



ANNO SECUNDO

# EDWARDI VII REGIS.

A.D. 1902.

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## No. 813.

An Act relating to the Practice of Dentistry.

[Assented to, November 13th, 1902.]

**W**HEREAS it is expedient that provision be made for the registration of persons qualified to practise as dentists within the State of South Australia— Preamble.

Be it Enacted by the Governor, with the advice and consent of the Parliament of South Australia, as follows:

### PART I.

### PART I.

#### PRELIMINARY.

1. This Act may be cited as "The Dentists Act, 1902."

Short title.

2. This Act is divided into four Parts, relating to the following subject matters:—

Division of Act into parts.

PART I.—Preliminary:

PART II.—Dental Board and Officers:

PART III.—Registration:

PART IV.—Miscellaneous.

3. In the construction of this Act the following terms shall, if not inconsistent with the context, have the respective meanings hereby assigned to them, that is to say—

Interpretation clause.

"Board" shall mean the Dental Board appointed under the provisions of Part II. of this Act:

"Dental Board."

"Dentist"

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## PART I.

“Dentist.”	“Dentist” shall mean a person entitled to be registered under Part III. of this Act :
“Minister.”	“Minister” shall mean the Minister of the Crown for the time being administering this Act :
“Register.”	“Register” shall mean the Dentists’ Register for qualified dentists to be kept in pursuance of the provisions of Part III. of this Act :
“Registrar.”	“Registrar” shall mean the Registrar appointed under the provisions of Part II. of this Act :
“Anæsthetics.”	“Anæsthetics” shall mean ether, chloroform, cocaine except in local anæsthetic preparations in which the proportion of cocaine is less than five per centum of the whole, or ACE mixture.

## PART II.

## PART II.

## DENTAL BOARD AND OFFICERS.

Appointment of  
Dental Board.

4. The Governor may appoint a Board, consisting of two legally qualified medical practitioners and four dentists qualified for registration two of whom shall be qualified by diploma, under the style of “The Dental Board of South Australia” The members of the first Board shall hold office for not more than two years, but at the expiration of such time it shall be lawful for the Governor to appoint a Board similarly qualified for a further period of three years.

Expiration of term of  
office and removal of  
members.

5. Any person appointed or elected a member of the Board shall, upon the expiration of the term for which he was so appointed or elected, be eligible for reappointment or re-election. The Governor may from time to time remove any member of the Board.

President and  
quorum.

6. The members of the Board shall elect one of their number as President, who, when present, shall preside at all meetings of the Board ; in the event of his absence one of the members present shall be elected chairman of that meeting. A quorum of the Board shall consist of not less than three members.

First members,  
vacancy how filled.

7. If any vacancy occurs in the office of member of the Board the Governor may fill such vacancy by appointing without previous election any registered dentist or medical man, according to the vacancy to be filled, and the person so appointed shall hold office until the expiration of the term for which the member whose place became vacant was appointed or elected.

Subsequent Boards.

8. (1) On the expiration of five years, and on the expiration of every succeeding three years thereafter, the Governor shall, in manner hereinafter provided, appoint a Board, to hold office for three years, and to consist of six members, of whom four shall be registered dentists and shall also possess diplomas recognised by the Board, and two shall be legally qualified medical practitioners.

(2) The

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## PART II.

Method of nomination and appointment of members of Board.

(2) The members of the Board who are legally qualified medical practitioners shall be nominated for appointment by the South Australian Medical Board, and such nomination shall be certified to the Governor by the secretary of such Board. The other members of the Board shall be nominated for appointment on being elected by the dentists registered under this Act, each of whom shall have one vote; and the result of such election shall be certified to the Governor by the Registrar.

Elections to be held as prescribed by regulation and provisions failing nomination.

(3) All the elections shall be held in the manner prescribed by regulations, and all the nominations shall be made to the Governor on or before a day to be named in a notice in the *Government Gazette*, signed by the Minister, calling on the several bodies to exercise their respective rights of nomination before the day named: Provided that if the said several bodies, or either of them, shall fail to exercise their respective rights of nomination before the day named in such notice, such rights of nomination shall, for the time being, lapse, and it shall be lawful for the Governor to appoint a member or members without nomination, who shall hold office during the same period and in all respects as if they had been appointed on the nomination of the bodies failing to nominate as aforesaid.

Examinations.

9. The Board shall, at such times as are prescribed by the Governor, hold examinations for the purpose of testing the fitness of persons applying to be registered under this Act, and may grant certificates of fitness to those who have satisfied the Board thereof on examination. The Board shall admit to the examinations held by them under this section any person desirous of being examined who has attained the age of twenty-one years and has complied with the regulations in force (if any) made by the Board as to the education of such persons.

Board may appoint officers and make by-laws.

10. The Board may from time to time appoint a Registrar and any officers they may think fit for the purposes of this Act, and may at any time remove any person so appointed; and may from time to time, subject to the approval of the Governor, make, alter, and repeal by-laws regulating their proceedings and sittings and the election of a president, and generally as to the conduct of their business.

## PART III.

## PART III.

## REGISTRATION.

Contents and form of register.

11. A register shall be kept by the Registrar, to be called the "Dentists' Register," and the register shall contain, in one alphabetical list according to surnames, the names of all dentists who are registered under this Act, and shall state the full names and addresses of the registered persons, the description and date of the qualifications in respect of which they are registered, and, subject to

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## PART III.

to the provisions of this Act, shall contain such particulars and be in such form as the Governor from time to time directs; and the register shall be open to inspection by the public on payment of the fees prescribed in the First Schedule hereto.

Fee for inspection.

Correction of register.

**12.** The Registrar shall from time to time insert in the register any alterations which come to his knowledge in the name or address of any person registered therein, and he shall erase from the register the name of every deceased person; and in the execution of these duties the Registrar shall act in each case on such evidence as to him appears sufficient.

Erasing from Dentists' Register name of practitioner convicted of crime.

**13.** The Board, with the approval of the Governor, shall cause to be erased from the register any entry which has been incorrectly or fraudulently made. If any person registered under this Act has, after the passing thereof, or after he is so registered, been convicted, either in His Majesty's dominions or elsewhere, of an offence which if committed in South Australia would be a felony or a misdemeanor, such person shall be liable to have his name erased from the register. The Board may cause inquiry to be made in the case of a person alleged to be liable to have his name erased under this section, and on proof of such conviction shall make representation of the same to the Governor, who may thereupon direct the Registrar to erase the name of such person from the register: Provided that the name of a person shall not be erased under this section on account of a conviction for a political offence out of His Majesty's dominions.

Copies of register to be evidence

**14.** A true copy of the register aforesaid, certified by the Registrar to be a true copy, shall in the month of January in each and every year be sent to the Minister, and shall by him be published in the *Government Gazette*, and any printed documents under the hand of any member of the Board or the Registrar purporting to be a copy of such register shall be *prima facie* evidence in all Courts of law in all legal proceedings whatsoever, and before all Justices and others, that the persons therein specified are registered according to the provisions of this Act; and the absence of the name of any person from the latest of such printed copies for the time being shall be *prima facie* evidence, until the contrary be made to appear, that such person is not so registered: Provided that, in the case of any person whose name does not appear in such copy, a certificate under the hand of the Registrar to the effect that such person is registered under this Act shall be evidence that such person is so registered.

Certificate of registration.

**15.** On application made to him at any time for that purpose the Registrar shall issue to any applicant entitled thereto a certificate to the effect that he is registered under this Act.

Penalty on un-registered persons using the title of "dentist," &c.

**16.** From and after the first day of January, one thousand nine hundred and three, no person shall take or use the name or title "dentist," "dental surgeon," "surgeon dentist," or "dental practitioner," or combine any of the said titles with any term or description implying

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## PART III.

implying that he or she is a person registered under this Act, or that he or she is a person qualified to practise dentistry, nor shall any person use the word "dental" or any words implying that dental operations are performed or carried on by him or her, unless registered under this Act; nor shall any person or persons use the word "dental" or similar word, or any word or words implying that dental operations are performed or carried on by a company, society, institute, school, college, or other plurality of persons, unless he or they are so practising at the passing of this Act and are registered under this Act: Penalty, not less than Five Pounds and not exceeding Fifty Pounds. Any person who, at the passing of this Act, does not hold, and who falsely claims to hold, a degree, licence, certificate, membership, or other title, status, or document granted by a university, college, or other public institution which is recognised by the Board as entitling the holder thereof to practice dentistry; and any registered dentist who shall use any description to which he is not properly entitled as an addition to his name-plate or sign, or in advertisements published by him, shall, on conviction, be liable to a penalty of not less than Five Pounds and not exceeding Fifty Pounds.

**17.** No person registered under this Act shall authorise or permit any unregistered person to perform any dental or surgical operation which has been entrusted to or is in charge of such registered person unless under his or her immediate supervision: Penalty, not less than Five and not exceeding Twenty Pounds.

Unregistered persons not to perform operations.

**18.** From and after the passing of this Act, no person shall be entitled to recover any fee or charge in any Court of law for the performance of any dental operation, or for any dental attendance or advice, or shall hold any appointment as a dentist, or dental practitioner, or dental surgeon in any private or public institution, unless he is registered under this Act or is a legally qualified medical practitioner.

Unregistered persons cannot recover fees.

**19.** Any person who is a licentiate in dental surgery of—

- (A) The Royal College of Surgeons of England:
- (B) The Royal College of Surgeons of Edinburgh:
- (C) The Royal College of Surgeons, Ireland:
- (D) The Faculty of Physicians, Glasgow:
- (E) The Dental College, Sydney:
- (F) The University of Birmingham;

Qualification necessary for registration.

or who—

- (a) Holds such diploma, certificate, or other title, status, or document as may be recognised for the time being by the Board as entitling the holder thereof to practise dentistry or dental surgery:

(b) Was,

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- (b) Was, on or before twenty-first day of November, one thousand nine hundred and one, *boná fide* engaged as a principal in the practice of dentistry or dental surgery in South Australia :
- (c) Is registered or entitled to be registered in the United Kingdom as a graduate in dentistry of a medical school or university granting degrees in dentistry upon a curriculum and examination :
- (d) Has been *boná fide* an assistant for three years before the twenty-first day of November, one thousand nine hundred and one, and has complied with an examination by the Board, and shall produce or transmit to the Registrar information of his name and address :
- (e) Has attained the age of twenty-one years, and shall have been a pupil or apprentice for a period of not less than one year before the passing of this Act to a dental practitioner entitled to be registered under this Act, and shall produce or transmit to the Registrar information of his name and address: Provided that such pupilage or apprenticeship shall have been for a period of three years at least, and shall have expired before he shall be entitled to be so registered :
- (f) Presents to the Board a certificate from the University of Adelaide that he is competent to practice as a dentist: Provided that no such certificate shall be given unless a Chair of Dentistry is established at the said University :

shall be entitled to registration: Provided that he or she makes application for registration in form of the proper Schedule for same, and as to any existing company now incorporated, or which shall be incorporated within one month of the passing of this Act, or their successors or assigns, whose objects are the carrying on of the profession of a dentist, such application and all acts, matters, and things of and incidental to obtaining registration may be made and done by some person authorised by the company to make and do the same; and the company shall be entitled to registration as a dentist under this Act upon proof to the Board that the operator of the company is registered as a dentist under this Act, and such registration shall continue so long as the company shall employ a dentist duly qualified under this Act.

Board to state reasons for refusing registration.

Appeal to Local Court.

20. If any person is refused registration under this Act the Board shall, if required by him, state in writing the reason for such refusal; and such person may appeal to the Local Court of Full Jurisdiction of Adelaide, and such Court, shall, for the purposes of such appeal, be presided over by a Judge of the Supreme Court, and may, after hearing the Board, dismiss the appeal or order the Board to register the applicant, and such order shall be obeyed.

21. When

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PART III.

Registration.

**21.** When a person entitled to be registered under this Act complies with all the requirements of this Act or any regulations made thereunder, he shall be registered, and such registration shall consist in the entry by or on behalf of the Registrar in the register of his or her name and address and other particulars required. A person resident in South Australia shall not be disqualified for being registered by reason only that he is not a British subject.

PART IV.

PART IV.

MISCELLANEOUS.

Obtaining registration by false pretences.

Penalty.

Power to examine witnesses, and penalty for false statements.

Administration of anæsthetic.

Fees.

How applied.

Regulations.

**22.** Any person who wilfully procures or attempts to procure himself or any other person to be registered under this Act by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either verbally or in writing, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be liable to be imprisoned for any term not exceeding one year.

**23.** The Board may question any person or witness who attends before it, and may examine any person upon oath or take a solemn declaration from such person; and if any person shall wilfully, knowingly, or corruptly make any false statement upon such examination or in such declaration, or utter or attempt to utter, or put off as true before the said Board any false, forged, or counterfeit certificate, diploma, licence, letter, testimonial, or other document or writing, shall be guilty of a misdemeanor, and, being thereof duly convicted, shall be liable to be imprisoned for any period not exceeding one year.

**24.** No registered dentist or other person, unless he is a legally qualified medical practitioner or holds a professional degree in dental surgery recognised by the Board or holds a certificate from the Board after examination, shall at any dental operation administer any anæsthetic except in the presence of a duly qualified medical practitioner. Every offence against this provision of this Act shall be punishable by a fine not exceeding Twenty Pounds.

**25.** The fees mentioned in the First Schedule to this Act shall be payable to the Registrar, and shall be applied by the Board in such manner as they think fit in defraying expenses and carrying out the provisions of this Act.

**26.** (1) The Governor is hereby empowered to make and issue regulations not inconsistent with and subject to the provisions of this Act for the more effectual carrying into effect the objects and purposes of this Act.

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## PART IV.

To be laid before Parliament.

(2) All such regulations shall be laid before both Houses of Parliament within fourteen days from the making thereof if Parliament is then in Session, and if not then within fourteen days after the commencement of the next Session.

To be published in Gazette.

(3) All such regulations shall afterwards be published in the *Gazette*, and shall take effect from the date of such publication, unless otherwise provided in such regulations; and in all legal proceedings the production of the *Gazette* containing any such regulations shall of itself be sufficient *prima facie* evidence that such regulations have been duly made. No regulation which shall be disapproved of by Parliament shall continue to have any force or effect, notwithstanding any publication as aforesaid.

Declarations, how to be made.

27. All declarations to be made by any person under the provisions of this Act may be made before a Justice of the Peace, Notary Public, or Commissioner for taking Affidavits in the Supreme Court of the State.

Summary procedure.

28. All proceedings for the recovery of any pecuniary penalty imposed by this Act for any omission, default, act, or offence shall be had and taken and may be had and determined in a summary way by any Special Magistrate or two Justices of the Peace for the State under the provisions of Act No. 6, of 1850, or of any other Act for the time being in force relating to the duties of Justices of the Peace with respect to summary convictions and orders, and all convictions and orders may be enforced as in such Act is or shall be provided.

Appeal.

29. (1) There shall be an appeal from any conviction by any Special Magistrate or Justices for any offence against this Act, or from any order dismissing any information or complaint, which appeal shall be to the Local Court of Adelaide of Full Jurisdiction.

(2) The proceedings on such appeal shall be conducted in manner provided for appeals to Local Courts by the said Act No. 6 of 1850, or any Act for the time being in force regulating such appeals; and the Local Court hearing such appeal may make such order as to the payment of the costs of appeal as it shall think fit, although such costs may exceed Ten Pounds.

Local Court may state special case.

30. The Local Court, upon the hearing of any appeal, may state a special case for the opinion of the Supreme Court, and the Supreme Court shall hear and decide such special case according to the practice of the Supreme Court on special cases, and may make any order as to the cost of the proceedings in that Court and in the Court below.

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

S. J. WAY, Lieutenant-Governor.

SCHEDULES.



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## SCHEDULES.

## FIRST SCHEDULE.

	£	s.	d.
On application for registration .....	3	3	0
Certificate of registration .....	0	5	0
Inspection of register .....	0	5	0
Alteration of register .....	0	5	0
Fee for examination .....	6	6	0

## SECOND SCHEDULE.

*Declaration required to be made by any Person claiming to be Registered on the ground that he was bonâ fide Engaged in the Practice of Dental Surgery or Dentistry in South Australia on or before November 21st, 1901.*

I, \_\_\_\_\_, residing at \_\_\_\_\_, hereby declare that I was bonâ fide engaged in the practice of dental surgery, or dentistry, in South Australia on or before November 21st, 1901.

[Signed]

Declared at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me.

## THIRD SCHEDULE.

*Declaration required to be made by any Person claiming to be Registered on the ground that he is Registered or entitled to be Registered in the United Kingdom as a Dentist Qualified by Diploma under the provisions of Section 19, Sub-section (c), of "The Dentists Act, 1902."*

I, \_\_\_\_\_, residing at \_\_\_\_\_, hereby declare that I am registered (or entitled to be registered) in the United Kingdom in accordance with the provisions of section 19, sub-section (c), of "The Dentists Act, 1902."

[Signed]

Declared at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me.

## FOURTH SCHEDULE.

*Declaration required to be made by any Person claiming to be Registered on the ground that he or she was bonâ fide Engaged as an Assistant in Dental Surgery before November 21st, 1901, in accordance with the provisions of Section 19, Sub-section (d) of "The Dentists Act, 1902."*

I, \_\_\_\_\_, residing at \_\_\_\_\_, hereby declare that I was bonâ fide an assistant in dental surgery before November 21st, 1901, and have complied with and claim registration under provisions of section 19, sub-section (d) of "The Dentists Act, 1902."

[Signed]

Declared at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me.

FIFTH

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## FIFTH SCHEDULE.

*Declaration required to be made by any Person claiming to be Registered on the ground that he or she was Articled as a bonâ fide Student in Dentistry in accordance with the provisions of Section 19, Sub-section (e), of "The Dentists Act, 1902."*

I, \_\_\_\_\_, residing at \_\_\_\_\_, hereby declare that I was articled as a *bonâ fide* student in dentistry and claim registration under provisions of section 19, sub-section (e), of "The Dentists Act, 1902."

[Signed]

Declared at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me.