

Act No. 26, 1912.

DENTISTS. An Act to consolidate the Statutes providing for the Registration of Dentists qualified to practise in New South Wales. [26th November, 1912.]

BE 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:—

Short title.

Repeal.

Schedule A.

Board appointed
under repealed Acts.

1. This Act may be cited as the "Dentists Act, 1912."

2. (1) The Acts mentioned in Schedule A to this Act are, hereby repealed.

(2) Any board or president thereof appointed under the Acts hereby repealed and holding office at the time of the passing of this Act shall remain in office as if this Act had been in force at the time it or he was appointed and it or he had been appointed hereunder, and this Act shall apply to it or him accordingly.

(3)

Dentists.

(3) All persons registered as dentists under any Act hereby repealed, and being so registered at the time of the passing of this Act, shall be deemed to be registered under this Act. Persons registered under repealed Acts.

(4) The registrar and other officers holding office at the commencement of this Act shall continue to hold office, but at the pleasure of the Governor, and subject to the provisions of the Public Service Act, 1902, and any Acts amending that Act. Act No. 27, 1909, s. 3.

(5) All regulations made under the authority of any Act hereby repealed, and being in force at the time of the passing of this Act, shall be deemed to have been made under the authority of this Act. Regulations under Acts hereby repealed.

3. In the construction of this Act, unless the context otherwise indicates, the following terms shall have the respective meanings hereby assigned to them, that is to say:— Interpretation. Act No. 45, 1900, s. 2.

“Dental board” or “board”—The dental board appointed or holding office under the provisions of this Act.

“Dentist”—A person registered, or deemed to be registered, as a dentist under this Act.

“Prescribed”—Prescribed by this Act or by any regulation made, or deemed to have been made, hereunder.

4. (1) The dental board shall consist of eight members. Dental Board. Act No. 27, 1909, s. 2.

Two of such members shall be duly qualified medical practitioners, and four shall be dentists. Such members shall be appointed by the Governor; and the Governor shall appoint one of such members to be president of the board. Such appointment shall be for a term of three years.

The head of the faculty of dentistry in the University of Sydney and the president of the United Dental Hospital of Sydney shall, ex officio, be the two other members of the board.

(2) Any vacancy in the appointed members shall be filled Vacancies. Ibid. by the appointment by the Governor of a duly qualified medical practitioner, or of a dentist, as the case may be; and the person so appointed shall hold office for the residue of the term for which his predecessor was appointed.

(3) Each member of the board shall be paid a fee of one guinea for each meeting of the board which he attends, provided that the fees paid to any member during any year shall not exceed twenty-five guineas. Fees to members of board. Ibid.

5. The Governor may from time to time appoint a registrar Officers. Act No. 45, 1900, s. 6. and such other officers as he may think fit for the purposes of this Act. Act No. 45, 1900, s. 6.

6. (1) 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 Ibid. ss. 7, 14.

Dentists.

register to the Colonial Secretary, who shall cause the same thereupon to be published in the Gazette; a copy of such Gazette shall be 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.

Copy of register to be evidence.
Act No. 45, 1900,
s. 14.

Removal of names of deceased dentists.
Ibid. s. 8.

Refusal to place names on and removal from register.

Ibid. s. 9.

Restoration of name removed.

Ibid. s. 10.

Qualification necessary for registration.
Ibid. s. 11.

(2) 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 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.

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

8. 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 State, 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.

9. 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.

10. 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; or
- (b)

Dentists.

- (b) 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
- (c) has attained the age of twenty-one years, and has 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 has been commenced at least six months before the fifth day of November, one thousand nine hundred, and has expired before he shall be entitled to be so registered; or
- (d) has obtained a diploma or degree in dentistry from a university in Australia,

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

11. 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.

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

12. 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, or deemed to be registered hereunder. And any person who, not being a duly qualified medical practitioner or a dentist so registered, or deemed to be 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.

13. The Governor, on the recommendation of the board, may make regulations for carrying out the provisions of this Act, and in particular for—

- (a) regulating the proceedings and fixing the quorum of the board;
- (b) regulating the duties of officers under this Act;
- (c)

Dentists.

- (c) prescribing what certificates, licenses, diplomas, degrees, membership, or other titles or status, and what letters, testimonials, or documents will be recognised by the board under section eleven;
- (d) regulating or prohibiting the employment of persons in dentistry otherwise than under the direct personal supervision of dentists;
- (e) regulating the holding of examinations under this Act, and prescribing the subjects of and fees for such examinations;
- (f) the issue of certificates for passing such examinations, and for registration under this Act.

Such regulations shall be published in the Gazette, and a copy thereof shall be laid before each House of Parliament within fourteen days from such publication, or if Parliament be not then in session, within fourteen days from the commencement of the next session.

14. 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, for any term not exceeding twelve months.

15. The board may examine any person upon oath, or take a 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.

16. All informations for offences against this Act shall be laid 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.

17. The fees mentioned in Schedule B to this Act shall be paid to the registrar. The amount of such fees shall be paid by the registrar into the Treasury, and shall be carried to the Consolidated Revenue Fund.

Penalty for
falsification of
register or other
frauds on the Act.
Act No. 45, 1900,
s. 16.

Power to examine
witnesses.
Ibid. s. 17.

Offences and
penalties.
Ibid. s. 18.

Fees.
Act No. 27, 1909.
s. 5.

PROPERTY OF THE GOVERNMENT.

Act No. 27, 1912.

97

Claims against the Government and Crown Suits.

SCHEDULES.

SCHEDULE A.

Reference to Act.		Title of Act.
Act No. 45, 1900	...	Dentists Act, 1900.
Act No. 27, 1909	...	Dentists (Amendment) Act, 1909.

SCHEDULE B.

								£	s.	d.
On application	...	...	...	...	...	...	...	5	5	0
Certificate of registration	...	...	...	...	...	...	...	0	5	0
Inspection of register...	...	...	...	...	...	...	...	0	5	0
Alteration of register...	...	...	...	...	...	...	...	0	5	0