(e) reprimand or caution that dental technician;

(f) suspend his registration for such period as it thinks fit; or

(g) direct that his name be removed from the register,

10 and shall, where it is satisfied after inquiry that a dental technician is, by reason of some act or omission in connection with his work as a dental technician, unfit to carry out technical work, by order direct that his name be removed from the register.

15 (2) Where the board directs that the name of a dental technician be removed from the register it may in its order fix a time after which the person whose name is so removed may apply for restoration of his name to the register.

20 (3) The board shall not make an order directing that a dental technician be suspended from registration or that his name be removed from the register because of a conviction referred to in subsection (1) (a) where it is satisfied that, whether from its trivial nature or from the
25 circumstances in which it occurred or for any other reason, the felony, misdemeanour, crime or offence does not in the public interest disqualify the dental technician from carrying out technical work.

(4)

Dental Technicians Registration.

5 (4) An order made by the board under subsection (1) shall not take effect until the expiration of a period of twenty-one days after notice of the making of the order is given to the dental technician by the secretary in accordance with section 29 (1).

20. (1) In this section, "delegate" means a member of the board or an officer or employee appointed under the Public Service Act, 1902, specified in a resolution referred to in subsection (2). Inquiry by board or delegate.

10 (2) The board may by resolution authorise a delegate to make an inquiry under section 19 (1) and a document purporting to be a copy of a resolution so authorising a delegate and fixing the terms of the inquiry, and to be signed by the chairman or member presiding at the meeting at which
15 the resolution was passed, shall be sufficient evidence for all purposes of a delegation pursuant to this subsection and of the terms of the inquiry.

(3) The board or delegate holding an inquiry shall sit as in open court and the dental technician in respect of
20 whom the inquiry is being held shall be afforded an opportunity of defence either in person or by his solicitor or counsel.

(4) For the purpose of an inquiry the board, the chairman or other person presiding at the meeting of the
25 board at which the inquiry is made and a delegate shall have the powers, authorities, protections and immunities 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 that Act, section 13 and
30 Division 2 of Part II excepted, shall apply to any witness summoned by or appearing before the board or delegate in the same way as it applies to a witness summoned before a royal commission.

(5)

Dental Technicians Registration.

(5) A delegate shall forward to the board a report as to the inquiry made by him, a copy certified by him of all evidence taken at the inquiry and his recommendation in relation to the dental technician the subject of the inquiry.

5 (6) The decision of the board upon an inquiry held before a delegate shall be given after consideration by it of the report, evidence and recommendation referred to in subsection (5).

21. (1) A person aggrieved—

Appeal

10 (a) by the refusal of the board to direct that he be registered as a dental technician; or

(b) by an order of the board under section 19,

may appeal to the District Court in accordance with the rules of court.

15 (2) An appeal under subsection (1) shall be dealt with by way of rehearing.

(3) The District Court, in deciding an appeal referred to in subsection (1), may—

20 (a) confirm a refusal referred to in subsection (1) (a) or order that the person applying for registration be registered; or

25 (b) in respect of an appeal against an order referred to in subsection (1) (b) uphold the appeal, confirm the order of the board or substitute for that order any other order that the board might have made.

(4) The decision of the District Court in respect of an appeal referred to in subsection (1) shall be final and conclusive and be given effect to by the board.

22.

Dental Technicians Registration.

22. Where the board makes an order under section 19 in respect of a dental technician or the District Court confirms such an order or makes some other order in respect of an appeal made to it in respect of such an order the secretary shall make a notation of the terms of the order made by the board and, as the case may require, of the order made by the District Court, in the register adjacent to the name of the person in respect of whom the order has been made.

Notations in register.

23. (1) The name of a person whose name has been removed from the register shall only be again entered on the register at the direction of the board or in pursuance of an order of the District Court.

Restoration of name to register.

(2) Where the name of a dental technician has been removed from the register and—

- (a) an application in the prescribed form is received from the person whose name has been removed for the restoration of his name to the register;
- (b) any disability that caused the removal of the name of that person from the register has ceased to exist; and
- (c) the prescribed restoration fee is paid and, where the roll fee in respect of the year in which registration is applied for has not previously been paid, the roll fee in respect of that year is paid,

the board shall, if it is otherwise satisfied that the person is entitled to be registered as a dental technician, direct that the name of that person be entered on the register.

(3) Where the District Court orders that the name of a person be entered on the register the name of that person shall, if the roll fee in respect of the year in which registration is to be effected has not previously been paid, be entered on the register only after the roll fee in respect of that year is paid.

Dental Technicians Registration.

(4) Subsection (2) (c) has effect subject to any order of the board reducing or waiving the prescribed restoration fee or the roll fee, or any part of either of those fees.

5 (5) Subsection (3) has effect subject to an order of the District Court to the contrary.

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

Falsification of register.

PART IV.

GENERAL.

25. (1) For the purpose of ascertaining—

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

(b) whether a dental technician is, by reason of some act or omission in connection with his work as a dental technician, unfit to carry out technical work,

25 an inspector may at any reasonable time enter any premises which a dental technician uses in connection with technical work and may make such inquiries therein as the inspector thinks fit.

Power of entry of inspectors.

(2)

Dental Technicians Registration.

(2) 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 after the date of the warrant, to enter the premises named in the warrant and to make such inquiries therein as that inspector may think fit.

(3) A person who wilfully delays or obstructs an inspector in the exercise of his powers under this section is guilty of an offence.

26. (1) A person other than—

- 15 (a) a dental technician ;
- (b) a person bona fide undergoing training in technical work under the supervision of a dentist or dental technician or, subject to section 4 (2), employed as a probationer within the meaning of section 25 (1) of the Apprentices Act, 1969, by a dental technician or by a person employing a dental technician ; or
- 20 (c) a person approved by the board pursuant to section 13 (2) (f) who is acting within the terms of the approval given in respect of him,
- 25

Practice by unregistered persons.

is guilty of an offence if he carries out technical work.

(2) A person is guilty of an offence if he permits a person employed by him, other than a person referred to in subsection (1), to carry out technical work.

30 **27.** A dental technician is guilty of an offence if he carries out technical work unless that technical work is carried out on the written order, in or to the effect of the form prescribed under the Dentists Act, 1934, of a dentist.

Dental technicians not to deal directly with public.

28.

Dental Technicians Registration.

28. (1) A dental technician who uses in his business as a dental technician a title or description other than dental technician or dental laboratory is guilty of an offence. Use of certain titles, etc., prohibited.

5 (2) A person, not being a dental technician, who employs a dental technician in connection with his business of supplying technical work who uses in connection with that business a title or description other than dental laboratory is guilty of an offence.

10 (3) A person other than a dental technician who uses the title or description of dental technician is guilty of an offence.

15 (4) A person other than a dental technician or a person, not being a dental technician, who employs a dental technician in connection with his business of supplying technical work who uses the title or description of dental laboratory is guilty of an offence.

20 (5) A dental technician who uses in connection with his business as a dental technician any symbols or letters other than symbols or letters approved by the board as a description of the qualification of a dental technician is guilty of an offence.

29. (1) A notice under this Act addressed to a dental technician or to a person who has made an application for registration as a dental technician may be served— Service of notices.

25 (a) by delivering it personally to the person to whom it is addressed; or

30 (b) by posting it in an envelope duly stamped and addressed to the person to whom it is addressed at the place last known to the secretary to be the place of residence or business of that person,

and shall be deemed to have been served upon its being so delivered or, in the case of a notice referred to in paragraph (b), shall be prima facie deemed to have been served when it would be delivered in the ordinary course of post.

(2)

Dental Technicians Registration.

(2) A notice or other document required to be served on the board may be served—

- 5 (a) by being left with some person apparently employed in the administration of this Act at the office of the secretary; or
- (b) by posting it in an envelope duly stamped and addressed to the secretary or to the board at the office of the secretary,

10 and shall be deemed to have been served upon its being so left or, in the case of a notice or document referred to in paragraph (b), shall be prima facie deemed to have been served when it would be delivered in the ordinary course of post.

15 **30.** A document purporting to be a certificate signed by the secretary and stating that a person specified therein—

Certificate
admissible
as prima
facie
evidence.

- (a) has been appointed as an inspector under this Act and during any period specified therein held office as an inspector;
- 20 (b) was or was not, on a day or during any period specified therein, a dental technician; or
- (c) was, on a day or during any period specified therein, a person in respect of whom an order under section 19 had been made or was in force,

25 shall, in all courts and before all persons and bodies authorised by law to receive evidence, be admissible and be prima facie evidence of the matters specified therein.

31. (1) An information for an offence against this Act or the regulations shall be laid by—

Proceedings
for
offences.

- 30 (a) the secretary, an inspector or some other person appointed by the board for that purpose, either generally or in a particular case; or
- (b) a member of the police force.

(2)

Dental Technicians Registration.

(2) Proceedings for an offence against this Act or the regulations may be taken in a summary manner before a court of petty sessions constituted by a stipendiary magistrate or any two justices.

5 **32.** Where a company is convicted of an offence against this Act or the regulations, every director and every officer concerned in the management of the company is guilty of the same offence if he knowingly and wilfully authorised or permitted the commission of the offence. Offence by company.

10 **33.** A person who is guilty of an offence against this Act for which no penalty is expressly provided is liable to a penalty not exceeding \$500. Penalty.

15 **34.** (1) The expenses of the board in carrying out the administration of this Act shall be paid out of moneys provided by Parliament. Cost of administration of Act.

(2) The fees payable under this Act shall be paid to the secretary who shall transmit them to the Treasurer to be carried to the Consolidated Revenue Fund.

20 **35.** (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter which, by this Act, is required or permitted to be prescribed or which is necessary or convenient to be prescribed for carrying out or giving effect to this Act. Regulations.

25 (2) Without prejudice to the generality of the power conferred by subsection (1), the Governor may make regulations for or with respect to—

(a) the manner in which applications for registration as a dental technician shall be made;

(b)

Dental Technicians Registration.

- (b) forms of application for, and fees to be paid in connection with, registration as a dental technician and restoration of the name of a person to the register;
- 5 (c) the amount of the roll fee and the amount to be paid for inspection of the register;
- (d) notations to be made in the register;
- (e) the duties of the secretary and any inspectors, other officers and persons employed in connection with the administration of this Act;
- 10 (f) standards of hygiene to be observed by and protective clothing to be worn by dental technicians and persons employed in and about premises used for or in connection with technical work; and
- 15 (g) standards to be observed in the fitting out of premises to be used for or in connection with technical work.

(3) Regulations referred to in subsection (2) (d), (f) and (g) may be made so as to apply differently according to such factors as are specified in the regulations.

(4) A regulation may impose a penalty not exceeding \$200 for any breach thereof.

PART V.

AMENDMENT OF DENTISTS ACT, 1934.

25 36. The Dentists Act, 1934, is amended—

Amendment
of Act No.
10, 1934.

- (a) (i) by omitting from section 12 (1) the words “, or do” and by inserting instead the words “or, except as provided in subsection (3), do”;
- (ii) Sec. 12.
(Penalty for practice of dentistry by unregistered person.)

Dental Technicians Registration.

(ii) by omitting section 12 (3) (d) and by inserting instead the following paragraph :—

5 (d) the mechanical construction or the renewal or repair of artificial dentures or restorative dental appliances—

(i) by a person registered as a dental technician under the Dental Technicians Registration Act, 1974; or

10 (ii) by a person authorised under the Dental Technicians Registration Act, 1974, to carry out technical work within the meaning of that Act,

15 upon the written order, in or to the effect of the prescribed form, of a registered dentist.

(b) by inserting after section 12A (5) (e) the following paragraph :—

Sec. 12A.
(Dentists
Charges
Committee.)

20 (el) what amount, if any, was paid by the dentist to any other person in respect of any dental prosthesis used in the dental treatment; and.

BY AUTHORITY

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.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 26 November, 1974.*

New South Wales



ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. , 1974.

An Act to constitute the Dental Technicians Registration Board and to define its powers, authorities, duties and functions; to make provision for the registration of dental technicians; to regulate the qualifications for and the effect of registration; to amend the Dentists Act, 1934; and for purposes connected therewith.

BE

Dental Technicians Registration.

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 :—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Dental Technicians Registration Act, 1974". Short title.

10 2. (1) This section and section 1 shall commence on the date of assent to this Act. Commence-
ment.

(2) Sections 25, 26, 27 and 28, sections 32 and 33 and section 36 shall commence on the day that is six months after the appointed day.

15 (3) Except as provided in subsections (1) and (2), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. This Act is divided as follows :—

Division
of Act.

20 PART I.—PRELIMINARY—ss. 1–5.

PART II.—DENTAL TECHNICIANS REGISTRATION BOARD—ss. 6–13.

PART III.—REGISTRATION OF DENTAL TECHNICIANS—ss. 14–24.

25 PART IV.—GENERAL—ss. 25–35.

PART V.—AMENDMENT OF DENTISTS ACT, 1934—s. 36.

Dental Technicians Registration.

4. (1) This Act does not apply to or in respect of any ^{Application} legally qualified medical practitioner, any dentist or any person ^{of Act.} carrying out technical work under the supervision of such a medical practitioner or a dentist at a university, school, college
5 or hospital in New South Wales as part of a course leading to a degree in medicine, surgery or dental surgery.

(2) After the day that is two years after the appointed day—

- 10 (a) sections 25 and 26 of the Apprentices Act, 1969, do not apply to the training in technical work of a person desirous of becoming a dental technician; and
- 15 (b) neither the Director nor an apprenticeship committee shall approve of an application for the establishment of an apprenticeship in technical work.

(3) After the day that is six years after the appointed day, no provision of the Apprentices Act, 1969, applies to the training in technical work of a person desirous of becoming
20 a dental technician.

5. (1) In this Act, except in so far as the context or ^{Interpre-} subject-matter otherwise indicates or requires— ^{tation.}

- “appointed day” means the day appointed by the Governor under section 2 (3);
- 25 “board” means the Dental Technicians Registration Board constituted under section 6 (1);
- “dental technician” means person registered as a dental technician under this Act;
- 30 “dentist” has the meaning ascribed thereto in the Dentists Act, 1934;
- “inspector” means person appointed to be an inspector under section 11;
- “member” means member of the board;
- “register”

Dental Technicians Registration.

- “register” means the Register of Dental Technicians of New South Wales kept by the board under section 14;
- “regulations” means regulations made under this Act;
- 5 “secretary” means person appointed to be secretary under section 11;
- “technical work” means the mechanical construction or the renewal or repair of artificial dentures or restorative dental appliances.
- 10 (2) For the purposes of the constitution of the first Dental Technicians Registration Board, a reference in section 6 (1) to a dental technician is a reference to a person who, in the opinion of the Minister, is a person likely to be able to
- 15 qualifications for registration under this Act.

PART II.

DENTAL TECHNICIANS REGISTRATION BOARD.

6. (1) The Governor may constitute a Dental Technicians Registration Board consisting of seven members and
20 of those members—
- (a) one shall be a person, not being a person registered or entitled to be registered as a dentist under the Dentists Act, 1934, or registered or entitled to be registered as a dental technician under this Act, who
25 is nominated by the Health Commission of New South Wales and, in and by the instrument of his appointment, appointed as chairman;
- (b) one shall be a dentist nominated by the Dental Board constituted under the Dentists Act, 1934;
- 30 (c) one shall be a dentist nominated by the board of control of the United Dental Hospital of Sydney;
- (d) one shall be a dental technician nominated by the Dental Technicians' Association of New South Wales;

Constitution of Dental Technicians Registration Board.

(e)

Dental Technicians Registration.

- (e) one shall be a dental technician nominated by the Dental Laboratories Association of New South Wales;
- 5 (f) one shall be a dental technician nominated by the Minister; and
- (g) one shall be a barrister-at-law admitted by, or a solicitor of, the Supreme Court, nominated by the Minister.

(2) The person appointed to be chairman of the board
10 may nominate an officer of the Health Commission of New South Wales to act in his place as chairman of the board and a person so acting shall be deemed to be a member and shall be chairman at any meeting of the board at which he is present.

15 (3) Where a nomination for the purposes of subsection (1) (paragraphs (f) and (g) excepted) or section 8 (1) is not submitted within the time or in the manner specified by the Minister in a notice in writing given to the person entitled to make the nomination, the nomination may
20 be made by the Minister.

(4) A member shall, subject to this Act, hold office for a term of three years and shall, if otherwise qualified, be eligible for reappointment.

(5) A person who is above the age of seventy years
25 is not qualified for appointment as a member.

(6) The provisions of the Public Service Act, 1902, shall not apply to the appointment of a member and a member shall not, in his capacity as a member, be subject to the provisions of that Act during his term of office.

30 (7) The office of a member shall not for the purpose of any Act be deemed to be an office or place of profit under the Crown.

Dental Technicians Registration.

7. (1) A member ceases to hold office as a member and there is a casual vacancy in his office— Vacation
of office.

- (a) if he dies;
- 5 (b) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- 10 (c) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- 15 (d) if he is convicted in New South Wales of a felony or of a misdemeanour punishable by imprisonment for a period of twelve months or more, or if he is convicted elsewhere than in New South Wales of an offence that, if it were committed in New South Wales, would be a felony or misdemeanour so punishable;
- 20 (e) if he resigns his office in writing under his hand addressed to the Governor and his resignation is accepted;
- 25 (f) if he is absent from three consecutive meetings of the board of which reasonable notice has been given to him personally or in the ordinary course of post and is not, within six weeks after the last of those meetings, excused by the board for his absence from those meetings;
- 30 (g) if, not being the member appointed pursuant to section 6 (1) (a), he ceases to hold the qualification by virtue of which he was nominated for appointment as a member;

(h)

Dental Technicians Registration.

(h) if he is removed from office by the Governor; or

(i) if he attains the age of seventy years.

(2) The Governor may, for any cause which appears to him to be sufficient, remove any member from office.

5 **8.** (1) On the occurrence of a vacancy in the office of a member otherwise than by the expiration of the term for which he was appointed, the Governor may appoint a person to hold office for the balance of his predecessor's term of office, being a person qualified and nominated under the
10 same paragraph of section 6 (1) as his predecessor.

Filling of casual vacancies.

(2) A member appointed pursuant to subsection (1) is, if otherwise qualified, eligible for reappointment.

15 **9.** (1) The procedure for the calling of meetings of the board and for the conduct of business at those meetings shall be as determined by the board.

Meetings of the board.

(2) At any meeting of the board the chairman or, in his absence, his nominee, shall preside, but if the chairman and his nominee are both absent from that meeting, a person elected from among their number by the members present
20 shall preside at that meeting.

(3) The person presiding at any meeting of the board in accordance with subsection (2) shall have a deliberative vote and, in the event of an equality of votes, a casting vote.

25 (4) Four members shall form a quorum at any meeting of the board and any duly convened meeting of the board at which a quorum is present shall be competent to transact any business of the board and shall have and may exercise the functions of the board.

(5)

Dental Technicians Registration.

(5) A decision supported by a majority of votes at a meeting of the board at which a quorum is present shall be the decision of the board.

5 **10.** A member shall, if he is not a member of the public service or a member of the Health Commission of New South Wales, be entitled to such expenses in relation to his acting as a member as may be fixed from time to time by the Minister. Expenses of members.

11. The Governor may, under and subject to the provisions of the Public Service Act, 1902, appoint and employ a secretary to the board and such inspectors and other officers and employees as may be necessary for the purposes of this Act. Secretary, inspectors, officers and employees.

12. No matter or thing done or suffered by the board, any member, the secretary, any inspector or any other officer or employee, bona fide in the execution, or intended execution, of this Act, or in the exercise or discharge, or intended exercise or discharge, of any of its or his powers or duties, shall subject the board or any member, the secretary, any inspector or any other officer or employee, or the Crown, to any liability in respect thereof. Protection of board and officers, etc.

13. (1) The functions and duties of the board are to do all acts and exercise or perform all powers necessary for carrying the provisions of this Act into effect. Functions and duties of the board.

25 (2) Without limiting the generality of subsection (1), the board may—

30 (a) approve courses of training in technical work that may be undertaken or have been completed by persons desirous of becoming dental technicians, whether those courses are to be undertaken or have been completed in New South Wales or elsewhere;

(b)

Dental Technicians Registration.

- (b) recommend the standard to be achieved in the examinations to be completed by persons undertaking courses of training in technical work in New South Wales;
- 5 (c) arrange, in such cases as it sees fit, for a person who applies for registration pursuant to section 15 (1) (c) to undertake an examination as to his knowledge of and skill in carrying out technical work and to demonstrate his ability satisfactorily to
- 10 carry out technical work in New South Wales;
- (d) promote the establishment in New South Wales of courses of training for persons desirous of becoming dental technicians;
- 15 (e) order the registration of persons as dental technicians, suspend or cancel the registration of persons so registered, annul any such suspension or cancellation and order the restoration to the register of the name of a person who was formerly a dental technician; and
- 20 (f) approve, in such cases as it sees fit, of the carrying out by a person who has applied for registration under section 15 (1) (c) but who has failed, upon examination arranged under paragraph (c), to
- 25 satisfy the board as to the matters specified in section 15 (1) (c), of technical work for a period, and under the supervision of a person, specified in the approval and revoke, alter or vary any such approval.

(3) An approval under subsection (2) (f) shall

30 operate for a period not exceeding two years.

Dental Technicians Registration.

PART III.

REGISTRATION OF DENTAL TECHNICIANS.

14. (1) The board shall keep a register, to be called the Register. "Register of Dental Technicians of New South Wales".

5 (2) A person shall be registered by the entering in the register of—

(a) his full name;

(b) his address;

(c) the date on which he is registered; and

10 (d) particulars of the qualification by which he is entitled to registration.

(3) The register shall at all reasonable times be open to inspection at the office of the board by any person on payment of the prescribed fee.

15 (4) The secretary shall, as soon as practicable after the first day of July in each year, transmit a list of names and addresses entered in the register to the Minister and if the Minister so directs, the list shall be printed and published.

15. (1) A person who makes application for registration as a dental technician in the prescribed manner and proves to the satisfaction of the board that he is of good character and has attained the age of eighteen years is entitled to be registered as a dental technician if—

25 (a) he has, in the opinion of the board, satisfactorily completed a course of training approved by the board in technical work;

(b)

Dental Technicians Registration.

5 (b) he establishes to the satisfaction of the board that he has, within the period of ten years immediately preceding the day on which he applies for registration, been bona fide engaged in carrying out technical work in New South Wales for a period of not less than four years; or

10 (c) not being a person referred to in paragraph (a) or (b), he has, in the opinion of the board, satisfactorily completed any examination in technical work arranged by the board for the purpose of determining his knowledge of and skill in carrying out technical work and demonstrated his ability satisfactorily to carry out technical work in New South Wales.

15 (2) For the purposes of subsection (1) (b), a period during which a person has been engaged in training in technical work in New South Wales as an apprentice is a period during which that person has been bona fide engaged in carrying out technical work.

20 (3) A person is not entitled to become registered pursuant to subsection (1) (b) after a day that is six years after the appointed day.

25 (4) Subsection (3) does not apply to a person who has previously been registered as a dental technician and who pays a restoration fee within five years after the day on which he ceased to be registered as a dental technician or last ceased to be so registered, as the case may be.

(5) Where the board—

30 (a) is satisfied as to the matters specified in subsection (1) it shall direct that the person applying for registration as a dental technician be registered upon payment of the prescribed fee; or

(b)

Dental Technicians Registration.

5 (b) is not satisfied as to the matters specified in sub-section (1) it shall refuse the application for registration and the secretary shall give the person who has applied for registration as a dental technician notice of that refusal in accordance with section 29 (1).

10 (6) If the board does not, within sixty days after the receipt by it of an application by a person for registration as a dental technician, give notice to the person applying for registration of the result of the application the secretary shall be deemed to have given that person a notice that the board has refused to direct that he be registered as a dental technician.

15 **16.** (1) The board may, for the purpose of obtaining ^{Inquiries} any information required by it for the purposes of section 15, ^{in connection} require any applicant for registration or other person to ^{with} appear before it for examination by the members of the board. ^{section 15.}

(2) A person who—

- (a) wilfully makes a false statement; or
- 20 (b) utters or attempts to utter or put off as true before the board a false, forged or counterfeit document purporting to be an academic award or a document signifying a technical qualification,

25 in connection with a matter into which the board is inquiring for the purposes of section 15, is guilty of a misdemeanour and liable to be imprisoned for a period not exceeding twelve months.

17. (1) Every dental technician shall, on or before the ^{Roll fee.} thirty-first day of March in each year, pay a roll fee of such amount as is prescribed for the year commencing on the 30 first day of July next following.

(2)

Dental Technicians Registration.

(2) A dental technician shall, at the time he pays the roll fee, furnish particulars of his address for entry in the register.

5 (3) If a dental technician does not pay the roll fee on or before the thirty-first day of March in any year the board shall forthwith notify him by letter addressed to him at his address appearing in the register that if the fee is not paid on or before the thirtieth day of June next following his name will be removed from the register.

10 (4) Where a dental technician who has been notified in accordance with subsection (3) fails to pay the roll fee on or before the thirtieth day of June next after the notice has been forwarded to him the board shall cause his name to be removed from the register.

15 **18.** The board shall cause to be removed from the register the name of—

(a) a dental technician who requests that his name be removed;

(b) a deceased dental technician; and

20 (c) a dental technician who does not possess or who has ceased to possess the qualifications in respect of which he was registered.

19. (1) Where the board is satisfied after inquiry that a dental technician—

25 (a) has been convicted in New South Wales or elsewhere by any court of any felony, misdemeanour, crime or offence;

(b) has been guilty of habitual drunkenness or of addiction to any deleterious drug;

(c)

Removal
of name
of dental
technician
from
register.

Proceedings
before
board
against
dental
technician.

Dental Technicians Registration.

(c) is not of good character; or

(d) is, by reason of infirmity, injury or illness, whether mental or physical, unfit to carry out technical work,

5 it may by order—

(e) reprimand or caution that dental technician;

(f) suspend his registration for such period as it thinks fit; or

(g) direct that his name be removed from the register,

10 and shall, where it is satisfied after inquiry that a dental technician is, by reason of some act or omission in connection with his work as a dental technician, unfit to carry out technical work, by order direct that his name be removed from the register.

15 (2) Where the board directs that the name of a dental technician be removed from the register it may in its order fix a time after which the person whose name is so removed may apply for restoration of his name to the register.

20 (3) The board shall not make an order directing that a dental technician be suspended from registration or that his name be removed from the register because of a conviction referred to in subsection (1) (a) where it is
25 circumstances in which it occurred or for any other reason, the felony, misdemeanour, crime or offence does not in the public interest disqualify the dental technician from carrying out technical work.

(4)

Dental Technicians Registration.

(4) An order made by the board under subsection (1) shall not take effect until the expiration of a period of twenty-one days after notice of the making of the order is given to the dental technician by the secretary in accordance with section 29 (1).

20. (1) In this section, "delegate" means a member of the board or an officer or employee appointed under the Public Service Act, 1902, specified in a resolution referred to in subsection (2). Inquiry by board or delegate.

(2) The board may by resolution authorise a delegate to make an inquiry under section 19 (1) and a document purporting to be a copy of a resolution so authorising a delegate and fixing the terms of the inquiry, and to be signed by the chairman or member presiding at the meeting at which the resolution was passed, shall be sufficient evidence for all purposes of a delegation pursuant to this subsection and of the terms of the inquiry.

(3) The board or delegate holding an inquiry shall sit as in open court and the dental technician in respect of whom the inquiry is being held shall be afforded an opportunity of defence either in person or by his solicitor or counsel.

(4) For the purpose of an inquiry the board, the chairman or other person presiding at the meeting of the board at which the inquiry is made and a delegate shall have the powers, authorities, protections and immunities 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 that Act, section 13 and Division 2 of Part II excepted, shall apply to any witness summoned by or appearing before the board or delegate in the same way as it applies to a witness summoned before a royal commission.

(5)

Dental Technicians Registration.

(5) A delegate shall forward to the board a report as to the inquiry made by him, a copy certified by him of all evidence taken at the inquiry and his recommendation in relation to the dental technician the subject of the inquiry.

5 (6) The decision of the board upon an inquiry held before a delegate shall be given after consideration by it of the report, evidence and recommendation referred to in subsection (5).

21. (1) A person aggrieved—

Appeal.

10 (a) by the refusal of the board to direct that he be registered as a dental technician; or

(b) by an order of the board under section 19,

may appeal to the District Court in accordance with the rules of court.

15 (2) An appeal under subsection (1) shall be dealt with by way of rehearing.

(3) The District Court, in deciding an appeal referred to in subsection (1), may—

20 (a) confirm a refusal referred to in subsection (1) (a) or order that the person applying for registration be registered; or

(b) in respect of an appeal against an order referred to in subsection (1) (b) uphold the appeal, confirm the order of the board or substitute for that order
25 any other order that the board might have made.

(4) The decision of the District Court in respect of an appeal referred to in subsection (1) shall be final and conclusive and be given effect to by the board.

22.

Dental Technicians Registration.

22. Where the board makes an order under section 19 in respect of a dental technician or the District Court confirms such an order or makes some other order in respect of an appeal made to it in respect of such an order the secretary shall make a notation of the terms of the order made by the board and, as the case may require, of the order made by the District Court, in the register adjacent to the name of the person in respect of whom the order has been made.

Notations in register.

23. (1) The name of a person whose name has been removed from the register shall only be again entered on the register at the direction of the board or in pursuance of an order of the District Court.

Restoration of name to register.

(2) Where the name of a dental technician has been removed from the register and—

(a) an application in the prescribed form is received from the person whose name has been removed for the restoration of his name to the register;

(b) any disability that caused the removal of the name of that person from the register has ceased to exist; and

(c) the prescribed restoration fee is paid and, where the roll fee in respect of the year in which registration is applied for has not previously been paid, the roll fee in respect of that year is paid,

the board shall, if it is otherwise satisfied that the person is entitled to be registered as a dental technician, direct that the name of that person be entered on the register.

(3) Where the District Court orders that the name of a person be entered on the register the name of that person shall, if the roll fee in respect of the year in which registration is to be effected has not previously been paid, be entered on the register only after the roll fee in respect of that year is paid.

Dental Technicians Registration.

(4) Subsection (2) (c) has effect subject to any order of the board reducing or waiving the prescribed restoration fee or the roll fee, or any part of either of those fees.

5 (5) Subsection (3) has effect subject to an order of the District Court to the contrary.

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

Falsification
of register.

PART IV.

GENERAL.

25. (1) For the purpose of ascertaining—

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

(b) whether a dental technician is, by reason of some act or omission in connection with his work as a dental technician, unfit to carry out technical work,

25 an inspector may at any reasonable time enter any premises which a dental technician uses in connection with technical work and may make such inquiries therein as the inspector thinks fit.

Power
of entry
of inspec-
tors.

(2)

Dental Technicians Registration.

(2) 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 after the date of the warrant, to enter the premises named in the warrant and to make such inquiries therein as that inspector may think fit.

(3) A person who wilfully delays or obstructs an inspector in the exercise of his powers under this section is guilty of an offence.

26. (1) A person other than—

- 15 (a) a dental technician;
- (b) a person bona fide undergoing training in technical work under the supervision of a dentist or dental technician or, subject to section 4 (2), employed as a probationer within the meaning of section 25 (1) of the Apprentices Act, 1969, by a dental technician or by a person employing a dental technician; or
- 20 (c) a person approved by the board pursuant to section 13 (2) (f) who is acting within the terms of the approval given in respect of him,
- 25

Practice by unregistered persons.

is guilty of an offence if he carries out technical work.

(2) A person is guilty of an offence if he permits a person employed by him, other than a person referred to in subsection (1), to carry out technical work.

30 27. A dental technician is guilty of an offence if he carries out technical work unless that technical work is carried out on the written order, in or to the effect of the form prescribed under the Dentists Act, 1934, of a dentist.

Dental technicians not to deal directly with public.

28.

Dental Technicians Registration.

28. (1) A dental technician who uses in his business as a dental technician a title or description other than dental technician or dental laboratory is guilty of an offence. Use of certain titles, etc., prohibited.

5 (2) A person, not being a dental technician, who employs a dental technician in connection with his business of supplying technical work who uses in connection with that business a title or description other than dental laboratory is guilty of an offence.

10 (3) A person other than a dental technician who uses the title or description of dental technician is guilty of an offence.

15 (4) A person other than a dental technician or a person, not being a dental technician, who employs a dental technician in connection with his business of supplying technical work who uses the title or description of dental laboratory is guilty of an offence.

20 (5) A dental technician who uses in connection with his business as a dental technician any symbols or letters other than symbols or letters approved by the board as a description of the qualification of a dental technician is guilty of an offence.

29. (1) A notice under this Act addressed to a dental technician or to a person who has made an application for registration as a dental technician may be served— Service of notices.

25 (a) by delivering it personally to the person to whom it is addressed; or

30 (b) by posting it in an envelope duly stamped and addressed to the person to whom it is addressed at the place last known to the secretary to be the place of residence or business of that person.

and shall be deemed to have been served upon its being so delivered or, in the case of a notice referred to in paragraph (b), shall be prima facie deemed to have been served when it would be delivered in the ordinary course of post.

(2)

Dental Technicians Registration.

(2) A notice or other document required to be served on the board may be served—

- 5 (a) by being left with some person apparently employed in the administration of this Act at the office of the secretary; or
- (b) by posting it in an envelope duly stamped and addressed to the secretary or to the board at the office of the secretary,

10 and shall be deemed to have been served upon its being so left or, in the case of a notice or document referred to in paragraph (b), shall be prima facie deemed to have been served when it would be delivered in the ordinary course of post.

15 **30.** A document purporting to be a certificate signed by the secretary and stating that a person specified therein—

Certificate
admissible
as prima
facie
evidence.

- (a) has been appointed as an inspector under this Act and during any period specified therein held office as an inspector;
- 20 (b) was or was not, on a day or during any period specified therein, a dental technician; or
- (c) was, on a day or during any period specified therein, a person in respect of whom an order under section 19 had been made or was in force,

25 shall, in all courts and before all persons and bodies authorised by law to receive evidence, be admissible and be prima facie evidence of the matters specified therein.

31. (1) An information for an offence against this Act or the regulations shall be laid by—

Proceedings
for
offences.

- 30 (a) the secretary, an inspector or some other person appointed by the board for that purpose, either generally or in a particular case; or
- (b) a member of the police force.

(2)

Dental Technicians Registration.

(2) Proceedings for an offence against this Act or the regulations may be taken in a summary manner before a court of petty sessions constituted by a stipendiary magistrate or any two justices.

5 **32.** Where a company is convicted of an offence against this Act or the regulations, every director and every officer concerned in the management of the company is guilty of the same offence if he knowingly and wilfully authorised or permitted the commission of the offence. Offence by company.

10 **33.** A person who is guilty of an offence against this Act for which no penalty is expressly provided is liable to a penalty not exceeding \$500. Penalty.

15 **34.** (1) The expenses of the board in carrying out the administration of this Act shall be paid out of moneys provided by Parliament. Cost of administration of Act.

(2) The fees payable under this Act shall be paid to the secretary who shall transmit them to the Treasurer to be carried to the Consolidated Revenue Fund.

20 **35.** (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter which, by this Act, is required or permitted to be prescribed or which is necessary or convenient to be prescribed for carrying out or giving effect to this Act. Regulations.

25 (2) Without prejudice to the generality of the power conferred by subsection (1), the Governor may make regulations for or with respect to—

(a) the manner in which applications for registration as a dental technician shall be made;

(b)

Dental Technicians Registration.

- (b) forms of application for, and fees to be paid in connection with, registration as a dental technician and restoration of the name of a person to the register;
- 5 (c) the amount of the roll fee and the amount to be paid for inspection of the register;
- (d) notations to be made in the register;
- (e) the duties of the secretary and any inspectors, other officers and persons employed in connection with the administration of this Act;
- 10 (f) standards of hygiene to be observed by and protective clothing to be worn by dental technicians and persons employed in and about premises used for or in connection with technical work; and
- 15 (g) standards to be observed in the fitting out of premises to be used for or in connection with technical work.

(3) Regulations referred to in subsection (2) (d), (f) and (g) may be made so as to apply differently according to such factors as are specified in the regulations.

20

(4) A regulation may impose a penalty not exceeding \$200 for any breach thereof.

PART V.

AMENDMENT OF DENTISTS ACT, 1934.

25 **36.** The Dentists Act, 1934, is amended—

Amendment
of Act No.
10, 1934.

- (a) (i) by omitting from section 12 (1) the words “, or do” and by inserting instead the words “or, except as provided in subsection (3), do”;
- (ii) Sec. 12.
(Penalty for practice of dentistry by unregistered person.)

Dental Technicians Registration.

(ii) by omitting section 12 (3) (d) and by inserting instead the following paragraph :—

5 (d) the mechanical construction or the renewal or repair of artificial dentures or restorative dental appliances—

(i) by a person registered as a dental technician under the Dental Technicians Registration Act, 1974; or

10 (ii) by a person authorised under the Dental Technicians Registration Act, 1974, to carry out technical work within the meaning of that Act,

15 upon the written order, in or to the effect of the prescribed form, of a registered dentist.

(b) by inserting after section 12A (5) (e) the following paragraph :—

Sec. 12A.
(Dentists
Charges
Committee.)

20 (el) what amount, if any, was paid by the dentist to any other person in respect of any dental prosthesis used in the dental treatment; and.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1974
[20c]

No. , 1974.

A BILL

To constitute the Dental Technicians Registration Board and to define its powers, authorities, duties and functions; to make provision for the registration of dental technicians; to regulate the qualifications for and the effect of registration; to amend the Dentists Act, 1934; and for purposes connected therewith.

[MR WADDY—12 November, 1974.]

BE

Dental Technicians Registration.

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:—

PART I.**PRELIMINARY.**

1. This Act may be cited as the "Dental Technicians Registration Act, 1974". Short title.

10 2. (1) This section and section 1 shall commence on the date of assent to this Act. Commence-
ment.

(2) Sections 25, 26, 27 and 28, sections 32 and 33 and section 36 shall commence on the day that is six months after the appointed day.

15 (3) Except as provided in subsections (1) and (2), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. This Act is divided as follows:—

20 **PART I.—PRELIMINARY—ss. 1–5.**

PART II.—DENTAL TECHNICIANS REGISTRATION BOARD—ss. 6–13.

PART III.—REGISTRATION OF DENTAL TECHNICIANS—ss. 14–24.

25 **PART IV.—GENERAL—ss. 25–35.**

PART V.—AMENDMENT OF DENTISTS ACT, 1934—s. 36.

Dental Technicians Registration.

4. (1) This Act does not apply to or in respect of any ^{Application} legally qualified medical practitioner, any dentist or any person ^{of Act.} carrying out technical work under the supervision of such a medical practitioner or a dentist at a university, school, college
5 or hospital in New South Wales as part of a course leading to a degree in medicine, surgery or dental surgery.

(2) After the day that is two years after the appointed day—

10 (a) sections 25 and 26 of the Apprentices Act, 1969, do not apply to the training in technical work of a person desirous of becoming a dental technician; and

15 (b) neither the Director nor an apprenticeship committee shall approve of an application for the establishment of an apprenticeship in technical work.

(3) After the day that is six years after the appointed day, no provision of the Apprentices Act, 1969, applies to the training in technical work of a person desirous of becoming
20 a dental technician.

5. (1) In this Act, except in so far as the context or ^{Interpre-} subject-matter otherwise indicates or requires— ^{tation.}

“appointed day” means the day appointed by the Governor under section 2 (3);

25 “board” means the Dental Technicians Registration Board constituted under section 6 (1);

“dental technician” means person registered as a dental technician under this Act;

30 “dentist” has the meaning ascribed thereto in the Dentists Act, 1934;

“inspector” means person appointed to be an inspector under section 11;

“member” means member of the board;

“register”

Dental Technicians Registration.

- “register” means the Register of Dental Technicians of New South Wales kept by the board under section 14;
- “regulations” means regulations made under this Act;
- 5 “secretary” means person appointed to be secretary under section 11;
- “technical work” means the mechanical construction or the renewal or repair of artificial dentures or restorative dental appliances.
- 10 (2) For the purposes of the constitution of the first Dental Technicians Registration Board, a reference in section 6 (1) to a dental technician is a reference to a person who, in the opinion of the Minister, is a person likely to be able to satisfy the requirements of the board in respect of his
- 15 qualifications for registration under this Act.

PART II.

DENTAL TECHNICIANS REGISTRATION BOARD.

6. (1) The Governor may constitute a Dental Technicians Registration Board consisting of seven members and
20 of those members—
- (a) one shall be a person, not being a person registered or entitled to be registered as a dentist under the Dentists Act, 1934, or registered or entitled to be registered as a dental technician under this Act, who
25 is nominated by the Health Commission of New South Wales and, in and by the instrument of his appointment, appointed as chairman;
- (b) one shall be a dentist nominated by the Dental Board constituted under the Dentists Act, 1934;
- 30 (c) one shall be a dentist nominated by the board of control of the United Dental Hospital of Sydney;
- (d) one shall be a dental technician nominated by the Dental Technicians' Association of New South Wales;

Constitution
of Dental
Technicians
Registration
Board.

(e)

Dental Technicians Registration.

- (e) one shall be a dental technician nominated by the Dental Laboratories Association of New South Wales;
- 5 (f) one shall be a dental technician nominated by the Minister; and
- (g) one shall be a barrister-at-law admitted by, or a solicitor of, the Supreme Court, nominated by the Minister.

(2) The person appointed to be chairman of the board
10 may nominate an officer of the Health Commission of New South Wales to act in his place as chairman of the board and a person so acting shall be deemed to be a member and shall be chairman at any meeting of the board at which he is present.

15 (3) Where a nomination for the purposes of subsection (1) (paragraphs (f) and (g) excepted) or section 8 (1) is not submitted within the time or in the manner specified by the Minister in a notice in writing given to the person entitled to make the nomination, the nomination may
20 be made by the Minister.

(4) A member shall, subject to this Act, hold office for a term of three years and shall, if otherwise qualified, be eligible for reappointment.

(5) A person who is above the age of seventy years
25 is not qualified for appointment as a member.

(6) The provisions of the Public Service Act, 1902, shall not apply to the appointment of a member and a member shall not, in his capacity as a member, be subject to the provisions of that Act during his term of office.

30 (7) The office of a member shall not for the purpose of any Act be deemed to be an office or place of profit under the Crown.

Dental Technicians Registration.

7. (1) A member ceases to hold office as a member and there is a casual vacancy in his office— Vacation
of office.

- (a) if he dies;
- 5 (b) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- 10 (c) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- 15 (d) if he is convicted in New South Wales of a felony or of a misdemeanour punishable by imprisonment for a period of twelve months or more, or if he is convicted elsewhere than in New South Wales of an offence that, if it were committed in New South Wales, would be a felony or misdemeanour so punishable;
- 20 (e) if he resigns his office in writing under his hand addressed to the Governor and his resignation is accepted;
- 25 (f) if he is absent from three consecutive meetings of the board of which reasonable notice has been given to him personally or in the ordinary course of post and is not, within six weeks after the last of those meetings, excused by the board for his absence from those meetings;
- 30 (g) if, not being the member appointed pursuant to section 6 (1) (a), he ceases to hold the qualification by virtue of which he was nominated for appointment as a member;

(h)

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(h) if he is removed from office by the Governor; or

(i) if he attains the age of seventy years.

(2) The Governor may, for any cause which appears to him to be sufficient, remove any member from office.

5 8. (1) On the occurrence of a vacancy in the office of a member otherwise than by the expiration of the term for which he was appointed, the Governor may appoint a person to hold office for the balance of his predecessor's term of office, being a person qualified and nominated under the
10 same paragraph of section 6 (1) as his predecessor.

Filling of casual vacancies.

(2) A member appointed pursuant to subsection (1) is, if otherwise qualified, eligible for reappointment.

15 9. (1) The procedure for the calling of meetings of the board and for the conduct of business at those meetings shall be as determined by the board.

Meetings of the board.

(2) At any meeting of the board the chairman or, in his absence, his nominee, shall preside, but if the chairman and his nominee are both absent from that meeting, a person elected from among their number by the members present
20 shall preside at that meeting.

(3) The person presiding at any meeting of the board in accordance with subsection (2) shall have a deliberative vote and, in the event of an equality of votes, a casting vote.

25 (4) Four members shall form a quorum at any meeting of the board and any duly convened meeting of the board at which a quorum is present shall be competent to transact any business of the board and shall have and may exercise the functions of the board.

(5)

Dental Technicians Registration.

(5) A decision supported by a majority of votes at a meeting of the board at which a quorum is present shall be the decision of the board.

5 **10.** A member shall, if he is not a member of the public Expenses of
service or a member of the Health Commission of New South members.
Wales, be entitled to such expenses in relation to his acting
as a member as may be fixed from time to time by the
Minister.

10 **11.** The Governor may, under and subject to the Secretary,
provisions of the Public Service Act, 1902, appoint and inspectors,
employ a secretary to the board and such inspectors and other officers and
officers and employees as may be necessary for the purposes employees.
of this Act.

15 **12.** No matter or thing done or suffered by the board, Protection
any member, the secretary, any inspector or any other officer of board
or employee, bona fide in the execution, or intended execution, and officers,
of this Act, or in the exercise or discharge, or intended etc.
exercise or discharge, of any of its or his powers or duties,
shall subject the board or any member, the secretary, any
20 inspector or any other officer or employee, or the Crown, to
any liability in respect thereof.

13. (1) The functions and duties of the board are to do Functions
all acts and exercise or perform all powers necessary for and duties
carrying the provisions of this Act into effect. of the
board.

25 (2) Without limiting the generality of subsection
(1), the board may—

(a) approve courses of training in technical work that
may be undertaken or have been completed by
persons desirous of becoming dental technicians,
whether those courses are to be undertaken or have
30 been completed in New South Wales or elsewhere;

(b)

Dental Technicians Registration.

- (b) recommend the standard to be achieved in the examinations to be completed by persons undertaking courses of training in technical work in New South Wales;
- 5 (c) arrange, in such cases as it sees fit, for a person who applies for registration pursuant to section 15 (1) (c) to undertake an examination as to his knowledge of and skill in carrying out technical work and to demonstrate his ability satisfactorily to carry out technical work in New South Wales;
- 10 (d) promote the establishment in New South Wales of courses of training for persons desirous of becoming dental technicians;
- 15 (e) order the registration of persons as dental technicians, suspend or cancel the registration of persons so registered, annul any such suspension or cancellation and order the restoration to the register of the name of a person who was formerly a dental technician; and
- 20 (f) approve, in such cases as it sees fit, of the carrying out by a person who has applied for registration under section 15 (1) (c) but who has failed, upon examination arranged under paragraph (c), to satisfy the board as to the matters specified in section 15 (1) (c), of technical work for a period, and under the supervision of a person, specified in the approval and revoke, alter or vary any such approval.
- 25

30 (3) An approval under subsection (2) (f) shall operate for a period not exceeding two years.

PART

Dental Technicians Registration.

PART III.

REGISTRATION OF DENTAL TECHNICIANS.

14. (1) The board shall keep a register, to be called the **Register**.
"Register of Dental Technicians of New South Wales".

5 (2) A person shall be registered by the entering in
the register of—

(a) his full name;

(b) his address;

(c) the date on which he is registered; and

10 (d) particulars of the qualification by which he is
entitled to registration.

(3) The register shall at all reasonable times be open
to inspection at the office of the board by any person on
payment of the prescribed fee.

15 (4) The secretary shall, as soon as practicable after
the first day of July in each year, transmit a list of names and
addresses entered in the register to the Minister and if the
Minister so directs, the list shall be printed and published.

15. (1) A person who makes application for registration
20 as a dental technician in the prescribed manner and proves to
the satisfaction of the board that he is of good character and
has attained the age of eighteen years is entitled to be
registered as a dental technician if—

25 (a) he has, in the opinion of the board, satisfactorily
completed a course of training approved by the
board in technical work;

(b)

Dental Technicians Registration.

5 (b) he establishes to the satisfaction of the board that he has, within the period of ten years immediately preceding the day on which he applies for registration, been bona fide engaged in carrying out technical work in New South Wales for a period of not less than four years; or

10 (c) not being a person referred to in paragraph (a) or (b), he has, in the opinion of the board, satisfactorily completed any examination in technical work arranged by the board for the purpose of determining his knowledge of and skill in carrying out technical work and demonstrated his ability satisfactorily to carry out technical work in New South Wales.

15 (2) For the purposes of subsection (1) (b), a period during which a person has been engaged in training in technical work in New South Wales as an apprentice is a period during which that person has been bona fide engaged in carrying out technical work.

20 (3) A person is not entitled to become registered pursuant to subsection (1) (b) after a day that is six years after the appointed day.

25 (4) Subsection (3) does not apply to a person who has previously been registered as a dental technician and who pays a restoration fee within five years after the day on which he ceased to be registered as a dental technician or last ceased to be so registered, as the case may be.

(5) Where the board—

30 (a) is satisfied as to the matters specified in subsection (1) it shall direct that the person applying for registration as a dental technician be registered upon payment of the prescribed fee; or

(b)

Dental Technicians Registration.

5 (b) is not satisfied as to the matters specified in subsection (1) it shall refuse the application for registration and the secretary shall give the person who has applied for registration as a dental technician notice of that refusal in accordance with section 29 (1).

10 (6) If the board does not, within sixty days after the receipt by it of an application by a person for registration as a dental technician, give notice to the person applying for registration of the result of the application the secretary shall be deemed to have given that person a notice that the board has refused to direct that he be registered as a dental technician.

15 **16.** (1) The board may, for the purpose of obtaining any information required by it for the purposes of section 15, require any applicant for registration or other person to appear before it for examination by the members of the board. Inquiries in connection with section 15.

(2) A person who—

- (a) wilfully makes a false statement; or
- 20 (b) utters or attempts to utter or put off as true before the board a false, forged or counterfeit document purporting to be an academic award or a document signifying a technical qualification,

25 in connection with a matter into which the board is inquiring for the purposes of section 15, is guilty of a misdemeanour and liable to be imprisoned for a period not exceeding twelve months.

30 **17.** (1) Every dental technician shall, on or before the thirty-first day of March in each year, pay a roll fee of such amount as is prescribed for the year commencing on the first day of July next following.

(2)

Dental Technicians Registration.

(2) A dental technician shall, at the time he pays the roll fee, furnish particulars of his address for entry in the register.

5 (3) If a dental technician does not pay the roll fee on or before the thirty-first day of March in any year the board shall forthwith notify him by letter addressed to him at his address appearing in the register that if the fee is not paid on or before the thirtieth day of June next following his name will be removed from the register.

10 (4) Where a dental technician who has been notified in accordance with subsection (3) fails to pay the roll fee on or before the thirtieth day of June next after the notice has been forwarded to him the board shall cause his name to be removed from the register.

15 **18.** The board shall cause to be removed from the register the name of—

(a) a dental technician who requests that his name be removed;

(b) a deceased dental technician; and

20 (c) a dental technician who does not possess or who has ceased to possess the qualifications in respect of which he was registered.

19. (1) Where the board is satisfied after inquiry that a dental technician—

25 (a) has been convicted in New South Wales or elsewhere by any court of any felony, misdemeanour, crime or offence;

(b) has been guilty of habitual drunkenness or of addiction to any deleterious drug;

(c)

Removal
of name
of dental
technician
from
register.

Proceedings
before
board
against
dental
technician.

Dental Technicians Registration.

- (c) is not of good character; or
- (d) is, by reason of infirmity, injury or illness, whether mental or physical, unfit to carry out technical work.

5 it may by order—

- (e) reprimand or caution that dental technician;
- (f) suspend his registration for such period as it thinks fit; or
- (g) direct that his name be removed from the register.

10 and shall, where it is satisfied after inquiry that a dental technician is, by reason of some act or omission in connection with his work as a dental technician, unfit to carry out technical work, by order direct that his name be removed from the register.

15 (2) Where the board directs that the name of a dental technician be removed from the register it may in its order fix a time after which the person whose name is so removed may apply for restoration of his name to the register.

20 (3) The board shall not make an order directing that a dental technician be suspended from registration or that his name be removed from the register because of a conviction referred to in subsection (1) (a) where it is satisfied that, whether from its trivial nature or from the
25 circumstances in which it occurred or for any other reason, the felony, misdemeanour, crime or offence does not in the public interest disqualify the dental technician from carrying out technical work.

(4)

Dental Technicians Registration.

(4) An order made by the board under subsection (1) shall not take effect until the expiration of a period of twenty-one days after notice of the making of the order is given to the dental technician by the secretary in accordance with section 29 (1).

20. (1) In this section, "delegate" means a member of the board or an officer or employee appointed under the Public Service Act, 1902, specified in a resolution referred to in subsection (2). Inquiry by board or delegate.

10 (2) The board may by resolution authorise a delegate to make an inquiry under section 19 (1) and a document purporting to be a copy of a resolution so authorising a delegate and fixing the terms of the inquiry, and to be signed by the chairman or member presiding at the meeting at which
15 the resolution was passed, shall be sufficient evidence for all purposes of a delegation pursuant to this subsection and of the terms of the inquiry.

(3) The board or delegate holding an inquiry shall sit as in open court and the dental technician in respect of
20 whom the inquiry is being held shall be afforded an opportunity of defence either in person or by his solicitor or counsel.

(4) For the purpose of an inquiry the board, the chairman or other person presiding at the meeting of the
25 board at which the inquiry is made and a delegate shall have the powers, authorities, protections and immunities 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 that Act, section 13 and
30 Division 2 of Part II excepted, shall apply to any witness summoned by or appearing before the board or delegate in the same way as it applies to a witness summoned before a royal commission.

Dental Technicians Registration.

(5) A delegate shall forward to the board a report as to the inquiry made by him, a copy certified by him of all evidence taken at the inquiry and his recommendation in relation to the dental technician the subject of the inquiry.

5 (6) The decision of the board upon an inquiry held before a delegate shall be given after consideration by it of the report, evidence and recommendation referred to in subsection (5).

21. (1) A person aggrieved—

Appeal.

10 (a) by the refusal of the board to direct that he be registered as a dental technician; or

(b) by an order of the board under section 19,

may appeal to the District Court in accordance with the rules of court.

15 (2) An appeal under subsection (1) shall be dealt with by way of rehearing.

(3) The District Court, in deciding an appeal referred to in subsection (1), may—

20 (a) confirm a refusal referred to in subsection (1) (a) or order that the person applying for registration be registered; or

(b) in respect of an appeal against an order referred to in subsection (1) (b) uphold the appeal, confirm the order of the board or substitute for that order
25 any other order that the board might have made.

(4) The decision of the District Court in respect of an appeal referred to in subsection (1) shall be final and conclusive and be given effect to by the board.

22.

Dental Technicians Registration.

22. Where the board makes an order under section 19 in respect of a dental technician or the District Court confirms such an order or makes some other order in respect of an appeal made to it in respect of such an order the secretary shall make a notation of the terms of the order made by the board and, as the case may require, of the order made by the District Court, in the register adjacent to the name of the person in respect of whom the order has been made.

Notations in register.

23. (1) The name of a person whose name has been removed from the register shall only be again entered on the register at the direction of the board or in pursuance of an order of the District Court.

Restoration of name to register.

(2) Where the name of a dental technician has been removed from the register and—

- 15 (a) an application in the prescribed form is received from the person whose name has been removed for the restoration of his name to the register;
- (b) any disability that caused the removal of the name of that person from the register has ceased to exist;
- 20 and
- (c) the prescribed restoration fee is paid and, where the roll fee in respect of the year in which registration is applied for has not previously been paid, the roll fee in respect of that year is paid,

25 the board shall, if it is otherwise satisfied that the person is entitled to be registered as a dental technician, direct that the name of that person be entered on the register.

(3) Where the District Court orders that the name of a person be entered on the register the name of that person shall, if the roll fee in respect of the year in which registration is to be effected has not previously been paid, be entered on the register only after the roll fee in respect of that year is paid.

Dental Technicians Registration.

(4) Subsection (2) (c) has effect subject to any order of the board reducing or waiving the prescribed restoration fee or the roll fee, or any part of either of those fees.

5 (5) Subsection (3) has effect subject to an order of the District Court to the contrary.

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

PART IV.

GENERAL.

25. (1) An inspector may, for the purpose of ascertaining whether any provision of this Act or the regulations has been or is being contravened, or whether by reason of some act or omission a dental technician is unfit to carry out technical work, at any reasonable time enter any premises or place used for or in connection with technical work or which, on reasonable grounds, he suspects of being used for or in connection with technical work and may—

- (a) make such examinations, inspections and inquiries;
- (b) collect and take away any dental prosthesis or any thing that in the opinion of the inspector is a partly formed dental prosthesis and any mould, cast or other thing that, in the opinion of the inspector, might be used for or in connection with technical work;

(c)

Dental Technicians Registration.

- (c) take such photographs; and
 - (d) seize and take away such records,
- in or from those premises or that place as the inspector considers necessary in connection with the administration of this Act.

(2) A person who wilfully delays or obstructs an inspector in the exercise of his powers under subsection (1) or who, being an occupier of any premises or place referred to in that subsection, refuses to permit an inspector to exercise those powers or reasonably to assist an inspector to exercise those powers, is guilty of an offence.

26. (1) A person other than—
- (a) a dental technician;
 - (b) a person bona fide undergoing training in technical work under the supervision of a dentist or dental technician or, subject to section 4 (2), employed as a probationer within the meaning of section 25 (1) of the Apprentices Act, 1969, by a dental technician or by a person employing a dental technician; or
 - (c) a person approved by the board pursuant to section 13 (2) (f) who is acting within the terms of the approval given in respect of him,

Practice by unregistered persons.

is guilty of an offence if he carries out technical work.

(2) A person is guilty of an offence if he permits a person employed by him, other than a person referred to in subsection (1), to carry out technical work.

27. A dental technician is guilty of an offence if he carries out technical work unless that technical work is carried out on the written order, in or to the effect of the form prescribed under the Dentists Act, 1934, of a dentist.

Dental technicians not to deal directly with public.

Dental Technicians Registration.

28. (1) A dental technician who uses in his business as a dental technician a title or description other than dental technician or dental laboratory is guilty of an offence. Use of certain titles, etc., prohibited.

5 (2) A person, not being a dental technician, who employs a dental technician in connection with his business of supplying technical work who uses in connection with that business a title or description other than dental laboratory is guilty of an offence.

10 (3) A person other than a dental technician who uses the title or description of dental technician is guilty of an offence.

15 (4) A person other than a dental technician or a person, not being a dental technician, who employs a dental technician in connection with his business of supplying technical work who uses the title or description of dental laboratory is guilty of an offence.

20 (5) A dental technician who uses in connection with his business as a dental technician any symbols or letters other than symbols or letters approved by the board as a description of the qualification of a dental technician is guilty of an offence.

29. (1) A notice under this Act addressed to a dental technician or to a person who has made an application for registration as a dental technician may be served— Service of notices.

25 (a) by delivering it personally to the person to whom it is addressed; or

30 (b) by posting it in an envelope duly stamped and addressed to the person to whom it is addressed at the place last known to the secretary to be the place of residence or business of that person,

and shall be deemed to have been served upon its being so delivered or, in the case of a notice referred to in paragraph (b), shall be prima facie deemed to have been served when it would be delivered in the ordinary course of post.

(2)

Dental Technicians Registration.

(2) A notice or other document required to be served on the board may be served—

- 5 (a) by being left with some person apparently employed in the administration of this Act at the office of the secretary; or
- (b) by posting it in an envelope duly stamped and addressed to the secretary or to the board at the office of the secretary,

and shall be deemed to have been served upon its being so left or, in the case of a notice or document referred to in paragraph (b), shall be prima facie deemed to have been served when it would be delivered in the ordinary course of post.

30. A document purporting to be a certificate signed by the secretary and stating that a person specified therein—

Certificate
admissible
as prima
facie
evidence.

- 15 (a) has been appointed as an inspector under this Act and during any period specified therein held office as an inspector;
- 20 (b) was or was not, on a day or during any period specified therein, a dental technician; or
- (c) was, on a day or during any period specified therein, a person in respect of whom an order under section 19 had been made or was in force,

shall, in all courts and before all persons and bodies authorised by law to receive evidence, be admissible and be prima facie evidence of the matters specified therein.

31. (1) An information for an offence against this Act or the regulations shall be laid by—

Proceedings
for
offences.

- 30 (a) the secretary, an inspector or some other person appointed by the board for that purpose, either generally or in a particular case; or
- (b) a member of the police force.

(2)

Dental Technicians Registration.

(2) Proceedings for an offence against this Act or the regulations may be taken in a summary manner before a court of petty sessions constituted by a stipendiary magistrate or any two justices.

5 **32.** Where a company is convicted of an offence against this Act or the regulations, every director and every officer concerned in the management of the company is guilty of the same offence if he knowingly and wilfully authorised or permitted the commission of the offence. Offence by company.

10 **33.** A person who is guilty of an offence against this Act for which no penalty is expressly provided is liable to a penalty not exceeding \$500. Penalty.

15 **34.** (1) The expenses of the board in carrying out the administration of this Act shall be paid out of moneys provided by Parliament. Cost of administration of Act.

(2) The fees payable under this Act shall be paid to the secretary who shall transmit them to the Treasurer to be carried to the Consolidated Revenue Fund.

20 **35.** (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter which, by this Act, is required or permitted to be prescribed or which is necessary or convenient to be prescribed for carrying out or giving effect to this Act. Regulations.

25 (2) Without prejudice to the generality of the power conferred by subsection (1), the Governor may make regulations for or with respect to—

(a) the manner in which applications for registration as a dental technician shall be made;

(b)

Dental Technicians Registration.

- (b) forms of application for, and fees to be paid in connection with, registration as a dental technician and restoration of the name of a person to the register;
- 5 (c) the amount of the roll fee and the amount to be paid for inspection of the register;
- (d) notations to be made in the register;
- (e) the duties of the secretary and any inspectors, other officers and persons employed in connection with the administration of this Act;
- 10 (f) standards of hygiene to be observed by and protective clothing to be worn by dental technicians and persons employed in and about premises used for or in connection with technical work; and
- 15 (g) standards to be observed in the fitting out of premises to be used for or in connection with technical work.

(3) Regulations referred to in subsection (2) (d), (f) and (g) may be made so as to apply differently according to such factors as are specified in the regulations.

20

(4) A regulation may impose a penalty not exceeding \$200 for any breach thereof.

PART V.

AMENDMENT OF DENTISTS ACT, 1934.

25 36. The Dentists Act, 1934, is amended—

- (a) (i) by omitting from section 12 (1) the words “, or do” and by inserting instead the words “or, except as provided in subsection (3), do”;
- (ii)
- Amendment of Act No. 10, 1934. Sec. 12. (Penalty for practice of dentistry by unregistered person.)

Dental Technicians Registration.

(ii) by omitting section 12 (3) (d) and by inserting instead the following paragraph :—

5 (d) the mechanical construction or the renewal or repair of artificial dentures or restorative dental appliances—

(i) by a person registered as a dental technician under the Dental Technicians Registration Act, 1974; or

10 (ii) by a person authorised under the Dental Technicians Registration Act, 1974, to carry out technical work within the meaning of that Act,

15 upon the written order, in or to the effect of the prescribed form, of a registered dentist.

(b) by inserting after section 12A (5) (e) the following paragraph :—

Sec. 12A.
(Dentists
Charges
Committee.)

20 (el) what amount, if any, was paid by the dentist to any other person in respect of any dental prosthesis used in the dental treatment; and.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1974

[20c]

DENTAL TECHNICIANS REGISTRATION BILL, 1974

EXPLANATORY NOTE

1. Clause 1 specifies the short title of the Act.
2. Clause 2 provides for the commencement of the Act.
3. Clause 3 specifies the manner in which the Act is divided into Parts.
4. Clause 4 exempts certain persons from the provisions of the Act and provides that after certain specified periods, certain provisions of the Apprentices Act, 1969, cease to apply to persons desirous of becoming dental technicians.
5. Clause 5 is an interpretation provision.
6. Clauses 6 to 14 deal with the constitution and powers and duties and associated matters of the Dental Technicians Registration Board and in particular clause 6 provides for the constitution of a Dental Technicians Registration Board consisting of seven members.
7. Clause 7 provides for the manner in which the office of a member may become vacant.
8. Clause 8 provides that where a vacancy occurs in the office of a member the Governor may appoint a similarly qualified person to that office for the balance of the term of the former member.
9. Clause 9 deals with meetings of the board.
10. Clause 10 provides for the payment to certain members of the board of expenses at a rate fixed by the Minister.
11. Clause 11 empowers the Governor to appoint a secretary and inspectors and other officers for the purposes of carrying the Act into effect.
12. Clause 12 protects the Crown, the board and persons acting bona fide in the execution of the Act from any liability in respect of the exercise of powers conferred by the Act.
13. Clause 13 gives the board power to do all acts and exercise or perform all powers necessary for carrying the provisions of the Act into effect and without limiting that general power specifies particular powers exercisable by the board.
14. Clauses 14 to 24 deal with the registration of dental technicians and in particular clause 14 requires the board to keep a Register of Dental Technicians of New South Wales.

15. Clause 15 entitles a person who has applied for registration as a dental technician and has satisfied the board as to certain matters to be registered.

16. Clause 16 permits the board, when inquiring into an application under clause 15, to question any person and provides for penalties for persons who make wilfully false statements or produce forged documents purporting to be evidence of technical qualifications.

17. Clause 17 requires a dental technician to pay a roll fee and provides for removal of the name of a dental technician from the register if the roll fee is not paid by a specified date.

18. Clause 18 requires the board in certain circumstances to remove from the register the names of dental technicians.

19. Clause 19 provides for the board to order that a dental technician be reprimanded, cautioned or suspended in certain circumstances or, in other more serious circumstances, by order to direct that his name be removed from the register.

20. Clause 20 provides for an inquiry to be held by the board or a delegate of the board into an allegation that a dental technician should be dealt with pursuant to clause 19.

21. Clause 21 provides for an appeal by a person refused registration and for an appeal by a dental technician dealt with under clause 19. The appeal is to the District Court and the clause sets forth the powers exercisable by that court in relation to the appeal.

22. Clause 22 provides for the making in the register of notations of orders made by the board under clause 19 and of orders made by the District Court in relation to appeals against orders made under clause 19.

23. Clause 23 provides for restoration of the name of a former dental technician to the register in certain circumstances.

24. Clause 24 imposes a penalty on any person who wilfully makes or causes to be made a false entry in the register or who wilfully obtains registration of any person by making a false or fraudulent representation.

25. Clauses 25 to 35 deal with miscellaneous or general matters associated with the registration of dental technicians and in particular clause 25 empowers an inspector at any reasonable time to enter any premises or place used for or in connection with technical work or which, on reasonable grounds, he suspects of being used for or in connection with technical work, and to make examinations, inspections and inquiries.

26. Clause 26 makes it an offence for a person other than a dental technician, a trainee dental technician or a supervised dental technician to carry out technical work, and makes it an offence for a person to permit a person employed by him, other than one of those persons, to carry out technical work.

27. Clause 27 makes it an offence for a dental technician to deal directly with the public or to carry out any technical work unless it is on the written authority of a dentist.

28. Clause 28 permits a dental technician to use only the title or description of dental technician or dental laboratory, permits an unregistered person employing a dental technician to use only the title or description of dental laboratory and prohibits certain persons from using certain titles or descriptions.

29. Clause 29 deals with the manner in which notices in connection with the Act may be served.

30. Clause 30 provides for the admissibility as prima facie evidence of a certificate signed by the secretary in relation to the matters set forth in the clause.

31. Clause 31 restricts the persons who may lay informations for offences against the Act or regulations and provides for the constitution of the court before which offences against the Act shall be taken.

32. Clause 32 makes each director and officer of a company convicted of an offence against the Act guilty of the same offence if he knowingly or wilfully authorised or permitted the commission of the offence.

33. Clause 33 provides that where no other penalty is prescribed, the penalty for an offence against the Act is \$500.

34. Clause 34 deals with costs of administration of the Act and provides for a Parliamentary appropriation to cover the board's expenses. It also provides that all fees payable under the Act are to be paid to the secretary and are by him to be paid into the Consolidated Revenue Fund.

35. Clause 35 enables the Governor to make such regulations as are necessary or convenient for carrying out or giving effect to the Act and without limiting that general power enables him to make regulations in relation to particular matters specified in the clause. The clause also contains a limited differential regulation making power and provides that the regulations may impose a penalty not exceeding \$200 for any breach of a regulation.

36. Clause 36 makes three consequential amendments to the Dentists Act, 1934.

1917
The following is a list of the names of the persons who were present at the meeting held on the 15th day of June, 1917, at the residence of Mr. J. H. Smith, in the city of New York.

Mr. J. H. Smith
Mr. W. H. Jones
Mr. R. M. Brown
Mr. T. G. White
Mr. L. K. Green
Mr. P. Q. Black
Mr. S. D. Grey
Mr. V. F. Blue
Mr. X. C. Yellow
Mr. Z. B. Purple

The meeting was held at the residence of Mr. J. H. Smith, in the city of New York, on the 15th day of June, 1917.

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PROOF

No. . . . , 1974.

A BILL

To constitute the Dental Technicians Registration Board and to define its powers, authorities, duties and functions; to make provision for the registration of dental technicians; to regulate the qualifications for and the effect of registration; to amend the Dentists Act, 1934; and for purposes connected therewith.

[MR WADDY—12 November, 1974.]

BE

Dental Technicians Registration.

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:—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Dental Technicians Registration Act, 1974".

10 2. (1) This section and section 1 shall commence on the date of assent to this Act. Commencement.

(2) Sections 25, 26, 27 and 28, sections 32 and 33 and section 36 shall commence on the day that is six months after the appointed day.

15 (3) Except as provided in subsections (1) and (2), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. This Act is divided as follows :— Division of Act.

20 PART I.—PRELIMINARY—*ss.* 1–5.

PART II.—DENTAL TECHNICIANS REGISTRATION BOARD—*ss.* 6–13.

PART III.—REGISTRATION OF DENTAL TECHNICIANS—*ss.* 14–24.

25 PART IV.—GENERAL—*ss.* 25–35.

PART V.—AMENDMENT OF DENTISTS ACT, 1934—*s.* 36.

Dental Technicians Registration.

4. (1) This Act does not apply to or in respect of any legally qualified medical practitioner, any dentist or any person carrying out technical work under the supervision of such a medical practitioner or a dentist at a university, school, college or hospital in New South Wales as part of a course leading to a degree in medicine, surgery or dental surgery.

Application
of Act.

(2) After the day that is two years after the appointed day—

- 10 (a) sections 25 and 26 of the Apprentices Act, 1969, do not apply to the training in technical work of a person desirous of becoming a dental technician; and
- 15 (b) neither the Director nor an apprenticeship committee shall approve of an application for the establishment of an apprenticeship in technical work.

(3) After the day that is six years after the appointed day, no provision of the Apprentices Act, 1969, applies to the training in technical work of a person desirous of becoming a dental technician.

5. (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

Interpre-
tation.

- 25 “appointed day” means the day appointed by the Governor under section 2 (3);
- “board” means the Dental Technicians Registration Board constituted under section 6 (1);
- “dental technician” means person registered as a dental technician under this Act;
- 30 “dentist” has the meaning ascribed thereto in the Dentists Act, 1934;
- “inspector” means person appointed to be an inspector under section 11;
- “member” means member of the board;
- “register”

Dental Technicians Registration.

“register” means the Register of Dental Technicians of New South Wales kept by the board under section 14;

“regulations” means regulations made under this Act;

5 “secretary” means person appointed to be secretary under section 11;

“technical work” means the mechanical construction or the renewal or repair of artificial dentures or restorative dental appliances.

10 (2) For the purposes of the constitution of the first Dental Technicians Registration Board, a reference in section 6 (1) to a dental technician is a reference to a person who, in the opinion of the Minister, is a person likely to be able to satisfy the requirements of the board in respect of his
15 qualifications for registration under this Act.

PART II.

DENTAL TECHNICIANS REGISTRATION BOARD.

6. (1) The Governor may constitute a Dental Technicians Registration Board consisting of seven members and
20 of those members—

Constitution
of Dental
Technicians
Registration
Board.

(a) one shall be a person, not being a person registered or entitled to be registered as a dentist under the Dentists Act, 1934, or registered or entitled to be registered as a dental technician under this Act, who
25 is nominated by the Health Commission of New South Wales and, in and by the instrument of his appointment, appointed as chairman;

(b) one shall be a dentist nominated by the Dental Board constituted under the Dentists Act, 1934;

30 (c) one shall be a dentist nominated by the board of control of the United Dental Hospital of Sydney;

(d) one shall be a dental technician nominated by the Dental Technicians' Association of New South Wales;

(e)

Dental Technicians Registration.

- (e) one shall be a dental technician nominated by the Dental Laboratories Association of New South Wales;
- 5 (f) one shall be a dental technician nominated by the Minister; and
- (g) one shall be a barrister-at-law admitted by, or a solicitor of, the Supreme Court, nominated by the Minister.
- (2) The person appointed to be chairman of the board
10 may nominate an officer of the Health Commission of New South Wales to act in his place as chairman of the board and a person so acting shall be deemed to be a member and shall be chairman at any meeting of the board at which he is present.
- 15 (3) Where a nomination for the purposes of subsection (1) (paragraphs (f) and (g) excepted) or section 8 (1) is not submitted within the time or in the manner specified by the Minister in a notice in writing given to the person entitled to make the nomination, the nomination may
20 be made by the Minister.
- (4) A member shall, subject to this Act, hold office for a term of three years and shall, if otherwise qualified, be eligible for reappointment.
- (5) A person who is above the age of seventy years
25 is not qualified for appointment as a member.
- (6) The provisions of the Public Service Act, 1902, shall not apply to the appointment of a member and a member shall not, in his capacity as a member, be subject to the provisions of that Act during his term of office.
- 30 (7) The office of a member shall not for the purpose of any Act be deemed to be an office or place of profit under the Crown.

Dental Technicians Registration.

7. (1) A member ceases to hold office as a member and there is a casual vacancy in his office— Vacation
of office.
- (a) if he dies;
 - 5 (b) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
 - 10 (c) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
 - 15 (d) if he is convicted in New South Wales of a felony or of a misdemeanour punishable by imprisonment for a period of twelve months or more, or if he is convicted elsewhere than in New South Wales of an offence that, if it were committed in New South Wales, would be a felony or misdemeanour so punishable;
 - 20 (e) if he resigns his office in writing under his hand addressed to the Governor and his resignation is accepted;
 - 25 (f) if he is absent from three consecutive meetings of the board of which reasonable notice has been given to him personally or in the ordinary course of post and is not, within six weeks after the last of those meetings, excused by the board for his absence from those meetings;
 - 30 (g) if, not being the member appointed pursuant to section 6 (1) (a), he ceases to hold the qualification by virtue of which he was nominated for appointment as a member;

(h)

Dental Technicians Registration.

- (h) if he is removed from office by the Governor; or
- (i) if he attains the age of seventy years.

(2) The Governor may, for any cause which appears to him to be sufficient, remove any member from office.

5 **8.** (1) On the occurrence of a vacancy in the office of a member otherwise than by the expiration of the term for which he was appointed, the Governor may appoint a person to hold office for the balance of his predecessor's term of office, being a person qualified and nominated under the **10** same paragraph of section 6 (1) as his predecessor. Filling of casual vacancies.

(2) A member appointed pursuant to subsection (1) is, if otherwise qualified, eligible for reappointment.

15 **9.** (1) The procedure for the calling of meetings of the board and for the conduct of business at those meetings shall be as determined by the board. Meetings of the board.

(2) At any meeting of the board the chairman or, in his absence, his nominee, shall preside, but if the chairman and his nominee are both absent from that meeting, a person elected from among their number by the members present **20** shall preside at that meeting.

(3) The person presiding at any meeting of the board in accordance with subsection (2) shall have a deliberative vote and, in the event of an equality of votes, a casting vote.

25 (4) Four members shall form a quorum at any meeting of the board and any duly convened meeting of the board at which a quorum is present shall be competent to transact any business of the board and shall have and may exercise the functions of the board.

(5)

Dental Technicians Registration.

(5) A decision supported by a majority of votes at a meeting of the board at which a quorum is present shall be the decision of the board.

5 **10.** A member shall, if he is not a member of the public service or a member of the Health Commission of New South Wales, be entitled to such expenses in relation to his acting as a member as may be fixed from time to time by the Minister. Expenses of members.

11. The Governor may, under and subject to the provisions of the Public Service Act, 1902, appoint and employ a secretary to the board and such inspectors and other officers and employees as may be necessary for the purposes of this Act. Secretary, inspectors, officers and employees.

12. No matter or thing done or suffered by the board, any member, the secretary, any inspector or any other officer or employee, bona fide in the execution, or intended execution, of this Act, or in the exercise or discharge, or intended exercise or discharge, of any of its or his powers or duties, shall subject the board or any member, the secretary, any inspector or any other officer or employee, or the Crown, to any liability in respect thereof. Protection of board and officers, etc.

13. (1) The functions and duties of the board are to do all acts and exercise or perform all powers necessary for carrying the provisions of this Act into effect. Functions and duties of the board.

25 **(2)** Without limiting the generality of subsection (1), the board may—

30 (a) approve courses of training in technical work that may be undertaken or have been completed by persons desirous of becoming dental technicians, whether those courses are to be undertaken or have been completed in New South Wales or elsewhere;

(b)

Dental Technicians Registration.

- (b) recommend the standard to be achieved in the examinations to be completed by persons undertaking courses of training in technical work in New South Wales;
- 5 (c) arrange, in such cases as it sees fit, for a person who applies for registration pursuant to section 15 (1) (c) to undertake an examination as to his knowledge of and skill in carrying out technical work and to demonstrate his ability satisfactorily to
- 10 carry out technical work in New South Wales;
- (d) promote the establishment in New South Wales of courses of training for persons desirous of becoming dental technicians;
- 15 (e) order the registration of persons as dental technicians, suspend or cancel the registration of persons so registered, annul any such suspension or cancellation and order the restoration to the register of the name of a person who was formerly a dental technician; and
- 20 (f) approve, in such cases as it sees fit, of the carrying out by a person who has applied for registration under section 15 (1) (c) but who has failed, upon examination arranged under paragraph (c), to satisfy the board as to the matters specified in
- 25 section 15 (1) (c), of technical work for a period, and under the supervision of a person, specified in the approval and revoke, alter or vary any such approval.

30 (3) An approval under subsection (2) (f) shall operate for a period not exceeding two years.

Dental Technicians Registration.

PART III.

REGISTRATION OF DENTAL TECHNICIANS.

14. (1) The board shall keep a register, to be called the Register. "Register of Dental Technicians of New South Wales".

5 (2) A person shall be registered by the entering in the register of—

(a) his full name;

(b) his address;

(c) the date on which he is registered; and

10 (d) particulars of the qualification by which he is entitled to registration.

(3) The register shall at all reasonable times be open to inspection at the office of the board by any person on payment of the prescribed fee.

15 (4) The secretary shall, as soon as practicable after the first day of July in each year, transmit a list of names and addresses entered in the register to the Minister and if the Minister so directs, the list shall be printed and published.

15. (1) A person who makes application for registration as a dental technician in the prescribed manner and proves to the satisfaction of the board that he is of good character and has attained the age of eighteen years is entitled to be registered as a dental technician if—

25 (a) he has, in the opinion of the board, satisfactorily completed a course of training approved by the board in technical work;

(b)

Dental Technicians Registration.

5 (b) he establishes to the satisfaction of the board that he has, within the period of ten years immediately preceding the day on which he applies for registration, been bona fide engaged in carrying out technical work in New South Wales for a period of not less than four years; or

10 (c) not being a person referred to in paragraph (a) or (b), he has, in the opinion of the board, satisfactorily completed any examination in technical work arranged by the board for the purpose of determining his knowledge of and skill in carrying out technical work and demonstrated his ability satisfactorily to carry out technical work in New South Wales.

15 (2) For the purposes of subsection (1) (b), a period during which a person has been engaged in training in technical work in New South Wales as an apprentice is a period during which that person has been bona fide engaged in carrying out technical work.

20 (3) A person is not entitled to become registered pursuant to subsection (1) (b) after a day that is six years after the appointed day.

25 (4) Subsection (3) does not apply to a person who has previously been registered as a dental technician and who pays a restoration fee within five years after the day on which he ceased to be registered as a dental technician or last ceased to be so registered, as the case may be.

(5) Where the board—

30 (a) is satisfied as to the matters specified in subsection (1) it shall direct that the person applying for registration as a dental technician be registered upon payment of the prescribed fee; or

(b)

Dental Technicians Registration.

5 (b) is not satisfied as to the matters specified in sub-section (1) it shall refuse the application for registration and the secretary shall give the person who has applied for registration as a dental technician notice of that refusal in accordance with section 29 (1).

(6) If the board does not, within sixty days after the receipt by it of an application by a person for registration as a dental technician, give notice to the person applying for registration of the result of the application the secretary shall be deemed to have given that person a notice that the board has refused to direct that he be registered as a dental technician.

15 **16.** (1) The board may, for the purpose of obtaining any information required by it for the purposes of section 15, require any applicant for registration or other person to appear before it for examination by the members of the board. Inquiries in connection with section 15.

(2) A person who—

- (a) wilfully makes a false statement; or
- 20 (b) utters or attempts to utter or put off as true before the board a false, forged or counterfeit document purporting to be an academic award or a document signifying a technical qualification,

25 in connection with a matter into which the board is inquiring for the purposes of section 15, is guilty of a misdemeanour and liable to be imprisoned for a period not exceeding twelve months.

17. (1) Every dental technician shall, on or before the thirty-first day of March in each year, pay a roll fee of such amount as is prescribed for the year commencing on the first day of July next following. Roll fee.

30

(2)

Dental Technicians Registration.

(2) A dental technician shall, at the time he pays the roll fee, furnish particulars of his address for entry in the register.

5 (3) If a dental technician does not pay the roll fee on or before the thirty-first day of March in any year the board shall forthwith notify him by letter addressed to him at his address appearing in the register that if the fee is not paid on or before the thirtieth day of June next following his name will be removed from the register.

10 (4) Where a dental technician who has been notified in accordance with subsection (3) fails to pay the roll fee on or before the thirtieth day of June next after the notice has been forwarded to him the board shall cause his name to be removed from the register.

15 **18.** The board shall cause to be removed from the register the name of—

Removal
of name
of dental
technician
from
register.

(a) a dental technician who requests that his name be removed;

(b) a deceased dental technician; and

20 (c) a dental technician who does not possess or who has ceased to possess the qualifications in respect of which he was registered.

19. (1) Where the board is satisfied after inquiry that a dental technician—

Proceedings
before
board
against
dental
technician.

25 (a) has been convicted in New South Wales or elsewhere by any court of any felony, misdemeanour, crime or offence;

(b) has been guilty of habitual drunkenness or of addiction to any deleterious drug;

(c)

Dental Technicians Registration.

- (c) is not of good character; or
- (d) is, by reason of infirmity, injury or illness, whether mental or physical, unfit to carry out technical work,

5 it may by order—

- (e) reprimand or caution that dental technician;
- (f) suspend his registration for such period as it thinks fit; or
- (g) direct that his name be removed from the register,

10 and shall, where it is satisfied after inquiry that a dental technician is, by reason of some act or omission in connection with his work as a dental technician, unfit to carry out technical work, by order direct that his name be removed from the register.

15 (2) Where the board directs that the name of a dental technician be removed from the register it may in its order fix a time after which the person whose name is so removed may apply for restoration of his name to the register.

20 (3) The board shall not make an order directing that a dental technician be suspended from registration or that his name be removed from the register because of a conviction referred to in subsection (1) (a) where it is satisfied that, whether from its trivial nature or from the
25 circumstances in which it occurred or for any other reason, the felony, misdemeanour, crime or offence does not in the public interest disqualify the dental technician from carrying out technical work.

(4)

Dental Technicians Registration.

(4) An order made by the board under subsection (1) shall not take effect until the expiration of a period of twenty-one days after notice of the making of the order is given to the dental technician by the secretary in accordance with section 29 (1).

20. (1) In this section, "delegate" means a member of the board or an officer or employee appointed under the Public Service Act, 1902, specified in a resolution referred to in subsection (2). Inquiry by board or delegate.

10 (2) The board may by resolution authorise a delegate to make an inquiry under section 19 (1) and a document purporting to be a copy of a resolution so authorising a delegate and fixing the terms of the inquiry, and to be signed by the chairman or member presiding at the meeting at which
15 the resolution was passed, shall be sufficient evidence for all purposes of a delegation pursuant to this subsection and of the terms of the inquiry.

(3) The board or delegate holding an inquiry shall sit as in open court and the dental technician in respect of
20 whom the inquiry is being held shall be afforded an opportunity of defence either in person or by his solicitor or counsel.

(4) For the purpose of an inquiry the board, the chairman or other person presiding at the meeting of the
25 board at which the inquiry is made and a delegate shall have the powers, authorities, protections and immunities 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 that Act, section 13 and
30 Division 2 of Part II excepted, shall apply to any witness summoned by or appearing before the board or delegate in the same way as it applies to a witness summoned before a royal commission.

(5)

Dental Technicians Registration.

(5) A delegate shall forward to the board a report as to the inquiry made by him, a copy certified by him of all evidence taken at the inquiry and his recommendation in relation to the dental technician the subject of the inquiry.

5 (6) The decision of the board upon an inquiry held before a delegate shall be given after consideration by it of the report, evidence and recommendation referred to in subsection (5).

21. (1) A person aggrieved—

Appeal.

10 (a) by the refusal of the board to direct that he be registered as a dental technician; or

(b) by an order of the board under section 19,

may appeal to the District Court in accordance with the rules of court.

15 (2) An appeal under subsection (1) shall be dealt with by way of rehearing.

(3) The District Court, in deciding an appeal referred to in subsection (1), may—

20 (a) confirm a refusal referred to in subsection (1) (a) or order that the person applying for registration be registered; or

25 (b) in respect of an appeal against an order referred to in subsection (1) (b) uphold the appeal, confirm the order of the board or substitute for that order any other order that the board might have made.

(4) The decision of the District Court in respect of an appeal referred to in subsection (1) shall be final and conclusive and be given effect to by the board.

Dental Technicians Registration.

22. Where the board makes an order under section 19 in respect of a dental technician or the District Court confirms such an order or makes some other order in respect of an appeal made to it in respect of such an order the secretary shall make a notation of the terms of the order made by the board and, as the case may require, of the order made by the District Court, in the register adjacent to the name of the person in respect of whom the order has been made.

Notations in register.

23. (1) The name of a person whose name has been removed from the register shall only be again entered on the register at the direction of the board or in pursuance of an order of the District Court.

Restoration of name to register.

(2) Where the name of a dental technician has been removed from the register and—

(a) an application in the prescribed form is received from the person whose name has been removed for the restoration of his name to the register ;

(b) any disability that caused the removal of the name of that person from the register has ceased to exist ; and

(c) the prescribed restoration fee is paid and, where the roll fee in respect of the year in which registration is applied for has not previously been paid, the roll fee in respect of that year is paid,

the board shall, if it is otherwise satisfied that the person is entitled to be registered as a dental technician, direct that the name of that person be entered on the register.

(3) Where the District Court orders that the name of a person be entered on the register the name of that person shall, if the roll fee in respect of the year in which registration is to be effected has not previously been paid, be entered on the register only after the roll fee in respect of that year is paid.

Dental Technicians Registration.

(4) Subsection (2) (c) has effect subject to any order of the board reducing or waiving the prescribed restoration fee or the roll fee, or any part of either of those fees.

5 (5) Subsection (3) has effect subject to an order of the District Court to the contrary.

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

PART IV.

GENERAL.

25. (1) An inspector may, for the purpose of ascertaining whether any provision of this Act or the regulations has been or is being contravened, or whether by reason of some act or omission a dental technician is unfit to carry out technical work, at any reasonable time enter any premises or place used for or in connection with technical work or which, on reasonable grounds, he suspects of being used for or in connection with technical work and may—

- (a) make such examinations, inspections and inquiries;
- (b) collect and take away any dental prosthesis or any thing that in the opinion of the inspector is a partly formed dental prosthesis and any mould, cast or other thing that, in the opinion of the inspector, might be used for or in connection with technical work;

(c)

Dental Technicians Registration.

- (c) take such photographs ; and
- (d) seize and take away such records,

in or from those premises or that place as the inspector considers necessary in connection with the administration of this
5 Act.

(2) A person who wilfully delays or obstructs an inspector in the exercise of his powers under subsection (1) or who, being an occupier of any premises or place referred to in that subsection, refuses to permit an inspector to exercise
10 those powers or reasonably to assist an inspector to exercise those powers, is guilty of an offence.

26. (1) A person other than—

- (a) a dental technician ;
- 15 (b) a person bona fide undergoing training in technical work under the supervision of a dentist or dental technician or, subject to section 4 (2), employed as a probationer within the meaning of section 25 (1) of the Apprentices Act, 1969, by a dental technician or by a person employing a dental
20 technician ; or
- (c) a person approved by the board pursuant to section 13 (2) (f) who is acting within the terms of the approval given in respect of him,

Practice by
unregistered
persons.

is guilty of an offence if he carries out technical work.

25 (2) A person is guilty of an offence if he permits a person employed by him, other than a person referred to in subsection (1), to carry out technical work.

27. A dental technician is guilty of an offence if he carries out technical work unless that technical work is
30 carried out on the written order, in or to the effect of the form prescribed under the Dentists Act, 1934, of a dentist.

Dental
technicians
not to deal
directly
with public.

28.

Dental Technicians Registration.

28. (1) A dental technician who uses in his business as a dental technician a title or description other than dental technician or dental laboratory is guilty of an offence. Use of certain titles, etc., prohibited.

5 (2) A person, not being a dental technician, who employs a dental technician in connection with his business of supplying technical work who uses in connection with that business a title or description other than dental laboratory is guilty of an offence.

10 (3) A person other than a dental technician who uses the title or description of dental technician is guilty of an offence.

15 (4) A person other than a dental technician or a person, not being a dental technician, who employs a dental technician in connection with his business of supplying technical work who uses the title or description of dental laboratory is guilty of an offence.

20 (5) A dental technician who uses in connection with his business as a dental technician any symbols or letters other than symbols or letters approved by the board as a description of the qualification of a dental technician is guilty of an offence.

29. (1) A notice under this Act addressed to a dental technician or to a person who has made an application for registration as a dental technician may be served— Service of notices.

25 (a) by delivering it personally to the person to whom it is addressed; or

30 (b) by posting it in an envelope duly stamped and addressed to the person to whom it is addressed at the place last known to the secretary to be the place of residence or business of that person,

and shall be deemed to have been served upon its being so delivered or, in the case of a notice referred to in paragraph (b), shall be prima facie deemed to have been served when it would be delivered in the ordinary course of post.

(2)

Dental Technicians Registration.

(2) A notice or other document required to be served on the board may be served—

- 5 (a) by being left with some person apparently employed in the administration of this Act at the office of the secretary; or
- (b) by posting it in an envelope duly stamped and addressed to the secretary or to the board at the office of the secretary,

10 and shall be deemed to have been served upon its being so left or, in the case of a notice or document referred to in paragraph (b), shall be prima facie deemed to have been served when it would be delivered in the ordinary course of post.

15 **30.** A document purporting to be a certificate signed by the secretary and stating that a person specified therein—

Certificate
admissible
as prima
facie
evidence.

- 20 (a) has been appointed as an inspector under this Act and during any period specified therein held office as an inspector;
- (b) was or was not, on a day or during any period specified therein, a dental technician; or
- (c) was, on a day or during any period specified therein, a person in respect of whom an order under section 19 had been made or was in force,

25 shall, in all courts and before all persons and bodies authorised by law to receive evidence, be admissible and be prima facie evidence of the matters specified therein.

31. (1) An information for an offence against this Act or the regulations shall be laid by—

Proceedings
for
offences.

- 30 (a) the secretary, an inspector or some other person appointed by the board for that purpose, either generally or in a particular case; or

(b)

Dental Technicians Registration.

(b) a member of the police force.

(2) Proceedings for an offence against this Act or the regulations may be taken in a summary manner before a court of petty sessions constituted by a stipendiary magistrate or any two justices.

32. Where a company is convicted of an offence against this Act or the regulations, every director and every officer concerned in the management of the company is guilty of the same offence if he knowingly and wilfully authorised or permitted the commission of the offence.

33. A person who is guilty of an offence against this Act for which no penalty is expressly provided is liable to a penalty not exceeding \$500.

34. (1) The expenses of the board in carrying out the administration of this Act shall be paid out of moneys provided by Parliament.

(2) The fees payable under this Act shall be paid to the secretary who shall transmit them to the Treasurer to be carried to the Consolidated Revenue Fund.

35. (1) The Governor may make regulations, inconsistent with this Act, for or with respect to any matter which, by this Act, is required or permitted to be prescribed or which is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without prejudice to the generality of the power conferred by subsection (1), the Governor may make regulations for or with respect to—

(a) the manner in which applications for registration as a dental technician shall be made;

(b)

Dental Technicians Registration.

- (b) forms of application for, and fees to be paid in connection with, registration as a dental technician and restoration of the name of a person to the register;
- 5 (c) the amount of the roll fee and the amount to be paid for inspection of the register;
- (d) notations to be made in the register;
- (e) the duties of the secretary and any inspectors, other officers and persons employed in connection with
- 10 the administration of this Act;
- (f) standards of hygiene to be observed by and protective clothing to be worn by dental technicians and persons employed in and about premises used for or in connection with technical work; and
- 15 (g) standards to be observed in the fitting out of premises to be used for or in connection with technical work.
- (3) Regulations referred to in subsection (2) (d), (f) and (g) may be made so as to apply differently according
- 20 to such factors as are specified in the regulations.
- (4) A regulation may impose a penalty not exceeding \$200 for any breach thereof.

PART V.

AMENDMENT OF DENTISTS ACT, 1934.

- 25 **36.** The Dentists Act, 1934, is amended—
- (a) (i) by omitting from section 12 (1) the words “, or do” and by inserting instead the words “or, except as provided in subsection (3), do”;
- (ii) Amendment of Act No. 10, 1934. Sec. 12. (Penalty for practice of dentistry by unregistered person.)

Dental Technicians Registration.

(ii) by omitting section 12 (3) (d) and by inserting instead the following paragraph :—

5 (d) the mechanical construction or the renewal or repair of artificial dentures or restorative dental appliances—

(i) by a person registered as a dental technician under the Dental Technicians Registration Act, 1974; or

10 (ii) by a person authorised under the Dental Technicians Registration Act, 1974, to carry out technical work within the meaning of that Act,

15 upon the written order, in or to the effect of the prescribed form, of a registered dentist.

(b) by inserting after section 12A (5) (e) the following paragraph :—

Sec. 12A.
(Dentists
Charges
Committee.)

20 (el) what amount, if any, was paid by the dentist to any other person in respect of any dental prosthesis used in the dental treatment; and.

New South Wales



ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

Act No. 40, 1975.

An Act to constitute the Dental Technicians Registration Board and to define its powers, authorities, duties and functions; to make provision for the registration of dental technicians; to regulate the qualifications for and the effect of registration; to amend the Dentists Act, 1934; and for purposes connected therewith. [Assented to, 18th April, 1975.]

BE

Dental Technicians Registration.

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 :—

PART I.

PRELIMINARY.

Short title. **1.** This Act may be cited as the "Dental Technicians Registration Act, 1975".

Commence-ment. **2.** (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Sections 25, 26, 27 and 28, sections 32 and 33 and section 36 shall commence on the day that is six months after the appointed day.

(3) Except as provided in subsections (1) and (2), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Division of Act. **3.** This Act is divided as follows :—

PART I.—PRELIMINARY—*ss.* 1–5.

PART II.—DENTAL TECHNICIANS REGISTRATION BOARD—*ss.* 6–13.

PART III.—REGISTRATION OF DENTAL TECHNICIANS—*ss.* 14–24.

PART IV.—GENERAL—*ss.* 25–35.

PART V.—AMENDMENT OF DENTISTS ACT, 1934—*s.* 36.

Dental Technicians Registration.

4. (1) This Act does not apply to or in respect of any legally qualified medical practitioner, any dentist or any person carrying out technical work under the supervision of such a medical practitioner or a dentist at a university, school, college or hospital in New South Wales as part of a course leading to a degree in medicine, surgery or dental surgery. Application of Act.

(2) After the day that is two years after the appointed day—

- (a) sections 25 and 26 of the Apprentices Act, 1969, do not apply to the training in technical work of a person desirous of becoming a dental technician; and
- (b) neither the Director nor an apprenticeship committee shall approve of an application for the establishment of an apprenticeship in technical work.

(3) After the day that is six years after the appointed day, no provision of the Apprentices Act, 1969, applies to the training in technical work of a person desirous of becoming a dental technician.

5. (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires— Interpretation.

“appointed day” means the day appointed by the Governor under section 2 (3);

“board” means the Dental Technicians Registration Board constituted under section 6 (1);

“dental technician” means person registered as a dental technician under this Act;

“dentist” has the meaning ascribed thereto in the Dentists Act, 1934;

“inspector” means person appointed to be an inspector under section 11;

“member” means member of the board;

“register”

Dental Technicians Registration.

“register” means the Register of Dental Technicians of New South Wales kept by the board under section 14;

“regulations” means regulations made under this Act;

“secretary” means person appointed to be secretary under section 11;

“technical work” means the mechanical construction or the renewal or repair of artificial dentures or restorative dental appliances.

(2) For the purposes of the constitution of the first Dental Technicians Registration Board, a reference in section 6 (1) to a dental technician is a reference to a person who, in the opinion of the Minister, is a person likely to be able to satisfy the requirements of the board in respect of his qualifications for registration under this Act.

PART II.

DENTAL TECHNICIANS REGISTRATION BOARD.

Constitution
of Dental
Technicians
Registration
Board.

6. (1) The Governor may constitute a Dental Technicians Registration Board consisting of eight members and of those members—

- (a) one shall be a person, not being a person registered or entitled to be registered as a dentist under the Dentists Act, 1934, or registered or entitled to be registered as a dental technician under this Act, who is nominated by the Health Commission of New South Wales and, in and by the instrument of his appointment, appointed as chairman;
- (b) one shall be a dentist nominated by the Dental Board constituted under the Dentists Act, 1934;
- (c) one shall be a dentist nominated by the board of control of the United Dental Hospital of Sydney;
- (d) one shall be a dental technician nominated by the Dental Technicians' Association of New South Wales;

(e)

Dental Technicians Registration.

- (e) one shall be a dental technician nominated by the Dental Laboratories Association of New South Wales;
- (f) two shall be dental technicians nominated by the Minister; and
- (g) one shall be a barrister-at-law admitted by, or a solicitor of, the Supreme Court, nominated by the Minister.

(2) The person appointed to be chairman of the board may nominate an officer of the Health Commission of New South Wales to act in his place as chairman of the board and a person so acting shall be deemed to be a member and shall be chairman at any meeting of the board at which he is present.

(3) Where a nomination for the purposes of subsection (1) (paragraphs (f) and (g) excepted) or section 8 (1) is not submitted within the time or in the manner specified by the Minister in a notice in writing given to the person entitled to make the nomination, the nomination may be made by the Minister.

(4) A member shall, subject to this Act, hold office for a term of three years and shall, if otherwise qualified, be eligible for reappointment.

(5) A person who is above the age of seventy years is not qualified for appointment as a member.

(6) The provisions of the Public Service Act, 1902, shall not apply to the appointment of a member and a member shall not, in his capacity as a member, be subject to the provisions of that Act during his term of office.

(7) The office of a member shall not for the purpose of any Act be deemed to be an office or place of profit under the Crown.

Act No. 40, 1975.

Dental Technicians Registration.

**Vacation
of office.**

7. (1) A member ceases to hold office as a member and there is a casual vacancy in his office—

- (a) if he dies;
- (b) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- (c) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (d) if he is convicted in New South Wales of a felony or of a misdemeanour punishable by imprisonment for a period of twelve months or more, or if he is convicted elsewhere than in New South Wales of an offence that, if it were committed in New South Wales, would be a felony or misdemeanour so punishable;
- (e) if he resigns his office in writing under his hand addressed to the Governor and his resignation is accepted;
- (f) if he is absent from three consecutive meetings of the board of which reasonable notice has been given to him personally or in the ordinary course of post and is not, within six weeks after the last of those meetings, excused by the board for his absence from those meetings;
- (g) if, not being the member appointed pursuant to section 6 (1) (a), he ceases to hold the qualification by virtue of which he was nominated for appointment as a member;

(h)

Dental Technicians Registration.

- (h) if he is removed from office by the Governor; or
- (i) if he attains the age of seventy years.

(2) The Governor may, for any cause which appears to him to be sufficient, remove any member from office.

8. (1) On the occurrence of a vacancy in the office of a member otherwise than by the expiration of the term for which he was appointed, the Governor may appoint a person to hold office for the balance of his predecessor's term of office, being a person qualified and nominated under the same paragraph of section 6 (1) as his predecessor. Filling of casual vacancies.

(2) A member appointed pursuant to subsection (1) is, if otherwise qualified, eligible for reappointment.

9. (1) The procedure for the calling of meetings of the board and for the conduct of business at those meetings shall be as determined by the board. Meetings of the board.

(2) At any meeting of the board the chairman or, in his absence, his nominee, shall preside, but if the chairman and his nominee are both absent from that meeting, a person elected from among their number by the members present shall preside at that meeting.

(3) The person presiding at any meeting of the board in accordance with subsection (2) shall have a deliberative vote and, in the event of an equality of votes, a casting vote.

(4) Five members shall form a quorum at any meeting of the board and any duly convened meeting of the board at which a quorum is present shall be competent to transact any business of the board and shall have and may exercise the functions of the board.

(5)

Dental Technicians Registration.

(5) A decision supported by a majority of votes at a meeting of the board at which a quorum is present shall be the decision of the board.

Expenses of members.

10. A member shall, if he is not a member of the public service or a member of the Health Commission of New South Wales, be entitled to such expenses in relation to his acting as a member as may be fixed from time to time by the Minister.

Secretary, inspectors, officers and employees.

11. The Governor may, under and subject to the provisions of the Public Service Act, 1902, appoint and employ a secretary to the board and such inspectors and other officers and employees as may be necessary for the purposes of this Act.

Protection of board and officers, etc.

12. No matter or thing done or suffered by the board, any member, the secretary, any inspector or any other officer or employee, bona fide in the execution, or intended execution, of this Act, or in the exercise or discharge, or intended exercise or discharge, of any of its or his powers or duties, shall subject the board or any member, the secretary, any inspector or any other officer or employee, or the Crown, to any liability in respect thereof.

Functions and duties of the board.

13. (1) The functions and duties of the board are to do all acts and exercise or perform all powers necessary for carrying the provisions of this Act into effect.

(2) Without limiting the generality of subsection (1), the board may—

- (a) approve courses of training in technical work that may be undertaken or have been completed by persons desirous of becoming dental technicians, whether those courses are to be undertaken or have been completed in New South Wales or elsewhere;

(b)

Dental Technicians Registration.

- (b) recommend the standard to be achieved in the examinations to be completed by persons undertaking courses of training in technical work in New South Wales;
 - (c) arrange, in such cases as it sees fit, for a person who applies for registration pursuant to section 15 (1) (c) to undertake an examination as to his knowledge of and skill in carrying out technical work and to demonstrate his ability satisfactorily to carry out technical work in New South Wales;
 - (d) promote the establishment in New South Wales of courses of training for persons desirous of becoming dental technicians;
 - (e) order the registration of persons as dental technicians, suspend or cancel the registration of persons so registered, annul any such suspension or cancellation and order the restoration to the register of the name of a person who was formerly a dental technician; and
 - (f) approve, in such cases as it sees fit, of the carrying out by a person who has applied for registration under section 15 (1) (c) but who has failed, upon examination arranged under paragraph (c), to satisfy the board as to the matters specified in section 15 (1) (c), of technical work for a period, and under the supervision of a person, specified in the approval and revoke, alter or vary any such approval.
- (3) An approval under subsection (2) (f) shall operate for a period not exceeding two years.

Dental Technicians Registration.

PART III.**REGISTRATION OF DENTAL TECHNICIANS.**

Register. 14. (1) The board shall keep a register, to be called the "Register of Dental Technicians of New South Wales".

(2) A person shall be registered by the entering in the register of—

- (a) his full name;
- (b) his address;
- (c) the date on which he is registered; and
- (d) particulars of the qualification by which he is entitled to registration.

(3) The register shall at all reasonable times be open to inspection at the office of the board by any person on payment of the prescribed fee.

(4) The secretary shall, as soon as practicable after the first day of July in each year, transmit a list of names and addresses entered in the register to the Minister and if the Minister so directs, the list shall be printed and published.

**Qualifica-
tions for
registration.**

15. (1) A person who makes application for registration as a dental technician in the prescribed manner and proves to the satisfaction of the board that he is of good character and has attained the age of eighteen years is entitled to be registered as a dental technician if—

- (a) he has, in the opinion of the board, satisfactorily completed a course of training approved by the board in technical work;

(b)

Dental Technicians Registration.

- (b) he establishes to the satisfaction of the board that he has, within the period of ten years immediately preceding the day on which he applies for registration, been bona fide engaged in carrying out technical work in New South Wales for a period of not less than four years; or
- (c) not being a person referred to in paragraph (a) or (b), he has, in the opinion of the board, satisfactorily completed any examination in technical work arranged by the board for the purpose of determining his knowledge of and skill in carrying out technical work and demonstrated his ability satisfactorily to carry out technical work in New South Wales.

(2) For the purposes of subsection (1) (b), a period during which a person has been engaged in training in technical work in New South Wales as an apprentice is a period during which that person has been bona fide engaged in carrying out technical work.

(3) A person is not entitled to become registered pursuant to subsection (1) (b) after a day that is six years after the appointed day.

(4) Subsection (3) does not apply to a person who has previously been registered as a dental technician and who pays a restoration fee within five years after the day on which he ceased to be registered as a dental technician or last ceased to be so registered, as the case may be.

(5) Where the board—

- (a) is satisfied as to the matters specified in subsection (1) it shall direct that the person applying for registration as a dental technician be registered upon payment of the prescribed fee; or

(b)

Dental Technicians Registration.

- (b) is not satisfied as to the matters specified in subsection (1) it shall refuse the application for registration and the secretary shall give the person who has applied for registration as a dental technician notice of that refusal in accordance with section 29 (1).

(6) If the board does not, within sixty days after the receipt by it of an application by a person for registration as a dental technician, give notice to the person applying for registration of the result of the application the secretary shall be deemed to have given that person a notice that the board has refused to direct that he be registered as a dental technician.

Inquiries
in con-
nection
with
section 15.

16. (1) The board may, for the purpose of obtaining any information required by it for the purposes of section 15, require any applicant for registration or other person to appear before it for examination by the members of the board.

(2) A person who—

- (a) wilfully makes a false statement; or
- (b) utters or attempts to utter or put off as true before the board a false, forged or counterfeit document purporting to be an academic award or a document signifying a technical qualification,

in connection with a matter into which the board is inquiring for the purposes of section 15, is guilty of a misdemeanour and liable to be imprisoned for a period not exceeding twelve months.

Roll fee.

17. (1) Every dental technician shall, on or before the thirty-first day of March in each year, pay a roll fee of such amount as is prescribed for the year commencing on the first day of July next following.

(2)

Dental Technicians Registration.

(2) A dental technician shall, at the time he pays the roll fee, furnish particulars of his address for entry in the register.

(3) If a dental technician does not pay the roll fee on or before the thirty-first day of March in any year the board shall forthwith notify him by letter addressed to him at his address appearing in the register that if the fee is not paid on or before the thirtieth day of June next following his name will be removed from the register.

(4) Where a dental technician who has been notified in accordance with subsection (3) fails to pay the roll fee on or before the thirtieth day of June next after the notice has been forwarded to him the board shall cause his name to be removed from the register.

18. The board shall cause to be removed from the register the name of—

Removal
of name
of dental
technician
from
register.

- (a) a dental technician who requests that his name be removed;
- (b) a deceased dental technician; and
- (c) a dental technician who does not possess or who has ceased to possess the qualifications in respect of which he was registered.

19. (1) Where the board is satisfied after inquiry that a dental technician—

Proceedings
before
board
against
dental
technician.

- (a) has been convicted in New South Wales or elsewhere by any court of any felony, misdemeanour, crime or offence;
- (b) has been guilty of habitual drunkenness or of addiction to any deleterious drug;

(c)

Dental Technicians Registration.

(c) is not of good character; or

(d) is, by reason of infirmity, injury or illness, whether mental or physical, unfit to carry out technical work,

it may by order—

(e) reprimand or caution that dental technician;

(f) suspend his registration for such period as it thinks fit; or

(g) direct that his name be removed from the register, and shall, where it is satisfied after inquiry that a dental technician is, by reason of some act or omission in connection with his work as a dental technician, unfit to carry out technical work, by order direct that his name be removed from the register.

(2) Where the board directs that the name of a dental technician be removed from the register it may in its order fix a time after which the person whose name is so removed may apply for restoration of his name to the register.

(3) The board shall not make an order directing that a dental technician be suspended from registration or that his name be removed from the register because of a conviction referred to in subsection (1) (a) where it is satisfied that, whether from its trivial nature or from the circumstances in which it occurred or for any other reason, the felony, misdemeanour, crime or offence does not in the public interest disqualify the dental technician from carrying out technical work.

(4)

Dental Technicians Registration.

(4) An order made by the board under subsection (1) shall not take effect until the expiration of a period of twenty-one days after notice of the making of the order is given to the dental technician by the secretary in accordance with section 29 (1).

20. (1) In this section, "delegate" means a member of the board or an officer or employee appointed under the Public Service Act, 1902, specified in a resolution referred to in subsection (2). Inquiry by board or delegate.

(2) The board may by resolution authorise a delegate to make an inquiry under section 19 (1) and a document purporting to be a copy of a resolution so authorising a delegate and fixing the terms of the inquiry, and to be signed by the chairman or member presiding at the meeting at which the resolution was passed, shall be sufficient evidence for all purposes of a delegation pursuant to this subsection and of the terms of the inquiry.

(3) The board or delegate holding an inquiry shall sit as in open court and the dental technician in respect of whom the inquiry is being held shall be afforded an opportunity of defence either in person or by his solicitor or counsel.

(4) For the purpose of an inquiry the board, the chairman or other person presiding at the meeting of the board at which the inquiry is made and a delegate shall have the powers, authorities, protections and immunities 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 that Act, section 13 and Division 2 of Part II excepted, shall apply to any witness summoned by or appearing before the board or delegate in the same way as it applies to a witness summoned before a royal commission.

(5)

Dental Technicians Registration.

(5) A delegate shall forward to the board a report as to the inquiry made by him, a copy certified by him of all evidence taken at the inquiry and his recommendation in relation to the dental technician the subject of the inquiry.

(6) The decision of the board upon an inquiry held before a delegate shall be given after consideration by it of the report, evidence and recommendation referred to in subsection (5).

Appeal.

21. (1) A person aggrieved—

(a) by the refusal of the board to direct that he be registered as a dental technician; or

(b) by an order of the board under section 19,

may appeal to the District Court in accordance with the rules of court.

(2) An appeal under subsection (1) shall be dealt with by way of rehearing.

(3) The District Court, in deciding an appeal referred to in subsection (1), may—

(a) confirm a refusal referred to in subsection (1) (a) or order that the person applying for registration be registered; or

(b) in respect of an appeal against an order referred to in subsection (1) (b) uphold the appeal, confirm the order of the board or substitute for that order any other order that the board might have made.

(4) The decision of the District Court in respect of an appeal referred to in subsection (1) shall be final and conclusive and be given effect to by the board.

Dental Technicians Registration.

22. Where the board makes an order under section 19 in respect of a dental technician or the District Court confirms such an order or makes some other order in respect of an appeal made to it in respect of such an order the secretary shall make a notation of the terms of the order made by the board and, as the case may require, of the order made by the District Court, in the register adjacent to the name of the person in respect of whom the order has been made. Notations in register.

23. (1) The name of a person whose name has been removed from the register shall only be again entered on the register at the direction of the board or in pursuance of an order of the District Court. Restoration of name to register.

(2) Where the name of a dental technician has been removed from the register and—

- (a) an application in the prescribed form is received from the person whose name has been removed for the restoration of his name to the register ;
- (b) any disability that caused the removal of the name of that person from the register has ceased to exist ;
and
- (c) the prescribed restoration fee is paid and, where the roll fee in respect of the year in which registration is applied for has not previously been paid, the roll fee in respect of that year is paid,

the board shall, if it is otherwise satisfied that the person is entitled to be registered as a dental technician, direct that the name of that person be entered on the register.

(3) Where the District Court orders that the name of a person be entered on the register the name of that person shall, if the roll fee in respect of the year in which registration is to be effected has not previously been paid, be entered on the register only after the roll fee in respect of that year is paid.

Dental Technicians Registration.

(4) Subsection (2) (c) has effect subject to any order of the board reducing or waiving the prescribed restoration fee or the roll fee, or any part of either of those fees.

(5) Subsection (3) has effect subject to an order of the District Court to the contrary.

Falsification of register.

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

PART IV.

GENERAL.

Power of entry of inspectors.

25. (1) 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 a dental technician; or
- (b) whether a dental technician is, by reason of some act or omission in connection with his work as a dental technician, unfit to carry out technical work,

an inspector may at any reasonable time enter any premises which a dental technician uses in connection with technical work and may make such inquiries therein as the inspector thinks fit.

Dental Technicians Registration.

(2) 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 after the date of the warrant, to enter the premises named in the warrant and to make such inquiries therein as that inspector may think fit.

(3) A person who wilfully delays or obstructs an inspector in the exercise of his powers under this section is guilty of an offence.

26. (1) A person other than—

- (a) a dental technician;
- (b) a person bona fide undergoing training in technical work under the supervision of a dentist or dental technician or, subject to section 4 (2), employed as a probationer within the meaning of section 25 (1) of the Apprentices Act, 1969, by a dental technician or by a person employing a dental technician; or
- (c) a person approved by the board pursuant to section 13 (2) (f) who is acting within the terms of the approval given in respect of him,

Practice by
unregistered
persons.

is guilty of an offence if he carries out technical work.

(2) A person is guilty of an offence if he permits a person employed by him, other than a person referred to in subsection (1), to carry out technical work.

27. A dental technician is guilty of an offence if he carries out technical work unless that technical work is carried out on the written order, in or to the effect of the form prescribed under the Dentists Act, 1934, of a dentist.

Dental
technicians
not to deal
directly
with public.

28.

Dental Technicians Registration.

Use of
certain
titles, etc.,
prohibited.

28. (1) A dental technician who uses in his business as a dental technician a title or description other than dental technician or dental laboratory is guilty of an offence.

(2) A person, not being a dental technician, who employs a dental technician in connection with his business of supplying technical work who uses in connection with that business a title or description other than dental laboratory is guilty of an offence.

(3) A person other than a dental technician who uses the title or description of dental technician is guilty of an offence.

(4) A person other than a dental technician or a person, not being a dental technician, who employs a dental technician in connection with his business of supplying technical work who uses the title or description of dental laboratory is guilty of an offence.

(5) A dental technician who uses in connection with his business as a dental technician any symbols or letters other than symbols or letters approved by the board as a description of the qualification of a dental technician is guilty of an offence.

Service of
notices.

29. (1) A notice under this Act addressed to a dental technician or to a person who has made an application for registration as a dental technician may be served—

- (a) by delivering it personally to the person to whom it is addressed; or
- (b) by posting it in an envelope duly stamped and addressed to the person to whom it is addressed at the place last known to the secretary to be the place of residence or business of that person,

and shall be deemed to have been served upon its being so delivered or, in the case of a notice referred to in paragraph (b), shall be prima facie deemed to have been served when it would be delivered in the ordinary course of post.

Dental Technicians Registration.

(2) A notice or other document required to be served on the board may be served—

- (a) by being left with some person apparently employed in the administration of this Act at the office of the secretary; or
- (b) by posting it in an envelope duly stamped and addressed to the secretary or to the board at the office of the secretary,

and shall be deemed to have been served upon its being so left or, in the case of a notice or document referred to in paragraph (b), shall be prima facie deemed to have been served when it would be delivered in the ordinary course of post.

30. A document purporting to be a certificate signed by the secretary and stating that a person specified therein—

Certificate
admissible
as prima
facie
evidence.

- (a) has been appointed as an inspector under this Act and during any period specified therein held office as an inspector;
- (b) was or was not, on a day or during any period specified therein, a dental technician; or
- (c) was, on a day or during any period specified therein, a person in respect of whom an order under section 19 had been made or was in force,

shall, in all courts and before all persons and bodies authorised by law to receive evidence, be admissible and be prima facie evidence of the matters specified therein.

31. (1) An information for an offence against this Act or the regulations shall be laid by—

Proceedings
for
offences.

- (a) the secretary, an inspector or some other person appointed by the board for that purpose, either generally or in a particular case; or
- (b) a member of the police force.

(2)

Dental Technicians Registration.

(2) Proceedings for an offence against this Act or the regulations may be taken in a summary manner before a court of petty sessions constituted by a stipendiary magistrate or any two justices.

Offence by company.

32. Where a company is convicted of an offence against this Act or the regulations, every director and every officer concerned in the management of the company is guilty of the same offence if he knowingly and wilfully authorised or permitted the commission of the offence.

Penalty.

33. A person who is guilty of an offence against this Act for which no penalty is expressly provided is liable to a penalty not exceeding \$500.

Cost of administration of Act.

34. (1) The expenses of the board in carrying out the administration of this Act shall be paid out of moneys provided by Parliament.

(2) The fees payable under this Act shall be paid to the secretary who shall transmit them to the Treasurer to be carried to the Consolidated Revenue Fund.

Regulations.

35. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter which, by this Act, is required or permitted to be prescribed or which is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without prejudice to the generality of the power conferred by subsection (1), the Governor may make regulations for or with respect to—

(a) the manner in which applications for registration as a dental technician shall be made;

(b)

Dental Technicians Registration.

- (b) forms of application for, and fees to be paid in connection with, registration as a dental technician and restoration of the name of a person to the register;
 - (c) the amount of the roll fee and the amount to be paid for inspection of the register;
 - (d) notations to be made in the register;
 - (e) the duties of the secretary and any inspectors, other officers and persons employed in connection with the administration of this Act;
 - (f) standards of hygiene to be observed by and protective clothing to be worn by dental technicians and persons employed in and about premises used for or in connection with technical work; and
 - (g) standards to be observed in the fitting out of premises to be used for or in connection with technical work.
- (3) Regulations referred to in subsection (2) (d), (f) and (g) may be made so as to apply differently according to such factors as are specified in the regulations.
- (4) A regulation may impose a penalty not exceeding \$200 for any breach thereof.

PART V.

AMENDMENT OF DENTISTS ACT, 1934.

36. The Dentists Act, 1934, is amended—

Amendment
of Act No.
10, 1934.

- (a) (i) by omitting from section 12 (1) the words “, or do” and by inserting instead the words “or, except as provided in subsection (3), do”;
 - (ii)
- Sec. 12.
(Penalty for
practice of
dentistry by
unregistered
person.)

Dental Technicians Registration.

(ii) by omitting section 12 (3) (d) and by inserting instead the following paragraph :—

(d) the mechanical construction or the renewal or repair of artificial dentures or restorative dental appliances—

(i) by a person registered as a dental technician under the Dental Technicians Registration Act, 1975; or

(ii) by a person authorised under the Dental Technicians Registration Act, 1975, to carry out technical work within the meaning of that Act,

upon the written order, in or to the effect of the prescribed form, of a registered dentist.

Sec. 12A.
(Dentists
Charges
Committee.)

(b) by inserting after section 12A (5) (e) the following paragraph :—

(e) what amount, if any, was paid by the dentist to any other person in respect of any dental prosthesis used in the dental treatment; and.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975

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.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 11 March, 1975.*

New South Wales



ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

Act No. 40, 1975.

An Act to constitute the Dental Technicians Registration Board and to define its powers, authorities, duties and functions; to make provision for the registration of dental technicians; to regulate the qualifications for and the effect of registration; to amend the Dentists Act, 1934; and for purposes connected therewith. [Assented to, 18th April, 1975.]

BE

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

H. G. COATES,
Acting Chairman of Committees of the Legislative Assembly.

Dental Technicians Registration.

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 :—

PART I.**PRELIMINARY.**

Short title. **1.** This Act may be cited as the "Dental Technicians Registration Act, 1975".

Commence-
ment. **2.** (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Sections 25, 26, 27 and 28, sections 32 and 33 and section 36 shall commence on the day that is six months after the appointed day.

(3) Except as provided in subsections (1) and (2), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Division
of Act.

3. This Act is divided as follows :—

PART I.—PRELIMINARY—ss. 1–5.

PART II.—DENTAL TECHNICIANS REGISTRATION BOARD—ss. 6–13.

PART III.—REGISTRATION OF DENTAL TECHNICIANS—ss. 14–24.

PART IV.—GENERAL—ss. 25–35.

PART V.—AMENDMENT OF DENTISTS ACT, 1934—s. 36.

4.

Dental Technicians Registration.

4. (1) This Act does not apply to or in respect of any legally qualified medical practitioner, any dentist or any person carrying out technical work under the supervision of such a medical practitioner or a dentist at a university, school, college or hospital in New South Wales as part of a course leading to a degree in medicine, surgery or dental surgery.

Application
of Act.

(2) After the day that is two years after the appointed day—

(a) sections 25 and 26 of the Apprentices Act, 1969, do not apply to the training in technical work of a person desirous of becoming a dental technician; and

(b) neither the Director nor an apprenticeship committee shall approve of an application for the establishment of an apprenticeship in technical work.

(3) After the day that is six years after the appointed day, no provision of the Apprentices Act, 1969, applies to the training in technical work of a person desirous of becoming a dental technician.

5. (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

Interpre-
tation.

“appointed day” means the day appointed by the Governor under section 2 (3);

“board” means the Dental Technicians Registration Board constituted under section 6 (1);

“dental technician” means person registered as a dental technician under this Act;

“dentist” has the meaning ascribed thereto in the Dentists Act, 1934;

“inspector” means person appointed to be an inspector under section 11;

“member” means member of the board;

“register”

Dental Technicians Registration.

“register” means the Register of Dental Technicians of New South Wales kept by the board under section 14;

“regulations” means regulations made under this Act;

“secretary” means person appointed to be secretary under section 11;

“technical work” means the mechanical construction or the renewal or repair of artificial dentures or restorative dental appliances.

(2) For the purposes of the constitution of the first Dental Technicians Registration Board, a reference in section 6 (1) to a dental technician is a reference to a person who, in the opinion of the Minister, is a person likely to be able to satisfy the requirements of the board in respect of his qualifications for registration under this Act.

PART II.

DENTAL TECHNICIANS REGISTRATION BOARD.

Constitution
of Dental
Technicians
Registration
Board.

6. (1) The Governor may constitute a Dental Technicians Registration Board consisting of eight members and of those members—

- (a) one shall be a person, not being a person registered or entitled to be registered as a dentist under the Dentists Act, 1934, or registered or entitled to be registered as a dental technician under this Act, who is nominated by the Health Commission of New South Wales and, in and by the instrument of his appointment, appointed as chairman;
- (b) one shall be a dentist nominated by the Dental Board constituted under the Dentists Act, 1934;
- (c) one shall be a dentist nominated by the board of control of the United Dental Hospital of Sydney;
- (d) one shall be a dental technician nominated by the Dental Technicians' Association of New South Wales;

(e)

Dental Technicians Registration.

- (e) one shall be a dental technician nominated by the Dental Laboratories Association of New South Wales;
- (f) two shall be dental technicians nominated by the Minister; and
- (g) one shall be a barrister-at-law admitted by, or a solicitor of, the Supreme Court, nominated by the Minister.

(2) The person appointed to be chairman of the board may nominate an officer of the Health Commission of New South Wales to act in his place as chairman of the board and a person so acting shall be deemed to be a member and shall be chairman at any meeting of the board at which he is present.

(3) Where a nomination for the purposes of subsection (1) (paragraphs (f) and (g) excepted) or section 8 (1) is not submitted within the time or in the manner specified by the Minister in a notice in writing given to the person entitled to make the nomination, the nomination may be made by the Minister.

(4) A member shall, subject to this Act, hold office for a term of three years and shall, if otherwise qualified, be eligible for reappointment.

(5) A person who is above the age of seventy years is not qualified for appointment as a member.

(6) The provisions of the Public Service Act, 1902, shall not apply to the appointment of a member and a member shall not, in his capacity as a member, be subject to the provisions of that Act during his term of office.

(7) The office of a member shall not for the purpose of any Act be deemed to be an office or place of profit under the Crown.

Dental Technicians Registration.

Vacation
of office.

7. (1) A member ceases to hold office as a member and there is a casual vacancy in his office—

- (a) if he dies;
- (b) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- (c) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (d) if he is convicted in New South Wales of a felony or of a misdemeanour punishable by imprisonment for a period of twelve months or more, or if he is convicted elsewhere than in New South Wales of an offence that, if it were committed in New South Wales, would be a felony or misdemeanour so punishable;
- (e) if he resigns his office in writing under his hand addressed to the Governor and his resignation is accepted;
- (f) if he is absent from three consecutive meetings of the board of which reasonable notice has been given to him personally or in the ordinary course of post and is not, within six weeks after the last of those meetings, excused by the board for his absence from those meetings;
- (g) if, not being the member appointed pursuant to section 6 (1) (a), he ceases to hold the qualification by virtue of which he was nominated for appointment as a member;

(h)

Dental Technicians Registration.

- (h) if he is removed from office by the Governor; or
- (i) if he attains the age of seventy years.

(2) The Governor may, for any cause which appears to him to be sufficient, remove any member from office.

8. (1) On the occurrence of a vacancy in the office of a member otherwise than by the expiration of the term for which he was appointed, the Governor may appoint a person to hold office for the balance of his predecessor's term of office, being a person qualified and nominated under the same paragraph of section 6 (1) as his predecessor.

Filling of casual vacancies.

(2) A member appointed pursuant to subsection (1) is, if otherwise qualified, eligible for reappointment.

9. (1) The procedure for the calling of meetings of the board and for the conduct of business at those meetings shall be as determined by the board.

Meetings of the board.

(2) At any meeting of the board the chairman or, in his absence, his nominee, shall preside, but if the chairman and his nominee are both absent from that meeting, a person elected from among their number by the members present shall preside at that meeting.

(3) The person presiding at any meeting of the board in accordance with subsection (2) shall have a deliberative vote and, in the event of an equality of votes, a casting vote.

(4) Five members shall form a quorum at any meeting of the board and any duly convened meeting of the board at which a quorum is present shall be competent to transact any business of the board and shall have and may exercise the functions of the board.

(5)

Dental Technicians Registration.

(5) A decision supported by a majority of votes at a meeting of the board at which a quorum is present shall be the decision of the board.

Expenses of members.

10. A member shall, if he is not a member of the public service or a member of the Health Commission of New South Wales, be entitled to such expenses in relation to his acting as a member as may be fixed from time to time by the Minister.

Secretary, inspectors, officers and employees.

11. The Governor may, under and subject to the provisions of the Public Service Act, 1902, appoint and employ a secretary to the board and such inspectors and other officers and employees as may be necessary for the purposes of this Act.

Protection of board and officers, etc.

12. No matter or thing done or suffered by the board, any member, the secretary, any inspector or any other officer or employee, bona fide in the execution, or intended execution, of this Act, or in the exercise or discharge, or intended exercise or discharge, of any of its or his powers or duties, shall subject the board or any member, the secretary, any inspector or any other officer or employee, or the Crown, to any liability in respect thereof.

Functions and duties of the board.

13. (1) The functions and duties of the board are to do all acts and exercise or perform all powers necessary for carrying the provisions of this Act into effect.

(2) Without limiting the generality of subsection (1), the board may—

(a) approve courses of training in technical work that may be undertaken or have been completed by persons desirous of becoming dental technicians, whether those courses are to be undertaken or have been completed in New South Wales or elsewhere;

(b)

Dental Technicians Registration.

- (b) recommend the standard to be achieved in the examinations to be completed by persons undertaking courses of training in technical work in New South Wales;
 - (c) arrange, in such cases as it sees fit, for a person who applies for registration pursuant to section 15 (1) (c) to undertake an examination as to his knowledge of and skill in carrying out technical work and to demonstrate his ability satisfactorily to carry out technical work in New South Wales;
 - (d) promote the establishment in New South Wales of courses of training for persons desirous of becoming dental technicians;
 - (e) order the registration of persons as dental technicians, suspend or cancel the registration of persons so registered, annul any such suspension or cancellation and order the restoration to the register of the name of a person who was formerly a dental technician; and
 - (f) approve, in such cases as it sees fit, of the carrying out by a person who has applied for registration under section 15 (1) (c) but who has failed, upon examination arranged under paragraph (c), to satisfy the board as to the matters specified in section 15 (1) (c), of technical work for a period, and under the supervision of a person, specified in the approval and revoke, alter or vary any such approval.
- (3) An approval under subsection (2) (f) shall operate for a period not exceeding two years.

PART

Dental Technicians Registration.

PART III.

REGISTRATION OF DENTAL TECHNICIANS.

Register. **14.** (1) The board shall keep a register, to be called the "Register of Dental Technicians of New South Wales".

(2) A person shall be registered by the entering in the register of—

- (a) his full name;
- (b) his address;
- (c) the date on which he is registered; and
- (d) particulars of the qualification by which he is entitled to registration.

(3) The register shall at all reasonable times be open to inspection at the office of the board by any person on payment of the prescribed fee.

(4) The secretary shall, as soon as practicable after the first day of July in each year, transmit a list of names and addresses entered in the register to the Minister and if the Minister so directs, the list shall be printed and published.

Qualifications for registration. **15.** (1) A person who makes application for registration as a dental technician in the prescribed manner and proves to the satisfaction of the board that he is of good character and has attained the age of eighteen years is entitled to be registered as a dental technician if—

- (a) he has, in the opinion of the board, satisfactorily completed a course of training approved by the board in technical work;

(b)

Dental Technicians Registration.

- (b) he establishes to the satisfaction of the board that he has, within the period of ten years immediately preceding the day on which he applies for registration, been bona fide engaged in carrying out technical work in New South Wales for a period of not less than four years; or
- (c) not being a person referred to in paragraph (a) or (b), he has, in the opinion of the board, satisfactorily completed any examination in technical work arranged by the board for the purpose of determining his knowledge of and skill in carrying out technical work and demonstrated his ability satisfactorily to carry out technical work in New South Wales.

(2) For the purposes of subsection (1) (b), a period during which a person has been engaged in training in technical work in New South Wales as an apprentice is a period during which that person has been bona fide engaged in carrying out technical work.

(3) A person is not entitled to become registered pursuant to subsection (1) (b) after a day that is six years after the appointed day.

(4) Subsection (3) does not apply to a person who has previously been registered as a dental technician and who pays a restoration fee within five years after the day on which he ceased to be registered as a dental technician or last ceased to be so registered, as the case may be.

(5) Where the board—

- (a) is satisfied as to the matters specified in subsection (1) it shall direct that the person applying for registration as a dental technician be registered upon payment of the prescribed fee; or

(b)

Dental Technicians Registration.

(b) is not satisfied as to the matters specified in subsection (1) it shall refuse the application for registration and the secretary shall give the person who has applied for registration as a dental technician notice of that refusal in accordance with section 29 (1).

(6) If the board does not, within sixty days after the receipt by it of an application by a person for registration as a dental technician, give notice to the person applying for registration of the result of the application the secretary shall be deemed to have given that person a notice that the board has refused to direct that he be registered as a dental technician.

Inquiries
in con-
nection
with
section 15.

16. (1) The board may, for the purpose of obtaining any information required by it for the purposes of section 15, require any applicant for registration or other person to appear before it for examination by the members of the board.

(2) A person who—

(a) wilfully makes a false statement; or

(b) utters or attempts to utter or put off as true before the board a false, forged or counterfeit document purporting to be an academic award or a document signifying a technical qualification,

in connection with a matter into which the board is inquiring for the purposes of section 15, is guilty of a misdemeanour and liable to be imprisoned for a period not exceeding twelve months.

Roll fee.

17. (1) Every dental technician shall, on or before the thirty-first day of March in each year, pay a roll fee of such amount as is prescribed for the year commencing on the first day of July next following.

(2)

Dental Technicians Registration.

(2) A dental technician shall, at the time he pays the roll fee, furnish particulars of his address for entry in the register.

(3) If a dental technician does not pay the roll fee on or before the thirty-first day of March in any year the board shall forthwith notify him by letter addressed to him at his address appearing in the register that if the fee is not paid on or before the thirtieth day of June next following his name will be removed from the register.

(4) Where a dental technician who has been notified in accordance with subsection (3) fails to pay the roll fee on or before the thirtieth day of June next after the notice has been forwarded to him the board shall cause his name to be removed from the register.

18. The board shall cause to be removed from the register the name of—

- (a) a dental technician who requests that his name be removed;
- (b) a deceased dental technician; and
- (c) a dental technician who does not possess or who has ceased to possess the qualifications in respect of which he was registered.

Removal
of name
of dental
technician
from
register.

19. (1) Where the board is satisfied after inquiry that a dental technician—

- (a) has been convicted in New South Wales or elsewhere by any court of any felony, misdemeanour, crime or offence;
- (b) has been guilty of habitual drunkenness or of addiction to any deleterious drug;

Proceedings
before
board
against
dental
technician.

(c)

Dental Technicians Registration.

(c) is not of good character; or

(d) is, by reason of infirmity, injury or illness, whether mental or physical, unfit to carry out technical work,

it may by order—

(e) reprimand or caution that dental technician;

(f) suspend his registration for such period as it thinks fit; or

(g) direct that his name be removed from the register, and shall, where it is satisfied after inquiry that a dental technician is, by reason of some act or omission in connection with his work as a dental technician, unfit to carry out technical work, by order direct that his name be removed from the register.

(2) Where the board directs that the name of a dental technician be removed from the register it may in its order fix a time after which the person whose name is so removed may apply for restoration of his name to the register.

(3) The board shall not make an order directing that a dental technician be suspended from registration or that his name be removed from the register because of a conviction referred to in subsection (1) (a) where it is satisfied that, whether from its trivial nature or from the circumstances in which it occurred or for any other reason, the felony, misdemeanour, crime or offence does not in the public interest disqualify the dental technician from carrying out technical work.

(4)

Dental Technicians Registration.

(4) An order made by the board under subsection (1) shall not take effect until the expiration of a period of twenty-one days after notice of the making of the order is given to the dental technician by the secretary in accordance with section 29 (1).

20. (1) In this section, "delegate" means a member of the board or an officer or employee appointed under the Public Service Act, 1902, specified in a resolution referred to in subsection (2). Inquiry by board or delegate.

(2) The board may by resolution authorise a delegate to make an inquiry under section 19 (1) and a document purporting to be a copy of a resolution so authorising a delegate and fixing the terms of the inquiry, and to be signed by the chairman or member presiding at the meeting at which the resolution was passed, shall be sufficient evidence for all purposes of a delegation pursuant to this subsection and of the terms of the inquiry.

(3) The board or delegate holding an inquiry shall sit as in open court and the dental technician in respect of whom the inquiry is being held shall be afforded an opportunity of defence either in person or by his solicitor or counsel.

(4) For the purpose of an inquiry the board, the chairman or other person presiding at the meeting of the board at which the inquiry is made and a delegate shall have the powers, authorities, protections and immunities 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 that Act, section 13 and Division 2 of Part II excepted, shall apply to any witness summoned by or appearing before the board or delegate in the same way as it applies to a witness summoned before a royal commission.

(5)

Dental Technicians Registration.

(5) A delegate shall forward to the board a report as to the inquiry made by him, a copy certified by him of all evidence taken at the inquiry and his recommendation in relation to the dental technician the subject of the inquiry.

(6) The decision of the board upon an inquiry held before a delegate shall be given after consideration by it of the report, evidence and recommendation referred to in subsection (5).

Appeal.

21. (1) A person aggrieved—

(a) by the refusal of the board to direct that he be registered as a dental technician; or

(b) by an order of the board under section 19,

may appeal to the District Court in accordance with the rules of court.

(2) An appeal under subsection (1) shall be dealt with by way of rehearing.

(3) The District Court, in deciding an appeal referred to in subsection (1), may—

(a) confirm a refusal referred to in subsection (1) (a) or order that the person applying for registration be registered; or

(b) in respect of an appeal against an order referred to in subsection (1) (b) uphold the appeal, confirm the order of the board or substitute for that order any other order that the board might have made.

(4) The decision of the District Court in respect of an appeal referred to in subsection (1) shall be final and conclusive and be given effect to by the board.

Dental Technicians Registration.

22. Where the board makes an order under section 19 in respect of a dental technician or the District Court confirms such an order or makes some other order in respect of an appeal made to it in respect of such an order the secretary shall make a notation of the terms of the order made by the board and, as the case may require, of the order made by the District Court, in the register adjacent to the name of the person in respect of whom the order has been made. ^{Notations in register.}

23. (1) The name of a person whose name has been removed from the register shall only be again entered on the register at the direction of the board or in pursuance of an order of the District Court. ^{Restoration of name to register.}

(2) Where the name of a dental technician has been removed from the register and—

- (a) an application in the prescribed form is received from the person whose name has been removed for the restoration of his name to the register;
- (b) any disability that caused the removal of the name of that person from the register has ceased to exist; and
- (c) the prescribed restoration fee is paid and, where the roll fee in respect of the year in which registration is applied for has not previously been paid, the roll fee in respect of that year is paid,

the board shall, if it is otherwise satisfied that the person is entitled to be registered as a dental technician, direct that the name of that person be entered on the register.

(3) Where the District Court orders that the name of a person be entered on the register the name of that person shall, if the roll fee in respect of the year in which registration is to be effected has not previously been paid, be entered on the register only after the roll fee in respect of that year is paid.

(4)

Dental Technicians Registration.

(4) Subsection (2) (c) has effect subject to any order of the board reducing or waiving the prescribed restoration fee or the roll fee, or any part of either of those fees.

(5) Subsection (3) has effect subject to an order of the District Court to the contrary.

Falsification
of register.

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

PART IV.

GENERAL.

Power
of entry
of inspec-
tors.

25. (1) 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 a dental technician; or
- (b) whether a dental technician is, by reason of some act or omission in connection with his work as a dental technician, unfit to carry out technical work,

an inspector may at any reasonable time enter any premises which a dental technician uses in connection with technical work and may make such inquiries therein as the inspector thinks fit.

(2)

Dental Technicians Registration.

(2) 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 after the date of the warrant, to enter the premises named in the warrant and to make such inquiries therein as that inspector may think fit.

(3) A person who wilfully delays or obstructs an inspector in the exercise of his powers under this section is guilty of an offence.

26. (1) A person other than—

- (a) a dental technician;
- (b) a person bona fide undergoing training in technical work under the supervision of a dentist or dental technician or, subject to section 4 (2), employed as a probationer within the meaning of section 25 (1) of the Apprentices Act, 1969, by a dental technician or by a person employing a dental technician; or
- (c) a person approved by the board pursuant to section 13 (2) (f) who is acting within the terms of the approval given in respect of him,

Practice by
unregistered
persons.

is guilty of an offence if he carries out technical work.

(2) A person is guilty of an offence if he permits a person employed by him, other than a person referred to in subsection (1), to carry out technical work.

27. A dental technician is guilty of an offence if he carries out technical work unless that technical work is carried out on the written order, in or to the effect of the form prescribed under the Dentists Act, 1934, of a dentist.

Dental
technicians
not to deal
directly
with public.

28.

Dental Technicians Registration.

Use of
certain
titles, etc.,
prohibited.

28. (1) A dental technician who uses in his business as a dental technician a title or description other than dental technician or dental laboratory is guilty of an offence.

(2) A person, not being a dental technician, who employs a dental technician in connection with his business of supplying technical work who uses in connection with that business a title or description other than dental laboratory is guilty of an offence.

(3) A person other than a dental technician who uses the title or description of dental technician is guilty of an offence.

(4) A person other than a dental technician or a person, not being a dental technician, who employs a dental technician in connection with his business of supplying technical work who uses the title or description of dental laboratory is guilty of an offence.

(5) A dental technician who uses in connection with his business as a dental technician any symbols or letters other than symbols or letters approved by the board as a description of the qualification of a dental technician is guilty of an offence.

Service of
notices.

29. (1) A notice under this Act addressed to a dental technician or to a person who has made an application for registration as a dental technician may be served—

(a) by delivering it personally to the person to whom it is addressed; or

(b) by posting it in an envelope duly stamped and addressed to the person to whom it is addressed at the place last known to the secretary to be the place of residence or business of that person,

and shall be deemed to have been served upon its being so delivered or, in the case of a notice referred to in paragraph (b), shall be prima facie deemed to have been served when it would be delivered in the ordinary course of post.

(2)

Dental Technicians Registration.

(2) A notice or other document required to be served on the board may be served—

- (a) by being left with some person apparently employed in the administration of this Act at the office of the secretary; or
- (b) by posting it in an envelope duly stamped and addressed to the secretary or to the board at the office of the secretary,

and shall be deemed to have been served upon its being so left or, in the case of a notice or document referred to in paragraph (b), shall be prima facie deemed to have been served when it would be delivered in the ordinary course of post.

30. A document purporting to be a certificate signed by the secretary and stating that a person specified therein—

Certificate
admissible
as prima
facie
evidence.

- (a) has been appointed as an inspector under this Act and during any period specified therein held office as an inspector;
- (b) was or was not, on a day or during any period specified therein, a dental technician; or
- (c) was, on a day or during any period specified therein, a person in respect of whom an order under section 19 had been made or was in force,

shall, in all courts and before all persons and bodies authorised by law to receive evidence, be admissible and be prima facie evidence of the matters specified therein.

31. (1) An information for an offence against this Act or the regulations shall be laid by—

Proceedings
for
offences.

- (a) the secretary, an inspector or some other person appointed by the board for that purpose, either generally or in a particular case; or
- (b) a member of the police force.

(2)

Dental Technicians Registration.

(2) Proceedings for an offence against this Act or the regulations may be taken in a summary manner before a court of petty sessions constituted by a stipendiary magistrate or any two justices.

Offence by company.

32. Where a company is convicted of an offence against this Act or the regulations, every director and every officer concerned in the management of the company is guilty of the same offence if he knowingly and wilfully authorised or permitted the commission of the offence.

Penalty.

33. A person who is guilty of an offence against this Act for which no penalty is expressly provided is liable to a penalty not exceeding \$500.

Cost of administration of Act.

34. (1) The expenses of the board in carrying out the administration of this Act shall be paid out of moneys provided by Parliament.

(2) The fees payable under this Act shall be paid to the secretary who shall transmit them to the Treasurer to be carried to the Consolidated Revenue Fund.

Regulations.

35. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter which, by this Act, is required or permitted to be prescribed or which is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without prejudice to the generality of the power conferred by subsection (1), the Governor may make regulations for or with respect to—

(a) the manner in which applications for registration as a dental technician shall be made;

(b)

Dental Technicians Registration.

- (b) forms of application for, and fees to be paid in connection with, registration as a dental technician and restoration of the name of a person to the register;
 - (c) the amount of the roll fee and the amount to be paid for inspection of the register;
 - (d) notations to be made in the register;
 - (e) the duties of the secretary and any inspectors, other officers and persons employed in connection with the administration of this Act;
 - (f) standards of hygiene to be observed by and protective clothing to be worn by dental technicians and persons employed in and about premises used for or in connection with technical work; and
 - (g) standards to be observed in the fitting out of premises to be used for or in connection with technical work.
- (3) Regulations referred to in subsection (2) (d), (f) and (g) may be made so as to apply differently according to such factors as are specified in the regulations.
- (4) A regulation may impose a penalty not exceeding \$200 for any breach thereof.

PART V.

AMENDMENT OF DENTISTS ACT, 1934.

36. The Dentists Act, 1934, is amended—

Amendment
of Act No.
10, 1934.

- (a) (i) by omitting from section 12 (1) the words “, or do” and by inserting instead the words “or, except as provided in subsection (3), do”;
 - (ii)
- Sec. 12.
(Penalty for
practice of
dentistry by
unregistered
person.)

Dental Technicians Registration.

(ii) by omitting section 12 (3) (d) and by inserting instead the following paragraph :—

(d) the mechanical construction or the renewal or repair of artificial dentures or restorative dental appliances—

(i) by a person registered as a dental technician under the Dental Technicians Registration Act, 1975; or

(ii) by a person authorised under the Dental Technicians Registration Act, 1975, to carry out technical work within the meaning of that Act,

upon the written order, in or to the effect of the prescribed form, of a registered dentist.

Sec. 12A.
(Dentists
Charges
Committee.)

(b) by inserting after section 12A (5) (e) the following paragraph :—

(el) what amount, if any, was paid by the dentist to any other person in respect of any dental prosthesis used in the dental treatment; and.

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

L. W. STREET,
Lieutenant-Governor.

*Government House,
Sydney, 18th April, 1975.*