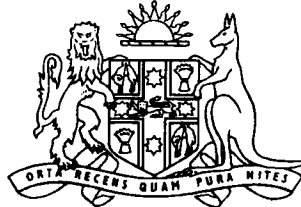


[Act 2001 No 64]



New South Wales

Dental Practice Bill 2001

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to provide for the registration of dentists and dental auxiliaries.

The current *Dentists Act 1989* provides only for the registration of dentists. This Bill repeals the *Dentists Act 1989* and re-enacts the provisions relating to the regulation of dentists with the following modifications:

- (a) a statement of the object of the Act is included,
 - (b) provision is made for the registration of dental auxiliaries,
 - (c) additional mechanisms are provided for the accreditation and recognition of qualifications entitling a person to registration as a dentist or dental auxiliary,
 - (d) additional protection for the titles “dental therapist”, “dental hygienist” and “dental auxiliary” is included,
 - (e) competence becomes an express requirement for registration as a dentist or dental auxiliary and the Dental Board (*the Board*) is given power to inquire into competence,
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- (f) a mechanism for establishing a code of professional conduct for dentists and dental auxiliaries is provided for and the operation of a code is clarified,
- (g) registered dentists and dental auxiliaries are required to submit an annual return to the Board detailing matters that establish their continuing competence and good character,
- (h) registered dentists and dental auxiliaries are required to notify the Board of convictions and criminal findings (findings of guilt without proceeding to a conviction) for various offences, and courts are required to notify the Board of certain convictions and criminal findings against registered dentists and dental auxiliaries,
- (i) definitions of *unsatisfactory professional conduct* and *professional misconduct* are introduced,
- (j) dentistry students and dental auxiliary students are required to register with the Dental Board,
- (k) a complaint against a dentist or dental auxiliary can be made and dealt with even if the dentist or dental auxiliary has ceased to be registered,
- (l) the Board is required to notify a dentist or dental auxiliary of a complaint made against the dentist or dental auxiliary,
- (m) the Dental Care Assessment Committee will inquire into less serious complaints about dentists and dental auxiliaries and make recommendations to the Board with respect to the determination of those complaints,
- (n) the Dental Care Assessment Committee will be able to conduct skills testing of a registered dentist or dental auxiliary about whom a complaint is made,
- (o) mechanisms are provided to enable the Board to monitor and manage dentists, dental auxiliaries, dentistry students and dental auxiliary students who are impaired in their ability to practise,
- (p) the Board is to have 12 members (comprising 5 elected dentists, 2 appointed dentists, one appointed dental auxiliary, one employee of the Department of Health or a public health organisation, one legal practitioner and 2 people who are not registered dentists and represent the community),
- (q) a Board member is limited to 3 consecutive 4-year terms of office,
- (r) the Board is given power to delegate its functions,
- (s) the operation of the *Criminal Records Act 1991* is modified to facilitate the reporting of and consideration of criminal findings affecting applicants for registration, dentists and dental auxiliaries,
- (t) the Board is required to notify other dental registration authorities of disciplinary action taken against a dentist or dental auxiliary,

- (u) proceedings for an offence under the Act will be able to be taken within 12 months after the offence,
- (v) any conditions on a dentist's or dental auxiliary's registration will be recorded in the Register.

The Bill also amends the *Public Health Act 1991* to restrict the carrying out of certain dentistry practices to registered dentists, registered medical practitioners, and in limited circumstances to dental auxiliaries, dentistry students, dental auxiliary students, dental technicians and dental prosthetists. The time for taking proceedings for an offence under the new provision is extended to 12 months after the offence occurs.

The Bill also enacts consequential savings and transitional provisions and makes consequential amendments to other Acts.

Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 sets out the object of the proposed Act.

Clause 4 defines certain words and expressions used in the proposed Act.

Clause 5 provides that notes in the proposed Act are explanatory only and do not form part of the Act.

Clause 6 provides that the proposed Act does not limit or otherwise affect the operation of the Mutual Recognition laws of the Commonwealth.

Part 2 Registration of dentists

Clause 7 prohibits a person from indicating that the person practises, or is qualified to practise, dentistry unless the person is registered under the proposed Act.

Clause 8 specifies the qualifications required for registration as a dentist.

Clause 9 defines competence to practise as a dentist for the purposes of the proposed Act.

Clause 10 defines impairment as a dentist for the purposes of the proposed Act.

Clause 11 specifies the circumstances in which a person is entitled to be registered as a dentist under the proposed Act.

Clause 12 provides for provisional registration as a dentist under the proposed Act for persons who are entitled to registration but whose applications for registration have not been dealt with by the Board, and for persons entitled to the qualification required for registration who have not yet had the qualification conferred on them.

Clause 13 provides for temporary registration as a dentist under the proposed Act in certain circumstances.

Clause 14 provides for limited registration as a dentist for persons who have qualifications in dentistry conferred outside the State, but who are not entitled to full registration as a dentist. A person with limited registration may practise dentistry only under the supervision of a registered dentist in an approved health institution, or in such part of the State or in such an approved health institution as the Minister may direct.

Clause 15 specifies the circumstances in which the Board may refuse to register a person as a dentist under the proposed Act.

Clause 16 specifies the effect of the removal of a person's name from the Dentists Register and the suspension of a person's registration as a dentist.

Clause 17 restricts the re-registration of deregistered dentists and certain other persons.

Clause 18 provides for an appeal to the Dental Tribunal where the Board has refused to grant registration as a dentist or cancelled registration as a dentist and in certain other cases.

Part 3 Registration of dental auxiliaries

Clause 19 provides that there are to be certain classes of dental auxiliary, being dental hygienists, dental therapists and such other classes as may be prescribed by the regulations.

Clause 20 prohibits a person from indicating that the person carries out dental auxiliary activities, or is qualified to carry out dental auxiliary activities, unless the person is registered as a dental auxiliary under the proposed Act of a class for which those activities are prescribed by the regulations as authorised activities.

Clause 21 specifies the qualifications required for registration as a dental auxiliary.

Clause 22 defines competence to carry out dental auxiliary activities for the purposes of the proposed Act.

Clause 23 defines impairment as a dental auxiliary for the purposes of the proposed Act.

Clause 24 specifies the circumstances in which a person is entitled to be registered as a dental auxiliary.

Clause 25 provides for provisional registration as a dental auxiliary under the proposed Act for persons who are entitled to registration but whose applications for registration have not been dealt with by the Board, and for persons entitled to the qualification required for registration who have not yet had the qualification conferred on them.

Clause 26 provides for temporary registration as a dental auxiliary under the proposed Act in certain circumstances.

Clause 27 specifies the circumstances in which the Board may refuse to register a person as a dental auxiliary under the proposed Act.

Clause 28 specifies the effect of the removal of a person's name from the Dental Auxiliaries Register and the suspension of a person's registration as a dental auxiliary.

Clause 29 restricts the re-registration of deregistered dental auxiliaries and certain other persons.

Clause 30 provides for an appeal to the Dental Tribunal where the Board has refused to grant registration as a dental auxiliary or cancelled registration as a dental auxiliary and in certain other cases.

Part 4 Practice of dentistry and dental auxiliary activities

Division 1 Conduct of practice

Clause 31 prohibits registered dentists from using any title, qualification or other description in relation to the dentist as a dentist or the practice of dentistry, other than those that the Board authorises the dentist to use.

Clause 32 prohibits registered dental auxiliaries from using the title “doctor” unless the dental auxiliary holds a recognised university qualification entitling the dental auxiliary to use that title. The clause also prohibits a dental auxiliary from using the title of a particular class of dental auxiliary unless the dental auxiliary is a registered dental auxiliary of that class.

Clause 33 prohibits a registered dental auxiliary from carrying out a dental auxiliary activity unless the dental auxiliary:

- (a) is registered in a class of dental auxiliary for which that dental auxiliary is authorised, and
- (b) carries out the activity subject to the practice oversight of a registered dentist.

Clause 34 allows registered dentists to practise dentistry as the director or employee of a corporation if the corporation is controlled by one or more registered dentists, and all the directors and shareholders of the corporation are registered dentists or family members of the registered dentists concerned. Such a corporation is known as an *incorporated practice*.

Clause 35 provides that the Board may establish codes of professional conduct for registered dentists or registered dental auxiliaries and provides for the use of, and procedure for the establishment of, those codes.

Division 2 Returns and information

Clause 36 provides that a registered *dental care provider* (defined as a dentist or dental auxiliary) must furnish annual returns to the Board containing specified information. The Board may require the return to be verified by statutory declaration.

Clause 37 provides that a registered dental care provider must notify the Board within 7 days if the dental care provider is convicted of an offence or made the subject of a sex/violence criminal finding for an offence or certain criminal proceedings are commenced against the dental care provider.

Clause 38 provides for the Courts to notify the Board, as soon as is practicable, of the conviction of a registered dental care provider of an offence or the making of a sex/violence criminal finding against a dental care provider.

Clause 39 requires notice to be given to the Registrar in accordance with the regulations when a registered dental care provider becomes a mentally incapacitated person.

Part 5 Complaints and disciplinary proceedings

Division 1 Interpretation

Clause 40 defines “professional misconduct” in relation to a registered dental care provider.

Clause 41 defines “unsatisfactory professional conduct” in relation to a registered dentist.

Clause 42 defines “unsatisfactory professional conduct” in relation to a registered dental auxiliary.

Clause 43 provides that for the purposes of Part 5, an act or omission of an incorporated practice is taken to be an act or omission by each director of the incorporated practice who is a registered dentist and who knowingly authorised or permitted the act or omission.

Division 2 Complaints

Clause 44 sets out the grounds for the making of complaints about registered dental care providers.

Clause 45 allows a complaint to be made even if the dental care provider has ceased to be registered.

Clause 46 provides that any person (including the Board) may make a complaint.

Clause 47 provides that complaints are to be made to the Board and lodged with the Registrar.

Clause 48 sets out the form in which a complaint is to be made.

Clause 49 provides that the Board is to notify the Health Care Complaints Commission of complaints under this Part of the proposed Act.

Clause 50 sets out the manner in which notice of the complaint is to be given to the dental care provider against whom the complaint is made and the circumstances where notice is not required to be given.

Clause 51 provides that the Board may make inquiries concerning the complaint as it sees fit.

Clause 52 requires the Board to consult with the Health Care Complaints Commission before dealing with a complaint or referring it to another body under this Part of the proposed Act.

Clause 53 sets out how complaints are to be dealt with.

Clause 54 provides that serious complaints should be referred to the Tribunal. In general, the Board must refer any complaint which may warrant the suspension or deregistration of a registered dental care provider to the Tribunal.

Clause 55 allows the Board to require a registered dental care provider to undergo a medical examination.

Clause 56 sets out the persons to whom the Board must give notice of any order made relating to a registered dental care provider.

Division 3 Referral of complaints to Dental Care Assessment Committee

Clause 57 provides for the kinds of complaints that can be referred to the Committee.

Clause 58 provides that the Committee is to investigate complaints referred to it and may encourage the settlement of the complaint by consent and authorises the Committee to obtain such dental, medical, legal, financial or other advice as it thinks necessary or desirable to enable it to carry out its functions.

Clause 59 provides that the Committee may require a registered dental care provider to undergo specified skills testing.

Clause 60 provides for the Committee to report and make recommendations to the Board.

Clause 61 provides that a complainant and dental care provider against whom the complaint is made are not entitled to be legally represented at any appearance before the Committee.

Division 4 Dealing with complaint by inquiry at a meeting of the Board

Clause 62 provides that if the Board is to deal with a complaint at a meeting of the Board, that complaint is to be dealt with in accordance with this Division and Schedule 3 (Provisions relating to the procedure of the Board).

Clause 63 allows the procedure for the calling of a meeting to deal with a complaint and for the conduct of the meeting, subject to the proposed Act and the regulations made under it, to be determined by the Board.

Clause 64 sets out certain provisions relating to the conduct of the meeting.

Clause 65 deals with the making of submissions to the meeting of the Board by the dental care provider about whom the complaint has been made, the Committee and the Health Care Complaints Commission.

Clause 66 provides that the Board must, within 30 days of making its decision on a complaint, make available to the complainant, the dental care provider concerned and such other persons as it sees fit, a written statement of the decision.

Clause 67 provides that a finding of the Board under this Division of the proposed Act is admissible as evidence in any legal proceedings.

Division 5 Disciplinary powers of Board and Tribunal

Clause 68 allows the Board or the Tribunal to exercise any of the powers or combination of powers conferred under this Division of the proposed Act if it finds the subject-matter of a complaint proved or the dental care provider concerned admits to the complaint in writing to the Board or Tribunal.

Clause 69 sets out the general disciplinary powers of the Board.

Clause 70 provides for the making of a recommendation by the Board for the suspension or deregistration of a dental care provider on the grounds that the dental care provider does not have sufficient physical and mental capacity to practise dentistry (in the case of a dentist) or to carry out dental auxiliary activities (in the case of a dental auxiliary).

Clause 71 sets out the disciplinary powers of the Tribunal.

Division 6 Powers of the Board for the protection of the public

Clause 72 empowers the Board to suspend (for not more than 8 weeks), or impose conditions on the registration of, a registered dental care provider if it is satisfied that such action is necessary for the purpose of protecting the life, or the physical or mental health, of any person.

Clause 73 provides that the Board may at any time alter or remove conditions imposed under this Division of the proposed Act.

Clause 74 requires the Board to refer the matter to the Health Care Complaints Commission for investigation after taking any action under clause 72. The Commission is to investigate the matter and then refer it as a complaint to the Tribunal or to the Board to be dealt with by inquiry at a meeting of the Board.

Clause 75 sets out special provisions to be followed if the Board takes action against a registered dental care provider under clause 72 because the Board is of the opinion that the dental care provider suffers from an impairment.

Clause 76 requires the Board to notify the Chairperson of the Tribunal if the Board has suspended a registered dental care provider under clause 72.

Clause 77 provides that a period of suspension may be extended for a period or further period of not more than 8 weeks but only if the extension has been approved in writing by the Chairperson or a Deputy Chairperson of the Tribunal and the complaint about the dental care provider has not been disposed of.

Clause 78 deals with the rights and privileges of persons on the expiration of their period of suspension as a registered dental care provider.

Clause 79 deals with conditions imposed on a registered dental care provider under clause 72 where the matter is dealt with as a complaint against the dental care provider.

Clause 80 deals with conditions imposed on a registered dental care provider under clause 72 where the matter is referred to an Impaired Registrants Panel.

Part 6 Impairment

Clause 81 provides for matters to be referred to an Impaired Registrants Panel.

Clause 82 allows a person to notify the Board of any matter that the person thinks indicates that a registered dental care provider or a *dental student* (defined as including a dentistry student or a dental auxiliary student) suffers from or may suffer from an impairment.

Clause 83 allows the Health Care Complaints Commission to refer to the Board any matter that indicates that a registered dental care provider or dental student suffers from or may suffer from an impairment.

Clause 84 provides that an Impaired Registrants Panel is to inquire into any matter referred to it. The Panel may request that the registered dental care provider or dental student concerned attend before the Panel for the purpose of enabling it to obtain information on the matter and make an assessment.

Clause 85 provides that an Impaired Registrants Panel is not to investigate or take any other action if it is aware that the matter is the subject of an investigation by the Health Care Complaints Commission.

Clause 86 requires the Board to notify the registered dental care provider or dental student of any proposed inquiry by an Impaired Registrants Panel.

Clause 87 allows a registered dental care provider or dental student who is the subject of a matter referred to an Impaired Registrants Panel to make oral or written representations to the Panel.

Clause 88 allows the Board to require a dental student to undergo a medical examination. (Clause 55 provides for medical examinations of registered dental care providers.)

Clause 89 provides that an Impaired Registrants Panel is to make an assessment in respect of each referral to it based on its inquiry and may counsel the dental care provider or dental student concerned or require that he or she undertake counselling, recommend that the dental care provider or dental student consent to conditions being placed on his or her registration or to his or her suspension for a specified period or make other recommendations to the Board.

Clause 90 allows the Board to place conditions on the registration of a registered dental care provider or suspend the registered dental care provider if an Impaired Registrants Panel has recommended it and the Board is satisfied that the dental care provider has voluntarily consented to that recommendation.

Clause 91 deals with the review of conditions placed on the registration of a registered dental care provider or the suspension of the registered dental care provider where the dental care provider had voluntarily consented to the conditions or suspension.

Clause 92 provides that certain matters referred to an Impaired Registrants Panel are to be dealt with as complaints against the dental care provider concerned.

Clause 93 provides that the Board may, on the recommendation of an Impaired Registrants Panel, prohibit a dental student undertaking clinical studies or a clinical placement, or impose conditions on a dental student undertaking such studies or such a placement.

Clause 94 provides that a dental student may appeal to the Tribunal against a decision of the Board under clause 93.

Clause 95 deals with the confidentiality of reports by an Impaired Registrants Panel to the Board.

Part 7 Appeals and review of disciplinary action

Division 1 Appeals against actions of the Board

Clause 96 deals with appeals to the Tribunal against any finding of the Board or any exercise of any power of the Board under Division 5 (Disciplinary powers of Board and Tribunal) of Part 5 of the proposed Act.

Clause 97 deals with appeals to the Tribunal relating to suspensions of, or impositions of conditions on, the registration of dental care providers.

Clause 98 allows an appeal with respect to a point of law to be made to the Chairperson of the Tribunal, or a Deputy Chairperson nominated by the Chairperson, when a complaint is dealt with at a meeting of the Board.

Division 2 Appeals against actions of Tribunal

Clause 99 allows a preliminary appeal (during an inquiry on a complaint by the Tribunal or before the commencement of the inquiry but after the complaint has been referred to the Tribunal) with respect to a point of law to be made to the Supreme Court by the dental care provider concerned or the complainant, but only with the leave of the Chairperson or a Deputy Chairperson.

Clause 100 deals with appeals to the Supreme Court by the dental care provider about whom a complaint has been referred to the Tribunal or the complainant regarding a decision of the Tribunal as to a point of law or the exercise of any power of the Tribunal under Division 5 of Part 5 of the proposed Act (Disciplinary powers of Board and Tribunal).

Clause 101 sets out the powers of the Supreme Court in determining an appeal.

Division 3 Review of suspension, cancellation or conditions

Clause 102 deals with the right of a person to apply for a review of an order of the Board, the Chairperson or a Deputy Chairperson, the Tribunal or the Supreme Court that the registration of the person be suspended, that the person's name be removed from the Register or not be re-registered, or that conditions be placed on the person's registration.

Clause 103 provides that the *appropriate review body* to deal with an application for review is the Tribunal except where the order being reviewed provides that it may be reviewed by the Board, in which case the Board is the appropriate review body.

Clause 104 deals with the powers of the appropriate review body on undertaking a review.

Clause 105 deals with the nature of the review.

Part 8 Dental Board

Clause 106 constitutes the Dental Board.

Clause 107 specifies the functions of the Board.

Clause 108 provides for the membership of the Board.

Clause 109 provides for the appointment of a Registrar and other staff necessary to enable the Board to exercise its functions.

Clause 110 enables the Board to establish committees to assist it to exercise its functions.

Clause 111 provides for the delegation of the Board's and the Registrar's functions.

Clause 112 gives effect to Schedules 2 and 3 which contain further provisions relating to the membership and procedure of the Board.

Part 9 Dental Care Assessment Committee

Clause 113 constitutes the Dental Care Assessment Committee.

Clause 114 specifies the functions of the Committee.

Clause 115 provides for the membership of the Committee.

Clause 116 gives effect to Schedule 4 which contains further provisions relating to the membership and procedure of the Committee.

Part 10 Impaired Registrants Panels

Clause 117 provides for the establishment of Impaired Registrants Panels for the purposes of the proposed Act. The Panels are to have, and may exercise, such jurisdiction and functions as are conferred or imposed on them by or under the proposed Act or any other Act.

Clause 118 requires the Board, when it decides to refer a matter to an Impaired Registrants Panel, to appoint 2 persons to sit as the Panel. If the matter relates to a dental auxiliary, the Board is to appoint an additional person, who is to be a registered dental auxiliary.

Clause 119 provides that only decisions supported unanimously by both members of an Impaired Registrants Panel are to be considered decisions of the Panel. Disagreements between members of a Panel are to be reported to the Board.

Part 11 Dental Tribunal

Division 1 Constitution of the Tribunal

Clause 120 provides for the establishment of the Dental Tribunal. The Tribunal is to be constituted in accordance with the proposed Act to deal with a matter referred to it or an appeal or application made to it under the proposed Act.

Clause 121 provides for experienced legal practitioners to be appointed as the Chairperson and Deputy Chairpersons of the Tribunal.

Clause 122 deals with the appointment of persons to sit on the Tribunal when a complaint or other matter is referred to the Tribunal, the Health Care Complaints Commission decides to prosecute a complaint before the Tribunal under the *Health Care Complaints Act 1993* or an appeal or application under the proposed Act to the Tribunal is lodged with the Registrar.

Clause 123 provides that the Tribunal may continue and come to a determination despite a vacancy in its membership which occurs when a matter is part-heard. This provision does not apply if it is the Chairperson or a Deputy Chairperson who vacates office, or more than one vacancy occurs.

Clause 124 deals with payment of non-legal Tribunal members.

Clause 125 provides for a seal of the Tribunal of which courts and persons acting judicially are to take notice.

Division 2 Proceedings of the Tribunal

Clause 126 provides that the decision of the Chairperson or a Deputy Chairperson on any question of law or procedure arising during an inquiry or appeal at which that person presides is the decision of the Tribunal for the purposes of the inquiry or appeal. All other decisions must be supported by at least 3 members of the Tribunal. In cases where 2 members support and 2 oppose a decision, the decision of the Chairperson or Deputy Chairperson presiding prevails.

Clause 127 deals with the time at which orders of the Tribunal take effect.

Clause 128 provides that a power of the Tribunal exercised under the proposed Act by the Supreme Court (except for the purposes of any appeal) is taken to have been exercised by the Tribunal.

Clause 129 requires the Tribunal to inform the Registrar of the exercise of any power under Part 5 (Complaints and disciplinary proceedings) of the proposed Act.

Division 3 Inquiries, appeals etc before the Tribunal

Clause 130 deals with the jurisdiction of the Tribunal to conduct an inquiry into any complaint, matter or application and to hear any appeal referred to it.

Clause 131 provides for the fixing of the time and place for the conduct of an inquiry or the hearing of an appeal and the notice that must be given of that time and place.

Clause 132 deals with the conduct of proceedings before the Tribunal.

Clause 133 enables a complainant or a registered dental care provider about whom a complaint is made to be represented by a legal practitioner or another adviser in proceedings before the Tribunal.

Clause 134 prohibits the Chairperson or a Deputy Chairperson from sitting on an inquiry or appeal concerning a matter on which he or she has already made a decision.

Clause 135 provides for adjournments and interlocutory orders.

Clause 136 requires the Tribunal to provide a written statement of its decision on an inquiry or appeal to the complainant, the dental care provider concerned and the Board. The statement must set out any findings on material questions of fact, refer to any evidence or other material on which findings were based and give the reasons for the decision.

Clause 137 provides that the Tribunal is not required to include confidential information in its statement of a decision. If the statement would be false or misleading without the confidential information the Tribunal is not required to provide the statement. However, a confidential information notice must then be provided indicating that confidential information is not given or the statement will not be provided.

Part 12 Miscellaneous

Clause 138 requires dentistry students and dental auxiliary students to register with the Board.

Clause 139 specifies the circumstances in which the Board may approve the employment of a dentist by a person who is not a dentist. Clause 41 prohibits a dentist being employed by a non-dentist except in particular circumstances.

Clause 140 provides an exemption from the restrictions specified in clauses 7 and 20 for dental technicians and dental prosthetists.

Clause 141 allows a dentist to practise dentistry as or for the legal personal representative of a deceased dentist for a period of 12 months, or such further period as the Board may allow.

Clause 142 provides for the civil liability of directors of incorporated practices.

Clause 143 deals with the application of the *Criminal Records Act 1991*.

Clause 144 provides for the service of notices.

Clause 145 provides for the service of documents on the Board.

Clause 146 requires the Board, the President or an authorised member of the Board to provide on request a written statement of the reasons for a decision.

Clause 147 requires the Board to notify various health professional registration authorities of the taking of disciplinary action against a dental care provider.

Clause 148 makes it an offence to make a false entry in the Dentists Register or the Dental Auxiliaries Register (or, by fraud, to procure such an entry) or to make a false statement to obtain registration. The offence carries a maximum penalty of 50 penalty units (\$5,500) or 12 months imprisonment, or both.

Clause 149 provides for certain documents under the hand of the Registrar and entries in the Register to be evidence in proceedings.

Clause 150 provides for the authentication of official documents of the Board by signature instead of seal.

Clause 151 provides for the disbursement of money received by the Board and empowers the Board to waive the payment of fees.

Clause 152 requires the Board to establish a Dental Education and Research Account (for dental education and research). The clause provides for money to be paid into the Account and specifies the purposes for which that money may be expended.

Clause 153 provides for the appointment and powers of inspectors.

Clause 154 enables an inspector to obtain a search warrant.

Clause 155 provides that certain persons given functions under the proposed Act do not incur personal liability for things done in good faith in carrying out those functions.

Clause 156 provides that if a corporation contravenes any provision of the proposed Act or the regulations, each director or other person concerned in the management of the corporation is also taken to have contravened the provision.

Clause 157 provides that proceedings for offences against the proposed Act and regulations are to be dealt with summarily before a Local Court constituted by a Magistrate sitting alone. Such proceedings are to be instituted within 12 months of the act or omission alleged to constitute the offence.

Clause 158 provides for the making of regulations under the proposed Act.

Clause 159 is a formal provision giving effect to Schedule 6 to amend certain other Acts and a Regulation set out in that Schedule.

Clause 160 repeals the *Dentists Act 1989*.

Clause 161 is a formal provision giving effect to Schedule 7 (Savings and transitional provisions).

Schedules

Schedule 1 contains provisions relating to the making of applications for registration, procedures for dealing with applications, inquiries concerning entitlement to and eligibility for registration, the keeping and alteration of the Dentists Register and Dental Auxiliaries Register, annual registration fees and removal from and alteration of the Registers.

Schedule 2 contains provisions relating to the members of the Board.

Schedule 3 contains provisions relating to the procedure of the Board.

Schedule 4 contains provisions relating to the members and procedure of the Committee.

Schedule 5 contains provisions relating to proceedings before the Tribunal.

Schedule 6 makes consequential amendments to various Acts and a Regulation.

Schedule 7 contains savings and transitional provisions consequent on the enactment of the proposed Act.