

Amended
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DENTISTS REGISTRATION ORDINANCE 1953-1957.*

An Ordinance to provide for the Registration of Dentists.

PART I.—PRELIMINARY.

Short title.
Short title
amended:
No. 17, 1938,
s. 4.

1. This Ordinance may be cited as the *Dentists Registration Ordinance 1953-1957*.*

Commence-
ment.

2. This Ordinance shall come into operation on a date to be fixed by the Minister by notice in the *Gazette*.†

Repeal.

3. The *Dentists Registration Ordinance 1932* and the *Dentists Registration Ordinance 1934* are repealed.

Parts.

4. This Ordinance is divided into Parts, as follows:—

Part I.—Preliminary (Sections 1-5).

Part II.—Administration (Sections 6-16).

Part III.—Qualifications and Registration (Sections 17-33).

Part IV.—The Conduct of Dental Practice (Sections 34-39).

Part V.—Miscellaneous (Sections 40-43).

Definitions.
Amended by
No. 9, 1957,
s. 2.

5. In this Ordinance, unless the contrary intention appears—

“Board” means the Dental Board of the Northern Territory constituted under this Ordinance;

“dentistry” means advice or operation on human teeth or jaws, the artificial restoration of human teeth, jaws or portions of jaws, the treatment of disease

* The *Dentists Registration Ordinance 1953-1957* comprises the *Dentists Registration Ordinance 1953* as amended. Particulars of the Principal Ordinance and of the amending Ordinance are set out in the following table:—

Ordinance.	Number and Year.	Date of Assent by Administrator.	Date of Commencement.
<i>Dentists Registration Ordinance 1953</i>	No. 1, 1953	20th February, 1953	1st Jun., 1953
<i>Dentists Registration Ordinance 1957</i>	No. 9, 1957	12th April, 1957 ..	12th April, 1957

† The date fixed was 1st June, 1953—see table above.

or lesions, the correction of malpositions in human teeth or jaws, and the administration of dental anaesthetics, but does not include the mechanical construction of artificial dentures or other devices by an artisan employed for that purpose by a registered dentist or by the Commonwealth;

- “ member ” means a member of the Board;
- “ Minister ” means the Minister of State for Health;
- “ Register ” means the Register of Dentists kept in accordance with the provisions of this Ordinance;
- “ registered dentist ” means a person who is registered as a dentist under this Ordinance;
- “ registered medical practitioner ” means a person who is a registered medical practitioner within the meaning of the *Medical Practitioners Registration Ordinance 1935-1945*;
- “ the Chief Medical Officer ” means the person appointed under the *Quarantine Act 1908-1950* to be the Chief Quarantine Officer (General), Northern Territory.

PART II.—ADMINISTRATION.

6.—(1.) For the purposes of this Ordinance, there shall be a board to be known as the Dental Board of the Northern Territory, which, subject to this Ordinance, shall have and may exercise the rights, powers, authorities and functions conferred upon it by this Ordinance and shall be charged with and perform the duties and obligations imposed upon it by this Ordinance.

Establishment
of Dental
Board.

(2.) The Board shall be a body corporate with perpetual succession and a common seal and may acquire, hold and dispose of personal property and shall be capable of suing and being sued in its corporate name.

(3.) All courts, judges and persons acting judicially shall take judicial notice of the seal of the Board affixed to any document and shall presume that it was duly affixed.

(4.) The exercise of the rights, powers, authorities or functions, or the performance of the duties or obligations, of the Board shall not be affected only by reason of there being a vacancy in the office of a member of the Board.

7.—(1.) The Board may appoint a person to be the Registrar of the Board.

Appointment
of Registrar.

(2.) The Registrar shall perform such duties as the Board from time to time determines.

**Constitution
of Board.**

8.—(1.) The Board shall consist of a registered dentist, employed by the Commonwealth Department of Health, a registered dentist who has been registered as a dentist in a State or Territory of the Commonwealth for not less than three years, both appointed by the Minister, and the Chief Medical Officer.

(2.) The Chief Medical Officer shall be the Chairman of the Board.

(3.) The Chairman of the Board shall preside at all meetings of the Board at which he is present, but, in the event of the absence of the Chairman from a meeting of the Board, the registered dentist employed by the Commonwealth Department of Health shall preside.

**Meetings of
the Board.**

9.—(1.) Subject to this section, the Board shall meet at least once in every six months and at such other times as, in the opinion of the Chairman, are necessary for the efficient conduct of its affairs.

(2.) The Chairman shall, by such means as he determines, give two clear days' notice to the members of the time and place of a proposed meeting of the Board.

(3.) The Chairman shall, within seven days of the receipt of a written request signed by a member, call a meeting of the Board.

(4.) At a meeting of the Board, two members shall constitute a quorum.

(5.) The member of the Board presiding at a meeting of the Board shall have a deliberative vote and, in the event of an equality of votes, shall also have a casting vote.

**Vacation of
office.**

10. A member of the Board, other than the Chairman, shall be deemed to have vacated his office—

- (a) if his appointment is terminated by the Minister;
- (b) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (c) if he becomes of unsound mind;
- (d) if he resigns his office by writing under his hand addressed to the Minister; or
- (e) if he is absent, except on leave granted by the Board, from three consecutive meetings of the Board.

11.—(1.) For the purposes of this Ordinance, the Board may, by notice in writing under the hand of the Chairman, summon a person to attend the Board at a time and place specified in the notice and then and there to give evidence and to produce such books, documents or writings in his custody or control as are likely to be relevant for the purposes of the business of the Board or as are specified in the notice.

Power to send for witnesses and documents.

(2.) The Board may, in its discretion, on the application of a party to proceedings before the Board, summon a person to appear as a witness before the Board.

(3.) A notice under this section may be served personally or by registered post.

12. The person presiding at a meeting of the Board may administer an oath to a person appearing as a witness before the Board, whether the witness has been summoned or appears without being summoned, and may examine the witness upon that oath.

Power to examine upon oath.

13.—(1.) When a person appearing as a witness before the Board conscientiously objects to take an oath, he may, instead of taking the oath, make an affirmation that he conscientiously objects to take an oath and that he will state the truth, the whole truth and nothing but the truth, to all questions that may be asked of him.

Affirmation in lieu of oath.

(2.) An affirmation made in pursuance of the last preceding sub-section shall be of the same force and effect, and shall entail the same liabilities, as an oath.

14. A person who has been served personally with a notice to attend the Board, and whose reasonable expenses of attendances have been paid or tendered to him, shall not fail without reasonable excuse, proof whereof shall lie upon him, to attend the Board at the time and place specified in the notice and to produce such books, documents or writings in his custody or control as are likely to be relevant for the purposes of the business of the Board or as are specified in the notice.

Penalty for failing to attend or produce documents.

Penalty: Fifty pounds.

15. A person who appears as a witness before the Board shall not—

Penalty for refusing to take oath or answer questions.

(a) refuse or fail to take an oath or to make an affirmation in accordance with the provisions of sub-section (1.) of section thirteen of this Ordinance;

or

(b) refuse or fail to answer a question lawfully put to him.

Penalty: Fifty pounds.

Collection
of fees.

16.—(1.) The Board may demand and collect in advance such fees as are prescribed.

(2.) Fees, penalties and other moneys received or recovered under this Ordinance shall be paid into the Consolidated Revenue Fund.

PART III.—QUALIFICATIONS AND REGISTRATION.

Register.

17. The Board shall keep a register to be known as “The Register of Dentists”.

Registration
of dentists
regist red under
previous law.

18. A person who, on the day preceding the day when this Ordinance is brought into operation, is registered as a dentist under the *Dentists Registration Ordinance 1932-1934* shall be registered by the Board without any application being made by that person.

Qualifications
for registration.

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19.—(1.) Subject to this section, a person who is a British subject within the meaning of the *Nationality and Citizenship Act 1948-1952* and who is of good fame and character and who—

- (a) holds a degree of Bachelor of Dental Science or Bachelor of Dentistry conferred by a university in the Commonwealth or in New Zealand which is authorized to grant either of those degrees; or
- (b) holds a certificate, diploma, degree, licence, letters, testimonial or other title or document granted in a country outside the Commonwealth or New Zealand which entitles him to practise dentistry in that country,

may apply to the Board for registration as a dentist.

(2.) The Board shall require a person who applies to it for registration as a dentist to prove to its satisfaction—

- (a) that he is a person referred to in the last preceding sub-section;
- (b) that the qualification which he holds entitles him to practise dentistry in the place in which he obtained that qualification;
- (c) that he has not been deprived of that qualification for a cause which disqualifies him from being registered under this Ordinance;
- (d) that the standard of training and examination for the qualification which he holds is not lower than the standard prescribed for the degree of Bachelor of Dental Surgery or Bachelor of

Dental Science at a University in the Commonwealth or in New Zealand which is authorized to grant either of those degrees; and

- (e) that a person registered under this Ordinance is entitled, either on registration or otherwise and without further examination, to practise dentistry in the place in which the applicant obtained his qualification.

20. When a person has satisfied the Board as to the several matters referred to in the last preceding section, the Board shall—

Registration.

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- (a) in the case of a person employed by the Commonwealth on full-time duties as a dentist, without fee; and

- (b) in any other case, upon payment to it of a fee of One pound,

register that person as a dentist.

21.—(1.) When the Board registers a person it shall cause the person's name to be entered in the Register together with such other particulars relating to him as the Board deems fit.

Mode of registration.

(2.) The Chairman of the Board shall sign each entry in the Register.

22. A person who, on the day preceding the day when this Ordinance comes into operation, is registered as a dentist under the law in force in a State or Territory of the Commonwealth is entitled to be registered under this Ordinance by virtue of his being registered as a dentist in that State or Territory, if he applies to the Board within twelve months of that date.

Registration of dentists already registered in a State or Territory.

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23. A registered dentist shall, unless he is employed by the Commonwealth on full-time duties as a dentist, pay to the Board a fee of One pound before the first day of July in every year.

Payment of annual fee.

24. If a registered dentist fails to pay the fee referred to in the last preceding section, the Board shall cause his name to be struck from the Register and that person thereupon ceases to be a registered dentist.

Removal from register for failure to pay fee.

25.—(1.) A person whose name has been struck from the Register in pursuance of the last preceding section may apply to the Board to have his name restored to the Register.

Application to have name restored to register.

(2.) Upon payment to the Board of such fees as the person would have paid had his name not been removed from the Register, the Board may restore his name to the Register.

Appeal against refusal to register.

26 If the Board—

- (a) refuses to register a person under this Ordinance;
- (b) refuses to restore a person's name to the Register; or
- (c) for a period of three months from and including the date when a person applies for registration under this Ordinance, fails to register a person or fails to communicate to that person its refusal to register him,

the person may appeal to the Supreme Court.

Time for appeal.

27. An appeal under the last preceding section may be instituted at any time within one month from and including the date—

- (a) when the Board refuses to register a person under this Ordinance; or
- (b) when the period of three months, during which the Board has failed either to register the person or to indicate its refusal to register him, expires.

Appeal to be a re-hearing.

28.—(1.) An appeal to the Supreme Court under this Ordinance is by way of a re-hearing of the application for registration and the Supreme Court may—

- (a) affirm the Board's refusal to register;
- (b) direct the Board to register the applicant; or
- (c) direct the Board to deal with the application within such time as the Court sees fit,

and may make such order as to costs as it sees fit.

(2.) The appellant and the Board shall abide by such order as the Supreme Court makes under this section.

Copy of Register to be published.

29.—(1.) The Board shall cause a true copy of the Register to be published in the *Gazette* once in every year.

(2.) A copy of the *Gazette* containing the last-published copy of the Register is *prima facie* evidence of the registration of the persons named therein.

False statements.

30. A person shall not knowingly make a false statement or produce a false writing in connexion with an application for registration under this Ordinance.

Penalty: One hundred pounds or imprisonment for six months.

Register may be altered.

31.—(1.) A registered dentist who possesses a qualification other than a qualification which is noted on the Register may request the Board to enter his additional qualification in the Register.

(2.) The Board may, in its discretion, cause the qualifications of a registered dentist and particulars of an honour conferred on a registered dentist by Her Majesty the Queen to be entered in the Register.

32.—(1.) A registered dentist shall furnish by post to the Board particulars of the address at which he practises as a dentist—

Change of address and death to be notified.

- (a) before the first day of July in every year; and
- (b) within fourteen days of any change occurring in those particulars.

(2.) A District Registrar of Births, Deaths and Marriages who registers the death of a registered dentist shall, within fourteen days of so registering, transmit notice thereof by post to the Board.

33.—(1.) The Board shall cause the name of a registered dentist who has died to be struck from the Register and may cause such other alterations to be made in the Register as it sees fit.

Alteration of Register.

(2.) The Board may serve notice by post on a registered dentist, addressed to him at the address which appears in the Register, requiring the registered dentist to notify the Board of particulars of the address at which he is practising as a dentist and if an answer is not received by the Board within three months from the date when the notice is served, the Board may cause his name to be struck from the Register.

(3.) Subject to the provisions of this Ordinance, a person whose name has been removed from the Register under the last preceding sub-section may apply to the Board to have his name restored to the Register.

PART IV.—THE CONDUCT OF DENTAL PRACTICE.

34 —(1.) If the Board has reason to believe that a registered dentist—

Unprofessional conduct.

- (a) has obtained registration by fraud or misrepresentation;
- (b) does not possess the qualification by means of which he obtained registration;
- (c) has been convicted of an offence which, in the opinion of the Board, renders him unfit to practise as a registered dentist;
- (d) has been certified insane;

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(e) by addiction to intoxicating liquor or drugs ~~has~~ rendered himself unfit to practise as a dentist; or

(f) has been guilty of unprofessional conduct,

the Board shall cause notice in writing under the hand of the Chairman to be served by post on the registered dentist—

(g) giving notice of its belief and particulars of the grounds therefor;

(h) ordering him to cease practising as a registered dentist; and

(i) fixing a place and time, not being less than fourteen days nor more than twenty-one days after the posting of the notice, for an inquiry by the Board into the matter.

(2.) A registered dentist shall not practise as a dentist after receiving a notice under the last preceding sub-section unless the Board, having inquired into the matter, notifies him that he may practise as a registered dentist.

Penalty: One hundred pounds.

(3.) A registered dentist may appear before the Board in person, may be represented by counsel, may give evidence on oath or affirmation and he or his counsel may examine witnesses and address the Board.

(4.) For the purposes of this section, “unprofessional conduct” includes—

(a) advertising or sanctioning an advertisement;

(b) being associated with or employed by a person who advertises or who sanctions an advertisement;

(c) canvassing or sanctioning the employment of a person to canvass; or

(d) being associated with or employed by a person who canvasses or who sanctions the employment of a person to canvass,

with a view to procuring patients.

Board to give notice of its decision.

35. After inquiry into a matter under the last preceding section, the Board shall cause notice in writing under the hand of the Chairman to be served on the dentist either personally or by post stating that it is of opinion that its belief was—

(a) well-founded and that, for the reasons specified in that notice, it has removed his name from the Register; or

(b) ill-founded and that he may practise as a registered dentist forthwith.

36—(1.) A person whose name has been removed from the Register under this Part may, within one month from and including the date of the service of the notice under the last preceding section, appeal to the Supreme Court.

Person removed from Register may appeal.

(2.) An appeal to the Supreme Court under this section is by way of a re-hearing of the inquiry and the Supreme Court may make such order, including an order as to costs, as it sees fit and may direct the Board to restore the appellant's name to the Register.

(3.) The appellant and the Board shall abide by such order as the Supreme Court makes under this section.

37.—(1.) A person shall not practise dentistry for fee or reward unless—

Prohibition of practice of dentistry unless registered.

- (a) he is a registered medical practitioner; or
- (b) he is a registered dentist.

Penalty: In the case of a first offence Fifty pounds; in any other case Two hundred pounds.

(2.) The giving of a single advice or the performance of a single act of dentistry is, for the purpose of this section, deemed to be practising dentistry.

(3.) A person proved to have practised dentistry is deemed to have done so for fee or reward until the contrary is proved.

38. A person shall not—

Prohibition of use of certain terms except by registered dentists.

- (a) have attached to or exhibited at his place of business or residence, or at the place of business of a firm in which he is a partner;
- (b) in any manner howsoever, take or use in connexion with his business, or with the business of a firm in which he is a partner,

the name or title of "dentist", "dental surgeon", "surgeon dentist", "mechanical dentist" or "dental practitioner", or the word "dental", or "dentistry" or any word, sign, device or article implying or tending to imply or convey that he, or his firm, is qualified or authorized to practise dentistry or that he or his firm practises dentistry, unless he is a registered dentist.

Penalty: Fifty pounds.

39. The Board may, in its discretion, on the application of a registered dentist, grant temporary registration to a dentist who is registered as a dentist in a State or Territory of the Commonwealth to act as *locum tenens* for the registered dentist for a period not exceeding six months.

Temporary registration.

PART V.—MISCELLANEOUS.

Registered
dentist may
sue for fees.

40. A registered dentist may sue, in a court of competent jurisdiction, for the recovery of his fees and other remuneration for practising dentistry and it is sufficient for the plaintiff to use the words "for dental services", in the particulars of demand, to include both the fee for practising dentistry and the charge for articles supplied by him in the course of practising dentistry.

Unregistered
person not to
hold certain
appointments.

41. A person shall not hold an appointment nor act—
 (a) as a dentist—
 (i) in a hospital, dispensary, gaol or other public institution; or
 (ii) to a health centre or other centre or clinic for the promotion of public health; or
 (b) as a dental officer or dental inspector in a school, unless he is a registered dentist.

Institution of
proceedings.

42. Proceedings for an offence against this Ordinance may be instituted in a court of summary jurisdiction by the Chairman of the Board or by a person authorized in writing by the Chairman.

Regulations.

43. The Minister may make regulations, not inconsistent with this Ordinance, prescribing all matters which by this Ordinance are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Ordinance, and in particular for prescribing penalties not exceeding Twenty pounds for offences against the regulations.
