

Queensland



ANNO OCTAVO

ELIZABETHAE SECUNDAE REGINAE.

.....  
**No. 54.**

**An Act to Amend "The Dental Acts, 1902 to 1953,"  
 in certain particulars.**

[ASSENTED TO 21ST DECEMBER, 1959.]

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. (1.) This Act may be cited as "*The Dental Acts Amendment Act of 1959.*"

Principal Act.

(2.) "*The Dental Acts, 1902 to 1953,*" are in this Act referred to as the Principal Act.

Collective title.

(3.) The Principal Act and this Act may be collectively cited as "*The Dental Acts, 1902 to 1959.*"

2. Section two of the Principal Act is amended—

Amendments  
of s. 2.

(i.) By inserting therein, after the definition “By-laws”, the following definitions:—

“ “Dental Specialist”—A dentist registered under this Act as a dental specialist with respect to a dental specialty, and whose name remains upon the Register of Dental Specialists with respect to such specialty ;

Dental  
Specialist.

“Dental Specialty”—A branch of dentistry prescribed to be a dental specialty ;” ;

Dental  
Specialty.

(ii.) By adding to the definition “Dentist” therein the words “, and whose name remains upon the Register of Dentists, Queensland” ;

(iii.) By repealing in the definition “Dentistry” therein, the words and commas “for fee, salary, or other reward, or for expectation of fee, salary, or other reward,” ;

(iv.) By repealing the definition “Register” therein, and by inserting, in lieu of that repealed definition, the following definitions:—

“ “Register of Dentists”—The Register of Dentists, Queensland, made and kept under this Act ;

Register of  
Dentists.

“Register of Dental Specialists”—The Register of Dental Specialists, Queensland, made and kept under this Act ;” ;

Register of  
Dental  
Specialists.

(v.) By repealing the definition “Registrar” therein and by inserting, in lieu of that repealed definition, the following definition:—

“ “Registrar”—The Registrar of the Board appointed pursuant to “*The Medical and Other Acts Amendment Act of 1933*”: The term includes the person who for the time being occupies the office or performs the duties of the registrar.” ; and

Registrar.

(vi.) By adding to that section the following paragraph:—

“ Any reference in this Act to a register shall, unless the context otherwise indicates or requires, in the case of a dental specialist, be read and construed as referring to both the Register of Dentists and the Register of Dental Specialists.”

Amendments  
of s. 8.

3. Section eight of the Principal Act is amended—

(i.) By inserting in that section, after the words “shall be entitled to be registered”, the words “as a dentist”; and

(ii.) By repealing paragraph (x.) of that section.

Amendment  
of s. 8B.

4. Section 8B of the Principal Act is amended by inserting therein, after the words “the Board shall register”, the words “as a dentist under this Act”.

New ss. 8C,  
8D and 8E  
inserted.

5. The following sections, numbered 8C, 8D and 8E respectively, are inserted after section 8B of the Principal Act :—

Determina-  
tion of  
specialties.

“[8C.] The Governor in Council may, upon the recommendation of the Board, from time to time prescribe by Order in Council what branches of dentistry shall be or be deemed to be dental specialties with respect to which a dentist who is duly qualified may be registered as a dental specialist.

Registration  
as a  
specialist.

[8D.] A dentist who makes application in the prescribed form for registration as a dental specialist and pays the prescribed fee and who satisfies the Board that he has gained special skill in a particular dental specialty by adequate experience in that specialty in practice for a period of not less than five years and, in relation to a dental specialty in respect whereof degrees, diplomas, certificates, licenses or other titles are generally granted or recognised, who also satisfies the Board that he is the holder of, or is justly entitled to have conferred upon him, a degree, diploma, certificate, license or other title approved by the Board under the by-laws, in the dental specialty to which his application relates of a university or other institution which is legally authorised to grant that degree, certificate, diploma, license or other title, shall be entitled to be registered as a dental specialist in accordance with his application :

Provided that a dentist who makes such application on or before the thirty-first day of December, one thousand nine hundred and sixty, who pays the prescribed fee and who satisfies the Board that he has gained special skill in a particular dental specialty by adequate experience in that specialty in practice for a period of not less than five years, shall be entitled to be registered as a dental specialist in accordance with his application.

[8E.] The Board may, upon application in that behalf made by a dental specialist, direct the registrar to erase the name of such dental specialist from the Register of Dental Specialists, but such erasure shall not prejudice the registration as a dentist of the applicant therefor.”

Voluntary  
surrender  
of registra-  
tion as  
specialist.

6. Section ten of the Principal Act is amended by inserting therein, after the words “refuse to register any person”, the words “as a dentist or dental specialist or refuse to restore to either register any name which has been erased from such register”.

Amendment  
of s. 10.

7. Section twelve of the Principal Act is repealed and the following section is inserted in lieu of that repealed section :—

Repeal of  
and new  
s. 12.

“[12.] (1.) The registrar shall make and keep in the forms respectively prescribed (which may be on the loose-leaf or card-index system) the following registers, namely :—

Registers.

- (a) A register to be called “The Register of Dentists, Queensland” (in this Act referred to as the “Register of Dentists”); and
- (b) A register to be called “The Register of Dental Specialists, Queensland” (in this Act referred to as the “Register of Dental Specialists”), which register shall be divided according to the number of dental specialties for the time being prescribed by the Governor in Council :

Provided that, unless otherwise prescribed, the Register of Dentists in existence at the enactment of this section shall continue in operation as the Register of Dentists, Queensland.

(2.) The registrar shall enter in the Register of Dentists—

Entries in  
the Register  
of Dentists .

- (a) The full names and addresses of all persons registered as dentists under this Act; and
- (b) The date and description of the qualifications in respect of which such registration is granted; and
- (c) In the case of any dentist who is also registered as a dental specialist, a reference as prescribed to such registration; and
- (d) Such other particulars as may be prescribed.

Entries in  
the Register  
of Dental  
Specialists.

(3.) The registrar shall according to their respective dental specialties enter in the Register of Dental Specialists—

- (a) The full names and addresses of all dentists registered as dental specialists under this Act ; and
- (b) The date and description of the qualification in respect of which such registration is granted ; and
- (c) A reference as prescribed to the registration of the dental specialist concerned as a dentist ; and
- (d) Such other particulars as may be prescribed.

(4.) Each such register shall be open to inspection to any person upon payment of the prescribed fee at all times during which the office of the Board is open for the transaction of business.

(5.) Every dentist or dental specialist shall be entitled to obtain from the registrar a certificate of his registration in the prescribed form.

(6.) As soon as may be after every registration the registrar shall cause particulars thereof as specified in subsection two or, as the case may be, subsection three of this section, to be published in the *Gazette*.

(7.) In a proceeding under or for a purpose of this Act a document purporting to be signed by the registrar, and certifying that, at a date or during a period specified therein, a person was or was not registered under this Act according thereto or did or did not possess the qualifications mentioned therein shall, upon its production in evidence, be evidence of the matter or matters certified therein and in the absence of evidence in rebuttal thereof shall be conclusive evidence of such matter or matters.”

Repeal of  
and new  
s. 12A.

8. Section 12A of the Principal Act is repealed and the following section is inserted in lieu of that repealed section :—

Annual fees.

“ [12A.] (1.) Every dentist shall pay to the Board such annual license fee as may be prescribed by the by-laws, and every dentist who is a dental specialist shall pay to the Board such additional annual license fee as may be prescribed by the by-laws.

Such annual license fee (including in the case of a dental specialist the additional annual license fee prescribed) shall be paid to the Board by the dentist concerned on or before the thirty-first day of January in each year.

If any dentist fails to pay such annual license fee (including in the case of a dental specialist the additional annual license fee prescribed) on or before the said date in each year, the registrar shall thereupon erase his name from the register or, in the case of a dental specialist, from one or both registers as the case may require.

(2.) If within three months after the erasure by the registrar pursuant to this section of the registration of any person as a dentist or dental specialist, such person pays to the Board all arrears payable in his case in respect of the prescribed annual license fee or, in the case of a dental specialist, prescribed additional annual license fee and also pays to the Board such penalty as may be prescribed, the registrar shall restore his name to the Register of Dentists or, as the case may be, the Register of Dental Specialists :

Provided that, in the case of the erasure pursuant to this section of the registration of any person as both a dentist and a dental specialist, the name of such person shall not be restored by the registrar to the Register of Dental Specialists unless such person shall have made the payments required by this subsection for the restoration of his name to the Register of Dentists, and his name shall have been restored to that register.

(3.) Any name erased from the Register of Dentists or the Register of Dental Specialists by the registrar pursuant to this section may be restored at any time by the Board."

9. Section thirteen of the Principal Act is repealed and, in lieu of that repealed section, the following section is inserted :—

"[13.] (1.) Subject to subsection two of this section, any dentist or dental specialist who holds or obtains any degree, diploma, certificate, license or other title other than the qualification or qualifications in respect of which he is registered shall, upon making application and paying the prescribed fee, be entitled to

Repeal of  
and new  
s. 13.

Registration  
of additional  
qualifica-  
tions.

have the same registered in the Register of Dentists or, in the case of a dental specialist, the Register of Dental Specialists.

(2.) The Board may by by-law approve the degrees, diplomas, certificates, licenses or other titles which may be registered under subsection one of this section in the Register of Dentists and the Register of Dental Specialists, respectively.

Subsection one of this section applies so as not to entitle any dental specialist to have registered in the Register of Dental Specialists any degree, diploma, certificate, license or other title which is not, for the time being, approved by the Board by by-law.

Subsection one of this section applies so as not to entitle any dentist at any time later than one year after the passing of "*The Dental Acts Amendment Act of 1959*," to have registered in the Register of Dentists any degree, diploma, certificate, license or other title which is not, for the time being, approved by the Board by by-law.

(3.) Nothing in this section or in any by-law referred to in subsection two of this section shall require or authorise or be deemed to require or authorise the erasure or removal from the Register of Dentists of any degree, diploma, certificate, license or other title registered therein pursuant to the provisions of section thirteen of "*The Dental Acts, 1902 to 1953*," as in force immediately prior to the passing of "*The Dental Acts Amendment Act of 1959*."

Repeal of  
and new  
s. 14.

10. Section fourteen of the Principal Act is repealed and the following section is inserted in lieu of that repealed section:—

Publication  
of registers.

"[14.] (1.) The Board shall forthwith after the first day of February in each calendar year cause copies of the registers respectively of dentists and dental specialists registered in Queensland certified to be correct up to the thirty-first day of January of that calendar year, to be published in the *Gazette* as "The Copy of the Register of Dentists, Queensland, for the year           ," followed by the number of the year in which it is published, and as "The Copy of the Register of Dental Specialists, Queensland, for the year           ," followed by the number of the year in which it is published, as the case may be.

(2.) The *Gazette* containing either such copy for any year shall be *primâ facie* evidence in all proceedings that the persons named in such copy were or are at all material times during the period from and after the date of the publication thereof and up to the thirty-first day of January next ensuing registered according thereto and that every person so registered possesses the qualifications therein shown in relation to his registration; and the absence of the name of any person from either such copy shall be *primâ facie* evidence that such person is not registered according to the register concerned; and the fact that either copy does not show a particular qualification in relation to any registration shall be *primâ facie* evidence that the person concerned does not possess that qualification."

11. Section fifteen of the Principal Act is amended— Amendments of s. 15.

(i.) By repealing in subsection one thereof the word "the", where that word appears before the word "register", and by inserting, in lieu of that repealed word, the word "either";

(ii.) By inserting in subsection two thereof, after the word "dentist" wheresoever occurring, the words "or dental specialist";

(iii.) By repealing subsection three thereof and by inserting, in lieu of that repealed subsection, the following subsection :—

"(3.) The registrar shall from time to time erase from the registers the names of all dentists (including dental specialists) who have died, and shall make such alterations and amendments in either register as the Board from time to time directs for the purpose of making the register concerned an accurate record of the names, addresses and qualifications and, in the case of dental specialists, qualifications with respect to any dental specialty, of the dentists or, as the case may be, dental specialists for the time being.

For the purposes aforesaid the registrar may send a prepaid post letter to any dentist or dental specialist addressed to him according to his address in the register concerned inquiring whether or not he has changed his business address, and if no answer is returned to such notice within six months after the posting thereof the Board may order the registrar to erase the name of the



dentist or dental specialist to whom the same was so sent from the register or, in the case of a dental specialist, from both registers.”; and

(iv.) By repealing in subsection four thereof the words “the register” and by inserting, in lieu of those repealed words, the words “either or both of the registers”.

New s. 15A  
inserted.

**12.** The following section, numbered 15A, is inserted after section fifteen of the Principal Act:—

Restoration  
of name.

“ [15A.] (1.) When the name of any dentist (including any dental specialist) has been erased from the register or registers under this Act, the name of that person shall not be again entered on such register or registers except by direction of the Board or, in any case to which section 12A of this Act applies, by the registrar pursuant to subsection two of that section.

(2.) The Board may if it thinks fit in any case restore to a register any name erased therefrom which it is authorised or required under this Act to so restore without payment of fee or on payment of such fee, not exceeding the registration fee, as the Board may direct:

Provided that, where the erasure has been made for failure to pay the amount of any fee the Board may require payment of the whole or part of such amount together with the penalty, if any, prescribed by the by-laws for failure to pay the same.”

Amendments  
of s. 16.

**13.** Section sixteen of the Principal Act is amended—

(i.) By inserting in subsection one thereof, after the words “If any dentist”, the words and brackets “(including any dental specialist)”;

(ii.) By repealing in paragraph (a) of subsection one thereof the word “register”, and by inserting, in lieu of that repealed word, the words “Register of Dentists”;

(iii.) By inserting after subsection one thereof the following subsections:—

“(1A.) When the name of a dentist who is also a dental specialist is ordered to be erased from the Register of Dentists under paragraph (a) of subsection one of this section, his name shall also be erased from the Register of Dental Specialists.

(1B.) When the registration of a dentist who is also a dental specialist is suspended under paragraph (b) of subsection one of this section, the order shall be deemed to suspend his registration as a dental specialist for the period during which it suspends his registration as a dentist.”;

(iv.) By inserting in subsection two thereof, after the words and quotation marks ““ misconduct in a professional respect ” a dentist”, the words and brackets “(including a dental specialist)”;

(v.) By inserting in paragraph (v.) of subsection two thereof, after the words “ as a dentist”, the words “ or, as the case may be, as a dental specialist ”;

(vi.) By inserting in paragraph (vi.) of subsection two thereof, after the word “ dentist”, where that word twice occurs therein, the words “ or dental specialist ”;

(vii.) By repealing paragraph (viii.) of subsection two thereof and inserting, in lieu of that repealed paragraph, the following paragraphs:—

“ (viii.) Publishes or exhibits, or permits or allows to be published or exhibited, any letter, circular, handbill, card or advertisement of any kind which contains any reference to him in the capacity of a dentist or a dental specialist, or to the practice by him of dentistry, or to his qualifications or experience as a dentist or dental specialist, save his name, qualifications as a dentist or dental specialist, the address of the place where, the days and times when he practises dentistry, and his telephone number ;

(viiiA.) With a view to his own gain and for the purpose of procuring patients, with, about, concerning, relating to, or in connection with the attendance, treatment or performance of any dental operation upon a patient, directly or indirectly gives or delivers or sanctions the giving or delivery, to or on behalf of the patient of any money, reward, benefit, valuable consideration or advantage whatsoever other than such attendance, treatment or performance of an operation according to the recognised practice of dentistry ; ”;

(viii.) By repealing paragraphs (xii.) and (xiii.) of subsection two thereof and by inserting, in lieu of those repealed paragraphs, the following paragraph :—

“(xii.) Whether in his capacity as a dentist or as a dental specialist omits through negligence to do something which any reasonable man guided by those considerations which ordinarily regulate the conduct of human affairs would do, or does something which a reasonable man claiming such general or special qualifications would not do, or shows in any other way the absence of such reasonable skill and attention as shall have endangered the health of the patient.” ;

(ix.) By inserting in subsection four thereof, after the words “ Register of Dentists ”, the words “ and also, if he is a dental specialist, from the Register of Dental Specialists ”, and by inserting in that subsection, after the words “ as a dentist ”, the words “ or, as the case may be, as a dentist and a dental specialist ” ;

(x.) By adding to subsection seven thereof the following paragraph :—

“ Where the Board removes the name of a dentist from the Register of Dentists under and pursuant to this subsection, it shall, if such dentist is also registered as a dental specialist, direct his name to be removed from the Register of Dental Specialists.” ; and

(xi.) By repealing in subsection eight thereof the words “ the register ”, and by inserting, in lieu of those repealed words, the words “ either or both registers ”.

Amendment  
of s. 19.

**14.** Section nineteen of the Principal Act is amended by inserting, after the words “ Every dentist ”, the words “ including a dental specialist ”.

Amendments  
of s. 20.

**15.** Section twenty of the Principal Act is amended—

(i.) By inserting therein after subsection one the following subsections :—

“(1A.) No person other than a dentist shall advertise or hold himself out as being, or in any manner pretend to be or possess the status of, or take or use or by inference

adopt (either alone or in conjunction with any other title, word or letter) the name, title or letters of a dental specialist with respect to any branch of dentistry, or take or use or by inference adopt any other name, title or letters implying, or that may be construed to imply, that he is a dental specialist or qualified to practice as a dental specialist with respect to any branch of dentistry.

(1B.) On and after the first day of January, one thousand nine hundred and sixty-one, no dentist other than a dental specialist shall advertise or hold himself out as being, or in any manner pretend to be or possess the status of, or take or use or by inference adopt (either alone or in conjunction with any other title, word or letter) the name, title or letters of a dental specialist with respect to any branch of dentistry, or take or use or by inference adopt any other name, title or letters implying, or that may be construed to imply, that he is or is qualified to practise as a dental specialist with respect to any branch of dentistry.

(1c.) Any person who advertises or holds himself out as being or in any manner pretends to be or possess the status of, or takes or uses (either alone or in conjunction with any other title, word or letter) the name, title or letters of "consultant" (or of any word or words which may be construed to imply that he is a "consultant") with respect to dentistry or any branch of dentistry, shall—

- (a) If he is not a dentist be deemed to hold himself out as being a dentist; or
- (b) If he is a dentist be deemed to hold himself out as being a dental specialist.

In the case of a dentist referred to in paragraph (b) of this subsection it shall be immaterial that the holding-out does not refer to any particular dental specialty."

(ii.) By inserting in subsection two thereof, after the words "no dentist", the words "or dental specialist";

(iii.) By inserting in subsection three thereof, after the words "no dentist", the words "or dental specialist";

(iv.) By inserting in subsection four thereof, after the words "registered as a dentist", the words "or a dental specialist"; and

(v.) By adding thereto the following subsection:—

(7.) Nothing in this section shall authorise, justify or excuse any contravention of the provisions of paragraph (viii.) of subsection two of section sixteen of this Act by any dentist (including a dental specialist)."

Amendments  
of s. 26.

**16.** Section twenty-six of the Principal Act is amended—

(i.) By, in paragraph (iv.) of subsection one thereof, repealing the word "register", and by inserting, in lieu of that repealed word, the words "registers and the particulars to be entered therein";

(ii.) By adding to paragraph (xiA.) of subsection one thereof the words "and the amount of the additional annual license fee to be paid by each and every dentist who is a dental specialist registered under this Act";

(iii.) By inserting in paragraph (xiii.) of subsection one thereof, after the words "charges against dentists", the words and brackets "(including dental specialists)";

(iv.) By repealing paragraph (xiiiA.) of subsection one thereof; and

(v.) By inserting, in subsection one thereof, after paragraph (xiiiB.), the following paragraphs:—

"(xiiic.) Regulating the use by dentists (including dental specialists) of titles, letters or words indicating or describing their qualifications, prescribing what titles, letters or words shall or may be used, and prescribing titles, letters or words the use whereof shall be prohibited and either generally or except to describe a particular dental specialty or qualification;

(xiiid.) Prescribing all matters or things which by this Act are required or permitted to be prescribed save such of those matters and things as are required to be prescribed otherwise than by by-law."

---

17. (1.) Section eight of "*The Dental Acts Amendment Act of 1935*" is repealed.

Amendment  
of s. 8 of  
23 Geo. V.,  
No. 30.

(2.) The repeal of the said section eight shall not prejudice or affect the registration of any dentist registered under or pursuant to that section.

---