

1991—No. 389

**DENTISTS ACT 1989—REGULATION**

(Relating to Board Elections, Registration of Dentists, Qualifications of Dental Therapists and Dental Hygienists and Advertising by Dentists)

NEW SOUTH WALES



*[Published in Gazette No. 110 of 26 July 1991]*

HIS Excellency the Governor, with the advice of the Executive Council, on the recommendation of the Dental Board constituted under the Dentists Act 1989, and in pursuance of that Act, has been pleased to make the Regulation set forth hereunder.

J. P. HANNAFORD  
Minister for Health and Community Services.

**PART 1—PRELIMINARY**

**Citation**

1. This Regulation may be cited as the Dentists Regulation 1991.

**Commencement**

2. This Regulation commences on 26th day of July, 1991.

**Definitions**

3. In this Regulation:

“**dental hygienist**” means a person with the training prescribed in clause 39;

“**dental therapist**” means a person with the training prescribed in clause 37;

“**Department**” means the Department of Health.

“**primary votes**”, in an election of members of the Board, means the first, second, third, fourth and fifth preference votes indicated on a ballot-paper in accordance with the directions printed on the ballot-paper;

“**the Act**” means the Dentists Act 1989.

## **PART 2—ELECTION OF MEMBERS OF THE BOARD**

### **Board elections**

**4. (1)** An election of 5 members of the Board under section 8 (2) (a) of the Act is to be carried out on a date determined by the Minister, being 22 June 1994 or as soon as practicable after that date.

**(2)** Subsequent elections are to be carried out on a date determined by the Minister, being the fourth Wednesday in June (or as soon as practicable after that day) in every fourth year after 1994.

### **Returning Officer**

**5.** The Electoral Commissioner of New South Wales, or a person employed in the office of, and nominated by, the Electoral Commissioner, is to be the returning officer at an election of members of the Board.

### **Notification of election**

**6. (1)** The returning officer is, as soon as practicable after being notified in writing by the Minister of the date on which an election is required to be held, to publish in the Gazette and in at least one daily newspaper published or circulating in New South Wales a notice:

- (a) specifying the polling day for the election; and
- (b) inviting nominations from dentists to fill the vacancies for elected dentist members of the Board; and
- (c) fixing a time and a date for the close of nominations for the election, being a date at least 30 days prior to the polling day for the election.

**(2)** The notice is to be published in accordance with this clause at least 60 days prior to the polling day specified in the notice.

**(3)** The returning officer may postpone the polling day or date for the close of nominations (or both) by publishing a new notice in accordance with this clause.

**Nominations**

**7. (1)** Nomination of a candidate must be made in writing, in a form approved by the Board, and must contain the following:

- (a) the full name of the candidate;
- (b) the residential address of the candidate;
- (c) the full names, residential addresses and signatures of at least 2 nominators, being dentists other than the candidate;
- (d) an endorsement by the candidate of his or her consent to the nomination.

**(2)** A candidate may withdraw his or her nomination by notification in writing delivered to the returning officer at any time until the close of nominations for the election.

**Procedure after close of nominations**

**8. (1)** If, after the close of nominations, there is not a greater number of candidates than are required for election, the returning officer is to declare those candidates duly elected.

**(2)** If, after the close of nominations, the number of candidates is greater than the number required for election:

- (a) a poll is to be taken; and
- (b) the returning officer is to notify the Registrar of that fact.

**(3)** Not later than 7 days after being so notified by the returning officer, The Registrar is to prepare, certify and deliver to the returning officer:

- (a) a roll containing (as they appear on the Register at the close of nominations) the full name and address of every dentist; and
- (b) if required by the returning officer, a label for every dentist on the roll, being a label of a size suitable for fixing to an envelope and on which is written the dentist's full name and address.

**(4)** A reference in subclause (3) to an address of a dentist is a reference to the current address entered in the Register under section 12 (1) (a) of the Act.

**(5)** If, after the close of nominations for an election and before the polling day, any candidate dies, the returning officer is, in accordance with the Regulation, to invite fresh nominations and, if he or she thinks it appropriate, or if it is necessary, to fix another date for the poll.

**Ballot-papers**

**9. (1)** If a poll is to be taken, the returning officer must:

- (a) hold a ballot, in the manner prescribed for the purposes of section 82A of the Parliamentary Electorates and Elections Act 1912, to determine the order in which the candidates' names are to be entered on the ballot-papers;
- (b) cause ballot-papers in a form approved by the Board to be drawn up in the manner prescribed by section 83 of the Parliamentary Electorates and Elections Act 1912; and
- (c) cause the ballot-papers to be printed.

**(2)** The returning officer must, not later than 20 days prior to the date fixed for a poll, post to every dentist on the roll delivered under clause 8, at the address on that roll:

- (a) a ballot-paper printed in accordance with this clause and initialled by the returning officer; and
- (b) an envelope addressed to the returning officer.

**(3)** The envelope must contain a space on its outside for the insertion of a voter's name, address and signature.

**(4)** A dentist who has been forwarded a ballot-paper and an envelope under this clause and who wishes to vote must complete the ballot-paper in accordance with the directions printed on the ballot-paper and must send or deliver it to the returning officer folded, enclosed and sealed in the envelope addressed to the returning officer.

**(5)** The returning officer may supply a duplicate ballot-paper to a dentist to whom a ballot-paper was forwarded if:

- (a) the dentist makes a written application to the returning officer for a duplicate ballot-paper; and
- (b) the returning officer is satisfied that the ballot-paper forwarded to the dentist has been lost or destroyed.

**(6)** An election is not invalid because:

- (a) a dentist did not receive a ballot-paper; or
- (b) the returning officer did not receive a ballot-paper sent by a dentist.

**Examination of envelopes**

**10. (1)** The returning officer must, after receiving an envelope purporting to contain a ballot-paper, examine the envelope for the purpose of deciding whether to accept or reject it.

- (2) The returning officer must reject the envelope if:
- (a) it does not have legibly marked on its outside a name, an address and a signature that appear to the returning officer to be those of a dentist; or
  - (b) it is not sealed; or
  - (c) it is not received by the returning officer at or before the time stated on ballot-papers issued in respect of the election as the time at or before which the envelope is to be so received; or
  - (d) where there is more than one envelope purporting to be from the same dentist, the envelope appears to the returning officer on any reasonable evidence to bear a falsified signature or, if it does not so appear, the envelope was received by the returning officer after the first envelope which purports to be from that dentist.

### Counting of votes

11. (1) On the day fixed for the poll, the returning officer must:
- (a) open all the envelopes received except those envelopes rejected under clause 10 and extract the ballot-papers, and, without unfolding them, place the ballot-papers in a ballot-box; and
  - (b) mix the ballot-papers and draw them at random; and
  - (c) unfold them, reject those that are informal, and count and record, in accordance with clause 13, the votes recorded on those that are formal.
- (2) The returning officer must reject a ballot-paper as being informal if:
- (a) it contains any matter by which the voter may be identified; or
  - (b) it is not completed in accordance with the directions printed on it.

### Scrutiny

12. (1) Each candidate may appoint, in writing, a scrutineer to represent that candidate.

(2) The scrutineer may be present at any stage from the examination of the envelopes to the counting of the votes by the returning officer (including both those stages).

### Primary votes

13. (1) Primary votes are to be counted and recorded in the following order:

- (a) firstly, the number of fifth preference votes cast for each candidate; and

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- (b) secondly, the number of fourth preference votes cast for each candidate; and
- (c) thirdly, the number of third preference votes cast for each candidate; and
- (d) fourthly, the number of second preference votes cast for each candidate; and
- (e) fifthly, the number of first preference votes cast for each candidate.

(2) The returning officer is to total the primary votes of each candidate recorded in accordance with this clause.

(3) The returning officer is to place the first preference votes cast for each one of the candidates in a separate bundle.

**Procedure for determining election where 6 candidates**

**14.** If there are 6 candidates, and 5 of those candidates are to be elected, the returning officer is to determine the election of candidates in accordance with the following procedure:

- (a) the candidate with the smallest number of primary votes is to be excluded;
- (b) if no candidate can be so excluded, the candidate who receives the smallest number of first preference votes is to be excluded;
- (c) if no candidate can be so excluded because 2 or more candidates have an equal number of first preference votes, the candidate of those 2 or more candidates whose name is determined by lot in accordance with clause 16 is to be excluded;
- (d) the remaining 5 candidates are to be declared elected.

**Procedure for determining election where 7 or more candidates**

**15.** If there are 7 or more candidates, and 5 of those candidates are to be elected, the returning officer is to determine the election of candidates in accordance with Schedule 1.

**Determination of name of candidate by lot**

**16.** Where a candidate's name is to be determined by lot for the purposes of an election conducted under this Part, it is to be determined as follows:

- (a) the names of the 2 or more candidates are to be written on separate and similar slips of paper;
- (b) each Slip is to be folded as to prevent identification of the name on it;

- (c) the slips are to be mixed and drawn at random; and
- (d) the name that is first drawn is the name determined by lot.

### **Declaration of poll**

**17.** The returning officer must, immediately after the result of a poll has been ascertained:

- (a) publicly declare the candidates elected by notice published in the Gazette and in at least 1 daily newspaper published or circulating in New South Wales; and
- (b) notify the Minister of the result.

## **PART 3—THE REGISTER**

### **Entries in the Register**

**18. (1)** For the purposes of section 12 (1) of the Act, entries are to be made in the Register in writing, in type or print, or in any electronic medium.

**(2)** For the purposes of section 12 (1) (f) of the Act, the Registrar is required to enter the address of every place at which each dentist practises dentistry.

### **Change of address**

**19. (1)** A dentist who has changed his or her residential or practice address or who has commenced practising at a new address must, within 30 days after the change or commencement, inform the Registrar in writing of the particulars of the changed or new address.

Maximum penalty: 5 penalty units.

**(2)** The Registrar must enter in the Register the changed or new address of a dentist after being informed of the address under this clause.

### **Alteration of name or other particulars**

**20. (1)** The Registrar must, if so requested by a dentist, enter in the Register any alteration of:

- (a) the name of the dentist or
- (b) any particulars entered under section 12 (1) (d) or (e) of the Act.

**(2)** The prescribed fee for entering such an alteration in the Register is \$20.

**Application for restoration of name to Register**

**21. (1)** An application under section 13 (7) of the Act to restore a dentist's name to the Register is to be in accordance with Form 1 in Schedule 2.

**(2)** The application must be accompanied by a fee of \$100.

**(3)** The Board may waive such part of the fee as the Board may in a particular case think proper.

**Fees for obtaining information from Register**

**22. (1)** The Registrar must, on payment of a fee of \$10, permit any person to inspect the Register during the office hours of the Registrar.

**(2)** The fee for supplying a person with an extract from the Register under section 12 (2) of the Act is \$20 for each dentist in respect of whom an extract is supplied.

**Further qualifications for registration**

**23.** For the purposes of section 17 (d) of the Act, the prescribed examinations are the examinations conducted by the Australian Dental Examination Council, or any other dental examining body approved by the Board for the purposes of this clause.

**PART 4—CERTIFICATES OF REGISTRATION****Certificate of registration**

**24. (1)** On the registration of a person as a dentist, the Registrar is to issue to the person a certificate of registration in a form approved by the Board.

**(2)** The Registrar may, if satisfied that a certificate of registration has been lost, destroyed or defaced, issue a duplicate, clearly marked as such, on payment of a fee of \$30.

**New certificate after change of name**

**25.** Where the Registrar has entered an alteration of the name of a dentist under clause 20, the Registrar may issue a new certificate of registration to the dentist.



**Surrender of certificate of registration**

**26.** A dentist must surrender his or her certificate of registration to the Registrar not later than 14 days after being notified by the Board to do so if:

- (a) the name of the dentist is removed from the Register; or
- (b) the registration of the dentist is suspended.

Maximum penalty: 5 penalty units.

**Provisional registration**

**27. (1)** For the purposes of section 21 (1) of the Act, the prescribed fee for a certificate of provisional registration is:

- (a) in the case of a person who has applied to be registered by virtue of section 20 of the Act—\$20; and
- (b) in any other case—\$100.

**(2)** For the purposes of section 21 (1) of the Act, the prescribed form for a certificate of provisional registration is Form 2 in Schedule 2.

**PART 5—ADVERTISING****Definition**

**28.** In this Part, “**dentist**” includes an incorporated practice.

**General restriction on advertising**

**29.** A dentist must not advertise except in the manner and to the extent authorised by this Part.

Maximum penalty: 5 penalty units.

**Newspaper advertisement**

**30. (1)** A dentist may advertise in any newspaper any of the following events:

- (a) the commencement of the dentist’s practice; or
- (b) its relocation; or
- (c) its resumption; or
- (d) its sale or purchase; or
- (e) the sale or purchase by the dentist of another practice.

**(2)** The advertisement must comply with the following conditions:

- (a) the wording of the advertisement must be limited to an announcement of the relevant event, together with details of the

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name, business name, address, telephone number and hours of attendance of the dentist;

(b) the size of the advertisement must not exceed:

(i) in the case of a dentist who is in partnership with 1 or more other dentists, 6 centimetres by 6 centimetres; or

(ii) in the case of an incorporated practice in which 2 or more dentists are directors or employees of the corporation, 6 centimetres by 6 centimetres; or

(iii) in any other case, 6 Centimetres by 3 centimetres.

(3) Not more than 2 advertisements announcing the same event may be inserted in any newspaper under this clause during any period of 12 months.

**Announcement by letter**

**31.** A dentist may announce certain events—that is, the sale or purchase, or relocation, of the dentist's practice, the dentist's sale or purchase of another practice, or the dentist's absence or return—by means of a letter, subject to the following conditions:

(a) the letter can be sent or delivered only to patients of the dentist, to other dentists, and to medical practitioners; and

(b) the wording of the letter must be limited to an announcement of the relevant event, together with details of the name, business name, address, telephone number, hours of attendance and professional qualifications of the dentist, and of any employees, partners or directors of the dentist; and

(c) not more than one letter may be sent to each recipient in relation to any one event.

**Signs on buildings**

**32. (1)** A dentist may display notices or plates on the outside of any premises where the dentist carries on the practice of dentistry.

**(2)** A dentist employed by another dentist may display one notice or plate on the outside of any premises where the dentist is employed for the purpose of carrying on the practice of dentistry.

**(3)** Each notice or plate referred to in subclause (1) or (2) may show only:

(a) the term “dentist”, “dental surgeon”, “surgeon dentist”, “dental practitioner”, “dental surgery” or such other description as may be approved by the Board, whichever is appropriate; and

(b) the name and professional qualifications of the dentist; and

- (c) the hours of attendance and telephone number; and
- (d) the languages (other than English) spoken by the dentist or any employee of the dentist.

### **Lamps**

**33. (1)** A dentist may advertise by displaying one advertising lamp on the outside of any premises where the dentist carries on the practice of dentistry.

**(2)** A dentist must not display an advertising lamp on the outside of any premises where there is already such a lamp which advertises the practice of which the dentist is the sole practitioner or an employee, partner, or director.

**(3)** A lamp must conform to the following specifications:

- (a) each illuminated surface of the lamp must not exceed 39 centimetres by 31 centimetres; and
- (b) any lettering on the lamp must be confined to the illuminated surfaces and must be limited to the name, qualifications and hours of attendance of the dentist; and
- (c) the entire illuminated surface area of the lamp must be restricted to one colour for the background and one colour for the lettering; and
- (d) the illumination of the lamp must be limited to one fixed and non-intermittent source within the lamp.

### **Interior notices**

**34.** A dentist may exhibit on the interior of the premises at which the dentist carries on the practice of dentistry a notice advertising that practice and so fixed or placed that the lettering on the notice is not directly visible from the outside of the premises.

### **Certain advertising permitted**

**35.** Despite anything contained in this Part, a dentist may:

- (a) print on any appointment card given by the dentist to a patient particulars of the dentist's name, address, qualifications and description (if any) authorised by the Board as well as the dentist's telephone number, a diagram of the location of the dentist's practice and any logo approved by the Board in relation to the dentist; and

- (b) include on any letterhead, memorandum or account form used by the dentist the dentist's name, address, qualifications and telephone number as well as any logo approved by the Board in relation to the dentist; and
- (c) print a simple health message on any reminder notice to patients; and
- (d) be listed by name in the regular official notices or official booklet issued by any friendly society or benefit lodge which lists the names of the persons (such as dentists, medical practitioners, pharmacists, opticians and optometrists) with whom the friendly society or benefit lodge has made arrangements for services to be provided to its members; and
- (e) be listed by name in the official telephone directories in ordinary type or in any telephone or newspaper directory approved by the Board in a manner which complies with any conditions imposed by the Board.

#### **Restriction on practice in buildings displaying certain signs**

**36. (1)** A dentist must not practise dentistry in any building in or on or in the vicinity of which is exhibited or displayed (whether by the dentist or by any other person) any advertisement, sign, notice or device which indicates or is capable of being understood to indicate that dentistry is practised in the building, other than an advertisement, sign, notice or device which:

- (a) is authorised by this Part; or
- (b) complies with the conditions specified in subclauses (2) and (3).

**(2)** The advertisement, sign, notice or device must not be exhibited or displayed in such a way as to constitute an advertisement in favour of any particular dentist or dentists who may be practising in the building.

**(3)** The advertisement, sign, notice or device must contain no description other than "dental surgeon", "surgeon dentist", "dental practitioner", "dental surgery" (or such other description as may be approved by the Board) or, where 2 or more dentists are in practice, "dental clinic".

Maximum penalty: 5 penalty units.

### **PART 6—DENTAL THERAPISTS AND DENTAL HYGIENTISTS**

#### **Dental therapists**

**37. (1)** For the purposes of section 57 (4) (c) and (e) of the Act, a person with prescribed training is a person:

- (a) who has successfully completed the course of training for dental therapists provided by the Department; or
- (b) who has such other qualifications as are approved by the Board for the purposes of this clause.

(2) For the purposes of section 57 (4) (c) and (e) of the Act, the part of the practice of dentistry which may be performed by dental therapists is the following:

- (a) the dental examination of preschool and school children;
- (b) the cleaning and polishing of teeth and restorations;
- (c) the topical application to teeth of sealants, medicaments and preventive coatings;
- (d) the removal of dental calculus not involving surgical techniques requiring incisions;
- (e) the application of topical anaesthetics;
- (f) the giving of supraperiosteal or mandibular nerve block injections of local anaesthetics not involving, in either case, any other regional, intra-osseous or intra-ligamental anaesthesia;
- (g) the extraction of deciduous or permanent teeth not involving either surgical techniques or incisions;
- (h) the pulp capping of deciduous or permanent teeth and the pulpotomy of deciduous teeth;
- (i) the restoration of deciduous or permanent teeth by the use of materials other than cast metals, gold foil or porcelain;
- (j) intra-oral radiography;
- (k) the taking of impressions, at the prescription of a dentist, for use in study models, mouthguards and removable orthodontic appliances.

(3) For the purposes of section 57 (4) (e) of the Act, the Aboriginal Medical Service is a prescribed institution.

### **Treatment by dental therapists**

**38. (1)** A dental therapist may perform that part of the practice of referred to in clause 37 only under the supervision of the Chief Dental Officer of the Department or a dentist authorised by the Chief Dental Officer to supervise treatment by dental therapists.

(2) It is sufficient compliance with this clause if the Chief Dental Officer or any other dentist authorised for the purposes of this clause would be available, within a reasonable time (having regard to the distance involved and the type of assistance required), to assist the dental therapist if assistance were required.

**Dental hygienists**

**39. (1)** For the purposes of section 57 (4) (f) of the Act, a person with prescribed training is a person:

- (a) who has undertaken a course of studies approved by the Board for the purposes of this clause; or
- (b) who has successfully completed an examination in dental hygiene approved by the Board for the purposes of this clause.

**(2)** For the purposes of section 57 (4) (f) of the Act, the part of the practice of dentistry which may be performed by a dental hygienist is the following:

- (a) pre-operative and post-operative instruction;
- (b) the irrigation of the mouth;
- (c) the insertion and removal of surgical packs;
- (d) the application and removal of rubber dam;
- (e) the polishing of restorations;
- (f) simple prophylaxis;
- (g) the topical application of coatings, sealants, fluoride solutions and preventive medicaments;
- (h) the scaling of supra-gingival and sub-gingival calculus deposits from the teeth;
- (i) root planing;
- (j) the removal of sutures;
- (k) intra-oral radiography;
- (l) the taking of simple impressions for study casts;
- (m) the recording of periodontal disease;
- (n) dental health education;
- (o) dietary counselling for dental purposes.

**Treatment by dental hygienists**

**40.** A dental hygienist may perform that part of the practice of referred to in clause 39 only if:

- (a) the treatment to be carried out does not involve the cutting of oral or dental tissue; and
- (b) except as provided by paragraph (c), the dental hygienist is employed by a dentist:
  - (i) by whom the dental hygienist is supervised; and
  - (ii) who is on the premises at the time at which the treatment is carried out; and

- (c) where the dental hygienist is employed under the direction, control and supervision of the Chief Dental Officer of the Department—the Chief Dental Officer, or a dentist engaged to practise dentistry on the premises where the dental hygienist is employed, would be available, within a reasonable time (having regard to the distance involved and the type of assistance required), to assist the dental hygienist if assistance were required; and
- (d) the treatment to be carried out by the dental hygienist is in accordance with a written treatment plan prepared by a supervising dentist.

## **PART 7—MISCELEANEOUS**

### **General anaesthesia and simple sedation in dentistry**

**41. (1)** A dentist must not carry out any procedure forming part of the practice of dentistry on a patient to whom a general anaesthetic has been administered unless the general anaesthetic has been administered by a registered medical practitioner who:

- (a) is a specialist in anaesthesia; or
- (b) is accredited for the purposes of administering any general anaesthetic at a public or private hospital where surgery may lawfully be carried out.

Maximum penalty: 5 penalty units.

**(2)** A dentist must not administer simple sedation by the intravenous route unless he or she:

- (a) has received appropriate training in techniques of resuscitation and intravenous sedation, as approved by the Board; and
- (b) is assisted by another person who is either:
  - (i) a dentist who has also received appropriate training in techniques of resuscitation and intravenous sedation, as approved by the Board; or
  - (ii) a registered nurse (within the meaning of the Nurses Registration Act 1953) who has received training in intensive care or anaesthesia.

Maximum penalty: 5 penalty units.

(3) In this clause:

“**general anaesthetic**” means any drug or substance which when administered to a patient will render the patient:

- (a) unaware of the patient’s surroundings; and
- (b) unable to retain reflex control of the airway; and
- (c) incapable of understanding and obeying a spoken command;

“**simple sedation**” means a technique in which the use of a drug or drugs produces a state of depression of the central nervous system enabling treatment to be carried out, and in which:

- (a) verbal contact with the patient is maintained throughout the period of sedation; and
- (b) the drugs and techniques used have a margin of safety wide enough to render unintended loss of consciousness unlikely.

#### **Patients’ records**

42. (1) A dentist must, in relation to every patient treated by the dentist or by a person employed by the dentist in the practice of dentistry, cause a record to be kept of the following information:

- (a) the name and address of the patient;
- (b) if the patient has not attained the age of 18 years—the name and address of a parent or guardian of the patient;
- (c) the date of birth of the patient;
- (d) the sex of the patient;
- (e) the date on which the patient is first examined by the dentist;
- (f) the date of each occasion on which the patient is treated by the dentist, or by any person employed by the dentist in the practice of dentistry, with a brief description of the treatment administered by the dentist or person on each occasion.

(2) Such a record must be retained by the dentist for a period of not less than 7 years from the latest occasion on which the patient is treated by the dentist or by a person employed by the dentist in the practice of dentistry.

Maximum penalty: 5 penalty units.

#### **Supervisor’s report on holder of licences**

43. The person under whose supervision the holder of a licence under section 18 (1) of the Act is practising must, at the expiration of 3 months from the commencement of the supervision and at the end of each succeeding period of 6 months, furnish to the Board a report stating the following:



- (a) the dental knowledge and skill of the holder;
- (b) whether the duties of the holder have been satisfactorily performed by the holder;
- (c) whether the holder has committed any breach of ethics;
- (d) the attitude of the holder to patient care;
- (e) the ability of the holder to communicate with patients and colleagues;
- (f) the willingness and capacity of the holder to undertake continuing dental education.

Maximum penalty: 5 penalty units.

#### **Dentist's order for certain technical work**

**44.** For the purposes of section 57 (4) (h) of the Act, an order by a dentist for technical work is to be in accordance with Form 3 in Schedule 2 (except where that work is part of the practice of dental prosthetics).

#### **Referral of mental health matters to Registrar**

**45. (1)** For the purposes of section 32 of the Act, the prescribed person who is to cause notice to be forwarded to the Registrar is:

- (a) in the case of a dentist who becomes a protected person, the Protective Commissioner; or
- (b) in any other case, the attending medical practitioner.

**(2)** The manner of forwarding notice to the Registrar is by giving the Registrar, by telephone and by post, the following particulars:

- (a) the name and residential address of the dentist concerned;
- (b) if appropriate, the date on which the dentist was admitted to the institution at which the dentist is a patient;
- (c) if appropriate, the date on which the dentist became a protected person;
- (d) any psychiatric condition for which the dentist is being treated.

**(3)** Notice is to be forwarded not later than:

- (a) in the case of notice given by telephone—1 day; and
- (b) in the case of notice given by post—7 days,

after the dentist becomes a mentally incapacitated person.

#### **Fee for complaint**

**46. (1)** A complaint lodged with the Registrar under Part 6 of the Act is to be accompanied by a fee of \$20.

(2) The Registrar may exempt the maker of a complaint from paying the fee, or refund a fee already paid, where, in the opinion of the Registrar, the situation of the maker of the complaint, or the public nature of the complaint, warrants an exemption or the refund.

**Repeal of Dentists (Dental Board Election) Regulation 1990**

47. The Dentists (Dental Board Election) Regulation 1990 is repealed.

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**SCHEDULE 1—PROCEDURE FOR DETERMINING  
ELECTION IF 7 OR MORE CANDIDATES** (Cl. 15)

1. Exclude the candidate with the smallest number of primary votes.
2. If no candidate can be excluded under clause 1, exclude the candidate with the smallest number of first preference votes.
3. If no candidate can be excluded under clause 2 because 2 or more candidates have equal numbers of first preference votes, choose one of those candidates by lot under clause 16 of this Regulation and exclude him or her.
4. After excluding a candidate under clause 1, 2 or 3, distribute the first preference votes cast for the excluded candidate (in accordance with the next preferences on them) to the bundles of first preference votes cast for the continuing candidates.
5. Add the numbers of votes so distributed respectively to the numbers of primary votes for each of the continuing candidates.
6. Exclude the continuing candidate with the smallest total of votes under clause 5.
7. If no candidate can be excluded under clause 6, exclude the one who had the smallest number of primary votes.
8. If no one can be excluded under clause 7, exclude the one who had the smallest number of first preference votes.
9. If no one can be excluded under clause 8 because 2 or more candidates have equal numbers of first preference votes, choose one of those candidates by lot under clause 16 of this Regulation, and exclude him or her.
10. If at this stage only 5 candidates remain, declare them elected.

11. If at this stage more than 5 candidates remain, distribute the first preference votes cast for the last excluded candidate (in accordance with the next preferences on them) to the bundles of first preference votes cast for the now continuing candidates.

12. Add the numbers of votes so distributed respectively to the totals obtained under clause 5, but only for each of the continuing candidates.

13. Exclude the candidate with the smallest total of votes under clause 12.

14. If no one can be excluded under clause 13, exclude the one with the smallest number of votes at the immediately previous count.

15. If no one can be excluded under clause 14, exclude the one who had the smallest number of primary votes.

16. If no one can be excluded under clause 15, exclude the one who had the smallest number of first preference votes.

17. If no one can be excluded under clause 16 because 2 or more candidates have equal numbers of first preference votes, choose one of those candidates by lot under clause 16 of this Regulation, and exclude him or her.

18. If at this stage only 5 candidates remain, declare them elected.

19. If at this stage more than 5 candidates remain, repeat the process of:

- (a) distributing the first preference votes cast for the last excluded candidate (in accordance with the next preferences on them) to the bundles of first preference votes cast for the still continuing candidates;
- (b) adding the number of votes so distributed respectively to the totals next previously obtained for each of the still continuing candidates;
- (c) excluding one of those candidates according to the method in clauses 13–17 (treating the reference in clause 13 to the smallest total of votes as a reference instead to the smallest sum obtained under paragraph (b) of this clause),

until all but 5 candidates have been excluded. Declare the remaining 5 elected.

20. In this Schedule, “**continuing candidate**”, in relation to a count, means a candidate not already excluded from the count.

**SCHEDULE 2—FORMS**

**FORM 1**

(C1. 21)

**DENTISTS ACT 1989**

**Application for restoration of name to Register**

I apply for my name to be restored to the Register of Dentists. I enclose the application fee of \$100.

The reasons for this application are as follow:

I also apply for waiver of (state in part or whole) the fee on the following grounds

(Here state grounds for waiver.)

(Signed) .....

\_\_\_\_\_

**FORM 2**

(C1. 27)

**DENTISTS ACT 1989**

**Certificate of provisional registration**

Dental Board of New South Wales.

No. ....

This is to certify that .....  
is provisionally registered as a dentist until the ..... day of ..... 19 .....

Registrar.

Date .....

\_\_\_\_\_

**FORM 3**

(C1. 44)

**DENTISTS ACT 1989**  
**Order for Technical Work**

From ..... Order No. ....

Address ..... Date .....

**INSTRUCTIONS**

To .....

Address .....

.....

Please carry out the following work:

Patient .....

Case Type .....

	Anterior	Posterior
Teeth		
Shade		
Mould		

Work required:

Date work required:

.....  
Signature of Dentist

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**EXPLANATORY NOTE**

The object of this Regulation is to replace the Dentists Regulation (made under the now repealed Dentists Act 1934, and temporarily continued in force by the Dentists (Savings and Transitional) Regulation 1990 under the new Dentists Act 1989).

The Regulation covers the following areas:

- the procedure in elections of members of the Dental Board
- the contents, alteration and public availability of the Register of dentists;
- the provisional registration of dentists;
- the issue of certificates of registration to dentists;
- advertising by dentists;
- the qualifications and practice of dental therapists and dental hygienists;
- miscellaneous matters (anaesthesia, sedation, patients' records, mental health matters etc.)

The Regulation repeals the Dentists (Dental Board Election) Regulation 1990 which is now spent, and which the new Regulation supersedes.

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