An Act to amend the Dentists Act, 1931-1936.

[Assented to 19th May, 1960.]
(2) The definition of "dentistry" is struck out and the following definition inserted in lieu thereof:

"dentistry" means—

(a) the performance of any operation on, or the treatment of any disease deficiency or lesion of, the human teeth or jaws;
(b) the correction of malposition or malfunction of the human teeth or jaws; or
(c) the performance of radiology in connection with the human teeth or jaws; or
(d) the artificial restoration of lost teeth, jaws or portions of jaws; or
(e) the giving of any anaesthetic in connection with any operation on the human teeth or jaws; or
(f) the mechanical construction or the renewal or repair of artificial dentures or restorative dental appliances; or
(g) the performance of any operation, or the giving of any treatment, or attendance to any person as preparatory to or for the purpose of or in connection with the fitting, insertion, fixing, constructing, repairing or renewing of artificial dentures or restorative dental appliances; or
(h) the performance of any operation and the giving of any treatment, or attendance as is usually performed or given by dentists.

The word "dentistry" does not include the mechanical construction of artificial dentures or other devices by an artisan in the course of his employment by a registered dentist or by any person on the instruction of a registered dentist.

4. (1) Paragraph (a) of subsection (2) of section 6 of the principal Act is struck out and the following paragraph is inserted in lieu thereof:

(a) one member of the faculty of dentistry in the University of Adelaide nominated by the Council of the University of Adelaide.

(2) Subsection (3) of section 6 of the principal Act is struck out and the following subsection is inserted in lieu thereof:
(3) The members of the board shall appoint one of their number to be president of the board. A president shall hold office for a period of two years after his appointment and shall be eligible for re-appointment.

5. Subsection (1) of section 12 of the principal Act is amended by striking out the words “two guineas” therein and inserting in lieu thereof the words “four guineas”.

6. The following section is enacted and inserted in the principal Act after section 14—

14a. (1) For the purposes of this Act there shall be a committee to be called the “Statutory Committee” consisting of five members appointed by the Governor on the recommendation of the board.

(2) If for any reason a member of the committee is unable to act as such during any period or on any hearing or investigation the Governor may appoint a temporary member to act in his place.

(3) The members of the committee shall be—

(a) a legal practitioner of at least five years standing, who shall be chairman;

(b) four registered dentists or three registered dentists and a legally qualified medical practitioner.

(4) Subject to this section every member of the committee shall be entitled to hold office as such until the thirtieth day of June in the fourth year after the year in which he was appointed.

(5) The Governor may on the recommendation of the board dismiss any member of the committee from his office as such member, for mental or physical incapacity to perform his duties, neglect of duty, or conduct showing him to be unfit to remain a member of the committee.

(6) All members of the committee shall act on the hearing of any matters coming within its jurisdiction, but a decision concurred in by any three members shall have effect as a decision of the committee.

(7) The board may from time to time determine the fees to be paid to the members of the committee, and may pay such members accordingly out of its general funds.

7. Section 15 of the principal Act is amended by inserting after the word “board” in the first line, the words “or of the committee”.

Amendment of principal Act, s. 15—
Appeal against decisions of the board or committee.
8. The following section is enacted and inserted in the principal Act after section 16—

16a. (1) The registrar shall keep a separate register of dentists registered temporarily pursuant to subsection (2) of section 18. Such register shall be called “the temporary register”.

(2) The temporary register shall be kept in the same manner as the register and in addition shall show the dates upon which the temporary registration of all persons therein registered will expire.

(3) Save as herein expressly provided all the provisions of this Act relating to the register (other than subsection (3) of section 16) shall apply to the temporary register.

9. Section 18 of the principal Act is amended as follows:—

(a) Paragraph (c) of subsection (1) thereof is amended by striking out the words “Council of Medical Education and Registration” therein and inserting in lieu thereof the words “Dental Council”.

(b) Paragraphs (e) and (f) of subsection (1) are struck out; and

(c) Subsections (2) and (3) are struck out and the following subsections inserted in lieu thereof:—

(2) Where a person (not being a person to whom subsection (1) of this section applies) satisfies the board that he has passed all examinations of a University in Australia necessary for admission to a degree in dentistry and has satisfied all other requirements and conditions for admission to that degree, the board may register him temporarily as a dentist.

(3) Where a person is temporarily registered as a dentist, such temporary registration shall continue in effect until either—

(i) the person is registered pursuant to the provisions of subsection (1); or

(ii) the expiration of six months or such other time as the board may from time to time determine, from the granting of temporary registration.

(4) The provisions of this Act relating to registered dentists shall apply to any person during the temporary registration of that person.
10. The following section is enacted and inserted in the principal Act after section 22—

22a. When a registered dentist dies, the executor named in his will or any person entitled to apply for letters of administration of the estate of the deceased may continue the practice of the deceased dentist by employing one or more registered dentists to manage and conduct it for not more than twelve months or any longer time approved by the board in order to enable the personal representatives to sell the practice.

11. Section 23 of the principal Act is amended by striking out paragraphs (c) and (d) of subsection (1) and by inserting the following in lieu thereof:

(c) who is no longer capable of practising as a dentist by reason of mental or physical defect;

(d) when the committee has ordered that he be de-registered.

12. Sections 28, 29, 31, 32, 32a, 32b, and 33 of and the third and fourth schedules to the principal Act are repealed.

13. Section 40 of the principal Act is amended—

(a) by striking out all the words after the word “licensed” in paragraph (c) of subsection (1); and

(b) by striking out paragraph (d) of subsection (1); and

(c) by striking out the last four lines of subsection (1) and by inserting the following in lieu thereof:

Penalty: Not less than ten pounds, nor more than one hundred pounds. For a second or subsequent offence, not less than twenty pounds nor more than two hundred pounds.

14. Section 41 of the principal Act is amended by striking out the word “Ten” in the last line, and by inserting in lieu thereof the word “Twenty”.

Amendment of principal Act, 1960, s. 32b, and the third and fourth schedules to principal Act.

Repeal of sections 28, 29, 31, 32, 32a, 32b, and 33 of and the third and fourth schedules to principal Act.

Amendment of principal Act, 1960, s. 40—Prohibition of practising dentistry without registration or licence.

Amendment of principal Act, 1960, s. 41—Prohibition of unregistered persons holding dental appointments.
15. Section 43 of the principal Act is amended—

(a) by striking out the word “five” in the penultimate line and by inserting in lieu thereof the word “ten”; and

(b) by striking out the word “fifty” in the penultimate line and by inserting in lieu thereof the words “one hundred”.

16. Section 44 of the principal Act is amended—

(a) by striking out the word “five” in the penultimate line of subsection (1) and by inserting in lieu thereof the word “ten”; and

(b) by striking out the word “fifty” in the penultimate line of subsection (1) and by inserting in lieu thereof the words “one hundred”.

17. The following sections are enacted and inserted in the principal Act after section 44—

44a. (1) The board may lay a charge before the committee against any registered dentist or licensed operative dental assistant alleging any offence or matter for which a penalty may be imposed under section 45 of this Act. The charge shall be reduced to writing and a copy shall be served on the person against whom it is laid.

(2) At the hearing of any such charge the board shall be entitled to be represented by a member of the board, the registrar and counsel instructed by the board or by any one or more of such persons.

(3) Any registered dentist or licensed operative dental assistant whose conduct is the subject of a charge before the committee may be represented at the hearing by any other person.

44b. (1) If the board is informed of facts indicating that a registered dentist or licensed operative dental assistant may have been guilty of any such conduct as is mentioned in section 45 or may have been convicted as mentioned in that section, it may conduct an inquiry for the purpose of deciding whether a charge should be laid against the dentist or dental assistant.

(2) If the dentist or dental assistant whose conduct or conviction is in issue appears before the board on any such inquiry, the board shall, before he is asked any questions, inform him of the nature and purpose of the inquiry.
(3) Such dentist or dental assistant shall not be obliged to answer a question in the proceedings if the answer to that question would incriminate him.

(4) Anything said by a dentist or dental assistant in proceedings before the board may be given in evidence in any subsequent proceedings before the committee.

18. Section 45 of the principal Act is amended by striking out the word “board” in the eighth, seventeenth, and twenty-fifth lines, and by inserting in lieu thereof the word “committee”.

19. Section 46 of the principal Act is repealed and the following section is enacted in lieu thereof:

46. (1) Where a person applies to the board to be registered under this Act, the board may refer to the committee the question whether during the period of two years before the date of the application the applicant has been guilty of any such conduct as is mentioned in section 45, or has been convicted as mentioned in that section.

(2) On such reference the committee shall give the applicant notice of the question to be inquired into, and shall give the board and the applicant an opportunity to be heard and shall inquire into the question and report its finding to the board.

(3) The board may refuse to register any applicant for registration who has been found by the committee to have been guilty of any conduct mentioned in section 45 or to have been convicted as mentioned in that section within two years immediately prior to the date of his application.

(4) The board shall not be required to register any person in respect of whose alleged conduct or convictions a reference to the committee has been made, pending the finding of the committee.

20. Section 47 of the principal Act is repealed.

21. Section 48 of the principal Act is amended—

(a) by striking out paragraph (a) thereof and by inserting in lieu thereof the following:

"(a) shall use words (either orally or in writing) holding out an unregistered person as
being, or implying that an unregistered person is, a partner or assistant of such registered dentist; or” and

(b) by striking out the words “articled pupil, or apprentice” in the fifth and sixth lines of paragraph (b) and in the sixth line of paragraph (c); and

(c) by adding the word “, or” at the end of paragraph (c); and

(d) by striking out the word “five” in the penultimate line and inserting in lieu thereof the word “ten”; and

(e) by striking out the word “twenty” in the last line and inserting in lieu thereof the word “fifty”.

The following section is enacted and inserted in the principal Act after section 48:—

48a. Every company registered under this Act shall deliver to the registrar—

(a) a true copy of all returns and other documents filed by the company pursuant to the provisions of the Companies Act, 1934-1956; and

(b) a statement showing the number of registered dentists employed by the company including the full names and addresses of such registered dentists,

not later than the date in each year on which the company files its annual return pursuant to the Companies Act, 1934-1956.

Penalty: Not less than five pounds and not exceeding twenty pounds.

23. Section 50 of the principal Act is repealed.

24. Section 52 of the principal Act is amended—

(a) by striking out paragraph (b) of subsection (1); and

(b) by striking out subsection (2).
25. Section 53 of the principal Act is amended by striking out paragraph (d).

26. Section 56 of the principal Act is amended—

(a) by striking out the words "or for a licence or of determining any charge" in the second and third lines of subsection (1) ; and

(b) by inserting the following paragraph after paragraph (b) of subsection (2) :

(b1) who has been personally served with a notice to produce books, papers and documents, refuses to comply with the notice ; and

(c) by striking out paragraphs (e) and (f) of subsection (2) and by inserting in lieu thereof the following :

(e) being called as a witness before the board, refuses to be sworn or to affirm or declare ; or

(f) being called as a witness before the board, refuses to answer any lawful question put to him by or on behalf of the board.

27. The following section is enacted and inserted in the principal Act after section 56 :

56a. (1) For the purpose of determining any charge or making any inquiry in the course of carrying out its duties under this Act, the committee shall have the like powers as are given to the board by section 56.

(2) The provisions of section 56 shall apply in relation to proceedings before the committee as if the word "committee" were substituted for the word "board" wherever appearing in that section.

28. Section 57 of the principal Act is amended—

(a) by inserting after the word "board" in the second line of subsection (1) the words, "(other than a refusal to grant temporary registration pursuant to subsection (2) of section 18)" ; and

(b) by striking out the word "special" in the second line of subsection (1) and the words "constituted by section 33 of this Act" in the third line of that subsection ; and
(c) by striking out the word "special" in the second line of paragraph (b) of subsection (3), the first line of paragraph (c) of subsection (3) and the first, fourth, and eighth lines of subsection (5).

29. The following section is enacted and inserted in the principal Act after section 57—

57a. (1) Where the committee has made an order under this Act, the committee or a judge of the Supreme Court may, on application, if the committee or the judge is satisfied that an appeal against the order has been or is intended to be instituted under this Act, suspend the operation of the order pending the determination of the appeal.

(2) The committee may, at any time after it has suspended an order pursuant to subsection (1) of this section, terminate the suspension.

(3) A judge of the Supreme Court, on application in that behalf, may, at any time after the suspension by a judge of the Supreme Court of an order pursuant to subsection (1) of this section, terminate the suspension.

(4) In this section "order" includes decision, penalty or direction.

30. Section 60 of the principal Act is amended—

(a) by inserting the following paragraph after paragraph (a)—

(a1) regulating the meetings and proceedings of the committee; and

(b) by striking out paragraph (e); and

(c) by inserting the following paragraphs after paragraph (f)—

(f1) regulating signs, publications and advertisements of persons registered or licensed under this Act;

(f2) prescribing a code of professional conduct to be observed by persons registered or licensed under this Act, and defining acts constituting unprofessional conduct; and

(d) by striking out the word “twenty” in the second line of paragraph (h) and by inserting in lieu thereof the word “fifty”.

31. The second schedule of the principal Act is amended by inserting the following at the end thereof:

| Malaya, University of Malaya, University of Malta, Royal University of Pretoria, University of | Bachelor of Dental Surgery | B.D.S. |
| Master of Dental Surgery | M.D.S. |
| Bachelor of Dental Surgery | B.Ch.D. |
| Bachelor of Dental Surgery | B.Ch.D. |
| | U. Pretoria |

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Lieutenant-Governor.