

## DENTISTS (AMENDMENT) ACT.

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### Act No. 8, 1927.

George V, **An Act to amend the Dentists Act, 1912,**  
 No. 8. and certain other Acts; and for purposes  
 connected therewith. [Assented to, 3rd  
 February, 1927.]

**B**E it enacted by the King's Most Excellent Majesty,  
 by and with the advice and consent of the Legis-  
 lative Council and Legislative Assembly of New South  
 Wales in Parliament assembled, and by the authority of  
 the same, as follows:—

Short title  
 and com-  
 mencement.

**1.** (1) This Act may be cited as the “Dentists  
 (Amendment) Act, 1927.”

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

(3) The Dentists Act, 1912, as amended by sub-  
 sequent Acts, is herein referred to as the Principal Act.

Amendment  
 of Act No. 26,  
 1912, s. 4.

**2.** (1) The Principal Act is amended by omitting  
 section four and by inserting in lieu thereof the following  
 new section:—

Dental  
 Board.

4. (1) The Dental Board shall consist of eight  
 members, one of whom shall be the Dean of the  
 Faculty of Dentistry at the University of Sydney,  
 and another the President of the United Dental  
 Hospital of Sydney.

Of the other members of the board, two, one of  
 whom shall be a duly qualified medical practitioner  
 and the other a barrister or solicitor, shall be  
 appointed by the Governor, and four shall be  
 dentists elected in the prescribed manner by the  
 persons registered as dentists under this Act for the  
 year in which the election is held.

(2)

(2) The Governor may appoint one of the members of the board to be the president of the board. George V,  
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(3) The term of office of an elected or appointed member of the board shall be three years from the date of his election or appointment.

(4) Any vacancy in the office of an elected or appointed member may be filled by appointment by the Governor. If the vacancy is in the office of an elected member the person who at the last election received the next largest number of votes if qualified and willing to act shall be appointed to fill the vacancy, and if there shall be no such person qualified and willing to act the vacancy shall be filled by the Governor. Any person appointed to fill a vacancy shall hold office for the residue of the term for which his predecessor was elected or appointed.

(5) Each member of the board shall be paid a fee of one guinea for each meeting of the board which he attends and the president shall be paid an additional fee of one guinea for each meeting which he attends: Provided that the fees paid to any member during any year shall not exceed twenty-five guineas, or in the case of the president shall not exceed fifty guineas.

(6) Notwithstanding any vacancy in the membership of the board the business, jurisdiction, and functions of the board may be carried on by the members actually in office, who shall have all the powers of the board.

(2) The members of the Dental Board in office at the commencement of this Act other than ex officio members shall cease to hold office upon a date to be fixed by the Governor and notified by proclamation published in the Gazette, but shall be eligible for appointment or election to the board under the provisions of section four of the Principal Act inserted by this Act. Certain  
present  
members of  
board to cease  
to hold office.

**3.** The Principal Act is further amended by omitting from section six subsection two thereof and by inserting in lieu thereof the following new subsections:— Further  
amendment  
of Act No. 26,  
1912,

(2) In any proceedings against any person for a contravention of any of the provisions of this Act

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a certificate in the prescribed form under the hands of the president and the registrar, of whose signatures judicial notice shall be taken, may be received in evidence to prove the fact that the person charged was not on the date mentioned in the certificate registered as a dentist under this Act.

Annual  
roll fee.

(3) Every dentist shall in or before the month of October in each year pay to the registrar a roll fee of ten shillings for the following year.

(4) If any dentist does not pay the roll fee in or before the month of October in any year, the board may remove his name from the register :

Provided that the name of a dentist shall not be removed from the register under this subsection unless the roll fee is still unpaid at the expiration of one month after the posting of a registered letter addressed to him at the address appearing in the register, notifying him that it is the intention of the board so to remove his name.

(5) If the name of any dentist is removed from the register under this section, the board shall upon application in the prescribed form restore his name to the register upon payment of such fees as are prescribed by the regulations made under this Act. The regulations may provide for the waiver of such part of the fees as the board may in a particular case deem proper.

(6) Together with the roll fee the dentist shall furnish particulars of his address for entry in the register.

(7) Where the name of a dentist has been removed from the register and until the name has been restored thereto the dentist shall be deemed to be a person not registered as a dentist under this Act.

(8) This section shall apply to persons who were registered as dentists or deemed to be so registered at the commencement of the Dentists (Amendment) Act, 1927, as well as to persons registered as dentists after such commencement.

4. The Principal Act is further amended by George V,  
inserting at the end of section seven the following new No. 8.  
subsections :—

(2) Every district registrar appointed under the Further amendment of Act No. 26, 1912, s. 7.  
Registration of Births, Deaths, and Marriages Act, 1899 (including the Registrar-General in respect of Death of dentist to be reported to board.  
deaths registered in the district of Sydney), upon registering the death of any dentist shall transmit notice of such death to the registrar of the dental board at Sydney in the manner and the times prescribed, and the board shall upon receipt of such notice cause the name of such dentist to be removed from the register.

(3) Every such district registrar shall be entitled to receive a fee of two shillings for each such notification ; and subsection two of section fifteen of the said Act shall extend to such fees.

5. The Principal Act is further amended—

- (a) (i) by omitting from section eight the words Further amendment of Act No. 26, 1912, s. 8.  
“infamous conduct” where those words firstly and thirdly occur and by inserting in lieu thereof the word “misconduct” ;  
(ii) by omitting from the same section the words “any registered dentist who makes use of any title or description which has not been conferred upon him by some body recognised by the board shall be deemed guilty of infamous conduct in a professional respect” and by inserting in lieu thereof the words :—

“Without limiting the meaning of the expression ‘misconduct in a professional respect’ a dentist shall be deemed guilty of such conduct who—

- (i) makes use of any title or description other than one granted to by him some body recognised by the board ; or by any dental board previously in existence in New South Wales ; or  
(ii) save or in such cases as are prescribed, practises in dentistry in a name other than his own ; or

(iii)

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(iii) allows the use of his name in connection with the practice of dentistry at premises at which he is not in regular attendance for the purpose of practice and supervision; or

(iv) advertises otherwise than in a manner prescribed."

(b) by adding the following paragraphs at the end of the said section:—

Deposit on  
complaint.

Every complaint respecting the conduct of any dentist lodged with the board, involving a charge of misconduct in a professional respect, shall be accompanied by a deposit of five pounds.

Such deposit shall not be required where the complaint is lodged by a member of the police force or an officer of the board.

If after due inquiry as aforesaid the board is of opinion that the complaint is vexatious or frivolous in its nature, it shall so declare, and thereupon the sum so deposited shall be forfeited.

In the absence of such declaration as aforesaid the sum so deposited shall be refunded.

Further amend-  
ment of Act  
No. 26, 1912.  
Sec. 10.

6. (1) The Principal Act is further amended—

(a) by inserting in section ten after the words "any person who" the words "proves to the satisfaction of the board that he is of good character, and who";

(b) by omitting from paragraph (a) of the same section the words "and who proves to the satisfaction of the board that he is of good character";

(c) by omitting from paragraph (b) of the same section the words "an examination before the board according to the prescribed regulations" and by inserting in lieu thereof the words "the prescribed examinations, which shall be conducted by the University of Sydney";

(d) by omitting paragraph (c) of the same section.

(e)

- (e) by inserting at the end of the same section the following new paragraphs:— George V,  
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After the commencement of the Dentists (Amendment) Act, 1927, no person at such commencement apprenticed to a dentist shall be registered upon the qualification set out in paragraph (b) of this section unless he has passed in the prescribed subjects an examination of a standard equal to that of the examination for the intermediate certificate.

After the commencement of the Dentists (Amendment) Act, 1927, no person shall be permitted to be apprenticed to a dentist before passing in the prescribed subjects, the prescribed examination.

- (2) The Principal Act is further amended by inserting after the definition "prescribed" in section three the following new definition:— Sec. 3.

"Recognised certificate" means a certificate, diploma, membership, degree, license, letters, testimonial, or other title, status, or document granted by some university, college, or other public institution in a British possession or foreign country, and which is recognised by the board— Recognised  
certificate.

- (a) as entitling the holder thereof to practise dentistry in such possession or country; and  
(b) as furnishing sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practise of dentistry.

7. (1) The Principal Act is further amended—

- (a) by omitting section 10A; Further  
amendment of  
Act No. 26, 1912.  
Repeal of s. 10A.  
(b) by omitting from section three the words "(b) a person is an operating dental assistant if he practises in dentistry as an assistant to a person practising in dentistry"; Sec. 3.  
(Consequen-  
tial amend-  
ment.)  
(c) by omitting from section twelve the words "or a person authorised by this Act to practise in dentistry"; Sec. 12.  
*Ibid.*

(d)

- George V,  
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Sec. 12A.  
(Consequential  
amendment.)
- (d) by omitting from section 12A the words "or a person practising in dentistry or acting as assistant to a dentist, under the authority of this Act."
- Amendment  
of Act No. 15,  
1916, s. 2.**
- (2) Section two of the Dentists (Amendment) Act, 1916, is amended by omitting paragraph (b) of the matter added to section three of the Dentists Act, 1912.
- Amendment  
of Act No. 54,  
1916, s. 2.**
- (3) Section two of the Dentists (Further Amendment) Act, 1916, is amended by omitting paragraph (b).
- Savings.**
- (4) Any person who before the commencement of this Act has been accepted by the board for examination under section 10A of the Principal Act omitted by this Act shall be deemed to be eligible to sit for such examination at any time within twelve months from the commencement of this Act or within such further time as the board may allow, and if he passes such examination may be registered as a dentist under the Principal Act. Any such examination shall be conducted by the University of Sydney.
- Further  
amendment of  
Act No. 26, 1912.  
Substituted  
s. 11.**
- 8.** (1) The Principal Act is further amended by omitting section eleven and by inserting the following section in lieu thereof:—
- Reciprocal  
registration.**
11. The holder of a recognised certificate, as hereinbefore defined, shall not be entitled to be registered in virtue of such certificate under this Act as a dentist without further prescribed examination, unless he shows to the satisfaction of the board that by the laws or regulations in that behalf in force in the country where such certificate was issued, the right to practise dentistry therein is granted to persons who are registered as dentists under this Act by virtue of their being so registered and without further examination.
- Consequential  
amendment.**
- (2) Section seven of the Dentists (Further Amendment) Act, 1916, is omitted.
- Further  
amendment of  
Act No. 26, 1912.  
Sec. 12B.**
- 9.** The Principal Act is further amended—
- (a) by inserting in section 12B the following new subsection:—
- (2) The name of a locum tenens engaged by a dentist to carry on his practice for any period exceeding one month, shall be notified to the board in the prescribed manner.
- (b)
- Locum  
tenens.**

- (b) (i) by omitting from paragraph (c) of section thirteen the words "section eleven" and by inserting the words "this Act" in lieu thereof; George V,<sup>1</sup>  
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Sec. 13.
- (ii) by omitting from the same section the words "and a copy thereof" and by inserting in lieu thereof the words "and shall take effect from the date of such publication or from a later date specified in the regulations. Such regulations";
- (iii) by inserting in the same section after the word "fourteen" wherever occurring the word "sitting";
- (iv) by inserting at the end of the same section the words "If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House disallowing the regulation or any part thereof, the regulation or part shall thereupon cease to have effect";
- (c) by inserting in section sixteen after the words "that purpose" the words "or a member of the police force"; Sec. 16.
- (d) by omitting from section seventeen the words "such fees" and by inserting in lieu thereof the words "all fees paid to the registrar under this Act or the regulations"; Sec. 17
- (e) by inserting at the end of section one the following new subsection:— Sec. 1.
- (2) This Act as amended by the Dentists (Amendment) Act, 1916 (Act No. 15, 1916), the Dentists (Further Amendment) Act, 1916 (Act No. 51, 1916), and the Dentists (Amendment) Act, 1927, may be cited as the Dentists Acts, 1912-1927.