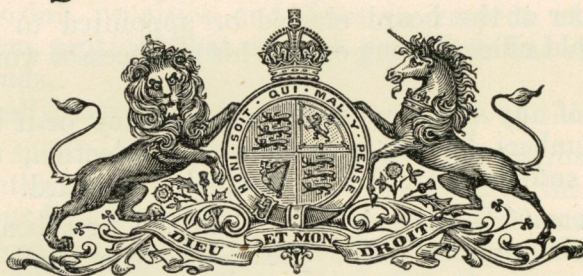


*This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.*

*Legislative Council Chamber,  
Sydney, 13th August, 1902.* }

JOHN J. CALVERT,  
*Clerk of the Parliaments.*

## New South Wales.



ANNO SECUNDO

# EDWARDI VII REGIS.

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Act No. , 1902.

An Act to amend the Dentists Act.

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

5     1. This Act may be cited as the "Dentists Act Amendment Short title.  
Act, 1902," and shall be read and construed as one with the Dentists  
Act, 1900, hereinafter called the Principal Act.

2. (a) Sections five, six, nine, eleven, twelve, thirteen, and Repeal of portion  
of Principal Act.  
fifteen of the Principal Act are hereby repealed.

10     (b) All regulations duly made, registrations duly effected, Saving clause.  
and any other matter or thing duly done under or in accordance with  
the Principal Act, and in force and operative at the passing of this  
Act, shall be deemed to be and to have been duly made, effected, or  
done, anything in this Act notwithstanding.



*Dentists Act Amendment.*

- (c) In the construction of this Act, unless the context or subject-matter otherwise indicates or requires, the term "student" shall mean and include a person studying with or articed to a dentist under a duly registered agreement or articles. Interpretation.
- 5 3. (a) On the expiration of the period for which the first board has been appointed, and at the end of every succeeding three years thereafter, four dentists and two legally qualified medical practitioners shall be elected by the dentists, at such times and in such manner as may be prescribed, and the Governor shall appoint two lay persons to be members of the board and to hold office for three years; and any 10 vacancy occurring shall be filled in like manner.
- (b) Any member of the board elected or appointed to fill any such vacancy shall hold office so long only as his predecessor would have done. Members to fill vacancies.  
Cf. W.A. 1894, No. 19, s. 3 (4).
- 15 (c) In default of any election to fill any vacancy, or if the requisite number of members be not elected at any election, the Governor may appoint a sufficient number to complete the board. In default of election Governor may complete board.  
Cf. W.A. 1894, No. 19, s. 5.
- (d) The members of the board, other than the first board, shall appoint one of their number to be president, who shall be 20 chairman. President.  
Victorian Act, 1887, s. 7.  
Cf. W.A. 1894, No. 19, s. 3 (3).
- (e) Any three members of the board shall form a quorum, and in the absence of the president from any meeting of the board one of the members present shall be elected chairman. Quorum.  
Victorian Act, 1887, s. 7.  
Cf. W.A. 1894, No. 19, s. 3 (3).
4. The board may appoint and remove a registrar, examiners, 25 and such other officers as it thinks fit, for the purposes of this Act, or the Principal Act, and such persons may be remunerated from the funds of the board. Officers and examiners.  
Cf. W.A. 1894, No. 19, s. 7.  
Cf. Victorian Act, 1887, s. 9.
5. Each member of the board shall be and be deemed to have 30 been entitled to receive out of the funds of the board a sum not exceeding one guinea for every attendance at the board's meetings: Provided that such fees shall not be paid for more than two meetings in any one month. Remuneration of the board.
6. The board may, by its registrar or any person appointed by the board for that purpose, bring and defend actions, suits, and other 35 proceedings, both civil and criminal. Board may sue and defend actions.  
Cf. W.A. 1894, No. 19, s. 8.
7. (1) The board may, with the approval of the Governor, make such regulations as to the board seems fit— Board may make regulations.
- (a) for fixing the time and regulating the election of members of the board; W.A. 1894, No. 19, s. 6 (1).  
(a) 15 of Principal Act.
- 40 (b) for regulating the meetings and proceedings of the board, and the conduct of the business of the board; *Ibid.* (d) s. 15 of Principal Act.
- (c) for regulating the registration of all articles of apprenticeship and agreements to study under which apprentices or students to dentists are now or may hereafter be serving; Cf. *ibid.* (c).  
Victorian Regulations 12 of 5-2-1889.

(d)



*Dentists Act Amendment.*

- (d) for regulating the examination of persons claiming to be registered as dentists, and for determining the qualifications to be held and the evidence to be produced by any such persons, and the form of certificates to be given by the board;
- 5 (e) for regulating the recognition of diplomas, certificates, and degrees under section nine of this Act;
- (f) for determining what name, title, word, letters, addition, or description may be used by dentists in conjunction with their names;
- 10 (g) for determining the fees payable in respect of any proceeding under this Act;
- (h) for imposing penalties and fines in respect of any such regulation, provided that no such penalty or fine shall exceed ten pounds.
- 15 (i) for generally carrying into effect the objects of this Act.
- (2) All such regulations shall, upon being published in the Government Gazette, be good and valid in law, provided that a copy of all such regulations be laid before both Houses of Parliament within fourteen days from publication thereof if Parliament be then in session, or otherwise within fourteen days after the commencement of the next ensuing session.
- 20 (3) All penalties and fines imposed by any regulation made hereunder may be recovered as though the same had been imposed by this Act.
- 25 8. Section eight of the Principal Act is hereby amended by the addition of the words "and of any dentist who, by writing under his hand addressed to the president, chairman, or registrar of the board, requests that his name be withdrawn from the register."
- 30 9. Any person who after the passing of this Act is above the age of twenty-one years, and of good character, who proves to the satisfaction of the board—
- (a) that he has passed such preliminary and final examinations before the examiners appointed by the board as are prescribed by the regulations, or any equivalent examinations approved by the board, and has been engaged during four years in the acquirement of professional knowledge with a dentist under articles of apprenticeship or an agreement to study registered in accordance with the regulations made hereunder, or with such other person or public institution as may be approved by the board; or
- 40 (b) that he has obtained such diploma, certificate, or degree in dentistry from such university, college, or public institution in the Commonwealth of Australia, or elsewhere as the board may approve,
- 45 shall be entitled to be registered as a dentist under this Act.

Cf. *ibid.* 6, s. 15  
Principal Act,  
Victorian Act, 1887,  
s. 26.

S. 15 Principal Act,  
Victorian Act, 1887,  
s. 24.

S. 15 Principal Act.

S. 15 Principal Act,  
Victorian Act, 1887,  
s. 27.

W.A., 1894, No. 19,  
s. 6 (2).

W.A., 1894, No. 19,  
s. 6 (e).  
S. 15 Principal Act.

Recovery of penalties  
and fines.

Voluntary removal of  
names of dentists  
from register.  
Cf. W.A., 1899, No.  
23, s. 6.

Qualifications for  
future registration.

Cf. Victorian Act,  
1887, s. 18.

Cf. W.A. 1894,  
No. 19, s. 10 (c).

Cf. Victorian Act,  
1887, s. 21 and ss.  
22, 24.

Cf. W.A. 1894,  
No. 19, s. 10 (d).

Cf. W.A., 1899,  
No. 23, s. 2.



*Dentists Act Amendment.*

10. (1) The board may refuse to register as a dentist or may remove from the register the name of any person if it appears to the satisfaction of the board that such person—

Refusal to register and removal of name from register.

- 5 (a) does not possess the qualifications in respect of which he was registered; or Cf. Med. Pract. Amdt. Act, 1900, No. 33, s. 2 (a).
- (b) has been convicted of an offence, which if committed in New South Wales would be a felony or misdemeanour; or Cf. Med. Pract. Amdt. Act, 1900, No. 33, s. 2 (b). Cf. W.A., 1894, No. 19, s. 12.
- 10 (c) has been guilty of infamous conduct in any professional respect, misconduct, or of malpractice, either ignorantly, negligently, or wilfully; or Cf. Med. Pract. Act F. A. Act, 1900, No. 70, s. 1.
- (d) assumes or has assumed any title, name, word, letters, addition, or description implying or tending to the belief that he is other than as described in the register; or
- 15 (e) practises or has practised under the name or style of any company, institution, hospital, college, school, or association.

(2) No such refusal or removal shall be made except after inquiry by the board sitting as an open court, and the person whose name is proposed to be refused registration or removed from the register as aforesaid shall, on every such inquiry, have the right of being heard either in person or by counsel, and shall have the right of appeal to the Supreme Court, which appeal shall be in the nature of a re-hearing.

Cf. s. 9, Principal Act and Med. Pract. Act F. A. Act, 1900, No. 70, s. 1, and 1900, No. 33, s. 2. Cf. Victorian Act, 1887, s. 23. Cf. W.A., 1894, No. 19, s. 11.

11. (1) After the passing of this Act, no person, unless registered under this Act or the Principal Act, shall—

No person unless registered to use name or title representing that he is entitled to practise.

- 25 (a) take, use, or adopt the name, title, or description of "dentist," or "dental practitioner," or "dental surgeon," or "surgeon dentist," either alone or in conjunction with any other name, title, word, letters, addition, or description, or any name, title, word, letters, addition, or description, either alone or in conjunction with any other name, title, word, letters, addition, or description implying or tending to the belief that he is registered under this Act or the Principal Act, or that he is qualified or entitled to practise dentistry, or is carrying on the practice of dentistry or dental surgery; or Cf. Victorian Act, 1887, s. 16. Cf. W.A., 1894, No. 19, s. 15 (1).
- 30 (b) practise dentistry or dental surgery for reward; or Nor to practise for reward. Cf. W.A., 1894, No. 19, s. 15 (2).
- 35 (c) act as a surgical or operative assistant to a dentist, excepting a student in the third or fourth year of his engagement, and under the immediate direction of the dentist under whom he is studying, or to whom he is apprenticed. Nor to assist at dental operation except student. Cf. W.A., 1894, No. 19, s. 15 (2).

(2) Any person offending against this section shall be liable to a penalty not exceeding twenty pounds for every such offence, and to a further penalty of five pounds for every day during which such offence is continued. Penalty for breach. Cf. Victorian Act, 1887, s. 16. Cf. W.A., 1894, No. 19, s. 15.



*Dentists Act Amendment.*

12. Nothing in this Act shall be construed in such a way as to interfere with any legally qualified medical practitioner, or with any person employed in any public hospital or institution acting properly in the discharge of his duties, or so far as the provisions of subsection 5 (c) of section eleven are concerned with persons engaged in the study of dentistry at the University of Sydney.
13. Every registration effected under this Act or the Principal Act shall be renewed in the month of January next following the passing of this Act, and thenceforth in the month of December in 10 every year by every dentist; and such dentist shall on every such re-registration pay the prescribed fee of five shillings, and if he fails to apply for re-registration as aforesaid and to make such payment his name shall be removed from the register: Provided that on the removal of any person's name from the register for non-compliance 15 with the provisions of this section, the board shall forthwith post notice of such removal to such person's last known place of address, and shall restore his name to the register upon his application and the payment of a fee not exceeding one pound.
14. All penalties and fines recovered under this Act or the 20 Principal Act, or the regulations made hereunder or thereunder, shall be paid to the board, and be applied by the board for the purposes of this Act and the Principal Act.

Exception in favour of medical practitioners, public hospitals, and other public institutions.

Re-registration to be effected annually. Cf. W.A., 1899, No. 23, s. 7.

Penalties to go to board. Cf. W.A., 1899, No. 23, s. 8.







Legislative Council.

No. , 1902.

# A BILL

To amend the Dentists Act.

[SIR ARTHUR RENWICK ;—16 *July*, 1902.]

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

5       1. This Act may be cited as the "Dentists Act Amendment Act, 1902," and shall be read and construed as one with the Dentists Act, 1900, hereinafter called the Principal Act. Short title.

2. (a) Sections five, six, nine, eleven, twelve, thirteen, and fifteen of the Principal Act are hereby repealed. Repeal of portion of Principal Act.

10       (b) All regulations duly made, registrations duly effected, and any other matter or thing duly done under or in accordance with the Principal Act, and in force and operative at the passing of this Act, shall be deemed to be and to have been duly made, effected, or done, anything in this Act notwithstanding. Saving clause.



Interpretation.

(c) In the construction of this Act, unless the context or subject-matter otherwise indicates or requires, the term "student" shall mean and include a person studying with or articulated to a dentist under a duly registered agreement or articles.

Constitution of the board.

Principal Act, 3, 5.  
Cf. W.A. 1894,  
No. 19, s. 5.

3. (a) On the expiration of the period for which the first board has been appointed, and at the end of every succeeding three years thereafter, four dentists and two legally qualified medical practitioners shall be elected by the dentists, at such times and in such manner as may be prescribed, and the Governor shall appoint two lay persons to be members of the board and to hold office for three years; and any vacancy occurring shall be filled in like manner.

Members to fill vacancies.

Cf. W.A. 1894,  
No. 19, s. 3 (4).

(b) Any member of the board elected or appointed to fill any such vacancy shall hold office so long only as his predecessor would have done.

In default of election Governor may complete board.

Cf. W.A. 1894, No. 19, s. 5.

(c) In default of any election to fill any vacancy, or if the requisite number of members be not elected at any election, the Governor may appoint a sufficient number to complete the board.

President.

Victorian Act, 1887, s. 7.  
Cf. W.A. 1894, No. 19,  
s. 3 (3).

(d) The members of the board, other than the first board, shall appoint one of their number to be president, who shall be chairman.

Quorum.

Victorian Act, 1887, s. 7.  
Cf. W.A. 1894, No. 19,  
s. 3 (3).

(e) Any three members of the board shall form a quorum, and in the absence of the president from any meeting of the board one of the members present shall be elected chairman.

Officers and examiners.

Cf. W.A. 1894, No. 19, s. 7.  
Cf. Victorian Act, 1887, s. 9.

4. The board may appoint and remove a registrar, examiners, and such other officers as it thinks fit, for the purposes of this Act, or the Principal Act, and such persons may be remunerated from the funds of the board.

Remuneration of the board.

5. Each member of the board shall be deemed to have been entitled to receive out of the funds of the board a sum not exceeding one guinea for every attendance at the board's meetings: Provided that such fees shall not be paid for more than two meetings in any one month.

Board may sue and defend actions.

Cf. W.A. 1894,  
No. 19, s. 8.

6. The board may, by its registrar or any person appointed by the board for that purpose, bring and defend actions, suits, and other proceedings, both civil and criminal.

Board may make regulations.

W.A. 1894, No. 19,  
s. 6 (1).  
(a) 15 of Principal Act.

7. (1) The board may, with the approval of the Governor, make such regulations as to the board seems fit—

*Ibid.* (d) s. 15 of  
Principal Act.

- (a) for fixing the time and regulating the election of members of the board;
- (b) for regulating the meetings and proceedings of the board, and the conduct of the business of the board;
- (c) for regulating the registration of all articles of apprenticeship and agreements to study under which apprentices or students to dentists are now or may hereafter be serving;

Cf. *ibid.* (c).  
Victorian Regula-  
tions 12 of 5-2-1889.

(d)



- (d) for regulating the examination of persons claiming to be registered as dentists, and for determining the qualifications to be held and the evidence to be produced by any such persons, and the form of certificates to be given by the board; Cf. *ibid.* 6, s. 15 Principal Act. Victorian Act, 1887, s. 25.
- 5 (e) for regulating the recognition of diplomas, certificates, and degrees under section nine of this Act; S. 15 Principal Act. Victorian Act, 1887, s. 24.
- (f) for determining what name, title, word, letters, addition, or description may be used by dentists in conjunction with their names; S. 15 Principal Act.
- 10 (g) for determining the fees payable in respect of any proceeding or registration under this Act; S. 15 Principal Act. Victorian Act, 1887, s. 27.
- (h) for imposing penalties and fines in respect of any such regulation, provided that no such penalty or fine shall exceed *ten* pounds. W.A., 1894, No. 19, s. 6 (2).
- 15 (i) for generally carrying into effect the objects of this Act. W.A., 1894, No. 19, s. 6 (e).
- (2) All such regulations shall, upon being published in the Government Gazette, be good and valid in law, provided that a copy of all such regulations be laid before both Houses of Parliament within fourteen days from publication thereof if Parliament be then in session, or otherwise within fourteen days after the commencement of the next ensuing session. S. 15 Principal Act.
- (3) All penalties and fines imposed by any regulation made hereunder may be recovered as though the same had been imposed by this Act. Recovery of penalties and fines.
- 25 **8.** Section eight of the Principal Act is hereby amended by the addition of the words "and of any dentist who, by writing under his hand addressed to the president, chairman, or registrar of the board, requests that his name be withdrawn from the register." Voluntary removal of names of dentists from register. Cf. W.A., 1899, No. 23, s. 6.
- 30 **9.** Any person after the passing of this Act above the age of twenty-one years, and of good character, and proves to the satisfaction of the board— Qualifications for future registration.
- (a) that he has passed such preliminary and final examinations before the examiners appointed by the board as are prescribed by the regulations, or any equivalent examinations approved by the board, and has been engaged during four years in the acquirement of professional knowledge with a dentist under articles of apprenticeship or an agreement to study registered in accordance with the regulations made hereunder, or with such other person or public institution as may be approved by the board; or Cf. Victorian Act, 1887, s. 18. Cf. W.A. 1894, No. 19, s. 10 (c).
- 35
- (b) that he has obtained such diploma, certificate, or degree in dentistry from such university, college, or public institution in the Commonwealth of Australia, or elsewhere as the board may approve, Cf. Victorian Act, 1887, s. 21 and ss. 22, 24. Cf. W.A. 1894, No. 19, s. 10 (d).
- 40
- 45 shall be entitled to be registered as a dentist under this Act. Cf. W.A., 1899, No. 23, s. 2.



Refusal to register and removal of name from register.

Cf. Med. Pract. Amdt. Act, 1900, No. 33, s. 2 (a).  
Cf. Med. Pract. Amdt. Act, 1900, No. 33, s. 2 (b).  
Cf. W.A., 1894, No. 19, s. 12.  
Cf. Med. Pract. Act F. A. Act, 1900, No. 70, s. 1.

Cf. s. 9, Principal Act and Med. Pract. Act F. A. Act, 1900, No. 70, s. 1, and 1900, No. 33, s. 2.  
Cf. Victorian Act, 1887, s. 23.  
Cf. W.A., 1894, No. 19, s. 11.

No person unless registered to use name or title representing that he is entitled to practise.

Cf. Victorian Act, 1887, s. 16.  
Cf. W.A., 1894, No. 19, s. 15 (1).

Nor to practise for reward.  
Cf. W.A., 1894, No. 19, s. 15 (2).

Nor to assist at dental operation except student.  
Cf. W.A., 1894, No. 19, s. 15 (2).

Penalty for breach.  
Cf. Victorian Act, 1887, s. 16.  
Cf. W.A., 1894, No. 19, s. 15.

**10.** (1) The board may refuse to register as a dentist or may remove from the register the name of any person if it appears to the satisfaction of the board that such person—

- (a) does not possess the qualifications in respect of which he was registered; or 5
- (b) has been convicted of an offence, which if committed in New South Wales would be a felony or misdemeanour; or
- (c) has been guilty of infamous conduct in any professional respect, misconduct, or of malpractice, either ignorantly, negligently, or wilfully; or 10
- (d) assumes or has assumed any title, name, word, letters, addition, or description implying or tending to the belief that he is other than as described in the register; or
- (e) practises or has practised under the name or style of any company, institution, hospital, college, school, or association. 15

(2) No such refusal or removal shall be made except after inquiry by the board sitting as an open court, and the person whose name is proposed to be refused registration or removed from the register as aforesaid shall, on every such inquiry, have the right of being heard either in person or by counsel, and shall have the right of appeal to the Supreme Court, which appeal shall be in the nature of a re-hearing. 20

**11.** (1) After the passing of this Act, no person, unless registered under this Act or the Principal Act, shall—

- (a) take, use, or adopt the name, title, or description of "dentist," or "dental practitioner," or "dental surgeon," or "surgeon dentist," either alone or in conjunction with any other name, title, word, letters, addition, or description, or any name, title, word, letters, addition, or description, either alone or in conjunction with any other name, title, word, letters, addition, or description implying or tending to the belief that he is registered under this Act or the Principal Act, or that he is qualified or entitled to practise dentistry, or is carrying on the practice of dentistry or dental surgery; or 25
- (b) practise dentistry or dental surgery, or perform or assist at any dental operation or service for reward; or 30
- (c) act as a surgical or operative assistant to a dentist, excepting a student in the third or fourth year of his engagement, and under the immediate direction of the dentist under whom he is studying, or to whom he is apprenticed. 35

(2) Any person offending against this section shall be liable to a penalty not exceeding *twenty* pounds for every such offence, and to a further penalty of *five* pounds for every day during which such offence is continued. 40



12. Nothing in this Act shall be construed in such a way as to interfere with any legally qualified medical practitioner, or with any person employed in any public hospital or institution acting properly in the discharge of his duties. Exception in favour of medical practitioners, public hospitals, and other public institutions.
- 5 13. Every registration effected under this Act or the Principal Act shall be renewed in the month of January next following the passing of this Act, and thenceforth in the month of December in every year by every dentist; and such dentist shall on every such re-registration pay the prescribed fee of five shillings, and failing to 10 apply for re-registration as aforesaid and to make such payment, shall cease to be a dentist: Provided that the board may at any time restore to the register the name of any such dentist upon such terms and subject to such conditions as to the board seems fit. Re-registration to be effected annually. Cf. W.A., 1899, No. 23, s. 7.
- 15 14. All penalties and fines recovered under this Act or the Principal Act, or the regulations made hereunder or thereunder, shall be paid to the board, and be applied by the board for the purposes of this Act and the Principal Act. Penalties to go to board. Cf. W.A., 1899, No. 23, s. 8.
15. Any dentist shall be exempt from serving on juries or inquests, if he so desires. Exemption from juries or inquests. Victorian Act, 1887, s. 33.



12. Nothing in this Act shall be construed in such a way as to interfere with any legally constituted medical profession or with any person employed in any public hospital or institution being properly in the discharge of his duties.

13. Every registration effected under this Act of the Principal shall be subject to the provisions of the Act relating to the passing of this Act and shall be subject to the provisions of the Act relating to the registration of medical practitioners and shall be subject to the provisions of the Act relating to the registration of medical practitioners and shall be subject to the provisions of the Act relating to the registration of medical practitioners.

14. The provisions of the Act relating to the registration of medical practitioners shall be subject to the provisions of the Act relating to the registration of medical practitioners and shall be subject to the provisions of the Act relating to the registration of medical practitioners.

15. Any medical practitioner who is registered under this Act shall be subject to the provisions of the Act relating to the registration of medical practitioners and shall be subject to the provisions of the Act relating to the registration of medical practitioners.

16. The provisions of the Act relating to the registration of medical practitioners shall be subject to the provisions of the Act relating to the registration of medical practitioners and shall be subject to the provisions of the Act relating to the registration of medical practitioners.

17. The provisions of the Act relating to the registration of medical practitioners shall be subject to the provisions of the Act relating to the registration of medical practitioners and shall be subject to the provisions of the Act relating to the registration of medical practitioners.

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19. The provisions of the Act relating to the registration of medical practitioners shall be subject to the provisions of the Act relating to the registration of medical practitioners and shall be subject to the provisions of the Act relating to the registration of medical practitioners.

20. The provisions of the Act relating to the registration of medical practitioners shall be subject to the provisions of the Act relating to the registration of medical practitioners and shall be subject to the provisions of the Act relating to the registration of medical practitioners.