

DENTISTS (AMENDMENT) ACT.

Act No. 21, 1964.

Elizabeth II, An Act to make further provisions relating to the registration of dentists; to constitute a Dentists Charges Committee and to define its powers and functions; for these and other purposes to amend the Dentists Act, 1934–1957; and for purposes connected therewith. [Assented to, 12th May, 1964.]

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. (1) This Act may be cited as the "Dentists (Amendment) Act, 1964".
(2)

Short title,
citation
and com-
mencement.

(2) The Dentists Act, 1934, as amended by subsequent No. 21, 1964 Acts and by this Act, may be cited as the Dentists Act, 1934-1964.

(3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Dentists Act, 1934-1957, is amended—

Amendment
of Act No.
10, 1934.

- (a) (i) by omitting from subsection one of section Sec. 4. four the word "eight" and by inserting in lieu (Dental Board.) thereof the word "nine";
- (ii) by inserting in the same subsection after the words "United Dental Hospital of Sydney" the words "and another the Under Secretary, Department of Public Health, or a person from time to time nominated by him";
- (iii) by omitting subsections four and five of the same section and by inserting in lieu thereof the following subsections :—

(4) Any vacancy in the office of an elected or appointed member of the Board may be filled by appointment by the Governor :

Provided that in the case of a vacancy in the office of an elected member, such vacancy shall be filled by a dentist nominated by the Australian Dental Association, New South Wales Branch.

Any person appointed to fill a vacancy in the office of an elected member shall for the purposes of this section be deemed to be an elected member.

Any person appointed under this subsection shall hold office for the residue of the term for which his predecessor was elected or appointed.

(5) Each member of the Board who is not a public servant shall be paid such fees as may be determined by the Governor.

(b)

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Sec. 6.
(Particulars
in register.)

(b) (i) by omitting subsection two of section six and by inserting in lieu thereof the following subsection :—

(2) The Registrar shall, as soon as practicable in each year, cause to be printed and published a list of the names and addresses of all dentists registered under this Act, as at the thirty-first day of December of the last preceding year.

(ii) by omitting from subsection three of the same section the words “The fee so prescribed shall be not less than ten shillings nor more than two pounds.”;

(iii) by omitting from subsection four of the same section the word “registered”;

(c) (i) by omitting paragraph (c) of subsection one of section seven and by inserting in lieu thereof the following paragraph :—

(c) every dentist who is a mentally ill person, a protected person, or an incapable person, within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts;

(ii) by omitting subsections two and three of the same section;

(d) (i) by inserting next after subparagraph (iii) of paragraph (h) of subsection two of section eight the following new paragraph :—

(iiia) a council within the meaning of the Local Government Act, 1919, as amended by subsequent Acts;

(ii) by inserting next after subsection three of the same section the following new subsection :—

(3A) A dentist carrying on a practice of dentistry as or for the legal personal representative of a deceased dentist who before death carried

Sec. 7.
(Removal
of name of
deceased
dentists,
etc.)

Sec. 8.
(Removal of
name on
account of
misconduct,
etc.)

carried on such practice shall not, by reason **No. 21, 1964** of his carrying on such practice for a period not exceeding twelve months after the date of death of such deceased person or for such further period as the Minister may allow in writing in any particular case, be deemed to be guilty of misconduct in a professional respect pursuant to paragraph (d) or (h) of subsection two of this section.

- (iii) by omitting from subsection nine of the same section the words "Supreme Court" where firstly occurring and by inserting in lieu thereof the words "District Court having jurisdiction in the district within which such person resides or carries on the practice of dentistry";
- (iv) by omitting from the same subsection the words "Supreme Court" where secondly, thirdly, fourthly and fifthly occurring and by inserting in lieu thereof the words "District Court";
- (v) by omitting from the same subsection the words "The jurisdiction conferred on the Supreme Court by this section may be exercised by a single judge thereof".

3. The Dentists Act, 1934-1957, is further amended— Further amendment of Act No. 10, 1934.

- (a) by omitting subsections one, two, three and four of section ten and by inserting in lieu thereof the following subsections :—
 - (1) Any person who proves to the satisfaction of the Board that he is of good character, shall be entitled to be registered as a dentist if he—
 - (a) is the holder of a degree in dentistry granted after due examination by the University of Sydney; or
 - (b)

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- (b) (i) is the holder of any of the qualifications specified in Column Two of the Third Schedule to this Act granted by or obtained from any university, college, body, association or institution specified opposite those qualifications in Column One of the said Schedule; and
- (ii) is or was by law entitled to be registered or to practise as a dentist in the state, territory, province or country where such qualification was granted or obtained; or
- (c) is or was by law entitled to be registered or to practise as a dentist in any State of the Commonwealth of Australia (other than New South Wales); or
- (d) is recommended for registration by the Board under the provisions of subsection one or subparagraph (i) of paragraph (b) of subsection two of section 10A of this Act and the Minister has approved of the Board's recommendation; or
- (e) has under license issued pursuant to subsection two of section 10A of this Act practised dentistry to the extent permitted by the license—
- (i) under the supervision of a dentist in any public hospital, State hospital, mental hospital, private hospital or other institution, approved by the Minister, for a period of or periods aggregating three years or more; or
- (ii) in such part of the State or in such public hospital, State hospital, mental hospital, private hospital or other institution, as the Minister may

may have directed, for a period of **No. 21, 1964**
or periods aggregating three years
or more.

(2) The Board may refuse to register the name of any person who is otherwise entitled to be registered but—

- (a) who has in New South Wales been convicted of a felony or misdemeanour or elsewhere of any offence which if committed in New South Wales would have been a felony or misdemeanour; or
- (b) whose name has been erased or removed from any register or roll established or kept under any law in any country providing for the registration or certification of dentists under a public authority; or
- (c) who is a mentally ill person, a protected person, or an incapable person, within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts, or is a habitual drunkard or is habitually addicted to any drug to which Part VI of the Police Offences (Amendment) Act, 1908, applies.

The Board shall not refuse to register the name of any person on the ground specified in paragraph (a) of this subsection when the offence was not from its trivial nature or from the circumstances under which it was committed such as to render such person unfit in the public interest to practise his profession, or on the ground specified in paragraph (b) of this subsection unless the reason for such erasing or removal was an act or omission of a nature affecting his conduct in any professional respect for which, if done or omitted to be done in New South Wales, the Board would have been authorised under section eight of this Act to remove the name of such person from the dentists' register, if registered therein.

(3)

(3) No person shall be registered or licensed under this Act unless he proves to the satisfaction of the Board that he has a knowledge of the English language adequate for the conduct of the practice of dentistry, as a registered person or as the holder of a license.

(4) Any person who, immediately before the commencement of the Dentists (Amendment) Act, 1964, was registered under this Act as then enacted shall, subject to this Act, continue to be registered under this Act.

(4A) (a) The Governor may, by proclamation published in the Gazette, amend the Third Schedule to this Act by inserting in Column One of that Schedule particulars of any university, college, body, association or institution, and in Column Two of that Schedule, opposite those particulars, particulars of any qualification in dentistry granted by or obtained from any such university, college, body, association or institution, or by omitting from that Schedule any particulars therein.

(b) The Schedule as so amended shall be the Third Schedule to this Act.

(c) A recommendation to the Governor for any amendment of the Third Schedule to this Act shall not be made by the Minister except after consultation with or on the recommendation of the Board.

(d) Any person who is registered as a dentist by virtue of the possession of a qualification appearing in the Third Schedule to this Act at the time he is so registered shall, subject to this Act, continue to be registered under this Act notwithstanding that such qualification may be omitted from such Schedule after the date upon which he becomes so registered.

(b)

- (b) by inserting next after section ten the following **No. 21, 1964**
new sections :—

New secs.
10A, 10B.

10A. (1) A person not otherwise entitled to be registered as a dentist may be recommended by the Board to be so registered if the Board is satisfied that such person—

- (a) has passed through a regular graded course of dental study of four or more years duration conducted by some university, college, body, association or institution in some state, territory, province or country outside the State of New South Wales; and
- (b) has received after due examination from such university, college, body, association or institution, and which is duly recognised for the purpose in such state, territory, province or country, a qualification certifying to his ability to practise dentistry; and
- (c) is or was by law entitled to be registered or to practise dentistry in such state, territory, province or country; and
- (d) by virtue of his qualifications and experience in the practice of dentistry, is a suitable person to be registered.

(2) (a) A person not otherwise entitled to be registered as a dentist and in respect of whom the Board is not prepared to recommend to the Minister that he should be granted registration under the provisions of subsection one of this section, but who is able to satisfy the requirements of paragraphs (a), (b) and (c) of such subsection may be required to undergo further training or refresher courses in dentistry to the satisfaction of the Board.

(b)

(b) Upon completion of such further training or refresher courses to its satisfaction, the Board may recommend to the Minister that such person—

- (i) be registered as a dentist; or
- (ii) be licensed by the Board to practise under the supervision of a dentist in any public hospital, State hospital, mental hospital, private hospital or other institution, approved by the Minister; or
- (iii) be directed to practise under license issued by the Board in such part of the State or in such public hospital, State hospital, mental hospital, private hospital or other institution, as the Minister may direct.

(3) The provisions of subsection two of section ten of this Act shall, mutatis mutandis, extend to and in respect of the issue of a license under this section.

(4) Where a license has been issued to any person under this section, and while the license has effect, that person shall (for purposes connected with or relating to the practice of dentistry to the extent permitted by the license) be deemed to be registered under this Act.

(5) The provisions of sections eight and nine of this Act shall, mutatis mutandis, apply to and in respect of a person to whom a license has been issued under this section.

For the purpose of that application a reference to "a person registered in the dentists' register" and "dentist" shall be construed as a reference to a person to whom a license has been issued under this section, and any provision relating to the removal of the name of any person from the register or suspension

suspension of registration shall be construed as a No. 21, 1964 provision relating to the revocation of a license or suspension thereof.

(6) A license issued under this section shall have effect for a period of one year, or such lesser period as may be specified in the license, from date of issue, but may be renewed by the Board from time to time for a period not exceeding twelve months, upon the application of the person to whom the license was issued.

10B. The fee for registration or the issue of a license and the renewal of such license shall be as prescribed. Registration and license fees.

4. The Dentists Act, 1934-1957, is further amended—

Further amendment of Act No. 10, 1934.

- (a) by omitting from section eleven the words “fifty Sec. 11. pounds nor less than ten pounds” and by inserting (Penalty— in lieu thereof the words “one hundred pounds”. unregistered person holding himself out as a dentist.)
- (b) (i) by omitting from subsection two of section Sec. 12. twelve the words “fifty pounds nor less than (Penalty for ten pounds” and by inserting in lieu thereof practice of the words “one hundred pounds”. dentistry by unregistered person.)
- (ii) by inserting next after paragraph (b) of subsection three of the same section the following new paragraphs :—
- (b1) the doing or performing by nurses with prescribed training and attached to the Division of Dental Services of the Department of Public Health of such part of the practice of dentistry as may be prescribed, whilst carrying out under such conditions as may be prescribed in respect of any such part of the practice of dentistry, dental treatment provided by such Division to school children; or
- (b2)

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(b2) the practice of dentistry by a person licensed under this Act to the extent to which he is entitled to practise dentistry in terms of such license.

New
sec. 12A.

(c) by inserting next after section twelve the following new section—

Dentists
Charges
Committee.

12A. (1) In this section, unless the context or subject matter otherwise indicates or requires :—

“Bill” means a memorandum of any charge or remuneration for dental treatment.

“Committee” means the Dentists Charges Committee.

“Dental treatment” means the doing or performance of any act, matter or thing, the doing or performance of which forms part of the practice of dentistry.

(2) (a) There shall be a Committee to be called the Dentists Charges Committee which shall consist of five members.

(b) The members of the Committee shall be—

(i) the persons for the time being holding the offices of Director of State Health Services and Director, Division of Dental Services, in the Department of Public Health;

(ii) the President;

(iii) a dentist in private practice appointed by the Minister on the nomination of the Australian Dental Association (New South Wales Branch); and

(iv) a person appointed by the Minister, such person being a registered public accountant under the Public Accountants Registration Act, 1945, as amended by subsequent Acts, or having qualifications in the opinion of the Minister equivalent to those which are required of a person for registration as such.

(c)

(c) Any member of the Committee, other than a member of the Public Service, shall be entitled to such remuneration for his services, whether by way of fees or otherwise, as may be determined by the Governor.

(d) Three members shall constitute a quorum of the Committee and any meeting of the Committee at which a quorum is present shall be competent to transact any business of the Committee.

The members present at a meeting shall choose some one of their number to be chairman of such meeting.

(e) At any meeting of the Committee the decision of the majority shall be the decision of the Committee.

In addition to his original vote the chairman shall, in the case of equality of votes, have a second or casting vote.

(3) No action or suit for the recovery of the charge or remuneration for dental treatment by a dentist shall be commenced until the expiration of three months after a bill setting out the amount claimed and containing a brief statement indicating the nature of the dental treatment in respect of which such amount is claimed has been served personally or by post on the party to be charged with the same.

(4) (a) The party chargeable may within three months after service upon him of a bill apply in the prescribed manner to the Committee to review the same.

(b) Where an application is made pursuant to paragraph (a) of this subsection to review a bill, the Committee shall proceed to review the bill and certify what, upon such review, is found to be a reasonable charge or remuneration in respect of the dental treatment to which the bill relates.

(c)

(c) The Committee may require such evidence to be furnished as it may think necessary or desirable for the purpose of such review and may fix a time within which such evidence shall be furnished.

If any person neglects or fails to furnish any evidence so required within the time so fixed, the Committee may proceed to review the bill without such evidence.

(5) In the review of any bill, the Committee shall have regard to the following matters—

- (a) the time occupied in performing and the nature of the dental treatment rendered;
- (b) the distance between the consulting room or residence of the dentist and the place at which he rendered the dental treatment;
- (c) the hours of the day or night at which such dental treatment was rendered;
- (d) the degree of skill, knowledge or experience required or given in the rendering of such dental treatment;
- (e) whether the dentist rendered such dental treatment in the capacity of specialist, consultant or dentist in ordinary practice;
- (f) any other matter which to the Committee appears relevant.

(6) Subsections three and four of this section shall not apply in any case where the bill is in respect of the costs of medical treatment within the meaning of the Workers' Compensation Act, 1926, as amended by subsequent Acts, being treatment by a dentist or the provision of teeth.

(7) The certificate of the Committee shall be admissible as evidence in any proceedings for the recovery of the charge or remuneration to which the bill referred to in the certificate relates.

(d)

- (d) by inserting at the end of subsection one of section No. 21, 1964 thirteen the following new paragraph—
 Sec. 13.
 (Regulations.)
- (g) prescribing the fees payable under this Act including fees payable for the inspection or alteration of the register.
- (e) by omitting from section seventeen the words Sec. 17. “mentioned in the Second Schedule to” and by (Fees.) inserting in lieu thereof the words “prescribed under”;
- (f) by omitting from section eighteen the words “a Sec. 18. majority of two-thirds of all the” and by inserting (Appropriation of moneys by Board for education, etc.) in lieu thereof the words “at least six”;
- (g) by omitting the Second Schedule; (Second Schedule.)
- (h) by inserting at the end thereof the following new (Third Schedule.)

THIRD SCHEDULE.

Sec. 10.

COLUMN ONE.		COLUMN TWO.	
University, college, body, association or institution granting qualifications.			
Name of university, college, body, association or institution.	Place where university, college, body, association or institution is situated.	Qualifications.	
University of Queensland ..	Queensland ..	Bachelor of Science.	Dental
University of Adelaide ..	South Australia ..	Bachelor of Surgery.	Dental
University of Melbourne ..	Victoria ..	Bachelor of Science.	Dental
University of Western Australia.	Western Australia	Bachelor of Science.	Dental

THIRD

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THIRD SCHEDULE—*continued.*

COLUMN ONE.		COLUMN TWO.	
University, college, body, association or institution granting qualifications.		Qualifications.	
Name of university, college, body, association or institution.	Place where university, college, body, association or institution is situated.		
University of Malaya ..	Malaya	Bachelor of Dental Surgery.	
University of Malta ..	Malta	Bachelor of Dental Surgery.	
University of New Zealand ..	New Zealand ..	Bachelor in Dental Surgery.	
University of Pretoria ..	South Africa ..	Bachelor of Dental Surgery.	
University of Witwatersrand ..	South Africa ..	Bachelor of Dental Surgery.	
University of Belfast ..	United Kingdom	Licentiate in Dental Surgery or Bachelor of Dental Surgery.	
University of Birmingham ..	United Kingdom	Licentiate in Dental Surgery or Bachelor of Dental Surgery.	
University of Bristol ..	United Kingdom	Licentiate in Dental Surgery or Bachelor of Dental Surgery.	
University of Durham ..	United Kingdom	Licentiate in Dental Surgery or Bachelor of Dental Surgery.	
University of Edinburgh ..	United Kingdom	Bachelor of Dental Surgery.	
University of Glasgow ..	United Kingdom	Bachelor of Dental Surgery.	
University of Leeds ..	United Kingdom	Licentiate in Dental Surgery or Bachelor of Dental Surgery.	
University of Liverpool ..	United Kingdom	Licentiate in Dental Surgery or Bachelor of Dental Surgery.	
University of London ..	United Kingdom	Bachelor of Dental Surgery.	
University of Manchester ..	United Kingdom	Licentiate in Dental Surgery or Bachelor of Dental Surgery.	
University of St. Andrews ..	United Kingdom	Licentiate in Dental Surgery or Bachelor of Dental Surgery.	

THIRD

THIRD SCHEDULE—*continued.*

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COLUMN ONE.		COLUMN TWO.
University, college, body, association or institution granting qualifications.		
Name of university, college, body, association or institution.	Place where university, college, body, association or institution is situated.	Qualifications.
University of Sheffield ..	United Kingdom	Licentiate in Dental Surgery or Bachelor of Dental Surgery.
Royal College of Surgeons of Edinburgh.	United Kingdom	Licentiate in Dental Surgery.
Royal College of Surgeons of England.	United Kingdom	Licentiate in Dental Surgery.
Royal Faculty of Physicians and Surgeons of Glasgow.	United Kingdom	Licentiate in Dental Surgery.
University of Dublin ..	Republic of Ireland	Bachelor in Dental Science.
National University of Ireland.	Republic of Ireland	Bachelor of Dental Surgery.
Royal College of Surgeons in Ireland.	Republic of Ireland	Licentiate in Dental Surgery.