

DENTISTS REGISTRATION.

No. 4 of 1963.

An Ordinance to amend the *Dentists Registration Ordinance 1931-1959*.

Short title,
and citation.

1.—(1.) This Ordinance may be cited as the *Dentists Registration Ordinance 1963*.*

(2.) The *Dentists Registration Ordinance 1931-1959*† is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Dentists Registration Ordinance 1931-1963*.

2. Section three of the Principal Ordinance is repealed and the following section inserted in its stead:—

Parts.

“3. This Ordinance is divided into Parts, as follows:—

Part I.—Preliminary (Sections 1-4).

Part II.—Administration (Sections 5-18).

Part III.—Registration and Qualifications (Sections 19-29).

Part IV.—The Conduct of Dental Practice (Sections 30-38A).

Part IVA.—Appeals (Section 38B).

Part V.—Legal Procedure (Sections 39-42).

Part VI.—Regulations (Section 43).”.

3. Section four of the Principal Ordinance is repealed and the following section inserted in its stead:—

Definitions.

“4. In this Ordinance, unless the contrary intention appears—

‘member’ means a member of the Board;

‘registered dentist’ means a person registered as a dentist under this Ordinance;

* Made on 22nd March, 1963; notified in the *Commonwealth Gazette* and commenced on 4th April, 1963.

† Ordinance No. 8, 1931, as amended by Nos. 5 and 17, 1932; No. 22, 1933; No. 20, 1935; No. 27, 1937; No. 10, 1954; and No. 21, 1959.

- ‘ the Board ’ means the Dental Board established by this Ordinance;
- ‘ the Chairman ’ means the Chairman of the Board;
- ‘ the Court of Petty Sessions ’ means the Court of Petty Sessions established under the *Court of Petty Sessions Ordinance 1930-1961*;
- ‘ the Deputy Chairman ’ means the Deputy Chairman of the Board;
- ‘ the Director-General ’ means the Director-General of Health of the Commonwealth;
- ‘ the Minister ’ means the Minister of State for Health;
- ‘ the Register ’ means The Register of Dentists kept in pursuance of section nineteen of this Ordinance.”.

4. Section sixteen of the Principal Ordinance is repealed.

Giving
false
testimony.

5. Section twenty of the Principal Ordinance is amended by inserting in sub-section (1.), after the word “ registered ”, the words “ as a dentist ”.

Mode of
registration.

6. Sections twenty-two and twenty-three of the Principal Ordinance are repealed and the following section is inserted in their stead:—

“ 22.—(1.) In this section, other than in the expression ‘ certificate of registration ’, ‘ certificate ’ includes a diploma, degree, licence, testimonial or like document.

Qualifications
for registration.

“ (2.) A person is not entitled to apply to the Board for registration as a dentist under this Ordinance unless he—

- (a) holds the degree of Bachelor of Dental Science or the degree of Bachelor of Dental Surgery of a university in Australia that is legally authorized to grant the degree; or
- (b) holds a certificate granted in a place outside Australia, being a certificate—
 - (i) that entitles him to practise dentistry in that place; or
 - (ii) the holder of which is recognized by the law of that place as having attained a sufficiently high standard of training and skill in dentistry to be permitted to practise dentistry in that place.

“ (3.) Subject to the next succeeding sub-section, where the Board is satisfied that a person who has applied for registration as a dentist under this Ordinance—

- (a) is not disqualified from so applying by virtue of the last preceding sub-section;
- (b) is of good character; and
- (c) is not suffering from any mental or physical disability that would prevent him from practising dentistry efficiently,

the Board shall, upon payment to it of the prescribed fee, cause the person to be registered as a dentist under this Ordinance and cause to be issued to him a certificate of registration in accordance with the prescribed form.

“ (4.) The Board shall not cause a person who holds a certificate of a kind referred to in paragraph (b) of sub-section (2.) of this section but does not hold a degree referred to in paragraph (a) of that sub-section to be registered as a dentist under this Ordinance unless—

- (a) the standard of training and skill the attainment of which entitled the person to the certificate—
 - (i) is declared by regulations made on the advice of the Board to be equal to the standard of training and skill required by the University of Sydney to be attained by a candidate for the degree of Bachelor of Dental Surgery of that University; or
 - (ii) is not so declared but is, in the opinion of the Board, equal to the standard of training and skill required by the University of Sydney to be attained by a candidate for that degree;
- (b) the Board is satisfied, whether by examination of the person or otherwise, that he has attained a sufficiently high standard of skill in dentistry to be permitted to practise dentistry; and
- (c) the law of the place in which the certificate held by the person was granted recognizes any person who is registered as a dentist under this Ordinance or holds a degree referred to in paragraph

(a) of sub-section (2.) of this section as having attained a sufficiently high standard of training and skill in dentistry to be permitted to practise dentistry in that place.”.

7. Section twenty-three A of the Principal Ordinance is amended— Payment of annual fee.

(a) by omitting from sub-section (3.) the words “registered by virtue of section twenty-two or twenty-three of this Ordinance”; and

(b) by omitting sub-section (4.).

8. Section twenty-four of the Principal Ordinance is repealed and the following section inserted in its stead:—

“24. Where the Board refuses to register a person under this Ordinance, the Board shall, if the person so requests, furnish to him a statement in writing of the reason for the refusal.”. Board to furnish statement of reason for refusal to register person.

9. Section twenty-five of the Principal Ordinance is amended by omitting the word and figure “sub-section (2.)” and inserting in their stead the word and figure “sub-section (3.)”. Proof of registration.

10. Section twenty-nine of the Principal Ordinance is amended by omitting from sub-section (3.) the words “, subject to sub-section (4.) of section twenty-three A of this Ordinance,”. Alteration of Register.

11. Section thirty of the Principal Ordinance is amended— Disciplinary action.

(a) by omitting from sub-section (1.) the words “The Board” (first occurring) and inserting in their stead the words “Subject to this section, the Board”;

(b) by omitting sub-sections (2.) and (3.) and inserting in their stead the following sub-section:—

“ (2.) The Board may, instead of removing from the Register the name of a person who is deemed by the Board to be guilty of an offence referred to in sub-paragraph (i), (ii) or (iii) of paragraph (e) of the last preceding sub-section—

(a) reprimand the person; or

(b) suspend the registration of the person for a period not exceeding twelve months.”; and

(c) by omitting paragraphs (a) and (b) of sub-section (5.) and inserting in their stead the following paragraphs:—

“ (a) advertising, otherwise than as permitted by the regulations, for the purpose of procuring patients or practice, or sanctioning, or being associated with or employed by a person who sanctions, such an advertisement;

“ (b) canvassing or employing an agent or canvasser for the purpose of procuring patients or practice, or sanctioning, or being associated with or employed by a person who sanctions, the employment of an agent or canvasser for that purpose; and ”.

Inquiry by Board.

12. Section thirty-one of the Principal Ordinance is amended—

(a) by omitting from sub-section (1.) the words “ any person ” and inserting in their stead the words “ a person or reprimanding, or suspending the registration of, a person ”; and

(b) by omitting from sub-section (2.) the words “ who shall thereupon cease to practise ”.

13. After section thirty-one of the Principal Ordinance the following sections are inserted:—

“ 31A. Where the Board—

(a) reprimands a person;

(b) suspends the registration of a person; or

(c) removes the name of a person from the Register,

the Board shall record the finding on which the decision was based and shall, if the person so requests, furnish to him a copy of the finding.

“ 31B.—(1.) The Chairman may, if he thinks fit, cause notice of a decision of the Board or of a Court on appeal from a decision of the Board—

(a) reprimanding a person;

(b) suspending (otherwise than under sub-section (2.) of section thirty-one of this Ordinance) the registration of a person; or

(c) removing the name of a person from the Register, and the finding on which the decision was based to be published in the *Gazette*.

Board to record finding on which decision was based.

Publication of notice of decision of Board or a Court.

“(2.) Notice of a decision of the Board or of the Supreme Court and of the finding on which the decision was based shall not be published under the last preceding sub-section until—

- (a) the period within which an appeal may be brought against the decision has expired; and
- (b) if an appeal is brought against the decision, judgment has been given on that appeal.

“(3.) An action or proceeding, civil or criminal, does not lie against a person for publishing in good faith a copy of, or a fair extract from, or a fair abstract of, a notice published in the *Gazette* in pursuance of sub-section (1.) of this section.

“(4.) A publication shall be deemed to be made in good faith if the person by whom it is made is not actuated by ill will to the person affected by the publication or by any other improper motive.

“31c. For the purposes of this Ordinance, a registered dentist whose registration is suspended shall be deemed during the period of the suspension not to be a registered dentist.”

Effect of suspension.

14. Section thirty-seven of the Principal Ordinance is amended by omitting the words “An unregistered person” and inserting in their stead the words “A person other than a registered dentist”.

Persons other than registered dentists not to sue for fees.

15. Section thirty-eight of the Principal Ordinance is amended by omitting the words “An unregistered person” and inserting in their stead the words “A person other than a registered dentist”.

Persons other than registered dentists not to hold dental appointments.

16. After section thirty-eight A of the Principal Ordinance the following Part is inserted:—

“PART IVA.—APPEALS.

“38B.—(1.) Where the Board—

Appeals.

- (a) refuses to register a person under this Ordinance;
- (b) removes the name of a person from the Register in pursuance of Part IV.;
- (c) reprimands a person; or
- (d) suspends (otherwise than under sub-section (2.) of section thirty-one of this Ordinance) the registration of a person,

the person may appeal to the Supreme Court against the decision of the Board within twenty-one days after the decision was given.

“(2.) An appeal under this section shall be in the nature of a re-hearing.

“(3.) On the hearing of such an appeal, the Supreme Court may—

(a) affirm, set aside or vary the decision of the Board;

(b) give such judgment as to the Court seems proper; and

(c) make such other order as justice requires.

“(4.) Where the Supreme Court sets aside or varies a decision of the Board, the Court shall express in its decision the finding on which the decision was based.”.

Power of
Minister to
determine
charges.

17. Section forty of the Principal Ordinance is amended—

(a) by omitting from sub-section (2.) the words “The amount specified in any such order shall be a debt due to the Crown and may be sued for and recovered by action instituted by any officer authorized in writing by the Director-General in any Court of Petty Sessions as a civil debt recoverable summarily.”; and

(b) by inserting after sub-section (2.) the following sub-section:—

“(2A.) Where a person is, by virtue of such an order, liable to pay a pecuniary penalty, the amount of that penalty is a debt due to the Commonwealth and payable to the Director-General and may be sued for and recovered as a civil debt recoverable summarily by action instituted in the Court of Petty Sessions by an officer authorized in writing by the Director-General.”.