

AUSTRALIAN CAPITAL TERRITORY

No. 45 of 1981

AN ORDINANCE

To amend the *Dentists Registration Ordinance 1931*

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated this twelfth day of November 1981.

ZELMAN COWEN
Governor-General

By His Excellency's Command,

MICHAEL MACKELLAR
Minister of State for Health

DENTISTS REGISTRATION (AMENDMENT) ORDINANCE 1981

- Short title 1. This Ordinance may be cited as the *Dentists Registration (Amendment) Ordinance 1981*.*
- Principal Ordinance 2. In this Ordinance, "Principal Ordinance" means the *Dentists Registration Ordinance 1931*.†
- Interpretation 3. Section 4 of the Principal Ordinance is amended—
- (a) by omitting "section nineteen of this Ordinance" from the definition of "the Register" and substituting "section 19"; and
- (b) by adding at the end thereof the following sub-section:
- " (2) Nothing in this Ordinance applies to or in relation to a person who is registered as a dentist in a State or another Territory and who practises as a dentist solely in the performance of his duties as—
- (a) an officer or employee within the meaning of the *Public Service Act 1922*; or
- (b) a member of the Defence Force engaged in continuous full-time service."

* Notified in the *Commonwealth of Australia Gazette* on 20 November 1981.

† Ordinance No. 8, 1931 as amended by Nos. 5 and 7, 1932; No. 22, 1933; No. 20, 1935; No. 27, 1937; No. 10, 1954; No. 21, 1959; No. 4, 1963; No. 19, 1966; No. 16, 1967; Nos. 1 and 38, 1970; No. 17, 1975; No. 65, 1977; No. 46, 1978; Nos. 26 and 31, 1979; and No. 46, 1980.

4. Section 20 of the Principal Ordinance is repealed and the following section substituted:

Mode of
registration

“ 20. (1) The registration of a person as a dentist shall be effected by entering in the Register—

- (a) the name of the person;
- (b) the person's professional address or addresses in the Territory or, if he has no professional address in the Territory, his place of residence, whether within or outside the Territory;
- (c) particulars of the person's qualifications;
- (d) the registration number allotted to the person; and
- (e) the date of registration.

“ (2) An entry in the Register shall be signed by the Chairman or, in his absence, the Deputy Chairman.”

5. Section 22 of the Principal Ordinance is repealed and the following section substituted:

Qualifi-
cations for
registration

“ 22. (1) In this section, 'qualification' includes a certificate, diploma, degree, licence or testimonial.

“ (2) A person is entitled to apply to the Board for registration as a dentist under this Ordinance—

- (a) if he holds an approved qualification referred to in an item in Part 1 or Part 2 of the Schedule;
- (b) if he holds a qualification in dentistry (other than an approved qualification referred to in paragraph (a)) being a qualification that the Minister, on the recommendation of the Board, has declared, by notice published in the *Gazette*, to be an acceptable qualification for the purposes of this paragraph; or
- (c) if—
 - (i) he holds a qualification in dentistry (other than a qualification referred to in paragraph (a) or (b)) being a qualification that would entitle him to practise dentistry in the place in which the qualification was granted or any part of that place;
 - (ii) he has passed, to the satisfaction of the Board, written, oral and clinical examinations, conducted by or on behalf of the Board, in Australia or elsewhere, in accordance with a determination made, on the recommendation of the Board, by the Minister for the purposes of this sub-paragraph and published by notice in the *Gazette*; and

- (iii) he has, if required to do so by the Board, under such supervision as is required by the Board and to the satisfaction of the Board, undertaken training, or gained experience, in the practice of dentistry in Australia for such period, not being more than 12 months, as the Board determines.

“ (3) The Board shall not recommend to the Minister that a qualification in dentistry be declared by the Minister to be an acceptable qualification for the purposes of paragraph (2) (b) unless the standard of training and skill required to obtain that qualification is, in the opinion of the Board, at least equal to that currently required by the University of Sydney to be attained by a person to entitle him to the degree of Bachelor of Dental Surgery of that University.

“ (4) An application under sub-section (2) shall be in writing signed by the applicant and shall—

- (a) set out particulars of—
 - (i) the qualifications of the applicant in dentistry;
 - (ii) the training undertaken by the applicant in the practice of dentistry;
 - (iii) the experience of the applicant in the practice of dentistry; and
 - (iv) the places in which the applicant has practised dentistry; and
- (b) state whether the applicant's right to practise dentistry in any place has, at any time, been suspended or cancelled.

“ (5) An application under sub-section (2) shall be lodged with the Board, together with written evidence in support of each of the qualifications of the applicant.

“ (6) Subject to sub-section (7), where a person has lodged an application with the Board in accordance with sub-section (5) and the Board is satisfied that the person—

- (a) is entitled under sub-section (2) to apply for registration as a dentist under this Ordinance;
- (b) is a fit and proper person to practise dentistry;
- (c) has an adequate knowledge of the English language for the purpose of practising dentistry;
- (d) is not suffering from any mental or physical disability that would prevent him from practising dentistry efficiently; and
- (e) has paid the prescribed fee,

the Board shall cause the person to be registered as a dentist under this Ordinance and cause to be issued to him a certificate of registration under the hand of the Chairman or Deputy Chairman.

“(7) The Board may require an applicant to attend personally before the Board and, if he fails to attend as required, may refuse the application.”.

6. Section 23A of the Principal Ordinance is repealed and the following section substituted: Payment
of annual
fee

“23A. (1) A registered dentist shall, on or before 1 July in each year—

- (a) notify the Board of his professional address or addresses in the Territory or, if he has no professional address, of his place of residence; and
- (b) pay the prescribed fee.

“(2) Where a person does not comply with the provisions of sub-section (1), the Board shall cause to be sent to him a notice requiring him to comply with the provisions of paragraphs (1) (a) and (1) (b) within one month of the date of the notice and advising him that if he does not do so, his registration will be cancelled.

“(3) A notice under sub-section (2) shall be posted to the person at his professional address, as last recorded in the Register, or at his last known place of residence.

“(4) Where a person to whom a notice under sub-section (2) has been sent does not comply with the requirements of the notice, the Board shall cancel his registration.

“(5) Where a person whose registration has been cancelled under sub-section (4)—

- (a) notifies the Board of his professional address or addresses in the Territory or, if he has no professional address, of his place of residence; and
- (b) pays the prescribed fee referred to in paragraph (1) (b), within 12 months after the date on which his registration was so cancelled, the Board shall re-register the person.”.

7. Section 23c of the Principal Ordinance is repealed and the following section substituted: Mode of
registration

“23c. (1) The registration of a person as a dental assistant shall be effected by entering in the Register—

- (a) the name of the person;
- (b) the professional address or one of the professional addresses of the person by whom the first-mentioned person is employed as a dental assistant, or if he is not so employed, his place of residence, whether within or outside the Territory;

- (c) particulars of the person's qualifications;
- (d) the registration number allotted to the person; and
- (e) the date of the registration.

"(2) An entry in the Register shall be signed by the Chairman or, in his absence, the Deputy Chairman."

Registration

8. Section 23E of the Principal Ordinance is amended—

- (a) by omitting sub-section (1) and substituting the following sub-sections:

"(1) Subject to sub-section (1A), where a person applies to the Board for registration as a dental assistant and the Board is satisfied that the person—

- (a) is qualified for registration as a dental assistant; and
 - (b) has paid the prescribed fee,
- the Board shall cause the person to be registered as a dental assistant.

"(1A) The Board may require an applicant to attend personally before the Board and, if he fails to attend as required, may refuse the application."; and

- (b) by omitting from sub-section (2) "in the prescribed form" and substituting "under the hand of the Chairman or Deputy Chairman".

9. Section 23F of the Principal Ordinance is repealed and the following section substituted:

**Payment
of annual
fee**

"23F. (1) A person who is registered as a dental assistant shall, on or before 1 June in each year—

- (a) notify the Board of the address of the person by whom he is employed as a dental assistant or, if he is not so employed, of his place of residence; and
- (b) pay the prescribed fee.

"(2) Where a person does not comply with the provisions of sub-section (1), the Board shall cause to be sent to him a notice requiring him to comply with the provisions of paragraphs (1) (a) and (1) (b) within one month of the date of the notice and advising him that if he does not do so, his registration will be cancelled.

"(3) A notice under sub-section (2) shall be posted to the person at the address of the person by whom he is employed as a dental assistant, as last recorded in the Register, or at the last known place of residence of the first-mentioned person.

“ (4) Where a person to whom a notice under sub-section (2) has been sent does not comply with the requirements of the notice, the Board shall cancel his registration.

“ (5) Where a person whose registration has been cancelled under sub-section (4)—

(a) notifies the Board of the address of the person by whom he is employed as a dental assistant or, if he is not so employed, of his place of residence; and

(b) pays the prescribed fee referred to in paragraph (1) (b), within 12 months after the date on which his registration was so cancelled, the Board shall re-register the person.”.

10. Section 23H of the Principal Ordinance is repealed and the following section substituted:

“ 23H. (1) The registration of a person as a dental hygienist shall be effected by entering in the Register—

Mode of
registration

(a) the name of the person;

(b) the professional address or one of the professional addresses of the person by whom the first-mentioned person is employed as a dental hygienist or, if he is not so employed, his place of residence, whether within or outside the Territory;

(c) particulars of the person's qualifications;

(d) the registration number allotted to the person; and

(e) the date of the registration.

“(2) An entry in the Register shall be signed by the Chairman or, in his absence, the Deputy Chairman.”.

11. Section 23K of the Principal Ordinance is amended—

Registration

(a) by omitting sub-section (1) and substituting the following sub-sections:

“ (1) Subject to sub-section (1A), where a person applies to the Board for registration as a dental hygienist and the Board is satisfied that the person—

(a) is qualified for registration as a dental hygienist; and

(b) has paid the prescribed fee,
the Board shall cause the person to be registered as a dental hygienist.

“ (1A) The Board may require an applicant to attend personally before the Board and, if he fails to attend as required, may refuse the application.”; and

- (b) by omitting from sub-section (2) "in the prescribed form" and substituting "under the hand of the Chairman or Deputy Chairman".

12. Section 23L of the Principal Ordinance is repealed and the following section substituted:

Payment
of annual
fee

"23L. (1) A person who is registered as a dental hygienist shall, on or before 1 June in each year—

- (a) notify the Board of the address of the person by whom he is employed as a dental hygienist or, if he is not so employed, of his place of residence; and
(b) pay the prescribed fee.

"(2) Where a person does not comply with the provisions of sub-section (1), the Board shall cause to be sent to him a notice requiring him to comply with the provisions of paragraphs (1) (a) and (1) (b) within one month of the date of the notice and advising him that if he does not do so, his registration will be cancelled.

"(3) A notice under sub-section (2) shall be posted to the person at the address of the person by whom he is employed as a dental hygienist, as last recorded in the Register, or at the last known place of residence of the first-mentioned person.

"(4) Where a person to whom a notice under sub-section (2) has been sent does not comply with the requirements of the notice, the Board shall cancel his registration.

"(5) Where a person whose registration has been cancelled under sub-section (4)—

- (a) notifies the Board of the address of the person by whom he is employed as a dental hygienist or, if he is not so employed, of his place of residence; and
(b) pays the prescribed fee referred to in paragraph (1) (b), within 12 months after the date on which his registration was so cancelled, the Board shall re-register the person."

Proof of
registration

13. Section 25 of the Principal Ordinance is amended by omitting from sub-section (1) "sub-section 22 (3)" and substituting "sub-section 22 (6)".

Repeal

14. Section 26 of the Principal Ordinance is repealed.

Disciplinary
action

15. Section 30 of the Principal Ordinance is amended by omitting sub-sections (1) and (2) and substituting the following sub-sections:

"(1) The Board may order the cancellation of the registration of a person—

- (a) whose registration has been obtained by fraud or misrepresentation;

- (b) whose qualification is withdrawn or cancelled by the body which granted it;
- (c) whose registration in a State or another Territory is cancelled, suspended or otherwise withdrawn on a ground other than the non-payment of a fee;
- (d) who is convicted in the Territory or elsewhere of an offence punishable by imprisonment for a period of one year or longer or any other offence that renders him unfit to practise;
- (e) who is guilty of unprofessional conduct.

“(2) The Board may order the suspension, for such period as it thinks fit, of the registration of a person—

- (a) whose registration in a State or another Territory is suspended on a ground other than the non-payment of a fee; or
- (b) who is found by the Board to have been guilty of habitual drunkenness or addiction to a drug.

“(3) In the case of a person to whom paragraph (1) (d) or (1) (e) applies, the Board may, instead of cancelling the registration of the person—

- (a) order the suspension of the registration of the person for such period as it thinks fit; or
- (b) reprimand the person.

“(4) In the case of a person to whom paragraph (2) (b) applies, the Board may, instead of suspending the registration of the person, reprimand the person.”.

16. After section 30 of the Principal Ordinance the following section is inserted:

“30A. (1) Subject to this section, the Board shall, where it is satisfied that the mental or physical condition of a registered dentist or of a person who is registered as a dental assistant or as a dental hygienist is such as to render him unfit to practice, make an order suspending the registration of that person. Suspension of registration on health grounds

“(2) The Board shall, within 12 months of the making of an order under this section and thereafter at intervals not exceeding 12 months, and, subject to sub-section (3), at any other time if so requested by the person in respect of whom the order was made, review that order and, where the Board is satisfied that the mental or physical condition of that person has changed since the making of the order, it may set aside that order.

“(3) Where the Board—

- (a) makes an order under this section; or

(b) reviews an order made under this section,
the person in respect of whom the order was made shall not be entitled to—

(c) a review of the order; or

(d) a further review of the order,

as the case may be, within a period of 3 months from the date of the order or review.”.

**Inquiry
by Board**

17. Section 31 of the Principal Ordinance is amended by omitting from sub-section (1) “removing from the Register the name of a person” and substituting “ordering the cancellation of the registration of a person”.

**Board to
record
finding on
which
decision
was based**

18. Section 31A of the Principal Ordinance is amended by omitting paragraph (c) and substituting the following paragraph:

“(c) orders the cancellation of the registration of a person.”.

**Publication
of notice
of decision
of Board
or a Court**

19. Section 31B of the Principal Ordinance is amended by omitting paragraph (1) (c) and substituting the following paragraph:

“(c) ordering the cancellation of the registration of a person.”.

20. After section 31C of the Principal Ordinance the following sections are inserted:

**Cancellation
of
registration
in certain
circum-
stances**

“31D. Where, by reason of his giving or performing a dental service while his registration is suspended, a person is convicted of an offence against section 34, the Board may order the cancellation of the registration of the person.

**Application
for re-regis-
tration**

“31E. (1) Where the registration of a person has been cancelled or suspended, otherwise than under section 30A, the person may apply for re-registration or termination of the suspension, as the case may be, on the ground that, by reason of a specified change in the circumstances that has occurred since the date of the cancellation or suspension, it is just that his registration should be restored or the suspension should be terminated.

“(2) Upon an application under this section the Board may, if it is satisfied that, by reason of the change in circumstances, the registration of the person should be restored, or the suspension of the registration of the person should be terminated, order that the registration be restored or the suspension terminated, as the case may be.”.

**Surrender
of certificate
where
registration
cancelled**

21. Section 32 of the Principal Ordinance is amended by omitting from paragraph (1) (a) “his name has been removed from the Register” and substituting “his registration has been cancelled”.

22. After section 32 of the Principal Ordinance the following section is inserted:

“ 32A. Upon the death of a registered dentist who was at the time of his death practising dentistry, an executor, administrator or trustee of his estate may continue that practice for a period of 6 months or for such longer period as the Board, on application by the executor, administrator or trustee, permits, if the practice is carried on by a registered dentist.”

Administra-
tion of
estate of
deceased
dentist

23. Section 33 of the Principal Ordinance is repealed and the following section substituted:

“ 33. A person who is a registered dentist or who is registered as a dental assistant or dental hygienist under this Ordinance shall not practise dentistry or perform the functions of a dental assistant or dental hygienist, as the case may be, under a name other than the name under which he is registered.

Person not
to practise
except
under
registered
name

Penalty: \$250.”

24. Section 34 of the Principal Ordinance is amended by omitting from paragraph (1B) (a) “ 1922-1974 of Dental Therapist (Female) ” and substituting “ 1922 of Dental Therapist ”.

No person
other than
a registered
dentist to
practise
dentistry

25. Section 35 of the Principal Ordinance is amended by omitting “ section thirty-four of this Ordinance,” and substituting “ section 34.”

Person
advertising
himself
liable to
penalty

26. Section 36 of the Principal Ordinance is amended—

- (a) by omitting “ 1930-1967 ” and substituting “ 1930 ”; and
- (b) by omitting “ sections thirty-nine A and thirty-nine B ” and substituting “ sections 39A and 39B ”.

Medical
practitioner
may give
dental
services

27. Section 38 of the Principal Ordinance is repealed.

Repeal

28. Section 38A of the Principal Ordinance is amended—

- (a) by omitting from sub-section (2) “ The last preceding sub-section ” and substituting “ Sub-section (1) ”;
- (b) by omitting from sub-section (3) “ (not being a dental service constituting medical treatment for the purpose of the *Workmen's Compensation Ordinance 1951-1965*) ”;
- (c) by omitting from paragraph (3) (b) “ three ” and substituting “ 6 ”; and
- (d) by omitting from sub-section (4) “ three ” and substituting “ 6 ”.

Recovery of
fees for
dental
services by
registered
dentists

Review of
accounts for
fees for
dental
services

29. Section 38AA of the Principal Ordinance is amended—

- (a) by omitting sub-section (1) and substituting the following sub-section:

“ (1) A person liable to pay fees or remuneration to a registered dentist for a dental service may, within 6 months after service upon him of an account for the fees or remuneration in accordance with section 38A, apply in writing to the Board to review the account;”;

- (b) by omitting from sub-section (5) “ the last preceding sub-section ” and substituting “ sub-section (4) ”;
- (c) by omitting from sub-section (6) “ of this section ”;
- (d) by omitting from sub-section (8) “ of this section ”; and
- (e) by omitting from sub-section (9) “ of this section ”.

Appeals

30. Section 38B of the Principal Ordinance is amended—

- (a) by inserting in paragraph (1) (a) “, or to re-register,” after “ register ”;
- (b) by omitting from paragraph (1) (b) “ removes the name of a person from a register ” and substituting “ cancels the registration of a person ”; and
- (c) by inserting after paragraph (1) (b) the following paragraph:

“ (ba) refuses to permit an extension of the period under section 32A;”.

Schedule

31. The Principal Ordinance is amended by adding at the end thereof the following Schedule:

SCHEDULE

Section 22

APPROVED QUALIFICATIONS

PART 1

Qualifications granted in Australia and New Zealand

Item No.	Qualification
1	Bachelor of Dental Surgery, University of Sydney
2	Bachelor of Dental Science, University of Queensland
3	Bachelor of Dental Surgery, University of Adelaide
4	Bachelor of Dental Science, University of Melbourne
5	Bachelor of Dental Science, University of Western Australia
6	Bachelor of Dental Surgery, University of New Zealand
7	Bachelor of Dental Surgery, University of Otago

PART 2

Qualifications granted in the United Kingdom and Ireland

Item No.	Qualification
1	Bachelor of Dental Surgery, Queen's University of Belfast
2	Bachelor of Dental Surgery, University of Birmingham
3	Bachelor of Dental Surgery, University of Bristol
4	Bachelor of Dental Surgery, University of Dundee
5	Bachelor of Dental Surgery, University of Durham
6	Bachelor of Dental Surgery, University of Edinburgh
7	Bachelor of Dental Surgery, University of Glasgow
8	Bachelor of Dental Surgery, University of Leeds
9	Bachelor of Dental Surgery, University of Liverpool
10	Bachelor of Dental Surgery, University of London
11	Bachelor of Dental Surgery, University of Manchester
12	Bachelor of Dental Surgery, University of Newcastle-upon-Tyne
13	Bachelor of Dental Surgery, University of St. Andrews
14	Bachelor of Dental Surgery, University of Sheffield
15	Bachelor of Dental Surgery, University of Wales
16	Bachelor of Dental Science, University of Dublin
17	Bachelor of Dental Surgery, National University of Ireland

32. Notwithstanding the amendments of the Principal Ordinance made by this Ordinance— Transitional

- (a) any registration that was in force under section 22 of the Principal Ordinance immediately before the commencement of this Ordinance continues in force, and the Principal Ordinance as amended by this Ordinance has effect in relation to that registration, as if that registration had been granted under the Principal Ordinance as amended by this Ordinance;
- (b) where, before the commencement of this Ordinance, a person had applied for registration as a dentist under the Principal Ordinance and the Board has neither refused the application nor granted registration to the person, the Principal Ordinance continues to apply in relation to that application and—
 - (i) the Board may cause the person to be registered or may refuse to register the person; and
 - (ii) an appeal under section 38B of the Principal Ordinance may be heard and determined, as if this Ordinance had not been made; and
- (c) where the Board causes a person to be registered in pursuance of paragraph (b), the Principal Ordinance as amended by this Ordinance has effect in relation to that registration as if that registration had been granted under the Principal Ordinance as so amended.