

# THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 8 of 1931.

## AN ORDINANCE

To provide for the Registration of Persons engaged  
in Dental Practice.

BE it ordained by the Governor-General of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act* 1909 and the *Seat of Government (Administration) Act* 1910-1930, as follows:—

### PART I.—PRELIMINARY.

1. This Ordinance may be cited as the *Dentists Registration Ordinance* 1931. Short title.
2. This Ordinance shall commence on a date to be fixed by the Minister by notice in the *Gazette*. Commencement.
3. This Ordinance is divided into Parts, as follows:— Parts.
  - PART I.—Preliminary.
  - PART II.—Administration.
  - PART III.—Registration and Qualifications.
  - PART IV.—The Conduct of Dental Practice.
  - PART V.—Legal Procedure.
  - PART VI.—Regulations.
4. In this Ordinance, unless the contrary intention appears— Definitions.
  - “Board” means the Dental Board constituted under this Ordinance;
  - “Director-General of Health” means the Director-General of the Department of Health;
  - “Member” means a member of the Dental Board, constituted in accordance with this Ordinance;
  - “Register” means the Register of dentists who are registered under this Ordinance;
  - “Registered dentist” means a person registered under this Ordinance;
  - “The Chairman” means the Chairman of the Board appointed under this Ordinance;
  - “The Minister” means the Minister of State for Health.

## PART II.—ADMINISTRATION.

Establishment  
of Dental  
Board

5.—(1.) For the purposes of this Ordinance, there shall be a Dental Board, which shall be charged with the general administration of this Ordinance.

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

(3.) All Courts, Judges and persons acting judicially shall take judicial notice of the seal of the Board affixed to any document or notice and shall deem that it was duly affixed.

Members of  
Dental Board.

6.—(1.) The Board shall consist of the Director-General of Health and not less than two, nor more than five members, who shall be appointed by the Governor-General.

(2.) A person shall not be eligible for appointment as a member of the Board, other than the Chairman, unless he has been registered as a dentist in any State or Territory of the Commonwealth for not less than five years.

(3.) The Director-General of Health shall be *ex officio* Chairman of the Board.

(4.) In the case of the illness or absence from Australia of the Director-General of Health, the officer acting in that position shall be *ex officio* Chairman of the Board.

(5.) At the first meeting in each year, the members of the Board may elect one of their number to be Deputy Chairman until the first meeting of the Board in the next calendar year.

(6.) In the absence of the Chairman from any meeting, the Deputy Chairman shall preside.

(7.) A quorum of the Board shall consist of the Chairman or Deputy Chairman and one member.

(8.) At any meeting of the Board at which the Chairman is present, he shall have a deliberative vote, and, in the event of equality of voting, a second or casting vote.

(9.) If, at any meeting of the Board at which the Chairman is not present, the members present differ in opinion upon any matter, the determination of that matter shall be postponed till the next meeting of the Board.

Meetings of  
the Board.

7.—(1.) Subject to this section, all meetings of the Board shall be convened by the Chairman by notice in writing to the other members of the Board.

(2.) The Minister may, by notice in writing to each member of the Board, direct that a meeting be held at the time and place specified in the notice.

Period of  
office of  
members of  
Board.

8. Each member shall be appointed for a term of three years, and shall be eligible for re-appointment.

9. The Governor-General may remove any member from office for misbehaviour or incapacity. Removal of member from office.

10.—(1.) In addition to retirement of members by expiration of their term of office, or removal from office in accordance with the last preceding section, the seat of a member shall become vacant on— Office of member, how vacated.

- (a) the death, lunacy or bankruptcy of the member, or the conviction of the member of an indictable offence;
- (b) the member ceasing to be registered under this Ordinance;
- (c) the resignation of the member; or
- (d) the absence of the member, without leave of the Board, from two consecutive meetings of the Board.

(2.) Any member appointed to fill any vacancy on the Board shall hold office for the unexpired portion of the term for which his predecessor was appointed.

11.—(1.) For the purposes of this Ordinance, the Board may by writing under the hand of the Chairman summon any person to attend the Board at a time and place named in the summons, and then and there to give evidence and to produce any books, documents or writings in his custody or control which he is required by the summons to produce. Power to send for witnesses and documents.

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

12. Any member of the Board may administer an oath to any 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 oath. Power to examine upon oath.

13.—(1.) Where any witness to be examined before the Board conscientiously objects to take an oath, he may 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 him. Affirmation in lieu of oath.

(2.) An affirmation so made shall be of the same force and effect, and shall entail the same liabilities, as an oath.

14. If any person served with a summons to attend the Board, when the summons is served personally, fails without reasonable excuse to attend the Board, or to produce any documents, books or writings in his custody or control which he was required by the summons to produce, he shall be guilty of an offence. Penalty for failing to attend or produce documents.

Penalty: Fifty pounds.

Penalty for refusing to be sworn or to give evidence.

**15.** If any person appearing as a witness before the Board refuses to be sworn or to make an affirmation or to answer any question relevant to the proceedings before the Board put to him by any member thereof, he shall be guilty of an offence.

Penalty: Fifty pounds.

Giving false testimony.

**16.** Any witness before the Board who knowingly gives false testimony touching any matter, material to any inquiry, shall be guilty of an offence.

Penalty: Imprisonment for one year.

Protection of members of Board.

**17.** The members of the Board shall not be personally liable for any act or default of the Board done or omitted to be done in good faith in administering this Ordinance.

Collection of fees.

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

(2.) Such fees and all penalties and other moneys recovered or realized under this Ordinance shall be paid into the Consolidated Revenue Fund.

### PART III.—REGISTRATION AND QUALIFICATIONS.

Register.

**19.** The Board shall keep a Register to be called "The Register of Dentists".

Mode of registration.

**20.—(1.)** A person shall be registered by the entering in the Register of his name, and such other particulars relating to him as are prescribed.

(2.) Every such entry in the Register shall be signed by the Chairman or Deputy Chairman of the Board.

Registration of dentists already registered under State or Territorial law.

**21.** Any dentist registered under the law in force in any State or Territory of the Commonwealth at the commencement of this Ordinance shall, on application to the Board, be entitled to be registered as such under this Ordinance by virtue of such registration:

Provided that such application shall be made within twelve months after the commencement of this Ordinance.

Qualifications for registration.

**22.—(1.)** Any natural-born or naturalized British subject who is of good fame and character and who—

(a) is the holder of the degree of Bachelor of Dental Science or Bachelor of Dentistry of any University in the Commonwealth which is legally authorized to grant such degree; or

(b) holds some recognized certificate as hereinafter prescribed granted in some portion of His Majesty's Dominions or granted in a foreign country, entitling him to practise dentistry in that portion of His Majesty's Dominions or in that foreign country, and, in the period during which he has held the certificate, has not been deprived of the qualification it confers for any cause which disqualifies him from being registered under this Ordinance,

shall be entitled to apply to the Board for registration as a dentist.

(2.) When any person has applied to be registered and proves to the satisfaction of the Board that he is so entitled to apply, the Board may cause the person to be registered by entering in the Register his name and such other particulars as are prescribed; and issue to him, on payment of the prescribed fee, a certificate in the prescribed form.

(3.) The certificate granted in a portion of His Majesty's Dominions or in a foreign country which shall be deemed a recognized certificate for the purposes of this Part, shall be any certificate, diploma, membership, degree, licence, letters, testimonial or other title or document recognized by the Board as entitling the holder thereof to practise dental surgery or dentistry in that Dominion or country:

Provided that the Board is satisfied that the standard of training and examination entitling the applicant to such certificate is equivalent to the standard prescribed by either the University of Sydney or of Melbourne for the course of Dental Science or Dental Surgery respectively:

Provided further that the Board shall refuse to register any person holding a qualification entitling him to practise in any country not being part of the British Empire where such qualification was granted unless it appears to the Board that dentists registered under this Ordinance are by virtue of being so registered and without further examination entitled to practise their profession in such country either on registration or otherwise.

**23.** Any dentist registered under the law in force in any State or Territory of the Commonwealth after the commencement of this Ordinance or so registered before the commencement of this Ordinance but whose application for registration was not made within the time specified in section twenty-one of this Ordinance shall, on application to the Board, be entitled to be registered as such under this Ordinance by virtue of such registration if the standard of qualifications required in respect of registration under the law in force at the time when he was so registered in any such State or Territory is, in the opinion of the Board, as high as that required by the last preceding section.

Registration  
of dentists  
registered  
under State or  
Territorial law.

Appeal in case of refusal by the Board to register any person.

**24.**—(1.) If the Board refuses to register any person under this Ordinance, the Board shall, if required by him, state in writing the reason for such refusal.

(2.) Such person may thereupon appeal to the High Court of Australia.

(3.) An appeal under this section shall be in the nature of a re-hearing, and shall be heard by the High Court constituted by a single Justice.

Copy of Register to be published.

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

(2.) A copy of the Register so published shall be *primâ facie* evidence of the registration of the persons named therein.

Fraudulent registration.

**26.** Any person who procures himself to be registered under this Ordinance by means of any false or fraudulent representation or by the production of any false certificate or testimonial shall be guilty of an offence.

Penalty: One hundred pounds.

Register may be altered.

**27.**—(1.) Any registered dentist who obtains or already possesses any higher degree or any qualification other than the qualification in respect of which he is registered may have such higher degree or additional qualification inserted in the Register without payment of any additional fee.

(2.) There shall be inserted in the Register the particulars of any honour conferred on any registered dentist by His Majesty the King.

Change of address to be notified.

**28.**—(1.) Any registered dentist who changes his professional address shall forthwith give notice of the fact by post to the Chairman of the Board.

(2.) Every District Registrar of Births, Deaths and Marriages, who registers the death of any registered dentist, shall forthwith transmit notice thereof by post to the Chairman of the Board.

(3.) Any medical practitioner who certifies any registered dentist as insane shall forthwith transmit notice thereof by post to the Chairman of the Board.

Alteration of Register.

**29.**—(1.) The Board shall remove the names of all dentists who have died and may make such alterations and amendments in the Register as it thinks fit.

(2.) The Board may, by notice to any dentist addressed to him according to his address in the Register, inquire whether he has changed his address or residence, and, if an answer is not returned to such notice within six months after the date of the posting thereof, the Board may remove the name of such person from the Register.

(3.) Any name removed from the Register under this Part may be restored by the Board.

## PART IV.—THE CONDUCT OF DENTAL PRACTICE.

**30.—(1.)** The Board shall remove from the Register the name of any person—

Cancellation of registration for fraud and on other grounds.

- (a) whose registration has been obtained by fraud or misrepresentation;
- (b) who has ceased to possess, or does not possess, the qualifications in respect of which he was registered;
- (c) who has been convicted in any part of His Majesty's Dominions or elsewhere of an indictable offence or of any other offence which, in the opinion of the Board, renders him unfit to practise;
- (d) who has been certified insane; or
- (e) who is deemed by the Board guilty of—
  - (i) habitual drunkenness or habitual addiction to any drug;
  - (ii) unprofessional conduct; or
  - (iii) any such other offence as is prescribed.

(2.) If the Board removes the name of any person from the Register, it shall, if so required by him, state in writing the reason for the removal.

(3.) Any person whose name has been removed from the Register in pursuance of this section may appeal to the High Court of Australia to have his name restored to the Register and the Board shall, if the High Court so orders, restore his name accordingly.

(4.) Any appeal under this section shall be heard by the High Court constituted by a single Justice.

(5.) In this section "unprofessional conduct" includes—

- (a) the practice of advertising with a view to procuring patients or practice or of sanctioning or of being associated with or employed by those who sanction such advertisement;
- (b) the practice of canvassing or employing an agent or canvasser for the purpose of procuring patients or practice or of sanctioning or of being associated with or being employed by one who sanctions such employment; or
- (c) such other matters as are prescribed.

**31.—(1.)** Before removing from the Register the name of any person, the Board shall make due inquiry and the person may be represented by counsel, attorney or agent, who may examine witnesses and address the Board on his behalf.

Removal of names from Register.

(2.) Pending the hearing of a charge against any person, the Board may suspend the registration of that person who shall thereupon cease to practise.

Surrender of certificate on removal of name from Register.

**32.—(1.)** Any person whose name is removed from the Register in pursuance of this Part shall, within fourteen days after the date of posting of a notice demanding the return of his certificate of registration, surrender his certificate to the Board for cancellation.

(2.) Any person who fails to comply with the provisions of the last preceding sub-section shall be guilty of an offence.

Penalty: Five pounds for every day after the period of fourteen days during which the certificate is not surrendered.

Person not to practise except in his own name.

**33.** Any person who practises dentistry or dental surgery in all or any one or more of its branches in any name other than his own shall be guilty of an offence.

Penalty: Ten pounds.

No person other than a registered dentist to practise dentistry.

**34.—(1.)** A person other than a registered dentist shall not—

(a) give or perform, for fee or reward, any dental service, attendance, operation or advice; or

(b) advertise or hold himself out as being, or in any manner pretend to be or to possess the status, or take or use the name or title (alone or in conjunction with any other title, word or letter) implying, or that may be construed to imply, that he is a person registered or entitled to be registered under this Ordinance, or that he is qualified to practise dentistry or is carrying on the practice of dentistry or is entitled to use that name, title, word or letters.

(2.) Any person who, for himself or as assistant, servant, agent or manager, does or permits any act, matter, or thing contrary to this section or any part thereof, shall be guilty of an offence.

Penalty: One hundred pounds.

Person advertising himself liable to penalty.

**35.** Any person who exhibits or publishes, or causes, permits or suffers to be exhibited or published any letter, circular, placard, handbill, card or advertisement of any kind whereby any person advertises or holds himself out contrary to any part of the last preceding section, or attempts to do so, shall be guilty of an offence.

Penalty: Ten pounds.

Medical practitioner may perform dental operation.

**36.** Notwithstanding anything contained in this Ordinance, a registered medical practitioner may perform any dental operation in the ordinary course of his medical or surgical practice where the services of a dentist are not reasonably available, and may sue for the recovery of fees therefor in any Court of competent jurisdiction.

No unregistered person may sue for fees, &c.

**37.** An unregistered person shall not sue or counterclaim for, set off or recover any charge or remuneration for any dental advice, attention, service or operation.

- 38.** An unregistered person shall not hold any appointment—
- (a) as a dentist, dental practitioner or dental surgeon—
    - (i) in any hospital, infirmary, dispensary, hospital for the insane, gaol or other public institution;
    - (ii) to any health centre, or other centre or clinic for the promotion of the public health; or
    - (iii) to any friendly society; or
  - (b) as a dental officer or dental inspector in any school.
- Medical appointments not to be held by unregistered persons.

#### PART V.—LEGAL PROCEDURE.

**39.** Proceedings for offences against this Ordinance may be instituted in any Court of competent jurisdiction by the Chairman or by any person thereto authorized in writing by the Chairman.

Institution of proceedings.

**40.—(1.)** If any person is charged with a contravention of this Ordinance, the Minister may, with the written consent of such person, inquire into and determine the charge and shall have power by order, a copy of which shall be published in the *Gazette*, to impose, enforce, mitigate or remit any pecuniary penalty which he shall determine shall have been incurred.

Power of Minister to determine charges.

(2.) Every such order shall be final and without appeal and shall not be liable to be quashed on any account and a copy thereof shall be delivered to such person and may be enforced in the same manner as the order of a Court of summary jurisdiction.

(3.) The Minister in holding any inquiry under this Part of this Ordinance shall hold such inquiry in public and may—

- (a) summon the parties and any witnesses before him;
- (b) take evidence on oath; and
- (c) require the production of documents.

**41.** Any person summoned as a witness at any inquiry under this Ordinance who—

Summoning of witnesses.

- (a) disobeys such summons;
- (b) refuses to be sworn as such witness;
- (c) refuses or fails to produce any document he may be required to produce; or
- (d) being sworn as a witness refuses or fails to answer any question lawfully put to him,

shall be guilty of an offence.

Penalty: Twenty pounds.

Delegation by  
Minister.

**42.**—(1.) The Minister may, by writing under his hand, delegate any of his powers under this Part (except this power of delegation) so that the delegated powers may be exercised by the delegate with respect to a particular inquiry defined and specified in the instrument of delegation.

(2.) Any delegation by the Minister under this section shall be revocable in writing at will and no delegation shall prevent the exercise of any power by the Minister.

#### PART VI.—REGULATIONS.

Regulations.

**43.** The Minister may make regulations not inconsistent with this Ordinance prescribing all matters which are required or permitted to be prescribed, or which by this Ordinance are necessary or convenient to be prescribed, for carrying out or giving effect to this Ordinance, and in particular prescribing matters providing for and in relation to—

- (a) the meetings and proceedings of the Board and the conduct of the business thereof, and the duties of its officers;
- (b) the forms to be used for the purposes of this Ordinance;
- (c) the manner of keeping the Register and the particulars to be entered thereon;
- (d) the scale of fees to be charged and paid in respect of any application, registration, certificate or other proceeding, act or thing provided or required under this Ordinance;
- (e) the control of the professional conduct of registered dentists and the practice of the profession; and
- (f) the imposition of penalties not exceeding Ten pounds for breaches of the Regulations.

Dated this twenty-ninth day of April, One thousand nine hundred and thirty-one.

ISAAC A. ISAACS  
Governor-General.

By His Excellency's Command,

J. McNEILL  
for Minister of State for Home Affairs.

By Authority: H. J. GREEN, Government Printer, Canberra.