

AUSTRALIAN CAPITAL TERRITORY

No. 31 of 1979

An Ordinance to amend the *Dentists Registration Ordinance* 1931

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act* 1910.

Dated this twentieth day of September 1979.

ZELMAN COWEN
Governor-General

By His Excellency's Command,

RALPH J. HUNT
Minister of State for Health

DENTISTS REGISTRATION (AMENDMENT) ORDINANCE 1979

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| Short title | 1. This Ordinance may be cited as the <i>Dentists Registration (Amendment) Ordinance</i> 1979. ¹ |
| Principal Ordinance | 2. In this Ordinance, "Principal Ordinance" means the <i>Dentists Registration Ordinance</i> 1931. ² |
| Heading to Division 1 | 3. After the heading to Part III of the Principal Ordinance the following heading is inserted:

" <i>Division 1—Registration and Qualifications of Dentists</i> ". |
| Interpretation | 4. After section 23A of the Principal Ordinance the following Divisions are inserted:

" <i>Division 2—Registration and Qualifications of Dental Assistants</i> |
| Mode of registration | "23B. In this Division, 'Register' means the Register of Dental Assistants.

"23C. (1) A person shall be registered as a dental assistant by the entering in the Register of his name and such other particulars relating to him as are prescribed.

"(2) Every entry in the Register shall be signed by the Chairman or the Deputy Chairman. |

“23D. (1) In this section, ‘approved course of instruction’ means a course of instruction in respect of which there is in force a declaration by the Minister under sub-section (3). Qualification
for
registration

“(2) A person is not qualified for registration as a dental assistant unless the person—

- (a) is a fit and proper person to be registered as a dental assistant;
- (b) has such command of the English language as is necessary for the proper performance of the functions of a dental assistant; and
- (c) either—
 - (i) is registered as a dental assistant under a law of a State or another Territory; or
 - (ii) has completed, to the satisfaction of the Board, an approved course of instruction.

“(3) The Minister may, by notice published in the *Gazette*, declare a course of instruction to be an approved course of instruction for the purpose of sub-section (2).

“23E. (1) Where—

- (a) a person is qualified for registration as a dental assistant; and
- (b) the person has paid the prescribed fee,

the Board shall cause the person to be registered as a dental assistant. Registration

“(2) The Board shall cause to be issued to a person who has been registered as a dental assistant a certificate in the prescribed form.

“23F. (1) A person who, on the first day of June in a calendar year, is registered as a dental assistant is liable to pay to the Board, in relation to that calendar year, the prescribed fee. Payment of
annual fee

“(2) A fee payable under sub-section (1) shall be paid to the Board on or before the thirtieth day of June in the calendar year to which the fee relates.

“(3) Subject to sub-section (4), where a person has failed to pay a fee under sub-section (1) in accordance with sub-section (2), the person is not entitled to perform any of the functions of a dental assistant until the fee has been paid to the Board.

“(4) Where a person has failed to pay a fee under sub-section (1) in accordance with sub-section (2), the Board may remove the name of the person from the Register.

“(5) A person whose name has been removed from the Register in pursuance of sub-section (4) is entitled to have his name restored to the Register on payment to the Board of all fees payable by him under sub-section (1) and unpaid.

“Division 3—Registration and Qualifications of Dental Hygienists

Interpretation

“23G. In this Division, ‘Register’ means the Register of Dental Hygienists.

Mode of registration

“23H. (1) A person shall be registered as a dental hygienist by the entering in the Register of his name and such other particulars relating to him as are prescribed.

“(2) Every entry in the Register shall be signed by the Chairman or the Deputy Chairman.

Qualification for registration

“23J. (1) In this section, ‘approved course of instruction’ means a course of instruction in respect of which there is in force a declaration by the Minister under sub-section (3).

“(2) A person is not qualified for registration as a dental hygienist unless the person—

- (a) is a fit and proper person to be registered as a dental hygienist;
- (b) has such command of the English language as is necessary for the proper performance of the functions of a dental hygienist; and
- (c) either—
 - (i) is registered as a dental hygienist under a law of a State or another Territory; or
 - (ii) has completed, to the satisfaction of the Board, an approved course of instruction.

“(3) The Minister may, by notice published in the *Gazette*, declare a course of instruction to be an approved course of instruction for the purpose of sub-section (2).

Registration

“23K. (1) Where—

- (a) a person is qualified for registration as a dental hygienist; and
- (b) the person has paid the prescribed fee,

the Board shall cause the person to be registered as a dental hygienist.

“(2) The Board shall cause to be issued to a person who has been registered as a dental hygienist a certificate in the prescribed form.

Payment of annual fee

“23L. (1) A person who, on the first day of June in a calendar year, is registered as a dental hygienist is liable to pay to the Board, in relation to that calendar year, the prescribed fee.

“(2) A fee payable under sub-section (1) shall be paid to the Board on or before the thirtieth day of June in the calendar year to which the fee relates.

“(3) Subject to sub-section (4), where a person has failed to pay a fee under sub-section (1) in accordance with sub-section (2), the person is not entitled to perform any of the functions of a dental hygienist until the fee has been paid to the Board.

“(4) Where a person has failed to pay a fee under sub-section (1) in accordance with sub-section (2), the Board may remove the name of the person from the Register.

“(5) A person whose name has been removed from the Register in pursuance of sub-section (4) is entitled to have his name restored to the Register on payment to the Board of all fees payable by him under sub-section (1) and unpaid.”

5. The following heading is inserted immediately before section 24 of the Principal Ordinance: Division heading

“Division 4—Miscellaneous”.

6. Section 25 of the Principal Ordinance is amended by omitting from sub-section (1) “sub-section (3.) of section twenty-two of this Ordinance” and substituting “sub-section 22 (3), 23E (2) or 23K (2)”. Proof of registration

7. Section 28 of the Principal Ordinance is amended by adding at the end thereof the following sub-section: Notification of change of address

“(2) Where a change occurs in the address shown in a register under this Ordinance as the address of a person by whom a dental assistant or dental hygienist is employed, the dental assistant or dental hygienist, as the case may be, shall forthwith give notice of the changed address to the Chairman.”

8. Section 29 of the Principal Ordinance is repealed and the following section substituted:

“29. (1) The Board shall remove from a register kept under this Part the name of a person who has died. Alteration of registers

“(2) The Board may, by notice given to a person whose name appears in a register kept under this Part, require the person to inform the Board whether his address has changed.

“(3) Where a person fails to reply to a notice under sub-section (2) within 6 months after the date on which the notice was given, the Board may remove the name of that person from the register.

“(4) A name removed from a register in pursuance of this section may be restored by the Board.

“(5) A notice under sub-section (2)—

- (a) shall be addressed to the person to whom it is given at his address shown in the register concerned; and
- (b) may be given by post.”

9. The following section is inserted in Part IV of the Principal Ordinance immediately before section 30:

Application
to dental
assistants,
&c.

“29A. (1) The provisions of sections 30, 31, 31A, 31B and 32 apply to, and in relation to, a person registered as a dental assistant as if a reference to the Register were a reference to the Register of Dental Assistants.

“(2) The provisions of sections 30, 31, 31A, 31B and 32 apply to, and in relation to, a person registered as a dental hygienist as if a reference to the Register were a reference to the Register of Dental Hygienists.”.

10. Section 31C of the Principal Ordinance is repealed and the following section substituted:

Effect of
suspension

“31C. A person whose registration under this Ordinance is suspended shall, during the period of the suspension, be deemed not to be registered under this Ordinance.”.

No person
other than a
registered
dentist to
practise
dentistry

11. Section 34 of the Principal Ordinance is amended by inserting after sub-section (1B) the following sub-sections:

“(1C) Nothing in this section prohibits a person who is registered as a dental assistant, acting under the direction and control of a registered dentist, from carrying out—

- (a) intra-oral dental radiography;
- (b) application of rubber dams;
- (c) pre-operative and post-operative instruction of patients;
- (d) irrigation of the mouth;
- (e) removal of sutures;
- (f) instruction of persons in oral hygiene and dental health measures; or
- (g) application of preventive solutions.

“(1D) Nothing in this section prohibits a person who is registered as a dental hygienist, acting under the direction and control of a registered dentist, from carrying out—

- (a) any procedure that may be carried out by a person who is registered as a dental assistant;
- (b) the removal of dental calculus;
- (c) the cleaning and polishing of teeth and restorations;
- (d) the taking of impressions for study casts;
- (e) the insertion and removal of surgical packs; and
- (f) the removal of orthodontic bands by means of hand-instruments.

“(1E) A person shall not be taken to have carried out a procedure referred to in sub-section (1C) or (1D) under the direction and control of a registered dentist unless—

- (a) the procedure was specified in a direction given to the person by the registered dentist as a procedure the person was to carry out;

- (b) the registered dentist was reasonably available to advise and assist the person while the procedure was being carried out; and
- (c) the registered dentist satisfied himself, by examination, that the procedure had been carried out satisfactorily.”.

12. Section 38 of the Principal Ordinance is amended by adding at the end thereof the following sub-section:

Persons other than registered dentists not to hold certain appointments

“(3) Nothing in this section applies to a person who occupies, or is employed to perform the duties of, a position under the *Health Commission Ordinance 1975* of dental assistant or dental hygienist in relation to the duties of that position if those duties are performed under the direction and control of a registered dentist.”.

13. Section 38B of the Principal Ordinance is amended by omitting from sub-section (1) “the Register” and substituting “a register”.

Appeals

14. Section 43 of the Principal Ordinance is amended—

Regulations

(a) by omitting paragraph (c) and substituting the following paragraph:

“(c) the manner of keeping registers under this Ordinance and the particulars to be entered in those registers;”;
and

(b) by omitting paragraph (e) and substituting the following paragraphs:

“(e) the control of the professional conduct of registered dentists and the practice of the profession;

(ea) the control of the conduct of dental assistants and dental hygienists in the performance of their functions; and”.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 27 September 1979.
2. Ordinance No. 8, 1931 as amended by Nos. 5 and 17, 1932; No. 22, 1933; No. 20, 1935; No. 27, 1937; No. 10, 1954; No. 21, 1959; No. 4, 1963; No. 19, 1966; No. 16, 1967; Nos. 1 and 38, 1970; No. 17, 1975; No. 65, 1977; No. 46, 1978; and No. 26, 1979.