

**DENTAL TECHNICIANS REGISTRATION
(AMENDMENT) ACT, 1978, No. 157**

New South Wales



ANNO VICESIMO SEPTIMO

ELIZABETHÆ II REGINÆ

Act No. 157, 1978.

An Act to amend the Dental Technicians Registration Act, 1975, so as to alter the constitution of the Dental Technicians Registration Board and to permit dental technicians holding practising certificates as dental prosthetists to carry out certain work in the practice of dental prosthetics otherwise than on the written order of a dentist; and for certain other purposes. [Assented to, 29th December, 1978.]

See also Dentists (Amendment) Act, 1977; Dentists (Amendment) Act, 1978; Workers' Compensation (Dental Technicians) Amendment Act, 1978.

Dental Technicians Registration (Amendment).

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 :—

Short title. **1.** This Act may be cited as the "Dental Technicians Registration (Amendment) Act, 1978".

**Commence-
ment.** **2.** (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

**Principal
Act.** **3.** The Dental Technicians Registration Act, 1975, is referred to in this Act as the Principal Act.

**Amendment
of Act No.
40, 1975.** **4.** The Principal Act is amended in the manner set forth in Schedule 1.

Savings. **5.** (1) The persons who held office as members of the Dental Technicians Registration Board immediately before the day appointed and notified under section 2 (2) shall, subject to the Principal Act, continue to hold office as such members for the balance of the term for which they were appointed.

(2) The person first appointed as a member of the Dental Technicians Registration Board pursuant to section 6 (1) (h) of the Principal Act, as amended by this Act, shall, subject to the Principal Act, hold office until the expiration of the balance of the term referred to in subsection (1).

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SCHEDULE 1.

Sec. 4.

AMENDMENTS TO THE PRINCIPAL ACT.

(1) (a) Section 3—

From the matter relating to Part III, omit “ss. 14–24.”, insert instead “ss. 14–18.”.

(b) Section 3—

After the matter relating to Part III, insert :—

PART IIIA.—PRACTISING CERTIFICATES—ss. 18A–18E.

PART IIIB.—DISCIPLINARY PROVISIONS—ss. 19–20.

PART IIIC.—APPEALS—s. 21.

(c) Section 3—

From the matter relating to Part IV, omit “ss. 25–35.”, insert instead “ss. 22–35.”.

(2) (a) Section 5 (1), definition of “artificial denture”—

After the definition of “appointed day”, insert :—

“artificial denture” does not include—

(a) a fixed bridge;

(b) an artificial denture—

(i) of which an intracoronar retainer forms a part;

(ii) to which an intracoronar retainer is attached; or

(iii) which is combined with an obturator; or

(c) any prescribed dental appliance;

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) Section 5 (1), definition of “dental prosthetist”—

After the definition of “board”, insert :—

“dental prosthetist” means a dental technician to whom a practising certificate has been granted;

(c) Section 5 (1), definitions of “fitting”, “index”—

After the definition of “dentist”, insert :—

“fitting”, in relation to an artificial denture, includes taking an impression or making a measurement for the purpose of inserting, constructing, repairing or renewing the artificial denture;

“index” means the Index of Dental Prosthetists of New South Wales referred to in section 18A;

(d) Section 5 (1), definition of “practising certificate”—

After the definition of “member”, insert :—

“practising certificate” means a practising certificate granted under section 18B that is in force;

(e) Section 5 (3), (4)—

After section 5 (2), insert :—

(3) For the purposes of this Act, the practice of dental prosthetics means—

- (a) the giving of any advice to or the attendance upon any person as preparatory to, or for the purpose of, or

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

for or in connection with, the fitting, inserting, constructing, repairing or renewing of artificial dentures;

(b) the constructing, repairing or renewing by a person of artificial dentures in connection with the performance by that person of any functions referred to in paragraph (a) or (c); and

(c) the inserting or fitting of artificial dentures in healthy human mouths,

but does not include the inserting or fitting of an artificial denture where, in the proper practice of dentistry, it could be reasonably foreseen, before any such work is commenced, that an adjustment of natural teeth or the jaw would be, or is, required for the purpose of—

(d) balancing the occlusion of natural teeth and the artificial denture; or

(e) preparing natural teeth or the jaw for the insertion of the artificial denture.

(4) For the purposes of subsection (3) (c) a human mouth is not healthy if—

(a) the jaws are apparently damaged and not completely healed or are apparently diseased ;

(b) it contains any soft tissue that is apparently damaged and not completely healed or is apparently diseased; or

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(c) it contains any teeth that are apparently carious, are apparently damaged and not completely repaired or are apparently diseased.

(3) (a) Section 6 (1)—

Omit “The Governor may constitute a Dental Technicians Registration Board consisting of eight”, insert instead “There shall be a Dental Technicians Registration Board consisting of 9”.

(b) Section 6 (1) (f)—

Omit “Minister; and”, insert instead “Minister;”.

(c) Section 6 (1) (g)—

Omit “Minister.”, insert instead “Minister; and”.

(d) Section 6 (1) (h)—

After section 6 (1) (g), insert :—

(h) one shall be a dental technician nominated by the Public Service Association of New South Wales.

(e) Section 6 (1A)—

After section 6 (1), insert :—

(1A) The members of the board shall be appointed by the Governor.

Dental Technicians Registration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(4) Section 13 (2) (a)–(c)—

Omit the paragraphs, insert instead :—

- (a) for the purposes of sections 15 (1) (a) and 18B (1) (a), approve courses of training, whether conducted or to be conducted within New South Wales or elsewhere ;
- (b) recommend the standards to be achieved in the examinations to be completed by persons undertaking the courses of training referred to in paragraph (a);
- (c) arrange examinations for the purposes of sections 15 (1) (c) and 18B (1) (b);

(5) (a) Section 15 (1) (a)—

Omit “approved by the board”, insert instead “, approved by the board,”.

(b) Section 15 (5)—

Omit “the board”.

(c) Section 15 (5) (a)—

Omit the paragraph, insert instead :—

- (a) a person is entitled to be registered as a dental technician, he shall be so registered on payment of the prescribed fee;
or

(d) Section 15 (5) (b)—

Omit “is not”, insert instead “the board is not”.

Dental Technicians Registration (Amendment).

 SCHEDULE 1—*continued.*

 AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(6) Section 17 (1A)—

Before section 17 (1), insert :—

(1A) In this section, a reference to a dental technician includes a reference to a person who has been registered as a dental technician but whose registration is suspended.

(7) Section 18 (c)—

Omit “or who has ceased to possess”.

(8) Part IIIA—

After section 18, insert :—

PART IIIA.

PRACTISING CERTIFICATES.

Index.

18A. (1) The board shall keep an index to be called the “Index of Dental Prosthetists of New South Wales”.

(2) Where a practising certificate is granted to a dental technician under section 18B—

- (a) his full name;
- (b) his address;
- (c) the date on which his practising certificate was granted; and
- (d) particulars of the qualification by reason of which his practising certificate was granted to him,

shall be entered in the index.

Dental Technicians Registration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(3) The index shall at all reasonable times be open to inspection at the office of the board by any person on payment of the prescribed fee.

(4) The secretary shall, as soon as practicable after the first day of July in each year, transmit a list of names and addresses entered in the index to the Minister and, if the Minister so directs, the list shall be printed and published.

18B. (1) A person who makes application for a practising certificate in the prescribed manner is entitled to be granted a practising certificate if, at the time at which the practising certificate is granted, he is a dental technician and—

- (a) he has, in the opinion of the board, satisfactorily completed a course of training, approved by the board, fitting him to engage in the practice of dental prosthetics; or
- (b) not being a person referred to in paragraph (a), he has, in the opinion of the board, satisfactorily completed an examination relating to the practice of dental prosthetics arranged by the board.

(2) Where application is made to the board under subsection (1), the board, upon payment of the prescribed fee, shall grant a practising certificate to a person who is entitled to be granted a practising certificate.

Dental Technicians Registration (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(3) Where the board is not satisfied that a person who has made application for a practising certificate is entitled to be granted a practising certificate, it shall refuse the application and the secretary shall give the person notice of that refusal in accordance with section 29 (1).

(4) If the board does not, within 60 days after the receipt by it of an application for a practising certificate, give notice to the applicant of the result of the application, the secretary shall be deemed to have given the applicant a notice that the board has refused the application.

Inquiries in connection with section 18B.

18c. (1) The board may, for the purpose of obtaining any information required by it for the purposes of section 18B, require any applicant for a practising certificate or other person to appear before it for examination by the members of the board.

(2) A person who—

- (a) wilfully makes a false statement; or
- (b) utters or attempts to put off as true before the board a false, forged or counterfeit document purporting to be an academic award or a document signifying a technical qualification,

in connection with a matter into which the board is inquiring for the purposes of section 18B, is guilty of a misdemeanour and liable to be imprisoned for a period not exceeding 12 months.

Practising
fee.

18D. (1) In this section, a reference to a dental prosthetist includes a reference to a person who has been granted a practising certificate but whose practising certificate is suspended.

Dental Technicians Registration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(2) Every dental prosthetist shall, on or before the thirty-first day of March in each year, pay a practising fee of such amount as is prescribed for the year commencing on the first day of July next following.

(3) If a dental prosthetist does not pay the practising fee on or before the thirty-first day of March in any year, the board shall forthwith notify him by letter addressed to him at his address appearing in the register that if the fee is not paid on or before the thirtieth day of June next following his practising certificate will be cancelled.

(4) Where a dental prosthetist who has been notified in accordance with subsection (3) fails to pay the practising fee on or before the thirtieth day of June next after the notice has been forwarded to him, the board shall cancel his practising certificate.

18E. (1) The board may cancel the practising certificate of a person who requests that the practising certificate granted to him be cancelled. ^{Removal of name from index.}

(2) The board shall cancel the practising certificate of—

- (a) a deceased dental prosthetist; and
- (b) a dental prosthetist who has ceased to be a dental technician.

(3) Where the board cancels a practising certificate under subsection (1) or (2) or section 19A, it shall remove from the index the name of the person to whom the practising certificate was granted.

Dental Technicians Registration (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(9) Part IIIB, heading—

Before section 19, insert :—

PART IIIB.

DISCIPLINARY PROVISIONS.

(10) (a) Section 19 (1)—

Omit “that a dental technician” where firstly occurring, insert instead “under section 20 that a dental technician, whether or not he is a dental prosthetist”.

(b) Section 19 (1) (f)—

After “period”, insert “, not exceeding 12 months,”.

(c) Section 19 (1)—

Omit “a dental technician” where secondly occurring, insert instead “he”.

(d) Section 19 (2)—

Omit “to the register”, insert instead “to the register and, notwithstanding section 15, that person may not make application for registration as a dental technician before that time unless the board before that time directs that he may make such an application”.

(e) Section 19 (5)—

After section 19 (4), insert :—

(5) The registration of a dental technician is not in force during any period for which it has been suspended and, notwithstanding section 15,

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

a person may not make application for registration as a dental technician while his registration is suspended.

(11) Section 19A—

After section 19, insert :—

19A. (1) Where the board is satisfied after an inquiry held under section 20 that a dental prosthetist has been guilty of misconduct with respect to the practice of dental prosthetics, it may by order—

Proceedings
before
board
against
dental
prosthetist.

- (a) reprimand or caution that dental prosthetist;
- (b) suspend his practising certificate for such period, not exceeding 12 months, as it thinks fit; or
- (c) cancel his practising certificate.

(2) Whenever an order is made under subsection (1) in respect of any person, the board may make an order of any kind that may be made under section 19 in respect of that person.

(3) Where the board directs that a practising certificate be cancelled it shall in its order fix a time after which the person whose practising certificate is so cancelled may apply for another practising certificate and, notwithstanding section 18B, that person may not make application for another practising certificate before that time unless the board before that time directs that he may make such an application.

Dental Technicians Registration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(4) An order made by the board under subsection (1) shall not take effect until the expiration of a period of 21 days after notice of the making of the order is given to the dental prosthetist by the secretary in accordance with section 29 (1).

(5) A practising certificate is not in force during any period for which it has been suspended and, notwithstanding section 18B, a person may not make application for another practising certificate while his practising certificate is suspended.

(12) (a) Section 20 (1)—

Omit the subsection, insert instead :—

(1) In this section—

“delegate” means a member of the board or an officer or employee appointed or employed under the Public Service Act, 1902, specified in a resolution referred to in subsection (2);

“inquiry” means an inquiry held under this section for the purposes of section 19 (1) or 19A (1) or under both sections 19 (1) and 19A (1) in respect of the same person.

(b) Section 20 (2)—

Omit “by resolution authorise a delegate to make an inquiry under section 19 (1)”, insert instead “hold an inquiry or may, by resolution, authorise a delegate to hold an inquiry”.

Dental Technicians Registration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(c) Section 20 (3)—

Omit “dental technician”, insert instead “person”.

(13) Part IIIc, heading—

Before section 21, insert :—

PART IIIc.

APPEALS.

(14) (a) Section 21 (1) (a)—

Omit the paragraph, insert instead :—

(a) by the refusal of the board—

(i) to direct that he be registered as a dental technician; or

(ii) to direct under section 19 (2) that he may make an application for registration or under section 19A (3) that he may make application for a practising certificate;
or

(b) Section 21 (1) (b)—

After “19”, insert “or 19A”.

(c) Section 21 (3) (a)—

After “registered”, insert “or that the person applying for a practising certificate be granted a practising certificate”.

Dental Technicians Registration (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(d) Section 21 (3) (a)—

Omit “or” where lastly occurring.

(e) Section 21 (3) (a1)—

After section 21 (3) (a), insert :—

(a1) where—

(i) the practising certificate of a dental prosthetist has been cancelled under section 18E (2) (b) by reason of his ceasing to be a dental technician consequent upon the making of an order under section 19;

(ii) the appeal is against that order; and

(iii) the court, on that appeal, orders that he be registered as a dental technician,

order that his practising certificate be restored; or

(15) Part IV, heading—

Before section 22, insert :—

PART IV.

GENERAL.

(16) (a) Section 22—

After “19”, insert “or 19A”.

Dental Technicians Registration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) Section 22—

After “technician”, insert “or dental prosthetist, as the case may be,”.

(c) Section 22—

Omit “Court, in the register adjacent to the name of the person in respect of whom the order has been made.”, insert instead :—

Court—

(a) where the order was made under section 19 or under section 19A and is of a kind that may be made under section 19—in the register adjacent to the name of the person in respect of whom the order has been made; and

(b) where the order was made under section 19A and is not of a kind that may be made under section 19—in the index adjacent to the name of the person in respect of whom the order has been made.

(17) Section 23—

Omit the section.

(18) (a) Section 24—

After “register”, insert “or index”.

(b) Section 24—

After “registered”, insert “or to be granted a practising certificate”.

Dental Technicians Registration (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(19) Part IV, heading—

Omit the matter between the end of section 24 and the beginning of section 25.

(20) (a) Section 25 (1) (a)—

Omit “technician; or”, insert instead “technician, whether or not he is a dental prosthetist,”.

(b) Section 25 (1) (b)—

After “technician” where firstly occurring, insert “, whether or not he is a dental prosthetist,”.

(c) Section 25 (1) (b)—

Omit “work,”, insert instead “work; or”.

(d) Section 25 (1) (c)—

After section 25 (1) (b), insert :—

- (c) whether a dental prosthetist has been guilty of misconduct in respect of which the board, if satisfied it occurred, could make an order under section 19A (1),

(e) Section 25 (1)—

After “work” where lastly occurring, insert “or which a dental prosthetist uses in connection with the practice of dental prosthetics”.

Dental Technicians Registration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(21) Section 26 (2), (3)—

Omit section 26 (2), insert instead :—

(2) A person other than a dental prosthetist is guilty of an offence if he does any act that forms part of the practice of dental prosthetics, not being an act that is technical work.

(3) A person is guilty of an offence if he permits a person employed by him to do any act the doing of which is an offence under subsection (1) or (2).

(22) Section 27—

Omit the section, insert instead :—

27. A dental technician who carries out technical work is guilty of an offence unless that technical work—

Restrictions upon dental technicians.

(a) is carried out on the written order, in or to the effect of the form referred to in section 12 (3) (d) of the Dentists Act, 1934, of a dentist; or

(b) comprises work involved in the practice of dental prosthetics and he—

(i) is a dental prosthetist; or

(ii) carries out the work on the written order, in or to the effect of the form prescribed for the purposes of this subparagraph, of a dental prosthetist.

Dental Technicians Registration (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(23) (a) Section 28 (1A)—

After section 28 (1), insert :—

(1A) Notwithstanding subsection (1), a dental prosthetist may, in his practice as a dental prosthetist, describe himself as a dental prosthetist and use that title.

(b) Section 28 (3A)—

After section 28 (3), insert :—

(3A) A person other than a dental prosthetist who uses the title or description of dental prosthetist is guilty of an offence.

(24) (a) Section 29 (1)—

After “technician” where firstly occurring, insert “, whether or not he is a dental prosthetist,”.

(b) Section 29 (1)—

After “technician” where secondly occurring, insert “or for a practising certificate”.

(25) (a) Section 30 (b)—

After “technician”, insert “or a dental prosthetist”.

(b) Section 30 (c)—

After “19”, insert “or 19A”.

(26) (a) Section 35 (2) (a)—

After “technician”, insert “or for practising certificates”.

Dental Technicians Registration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) Section 35 (2) (b)—

Omit “restoration of the name of a person to the register”, insert instead “the grant of a practising certificate”.

(c) Section 35 (2) (c)—

Omit the paragraph, insert instead :—

(c) fees to be paid under this Act;

(d) Section 35 (2) (d)—

After “register”, insert “or index”.

(e) Section 35 (2) (f)—

Omit “work; and”, insert instead “work;”.

(f) Section 35 (2) (g)—

Omit “work.”, insert instead “work;”.

(g) Section 35 (2) (h), (i)—

After section 35 (2) (g), insert :—

(h) regulating advertising by dental technicians, whether or not they are dental prosthetists; and

(i) fixing maximum fees to be charged by dental technicians or dental prosthetists in respect of any work performed by them.

(h) Section 35 (3)—

Omit “referred to in subsection (2) (d), (f) and (g)”.
