

Act No. 45, 1900.

An Act to provide for the registration of Dentists qualified to practice in New South Wales. [5th November, 1900.]

DENTISTS.
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BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Dentists Act." Short title.
2. In the construction of this Act, unless the context otherwise Interpretation. indicates, the following terms shall have the respective meanings hereby assigned to them, that is to say:—
 - (1) "Dental board" or "board"—The dental board appointed under the provisions of this Act.
 - (2) "Dentist"—A person registered as a dentist under this Act.
 - (3) "Prescribed"—Prescribed by this Act or by any regulation made thereunder.
3. As soon as may be after the commencement of this Act the Constitution of
dental board. Governor-in-Council shall appoint two duly qualified medical practitioners and four dentists, qualified for registration hereunder, and two persons not being either medical practitioners or dentists, to be members of the dental board of New South Wales, and shall also appoint one of such members to be president thereof. All such appointments shall be for a period of three years.
4. If any vacancy occur in the office of member of the dental Filling vacancy in
first board. board during the period for which the first members of the said board are

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are appointed, the Governor-in-Council may fill such vacancy, and the person so appointed shall hold office until the expiration of three years from the date of the appointment of the first members, and no longer.

Subsequent boards
to be elected.

5. On the expiration of the period for which the first dental board shall have been appointed to hold office four dentists and two medical practitioners shall be eligible for election by the registered members under the dental board for periods of three years, and two lay members of the board shall be appointed by the Governor-in-Council for periods of three years.

Officers.

6. The board may from time to time appoint a registrar and such other officers as it may think fit for the purposes of this Act.

Register.

7. The registrar shall enter in a register, in the prescribed manner and on payment of the prescribed fee, the full names and addresses, date, and description of qualifications for which registration is granted, and all other prescribed particulars of all dentists, and shall transmit in the month of January in each year a certified copy of such register to the Colonial Secretary, who shall cause the same thereupon to be published in the Government Gazette; a copy of such Gazette shall be *prima facie* evidence, in all legal proceedings, that the persons mentioned therein are registered according to the provisions of this Act, and the omission of any name therefrom shall be *prima facie* evidence that such person is not so registered.

Removal of names of
deceased dentists.

8. The board shall cause to be removed from the register the names of deceased dentists.

Refusal to place
names on and
removal from
register.

9. The board may refuse to register as a dentist or may remove from the register any person who—

(a) has been convicted of any felony or misdemeanour, or of any offence which, if committed within this Colony, would be a felony or misdemeanour; or

(b) has been guilty of infamous conduct in any professional respect:

Provided that in the case of a charge of infamous conduct as aforesaid the board shall make due inquiry, sitting as an open court, and the person charged shall be afforded an opportunity of defence, either in person or by counsel, and shall have the right of appeal to the Supreme Court, and such appeal shall be in the nature of a rehearing:

Provided further that any such person shall not be refused registration nor have his name removed from the register on account of a conviction for an offence which, though within the provisions of this section, does not, either from the trivial nature of the offence or from the circumstances under which it was committed, disqualify a person for practising dentistry, nor until he has been called on to explain any objection raised against him.

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10. Where the board directs the removal from the register of the name of any person, the name of that person shall not be again entered on the register, except by direction of the board, or by order of a court of competent jurisdiction. The board may, if it thinks fit in any case, direct the registrar to restore to the register any name removed therefrom without fee, or on payment of such fee, not exceeding the registration fee, as the board may from time to time direct, and the registrar shall restore the same accordingly.

Restoration of name removed.

11. Any person who—

- (a) holds some recognised certificate as hereinafter defined, and who proves to the satisfaction of the board that he is of good character;
- (b) has for a period of two years before the commencement of this Act been bona fide engaged in New South Wales in the practice of dentistry, either separately or in conjunction with the practice of medicine, surgery, or pharmacy, and who has made application for registration to the board within one year from the commencement of this Act; or
- (c) has attained the age of twenty-one years and has been engaged during a period of not less than four years in the acquirement of professional knowledge in dentistry, and has passed an examination before the board according to the prescribed regulations; or
- (d) has attained the age of twenty-one years, and shall have been a pupil or apprentice for a period of not less than two years to a dental practitioner entitled to be registered under this Act: Provided that such pupilage or apprenticeship shall have been commenced at least six months before the commencement of this Act, and shall have expired before he shall be entitled to be so registered; or
- (e) has obtained a diploma or degree in dentistry from a university in Australia;

Qualification necessary for registration.

shall be entitled to be registered as a dentist under this Act.

12. Any person who has practised dentistry for not less than twelve months elsewhere than in New South Wales, and who holds some recognised certificate as hereinafter defined, and who proves to the satisfaction of the board that he is of good character, shall be entitled upon the payment of the prescribed registration fees and without examination to be registered as a dentist under this Act.

Registration of dentists with recognised certificate.

The term "recognised certificate" means a certificate, diploma, membership, degree, license, letters, testimonial, or other title, status, or document granted by some university, college, or other public institution in a British possession or foreign country, and which is recognised by the board as entitling the holder thereof to practise dentistry in such possession

Recognised certificates of dentists.

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possession or country, and as furnishing sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of dentistry.

Unregistered
persons not to
assume name
dentists, &c.

13. From and after the first day of January, one thousand nine hundred and one, no person other than a duly qualified medical practitioner shall be entitled to take or use the name or title of "dentist," or of "dental practitioner" or of "dental surgeon," or any name, initials, title, addition, or description implying that he is registered under this Act, unless he is registered hereunder. And any person who after the first day of January, one thousand nine hundred and one, not being a duly qualified medical practitioner or a dentist so registered, takes or uses any such name, initials, title, addition, or description as aforesaid shall be liable on conviction to a penalty not exceeding twenty pounds.

Copy of register to
be evidence.

14. A copy of the register kept in pursuance of this Act, signed by the president of the dental board, shall, in any proceedings under this Act, be *prima facie* evidence that the persons whose names are therein contained and no others were, up to and including the time when the said copy of the register was so signed, legally qualified dentists.

Regulations.

15. The board may, with the approval of the Governor, make, alter, and repeal regulations for carrying this Act into full effect, for the nomination and election of members of the board (after the first nominated board), and for regulating the proceedings of the board, fixing quorums, the removal of members of the board, regulating the duties of its officers, prescribing what certificates, diplomas, membership, degrees, licenses, letters, testimonials, or other titles, status, or documents will be recognised by the board under section twelve, and for holding examinations and prescribing the subjects and fees therefor. 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.

Penalties for
falsification of
register or other
frauds on the Act

16. Any registrar or other person who wilfully makes or causes to be made any false entry in or falsification of the register, and any person who wilfully procures or attempts to procure himself or any other person to be registered under this Act by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either verbally or in writing, and any person aiding or assisting therein, shall be guilty of a misdemeanour, and shall on conviction be liable to be imprisoned, with or without hard labour, for any term not exceeding twelve months.

Land Tax (Contribution).

17. The board may examine any person upon oath, or take a Power to examine
witnesses. solemn declaration from any person for the purposes of this Act; and if any person wilfully makes any false statement upon such examination or in such declaration, or utters or attempts to utter or put off as true before the board any false, forged, or counterfeit certificate, diploma, license, letter, testimonial, or other document or writing, he shall be guilty of a misdemeanour, and shall on conviction be liable to be imprisoned for any period not exceeding twelve months.

18. All informations for offences against this Act shall be laid offences and
penalties. by the registrar, or some other person appointed by the board for that purpose, and all penalties when recovered shall be paid to the dental board for the purposes of this Act. All such penalties may be recovered before any stipendiary or police magistrate or two justices of the peace sitting in petty sessions.

19. The fees mentioned in the Schedule to this Act shall be Fees. payable by persons applying to be registered, or obtaining certificates of registration under this Act, or inspecting the register respectively, to the registrar, and shall be applied by the board in defraying the expenses and carrying out the provisions of this Act.

SCHEDULE.

					£.	s.	d.
On application until 1st January, 1901	..	..	..	..	2	2	0
On application after that date	..	..	..	..	5	5	0
Certificate of registration	..	..	..	..	0	5	0
Inspection of register	..	..	..	..	0	5	0
Alteration of register	..	..	..	..	0	5	0