

No. , 1933.

A BILL

To make further provisions with respect to the registration of dentists; for that and other purposes to amend the Dentists Act, 1912-1927, and certain other Acts; and for purposes connected therewith.

[MR. WEAVER ;— *August, 1933.*]

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:—

5 **1.** (1) This Act may be cited as the "Dentists Short title. (Amendment) Act, 1933."

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

4531 1—A (4)

(3)

(3) The Dentists Act, 1912-1927, as amended by this Act, may be cited as the Dentists Act, 1912-1933.

Amendment
of Act
No. 26, 1912.
Sec. 3.
(Interpreta-
tion.)

2. The Dentists Act, 1912-1927, is amended—

(a) by omitting from section three all words after the words “practice of dentistry” and by inserting in lieu thereof the following words and new subsection:— 5

“Recognised certificate” does not include a diploma or degree which entitles the holder thereof to registration as a dentist pursuant to paragraph (b) or paragraph (c) of section ten of this Act. 10

(2) (a) For the purposes of this Act a person practises in dentistry who—

(i) by card, pamphlet, newspaper advertisement or in any other way whatsoever advertises himself as a person entitled to practise in dentistry; or 15

(ii) for fee, salary or other reward whatsoever paid directly or indirectly to himself or any other person performs an operation of any kind on or treats diseases, deficiencies or lesions of the human teeth or jaws or corrects malpositions thereof; or 20 25

(iii) indicates in any way that he will perform by himself his agent or servant any operation upon the human teeth or jaws; or

(iv) makes any examination of the human teeth or jaws with the intention of performing causing or advising any operation to be performed thereon; or 30

(v) manages or conducts as manager, proprietor, or in any other manner whatsoever a place where dental operations are performed; or 35

(vi) takes any impression of the human teeth or jaws for the purpose of constructing, repairing or renewing artificial dentures; or 40

(vii), 40

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Dentists (Amendment).

5 (vii) except in the course of radiographic work at an incorporated hospital or separate institution under the Public Hospitals Act, 1929-1932, radiographs or makes or causes to be made any x-ray of any portion of the human teeth or jaws; or

10 (viii) except for or on behalf of a registered dentist engages in the mechanical construction or the repair of artificial dentures, or advertises that he is prepared to engage in such work otherwise than for or on behalf of a registered dentist.

15 (b) A student of medicine or of dentistry who performs an operation in the clinical department of any hospital attached to the University of Sydney, or of the United Dental Hospital of Sydney or any other dental hospital recognised by the board as a training school for students of dentistry shall not, for the purpose of this Act be deemed to practise in dentistry.

20 (b) by omitting subsection four of section four and by inserting in lieu thereof the following subsection:— Sec. 4. (Dental Board.)

25 (4) (a) Any vacancy in the office of an appointed member of the board may be filled by appointment by the Governor.

30 (b) Any vacancy in the office of an elected member of the board shall be filled by the election of a dentist in the prescribed manner by the persons registered as dentists for the year in which such election is held:

35 Provided that where the vacancy occurs within the last six months of the term of office of the member, the Minister may, on the application of the board, order that an election shall not be held; and may, on the like application revoke any such order.

(c)

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Dentists (Amendment).

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

Sec. 5.
(Officers.)

(c) by inserting in section five after the word "registrar" the words "an inspector"; 5

Sec. 6.
(Annual roll fee.)

(d) (i) by omitting from subsection three of section six the words "of ten shillings" and by inserting in lieu thereof the words "of such amount as may be prescribed"; 10

(ii) by inserting at the end of the same subsection the following new paragraph:—

The fee so prescribed shall be not less than ten shillings nor more than two pounds. 15

(iii) by omitting subsection four of the same section and by inserting in lieu thereof the following subsection:—

(4) If any dentist does not pay the prescribed roll fee before the thirty-first day of October in any year the board shall notify him by registered letter addressed to him at the address appearing in the register, that if the fee is not paid within one month after the posting of the letter his name will be removed from the register. 25

If any dentist who has been so notified fails to pay such fee within the time specified in the letter, the board shall remove his name from the register. 30

Sec. 8
(Refusal to place names on, and removal from register).

(e) (i) by inserting in paragraph (i) of section eight after the words "the board; or" the words "granted to him";

(ii) by inserting next after paragraph (iv) of the same section the words— 35

or

(v) for fee, salary, or other reward is employed by or associates himself with an unregistered person in carrying on a practice in dentistry. 40

(iii)

(iii) by inserting at the end of the same section the following new subsection:—

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(2) For the purpose of an inquiry in the case of a charge of misconduct in a professional respect, the board and the president or member of the board presiding at the inquiry shall, for the purposes of such inquiry, have the powers conferred by the Royal Commissions Act, 1923, on a commissioner and the chairman of a commission, respectively, appointed under Division 1 of Part II of that Act, and the said Act, section thirteen and Division 2 of Part II excepted, shall, *mutatis mutandis*, apply to any witness summoned by or appearing before the board.

(f) by omitting section ten and by inserting in lieu *Sec. 10,* thereof the following section:—

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10. (1) Any person who proves to the satisfaction of the board that he is of good character and who—

Qualification
necessary for
registration.

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- (a) holds some recognised certificate; or
- (b) has obtained a diploma or degree in dentistry from the University of Sydney; or
- (c) has obtained a diploma or degree in dentistry from any other university in the British Empire, which diploma or degree is recognised by the University of Sydney as at least equal to the degree of Bachelor of Dental Surgery in the University of Sydney; or
- (d) has attained the age of twenty-one years and within six months after the commencement of the Dentists (Amendment) Act, 1933, establishes to the satisfaction of the board that he had prior to the first day of May, one thousand nine hundred and twenty-seven—
 - (i) entered into articles of apprenticeship or pupilage in dentistry; or
 - (ii)

(ii) become engaged in the acquirement of professional knowledge in dentistry;

and who, after the commencement of the Dentists (Amendment) Act, 1933, passes an examination in Operative Dentistry, Mechanical Dentistry, Dental Surgery and Dental Materia Medica, which shall be conducted by the University of Sydney; or

(e) 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 the prescribed examinations, which shall be conducted by the University of Sydney,

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

(2) (a) No person shall be permitted to sit for the examination referred to in paragraph (d) of subsection one of this section unless he proves to the satisfaction of the board that he has attended a twelve months course at the United Dental Hospital of Sydney in acquiring professional knowledge in dentistry and presents to the board a certificate of proficiency in teeth extractions and dental anaesthetics signed by the Superintendent of such Hospital.

(b) No person shall be registered upon the qualification set out in paragraph (d) of subsection one of this section unless before the expiration of five years from the commencement of the Dentists (Amendment) Act, 1933, he passes the examination referred to in that paragraph.

A person shall be deemed to have passed such examination if he passes in the several subjects specified in that paragraph at one or more examinations; and any person who has obtained a

pass

pass in one or more of those subjects shall be deemed to have so far passed the examination and shall thereafter be required to present himself for examination only in the subjects in which he has not obtained a pass.

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(3) (a) No person shall be eligible to qualify for registration under paragraph (e) of subsection one of this section unless—

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(i) within three months from the commencement of the Dentists (Amendment) Act, 1933, he proves to the satisfaction of the board that he had prior to the commencement of the Dentists (Amendment) Act, 1933, become engaged in the acquirement of professional knowledge in dentistry;

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(ii) not later than three years after such commencement he passes an examination in accordance with the requirements prescribed by the by-laws of the University of Sydney for admission to matriculation in the Faculty of Dentistry in that University.

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(b) No person shall be registered upon the qualification set out in paragraph (e) of subsection one of this section unless before the expiration of five years from the commencement of the Dentists (Amendment) Act, 1933, or within such further time as the board may allow, either generally or in any particular case, he passes the examination referred to in that paragraph.

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(4) After the commencement of the Dentists (Amendment) Act, 1933, no person shall be apprenticed in dentistry or accepted by a dentist as a pupil or a student for the purpose of acquiring professional knowledge in dentistry.

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(5) Registration under this Act shall not confer upon any dentist the right to use, without the consent of the board, any title or description other than that of dentist, dental surgeon or surgeon dentist. In

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Dentists (Amendment).

In the event of any dentist wishing to use any additional diploma, degree, letters, or other title in dentistry other than the diploma or degree in respect of which he was registered, the consent of the board shall first be obtained. 5

If such consent is granted the board shall direct that particulars of such diploma, degree, letters, or other title be entered in the register:

Provided that after the commencement of the Dentists (Amendment) Act, 1933, the board 10 shall not consent to the use of any additional degree granted by a university in the United States of America, unless in the opinion of the board the qualifications necessary to obtain a degree at such university at the time such degree 15 was granted, were not substantially lower than the qualifications necessary to obtain a degree in dentistry at the University of Sydney.

Sec. 12.
(Penalty for taking name of dentist.)

(g) by omitting from section twelve the words "twenty pounds nor less than two pounds" and 20 by inserting in lieu thereof the words "fifty pounds nor less than ten pounds";

Sec. 12A.
(Penalty for practice by unregistered person.)

(h) by omitting from section 12A the words "twenty pounds nor less than two pounds" and by inserting in lieu thereof the words "fifty pounds 25 nor less than ten pounds";

Sec. 12B.
(Person to practise in his own name.)

(i) by inserting next after subsection two of section 12B the following new subsection:—
(3) Any person who contravenes any of the provisions of this section shall be liable for each 30 offence to a penalty not exceeding *twenty* pounds nor less than *two* pounds.

Sec. 13.
(Regulations.)

(j) by omitting paragraph (d) of section thirteen;

Sec. 17.
(Fees.)

(k) by inserting at the end of section seventeen the following words:— 35

Provided that, where in any year the prescribed roll fee exceeds the sum of ten shillings, only the amount of ten shillings shall be carried to the Consolidated Revenue Fund, and the balance of the roll fees shall be carried to an 40 account

account in Special Deposits Account in the Treasury to be called the "Dental Board Education and Research Account."

5 (1) by inserting next after section seventeen the following new section:— New sec. 18.

18. For the purpose of furthering dental education and research the board may, in any manner it may determine allocate sums of money from the Dental Board Education and Research Account. Dental education and research.

10 3. Any person accepted by the board for examination under section 10A of the Dentists Act, 1912, as inserted by the Dentists (Amendment) Act, 1916, or under that section as amended by the Dentists (Further Amend-
15 ment) Act, 1916, shall be eligible to sit for such examination within five years after the commencement of this Act. Saving of rights of certain persons.

Any such examination shall be conducted by the University of Sydney.

20 4. (1) The Dentists Act, 1912-1927, is further amended— Further amendment of Act No. 26, 1912. (Revision.)

(a) by omitting subsection two of section one; Sec. 1 (2).

(b) by omitting from paragraph (ii) of section eight the word "or" where firstly occurring. Sec. 8.

25 (2) The Dentists (Amendment) Act, 1916, is amended by omitting sections two to five both inclusive. Amendment of Act No. 15, 1916. (Revision.)

(3) The Dentists (Further Amendment) Act, 1916, is amended by omitting sections two to five both inclusive. Amendment of Act No. 54, 1916. (Revision.)

30 (4) The Dentists (Amendment) Act, 1927, is amended by omitting subsection one of section six, paragraph (b) of subsection one of section seven and paragraph (e) of section nine. Amendment of Act No. 8, 1927. (Revision.)