



ANNO VICESIMO

ELIZABETHAE II REGINAE

A.D. 1971

No. 59 of 1971

An Act to amend the Dentists Act, 1931-1966.

[Assented to 14th October, 1971]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Dentists Act Amendment Act, 1971".

(2) The Dentists Act, 1931-1966, as amended by this Act, may be cited as the "Dentists Act, 1931-1971".

(3) The Dentists Act, 1931-1966, is hereinafter referred to as "the principal Act".

Commence-
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

Amendment of
principal Act,
s. 2—
Arrangement
of Act.

3. Section 2 of the principal Act is amended by striking out the item:—

PART IV—Dental Operatives

and inserting in lieu thereof the item—

PART IV—Dental Auxiliaries.

Amendment of
principal Act,
s. 4—
Interpretation.

4. Section 4 of the principal Act is amended—

(a) by inserting after the definition of "the Committee" the following definitions:—

"dental auxiliary" means a person registered as a dental auxiliary under Part IV of this Act:

“dental therapist” means a person who practises dentistry under and in accordance with, paragraph (d) of subsection (1) of section 40 of this Act;

and

(b) by striking out the definitions of “licence”, “licensed”, “operative dental assistant”, “registered” and “unregistered”.

5. Section 6 of the principal Act is amended by striking out from paragraph (b) of subsection (2) the passage “British Medical Association” and inserting in lieu thereof the passage “Australian Medical Association”.

Amendment of principal Act, s. 6—
Members of the board.

6. Section 12 of the principal Act is amended by striking out subsection (1) and inserting in lieu thereof the following subsections:—

Amendment of principal Act, s. 12—
Fees.

(1) Every dentist shall pay to the board an annual fee of ten dollars.

(1a) The fee shall be due and payable on the thirty-first day of January in each year.

7. Section 16a of the principal Act is amended by striking out subsection (1) and inserting in lieu thereof the following subsection:—

Amendment of principal Act, s. 16a—
Temporary register.

(1) The registrar shall keep a separate register of dentists registered temporarily pursuant to this Act.

8. Section 18 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of s. 18 of principal Act and enactment of section in its place—

18. (1) A person shall be entitled to be registered as a dentist if he satisfies the board by such evidence as it may require that—

Registration and temporary registration.

(a) he is of good character;

(b) he has an adequate command of the English language;

(c) he is competent to practise dentistry;

and

(d) he has any one or more of the following qualifications:—

(i) he is a graduate or licentiate in dentistry of any university in Australia or of a dental college affiliated with a university in Australia;

(ii) he holds a prescribed qualification in dentistry or dental surgery;

(iii) he holds a degree in dentistry *ad eundem gradum* of the University of Adelaide;

or

(iv) he holds a degree, diploma or other qualification in dentistry or dental surgery which, in the opinion of the board, properly qualifies him to practise dentistry in this State.

(2) The board shall register an applicant who is entitled to be registered in accordance with subsection (1) of this section and has made due application for registration.

(3) The registration shall be effected, by an entry being made by or on behalf of the registrar in the register of the name of the applicant and the other particulars required by this Act.

(4) Where the board is satisfied that the circumstances of the case justify temporary registration, the board may temporarily register for a period specified by the board—

(a) an applicant who has satisfied the board that he has passed all examinations and satisfied all other requirements and conditions necessary for admission to a degree in dentistry of an Australian university;

or

(b) an applicant who is in the opinion of the board qualified and competent to practise dentistry.

(5) Temporary registration shall be effected by an entry being made by or on behalf of the registrar in the temporary register of the name of the applicant and the other particulars required by this Act.

(6) Temporary registration shall terminate if the person to whom it was granted is registered by the board under subsection (2) of this section.

(7) Registration or temporary registration shall not be refused upon the ground that the applicant is not a British subject.

Repeal of
s. 20 of
principal Act.

9. Section 20 of the principal Act is repealed.

Amendment of
principal Act,
s. 23—
De-registration.

10. Section 23 of the principal Act is amended by inserting in subsection (1) after the passage "any person" the passage "previously registered as a dentist".

11. Sections 24, 25 and 26 of the principal Act are repealed and the following section is enacted and inserted in their place:—

Repeal of ss. 24, 25 and 26 of principal Act and enactment of section in their place—

24. Whenever the registration of a dentist is suspended, the registrar shall enter in the register of dentists a memorandum of that fact and of the date of, and reason for, the suspension.

Suspension.

12. Part IV of the principal Act (including the headings thereto) is repealed and the following new Part is enacted and inserted in its place:—

Repeal of Part IV of principal Act and enactment of Part in its place—

PART IV

PART IV

DENTAL AUXILIARIES

27. (1) The registrar shall keep a register of dental auxiliaries.

Register of dental auxiliaries.

(2) The register shall be in such form and shall contain such particulars as the board may direct.

(3) A copy of the register, certified by the registrar to be a true copy, shall in the month of January in each year, be sent to the Minister who shall cause it to be published in the *Gazette*.

(4) Any person may inspect the register upon payment of a fee of twenty cents.

28. (1) A person shall be entitled to be registered as a dental auxiliary if he satisfies the board by such evidence as it may require that—

Registration as dental auxiliary.

(a) he is of good character;

(b) he has an adequate command of the English language; and

(c) he has prescribed qualifications and experience in prescribed subjects related to dental science and practice.

(2) The board shall register an applicant who is entitled to be registered in accordance with subsection (1) of this section and has made due application for registration.

(3) The registration shall be effected by an entry being made by or on behalf of the registrar in the register of dental auxiliaries of the name of the applicant and the other particulars required by this Act.

(4) A person who was immediately before the commencement of the Dentists Act Amendment Act, 1971, licensed as an operative dental assistant under this Act shall be registered as a

dental auxiliary without application to the board, immediately upon the commencement of the Dentists Act Amendment Act, 1971.

(5) Registration as a dental auxiliary shall not be refused on the ground that the applicant is not a British subject.

Fees.

29. (1) Every registered dental auxiliary shall pay to the board an annual fee of five dollars.

(2) The fee shall be due and payable on the thirty-first day of January in each year.

(3) If the fee is not paid by a dental auxiliary within fourteen days after the date referred to in subsection (2) of this section, the registration shall, unless the board decides to the contrary, be suspended.

(4) Upon payment of all arrears of fees, the suspension shall cease.

(5) If any fee under this section is in arrears for three years or more, the board may de-register the dental auxiliary.

De-registration
of dental
auxiliary.

30. (1) The board may de-register any person previously registered as a dental auxiliary—

(a) whose registration was obtained by fraud or misrepresentation;

(b) who does not or has ceased to possess the qualifications in respect of which he was registered;

(c) who is, in the opinion of the board, no longer capable of performing the functions of a dental auxiliary by reason of mental or physical defect;

or

(d) whose de-registration has been ordered by the committee.

(2) The board shall de-register any person registered as a dental auxiliary who makes application to the board requesting that he be de-registered.

(3) A person previously registered as a dental auxiliary who is de-registered under this section shall within fourteen days after the service by post of a notice demanding the return of his certificate of registration surrender his certificate to the board for cancellation.

Penalty: Fifty dollars.

Keeping of
register.

31. (1) The registrar shall from time to time—

(a) insert in the register any alterations of which he has knowledge in the name or address of any registered dental auxiliary;

(b) insert in the register, whenever a dental auxiliary is suspended, a memorandum of the suspension and of the date of, and reason for, the suspension;

(c) erase from the register the name of any deceased person;
and

(d) erase from the register the name of any person who has been de-registered.

(2) The registrar shall act under subsection (1) of this section upon such evidence as appears to him to be sufficient or upon the direction of the board.

(3) The board shall cause to be corrected or erased from the register any entry that has been incorrectly or fraudulently made.

32. The registration of a dental therapist is not required under this Part.

Dental therapists not required to be registered.

13. Section 37 of the principal Act is amended by striking out from subsection (1) the passage "six dollars and thirty cents" and inserting in lieu thereof the passage "ten dollars".

Amendment of principal Act, s. 37—
Application for licence.

14. Section 38 of the principal Act is amended by striking out the passage "six dollars and thirty cents" and inserting in lieu thereof the passage "ten dollars".

Amendment of principal Act, s. 38—
Annual fees.

15. Section 39 of the principal Act is amended by inserting after the passage "registered dentist" the passage "or a registered dental auxiliary".

Amendment of principal Act, s. 39—
Unregistered persons not to be employed in clinic.

16. Section 40 of the principal Act is amended—

(a) by striking out paragraph (c) of subsection (1);

(b) by striking out from paragraph (d) of subsection (1) the word "immediate";

(c) by striking out from subparagraph (ii) of paragraph (d) of subsection (1) the passage "completed one year of such course of training and";

and

(d) by inserting after subsection (5) the following subsection:—

(6) This section shall not be construed as prohibiting the performance of any operation, treatment or function, permitted under the regulations, by a registered dental auxiliary under the supervision, of a registered dentist.

Amendment of principal Act, s. 40—
Unlawful practice of dentistry.

PART IV

Amendment of
principal Act,
s. 43—
Unlawful use
of titles, etc.

17. Section 43 of the principal Act is amended by inserting after the present contents thereof (which are hereby designated subsection (1) thereof) the following subsection:—

(2) This section shall not be construed as preventing the use of the title “dental therapist” by a dental therapist or the title “dental auxiliary” by a dental auxiliary or any other title or description, subject to such conditions as the board may stipulate, by any person or class of persons where the board has approved in writing of the use of that title or description by that person or class of persons.

Amendment of
principal Act,
s. 44a—
Proceedings
before
committee.

18. Section 44a of the principal Act is amended by striking out the passage “or licensed operative dental assistant” wherever it occurs in subsections (1) and (3) and inserting in lieu thereof in each case the passage “or dental auxiliary”.

Amendment of
principal Act,
s. 44b—
Preliminary
inquiries.

19. Section 44b of the principal Act is amended—

(a) by striking out from subsection (1) the passage “licensed operative dental assistant” and inserting in lieu thereof the passage “dental auxiliary”;

and

(b) by striking out from subsections (1), (2), (3) and (4) the passage “dental assistant” wherever it occurs and inserting in lieu thereof, in each case, the passage “dental auxiliary”.

Amendment of
principal Act,
s. 45—
Power to
impose
penalties.

20. Section 45 of the principal Act is amended—

(a) by striking out the passage “or licensed operative dental assistant” and inserting in lieu thereof the passage “or dental auxiliary”;

(b) by striking out from paragraph (d) the passage “or licence”;

(c) by striking out from paragraph (e) the passage “or de-license”;

(d) by striking out the passage “Pending the hearing of a charge against any person the Committee may suspend the registration or licence of that person”;

and

(e) by inserting after the present contents thereof, as amended by this section (which are hereby designated subsection (1) thereof) the following subsection:—

(2) The Committee may order that the registration of any person be suspended until a charge against that person has been heard and determined.

PART IV

21. Section 48 of the principal Act is amended—

Amendment of
principal Act,
s. 48—
Duties of
dentist.

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

(b) shall permit any other person to perform any act or operation that constitutes dentistry within the meaning of this Act unless that other person is a registered dentist or a registered dental auxiliary acting in accordance with this Act and under the supervision of the registered dentist;

and

(b) by striking out from paragraph (c) the passage “by a licensed operative dental assistant employed by the company in accordance with this Act” and inserting in lieu thereof the passage “by a registered dental auxiliary acting in accordance with this Act and under the supervision of a registered dentist”.

22. Section 48a of the principal Act is amended by inserting after the passage “registered dentists” wherever it occurs in paragraph (b) the passage “and registered dental auxiliaries”.

Amendment of
principal Act,
s. 48a—

23. Section 49 of the principal Act is amended by striking out the passage “or licensed”.

Amendment of
principal Act,
s. 49—
Obtaining
registration
by fraud.

24. Section 52 of the principal Act is repealed.

Repeal of
s. 52 of
principal Act.

25. Section 53 of the principal Act is amended by striking out paragraph (c) and inserting in lieu thereof the following paragraph:—

Amendment of
principal Act,
s. 53—
Onus of proof.

(c) was registered as a dental auxiliary;

26. Section 54 of the principal Act is amended by striking out from paragraph (a) the passage “or licensed”.

Amendment of
principal Act,
s. 54—
Proof of
registration,
etc.

27. Section 55 of the principal Act is amended—

Amendment of
principal Act,
s. 55—
Proof of
contents of
register.

(a) by striking out from subsection (1) the passage “the register” where it first occurs and inserting in lieu thereof the passage “a register”;

and

(b) by striking out from subsection (2) the passage “the register” and inserting in lieu thereof the passage “a register”.

PART IV

Amendment of
principal Act,
s. 60—
Regulations.

28. Section 60 of the principal Act is amended—

(a) by inserting after paragraph (a1) the following paragraphs:—

(a2) prescribing degrees and courses of study or practical experience that an applicant for registration as a dentist or dental auxiliary must have obtained or successfully undertaken to qualify for registration under this Act;

(a3) regulating or restricting the employment of dental auxiliaries, providing for the adequate supervision of dental auxiliaries, and prescribing any operation, treatment or function that may be performed by a dental auxiliary;

and

(b) by inserting after the present contents thereof, as amended by this section (which are hereby designated subsection (1) thereof) the following subsection:—

(2) The regulations relating to dental auxiliaries may provide for categories of dental auxiliaries differing according to the qualifications and experience of the dental auxiliaries and the kinds of operation, treatment or function that may be performed by the dental auxiliaries of each category.

Repeal of
s. 61 of
principal Act
and enactment
of section in
its place—
Issue of
certificate.

29. Section 61 of the principal Act is repealed and the following section is enacted and inserted in its place:—

61. Upon registration of any person as a dentist or a dental auxiliary under this Act, the registrar shall issue to that person a certificate of registration.

Amendment of
principal Act,
s. 62—
Effect of
suspension.

30. Section 62 of the principal Act is amended by striking out the passage “or licence” and the passage “or unlicensed as the case may be”.

Repeal of
second schedule
to principal
Act.

31. The second schedule to the principal Act is repealed.

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

J. M. NAPIER, Lieutenant-Governor