



Australian Capital Territory

Dentists Act 1931

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Last amendment made by A2004-60

Not all amendments are in force: see last endnote
Uncommenced repeal: see endnote 3

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Dentists Act 1931* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 10 January 2005. It also includes any amendment, repeal or expiry affecting the republished law to 10 January 2005.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



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Dentists Act 1931

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Australian Capital Territory

Dentists Act 1931

An Act to provide for the registration of persons engaged in dental practice, and for other purposes

Part 1 Preliminary

1 Name of Act

This Act is the *Dentists Act 1931*.

U 3 Interpretation for Act

(1) In this Act:

Note A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

board means the Dental Board established by section 6.

chairperson means the chairperson of the board.

dental service includes a dental operation, attendance or advice.

deputy chairperson means the deputy chairperson of the board.

member means a member of the board.

Mutual Recognition Act means the *Mutual Recognition Act 1992* (Cwlth).

registered means registered under this Act as a dentist, specialist dentist or dental hygienist.

registered dental hygienist means a person—

- (a) who is registered as a dental hygienist under this Act; or
- (b) who is to be deemed to be registered as a dental hygienist under this Act because of the Mutual Recognition Act, section 25.

registered dentist means a person—

- (a) who is registered as a dentist under this Act; or

- (b) who is to be deemed to be registered as a dentist under this Act because of the Mutual Recognition Act, section 25.

registered medical practitioner means a person—

- (a) who is registered under the *Medical Practitioners Act 1930*; or
- (b) who is to be deemed to be registered under that Act because of the Mutual Recognition Act, section 25.

registered specialist dentist means a person—

- (a) who is registered in a specialist branch of dentistry under this Act; or
- (b) who is to be deemed to be registered in a specialist branch of dentistry under this Act because of the Mutual Recognition Act, section 25.

registration authority means a person or body empowered by a law of a place outside the ACT to register dentists or dental hygienists or otherwise authorise persons to practise as dentists or dental hygienists.

specialist branch of dentistry means 1 of the following:

- (a) dento maxillofacial radiology;
- (b) endodontics;
- (c) oral and maxillofacial surgery;
- (d) orthodontics;
- (e) paediatric dentistry;
- (f) periodontics;
- (g) prosthodontics;
- (h) any other prescribed branch of dentistry.

- (3) For this Act a person shall be deemed to practise dentistry if—

- (a) the person practises dentistry personally on his or her own account or as a member of a firm; or
- (b) in the course of a business carried on by him or her, a person or persons employed by him or her is or are engaged in the practice of dentistry; or
- (c) the person is engaged in the practice of dentistry as a person employed in a business carried on by another person or by a firm.

4 Competence to practise as dentist or dental hygienist

For this Act, a person shall be taken to be competent to practise as a dentist or dental hygienist, as the case requires, only if the person has—

- (a) sufficient physical capacity, mental capacity and skill to practise as a dentist or dental hygienist, as the case requires; and
- (b) sufficient communication skills to practise as a dentist or dental hygienist, as the case requires, including an adequate command of the English language.

5 Impairment

- (1) For this Act, a person shall be taken to suffer from an impairment if the person suffers from any physical or mental impairment, disability, condition or disorder that detrimentally affects, or is likely to detrimentally affect, the person's physical or mental capacity to practise as a dentist or dental hygienist, as the case requires.
- (2) For subsection (1), habitual drunkenness or addiction to a deleterious drug shall be taken to be a physical or mental disorder.

Part 2 Administration

6 Establishment of dental board

For this Act, there shall be a Dental Board, which shall be charged with the general administration of this Act.

7 Constitution of board

- (1) The board shall consist of—
 - (a) a chairperson, and 3 other members, appointed in accordance with the *Health Professions Boards (Procedures) Act 1981*; and
 - (b) 3 members elected, as occasion requires, in accordance with the *Health Professions Boards (Elections) Act 1980*; and
 - (c) for the holding of inquiries under section 67—a member appointed by the Minister.
- (2) A person is not eligible for appointment under subsection (1) (a) as a member unless—
 - (a) the person is a registered dentist; and
 - (b) the person was, at all times during the 3 years immediately before the appointment, entitled, under the law of a State or Territory, to practise as a dentist in that State or Territory.
- (3) The chairperson shall be the executive officer of the board.
- (4) For subsection (1) (c), the following provisions apply:
 - (a) a person may only be appointed if the person is eligible under the *Supreme Court Act 1933*, section 4, to be appointed as a resident judge;
 - (b) if the Minister is satisfied that the person (the ***substantive appointee***) appointed under that paragraph (otherwise than in

accordance with this paragraph) is, for any reason, unavailable to sit on the board for the holding of an inquiry under section 67, the Minister may, under that paragraph, appoint another eligible person (a *temporary appointee*) for the holding of the inquiry stated in the instrument of appointment;

- (c) 2 or more persons may hold appointments concurrently as temporary appointees;
- (d) the substantive appointee—
 - (i) is appointed for the period (not longer than 3 years) stated in the instrument of appointment; and
 - (ii) has the functions of a member, but only for the holding of inquiries;
- (e) a temporary appointee—
 - (i) has the functions of a member, but only for the holding of the inquiry stated in the person's instrument of appointment; and
 - (ii) may exercise those functions even if the substantive appointee, or another temporary appointee, is exercising functions as a member.

Part 3 Registration of dentists

Division 3.1 Qualifications for registration as dentist or specialist dentist

8 Entitlement to registration as dentist

- (1) A person is entitled to be registered as a dentist if—
 - (a) the person is a graduate of a course of education or training in dentistry offered by an Australian institution, being a course that is accredited by the board or approved by a registration authority of a State or another Territory; or
 - (b) the person has—
 - (i) completed a course of education or training in dentistry in a place outside Australia, being a course that is accredited by the board; and
 - (ii) passed the examinations that the board requires; and
 - (iii) undertaken the further education or training and gained the experience in practising dentistry, for the period not exceeding 12 months, that the board determines.
- (2) The board shall not accredit a course under subsection (1) (b) (i) unless the course is substantially equivalent to a course referred to in subsection (1) (a).

9 Entitlement to registration as specialist dentist

A person is entitled to be registered as a specialist dentist if the person—

- (a) is registered as a dentist; and

- (b) holds a qualification in a specialist branch of dentistry, being a qualification that is accredited by the board approved by a registration authority of a State or another Territory; and
- (c) has gained experience practising in that specialist branch of dentistry by holding an appointment in a hospital approved by the board, or by practising in the circumstances that the board considers warrants his or her being regarded as a specialist dentist.

10 Registration under mutual recognition principle

- (1) A person who is licensed or registered as a dentist under the law in force in a State or another Territory that is a participating jurisdiction within the meaning of the Mutual Recognition Act is entitled to be registered as a dentist under this Act.
- (2) A person who is licensed or registered as a specialist dentist under the law in force in a State or another Territory that is a participating jurisdiction within the meaning of the Mutual Recognition Act is entitled to be registered as a specialist dentist in the same specialist branch of dentistry under this Act.
- (3) If the person's licence or registration in the State or other Territory is not subject to any condition or restriction, the person's entitlement to registration under this Act is an entitlement to registration that is not subject to any condition.
- (4) If the person's licence or registration in the State or other Territory is subject to any condition or restriction, the person's entitlement to registration under this Act is an entitlement to registration subject to the conditions to which that licence or registration is subject or conditions appropriate to give effect to any restriction to which that licence or registration is subject.

11 Registration at discretion of board

- (1) If a person is a graduate of a course of education or training in dentistry that is not accredited by the board or approved by a

registration authority of a State or another Territory, the board may register the person as a dentist on a temporary basis to enable him or her to—

- (a) undertake a course of education or training approved by the board; or
 - (b) gain experience in practising dentistry.
- (2) The board may register a person as a dentist for the purpose of enabling the person to fill a teaching or research position if—
- (a) the person has qualifications that the board considers appropriate for that purpose; and
 - (b) the application is supported in writing by the hospital, professional association, university or other institution by which it is proposed that the person be engaged for that purpose.
- (3) The board may register a person as a dentist on a temporary basis if satisfied that it is in the public interest to do so.
- (4) The board may impose the conditions on the registration of a person under this section that it considers appropriate.

12 Interim registration

- (1) An applicant for registration as a dentist may be granted interim registration if the person—
- (a) is entitled to registration under section 8 but it is not practicable to wait until the board can consider the application; or
 - (b) would be entitled to registration under section 8 except for the fact that a degree or award to which the applicant is entitled has not yet been conferred or granted by the institution concerned.

- (2) A person authorised by the board for this section may grant interim registration in accordance with this section to an applicant for registration.

Note A fee may be determined under s 85 (Determination of fees) for this section.

- (3) Interim registration granted to a person under this section remains in force from the time when it is granted until the person is given written notice that the board has—
- (a) granted him or her registration; or
 - (b) refused his or her application for registration; or
 - (c) cancelled the interim registration.
- (4) The board may cancel a person's interim registration for any reason that it considers proper and shall immediately give the person written notice of the cancellation.
- (5) A person who holds interim registration is for all purposes to be taken to be a registered dentist.

13 Conditions of registration in cases of impairment

- (1) The board may impose conditions on a person's registration as a dentist if satisfied that—
- (a) the person suffers from an impairment; and
 - (b) the conditions are reasonably required having regard to the impairment.
- (2) If conditions have been imposed on a person's registration under this section (including conditions imposed on a review under this section), the board may, if so requested by the person, review the conditions and, if satisfied that—
- (a) the person no longer suffers from the impairment; or
 - (b) the impairment has lessened;

the board may alter or remove the conditions or impose new conditions.

14 Refusal of registration if applicant convicted of offence

- (1) Subject to subsection (3), the board may refuse an application for registration as a dentist or specialist dentist if—
 - (a) the applicant has been convicted in the ACT of an offence or has been convicted outside the ACT by a court for or in relation to an act or omission that would, had it taken place in the ACT, have constituted an offence; and
 - (b) the board is of the opinion that the conviction renders the person unfit in the public interest to practise dentistry.
- (2) The board shall have regard to the nature of an offence and the circumstances in which it was committed in making a decision under subsection (1).
- (3) Subsection (1) does not apply in relation to a person who is entitled to registration under the Mutual Recognition Act and who has lodged with the board a notice under that Act, section 19.

15 Refusal of registration if applicant deregistered under foreign law

- (1) Subject to subsection (4), the board may refuse an application for registration as a dentist if the applicant's name has been removed from a foreign register of dentists for any reason relating to conduct of the person as a dentist or on any basis relating to the person's physical or mental capacity to practise dentistry.
- (2) Subject to subsection (4), the board may refuse an application for registration as a specialist dentist if the applicant's name has been removed from a foreign register of specialist dentists for any reason relating to conduct of the person as a specialist dentist or on any basis relating to the person's physical or mental capacity to practise

the branch of specialist dentistry in relation to which he or she has applied for registration.

- (3) A person's name shall be taken to have been removed from a foreign register of dentists or specialist dentists if it is removed from any register or roll established or kept under any law of a State, another Territory or a place outside Australia providing for the registration or licensing of dentists or specialist dentists, as the case requires, or the authorisation of persons to practise dentistry or a specialist branch of dentistry, as the case requires.
- (4) Subsections (1) and (2) do not apply in relation to a person who is entitled to registration under the Mutual Recognition Act and who has lodged with the board a notice under that Act, section 19.

16 Applicants to be competent etc

- (1) Subject to subsection (2), the board shall not register a person as a dentist unless satisfied that he or she—
 - (a) is competent to practise dentistry; and
 - (b) has not, within 10 years before the date of application for registration, engaged in any conduct that would, were he or she registered, bring the dental profession into disrepute.
- (2) Subsection (1) does not apply in relation to a person who is entitled to registration under the Mutual Recognition Act and who has lodged with the Board a notice under that Act, section 19.

17 Restriction on registration of deregistered or suspended persons

- (1) Subject to subsection (2), a person whose registration as a dentist or specialist dentist has been cancelled (otherwise than under section 30 (1), 32 or 37 (2)) or suspended (otherwise than under section 31 (1) or 67 (2)) may not apply for re-registration or termination of the suspension, otherwise than under section 70.

- (2) Subsection (1) does not apply in relation to a person who is entitled to be re-registered under the Mutual Recognition Act and who has lodged with the board a notice under that Act, section 19.

Division 3.2 Registration procedure for dentists and specialist dentists

18 Applications for registration

- (1) This section applies to applications for registration as a dentist or specialist dentist other than applications by persons who are entitled to registration under the Mutual Recognition Act and who lodge with the Board a notice under that Act, section 19.
- (2) The applicant must give the board a completed application form.

Note 1 A fee may be determined under s 85 (Determination of fees) for this section.

Note 2 If a form is approved under s 86 (Approved forms) for an application, the form must be used.

19 Applications to be considered and determined

The board shall consider each application under section 18 and shall determine the application by—

- (a) registering the applicant unconditionally or subject to conditions; or
- (b) refusing the application.

20 Registration of applicants

If a person who is applying for registration as a dentist or specialist dentist otherwise than under the Mutual Recognition Act—

- (a) complies with section 18; and

(b) appears personally before the board or a nominee of the board in support of his or her application if required by the board to do so; and

(c) is entitled to registration in accordance with this Act;

the board shall, subject to this Act, register the applicant as a dentist or specialist dentist, as the case requires.

22 Conditions of registration

The conditions that the board may impose on registration at the time of registration include conditions relating to the duration of registration, the aspects of practice in which the person who is registered may be engaged and conditions relating to any other matters the board considers appropriate.

Division 3.3 Registers and related matters

23 Register of dentists

- (1) The board shall keep a register to be called the register of dentists.
- (2) The register may be kept by electronic means.

24 Register of specialist dentists

- (1) The board shall keep a register to be called the register of specialist dentists.
- (2) The register may be kept by electronic means.

25 Particulars to be entered in register of dentists

The registration of a person as a dentist shall be effected by entering in the register of dentists—

- (a) the name of the person; and

- (b) the person's professional address or addresses in the ACT or, if he or she has no professional address in the ACT, his or her place of residence, whether within or outside the ACT; and
- (c) particulars of the person's qualifications; and
- (d) the registration number allotted to the person; and
- (e) the date of registration; and
- (f) the provision under which the person is entitled to be registered; and
- (g) any condition to which the person's registration is subject; and
- (h) the other particulars (if any) prescribed under the regulations.

26 Particulars to be entered in register of specialist dentists

The registration of a person as a specialist dentist shall be effected by entering in the register of specialist dentists—

- (a) the name of the person; and
- (b) the specialist branch of dentistry in which the person is being registered; and
- (c) the qualifications of the person relevant to practising that specialist branch of dentistry; and
- (d) the date of registration; and
- (e) the provision under which the person is entitled to be registered; and
- (f) any condition to which the person's registration is subject; and
- (g) the registration number allotted to the person in the register of dentists; and
- (h) the other particulars (if any) prescribed under the regulations.

27 Certificate of registration

- (1) If a person is registered as a dentist, the board must issue to the person a certificate of registration signed by the chairperson or deputy chairperson.
- (2) A certificate of registration shall—
 - (a) state the provision under which the person specified in the certificate is entitled to be registered as a dentist; and
 - (b) if the person is registered as a specialist dentist—state the specialist branch of dentistry in which the person is registered and the provision under which the person is entitled to be registered as a specialist dentist; and
 - (c) set out any conditions to which his or her registration as a dentist or specialist dentist is subject.
- (3) The board may, by written notice, require a person registered as a specialist dentist and to whom a certificate of registration as a dentist has been issued, to give his or her certificate of registration to the board within 14 days after the date of receipt of the notice for the purpose of enabling the board to endorse on the certificate details of the person's registration as a specialist dentist.
- (4) A certificate of registration is evidence that the person specified in the certificate was registered as a dentist and, if applicable, as a specialist dentist, on the date or dates specified in the certificate.
- (5) If a certificate issued under subsection (1) to a person has been stolen, lost or destroyed, the board must, on application by the person, issue a duplicate certificate.

Note A fee may be determined under s 85 (Determination of fees) for this section.

- (6) The board may, by written notice, require a dentist or specialist dentist whose registration is cancelled or suspended to give his or her certificate of registration to the board within 14 days after the date of receipt of the notice.

- (7) If the registration of a person as a specialist dentist is cancelled, the board shall, on receipt of the certificate of registration in accordance with subsection (6), issue to the dentist a certificate of registration as a dentist.
- (8) If a person whose registration as a dentist has been suspended gives his or her certificate of registration to the board, the board shall keep the certificate during the period of the suspension and return it to the person at the end of that period unless the person's registration as a dentist has sooner been cancelled.
- (9) If the board suspends the registration of a person as a specialist dentist, the board shall, on receipt of the certificate of registration in accordance with subsection (6)—
 - (a) keep the certificate during the period of the suspension; and
 - (b) issue a temporary certificate of registration as a dentist to the person for that period; and
 - (c) return the firstmentioned certificate to the person at the end of that period unless—
 - (i) the person's registration as a dentist has sooner been suspended or cancelled; or
 - (ii) the person's registration as a specialist dentist has sooner been cancelled.
- (10) If, after a certificate of registration has been issued to a person—
 - (a) conditions are imposed on the registration of the person as a dentist or specialist dentist; or
 - (b) conditions imposed on the registration of the person as a dentist or specialist dentist are varied;the board may, by written notice given to the person, require the person to give his or her certificate of registration to the board within 14 days after the date of receipt of the notice for the purpose

of enabling a statement of the conditions imposed, or the conditions as varied, to be endorsed on the certificate.

- (11) A person shall not, without reasonable excuse, fail to comply with a notice under subsection (3), (6) or (10).

Maximum penalty: 5 penalty units.

28 Change of address to be notified

If—

- (a) a change occurs in an address of a registered dentist shown in the register of dentists; or
- (b) a registered dentist establishes a professional address in the ACT;

the registered dentist shall, within 1 month of the change or establishment, notify the chairperson in writing accordingly.

Maximum penalty: 5 penalty units.

29 Alteration of register

- (1) The board shall remove from the register of dentists the name of—
 - (a) a registered dentist who has died; or
 - (b) a registered dentist whose registration as a dentist has been cancelled.
- (2) The board shall remove from the register of specialist dentists, the name of—
 - (a) a registered specialist dentist whose name has been removed from the register of dentists; or
 - (b) a registered specialist dentist whose registration as a specialist dentist has been cancelled.

- (3) The board may, from time to time, at the request of a person or on its own initiative, make the alterations to particulars in the register of dentists or the register of specialist dentists that are necessary.

Note A fee may be determined under s 85 (Determination of fees) for this section.

30 Deregistration as specialist dentist on basis of deregistration as dentist

- (1) If the board has removed from the register of dentists the name of a person who is registered as a specialist dentist, the board shall cancel the registration of the person as a specialist dentist.
- (2) If—
- (a) the name of a person whose registration as a specialist dentist has been cancelled under subsection (1), is restored to the register of dentists; and
 - (b) the person applies to the board to be re-registered as a specialist dentist;

the board shall re-register the person as a specialist dentist.

31 Suspension as specialist dentist on basis of suspension as dentist

- (1) If the board has suspended the registration as a dentist of a person who is registered as a specialist dentist, the board shall suspend the registration of the person as a specialist dentist during the same period.
- (2) If the suspension of the registration as a dentist of a person referred to in subsection (1) is terminated, the board shall terminate the suspension of the registration of the person as a specialist dentist.

32 Deregistration on basis of disciplinary action under foreign law

- (1) If the board is satisfied that the name of a person who is registered as a dentist under this Act has been removed from a register or roll of dentists kept under a law of a State or another Territory for any reason relating to—

- (a) conduct of the person as a dentist; or
- (b) the physical or mental capacity of the person to practise dentistry;

the board shall cancel the registration of the person as a dentist.

- (2) If—

- (a) the name of a person whose registration has been cancelled under subsection (1) is restored to the register or roll referred to in that subsection; and
- (b) the person applies to the board to be re-registered under this Act;

the board shall re-register the person as a dentist or specialist dentist as the case requires.

- (3) If the board is satisfied that the name of a person who is registered as a dentist under this Act has been removed from any register or roll of dentists kept under a law of a place outside Australia for any reason relating to—

- (a) conduct of the person as a dentist; or
- (b) the physical or mental capacity of the person to practise dentistry;

the board may cancel the registration of the person as a dentist.

- (4) The board may re-register a person whose registration has been cancelled under subsection (3) if the board is satisfied that it is appropriate in the circumstances to do so.

33 Imposition of conditions imposed under foreign law

- (1) If the board is satisfied that after a person has been registered as a dentist under this Act a condition has been imposed on the registration of the person as a dentist under a law of a State or another Territory, the board shall impose a similar condition on the registration of the person as a dentist under this Act.
- (2) If the board is satisfied that after a person has been registered as a dentist under this Act a condition has been imposed on the registration of the person as a dentist under a law of a place outside Australia, the board may impose a similar condition on the registration of the person as a dentist under this Act.

34 Cessation of registration

A person who is registered as a dentist or specialist dentist ceases to be so registered—

- (a) when the board gives the person notice that his or her registration as a dentist or specialist dentist has been cancelled in accordance with this Act; or
- (b) if registration is conditional and the period of registration is specified in a condition—when that period ends.

Division 3.4 Annual registration fees for dentists and specialist dentists

35 Annual registration fee payable by registered dentist

- (1) On or before 1 July in each year, a registered dentist must pay to the Territory the annual registration fee determined under section 85 (Determination of fees) for the year.
- (2) The board shall send to each registered dentist, not later than 1 month before 1 July in each year, a notice requiring him or her to comply with subsection (1).

- (3) The liability of a registered dentist for a fee payable by him or her under subsection (1) is not affected by a failure of the board to comply with subsection (2).

36 Annual registration fee payable by registered specialist dentist

- (1) On or before 1 July in each year, a registered specialist dentist must pay to the Territory the annual registration fee determined under section 85 (Determination of fees) for the year.
- (2) The board shall send to each registered specialist dentist, not later than 1 month before 1 July in each year, a notice requiring him or her to comply with subsection (1).
- (3) The liability of a registered specialist dentist for a fee payable by him or her under subsection (1) is not affected by a failure of the Board to comply with subsection (2).

37 Registration to be cancelled for nonpayment

- (1) If a person who is a registered dentist or registered specialist dentist does not comply with section 35 (1) or 36 (1), the board shall send to the person a notice requiring him or her to pay the fee due under that subsection by a day specified in the notice and advising him or her that if the fee is not paid on or before that day his or her registration as a dentist or specialist dentist will be cancelled.
- (2) The board shall cancel the registration as a dentist or specialist dentist, of a person to whom a notice has been sent under subsection (1) and who has not paid the fee due by the day specified in the notice.

38 Re-registration

- (1) A person whose registration has been cancelled for failure to pay the annual registration fee determined under section 85 (Determination of fees) for a year is entitled to be re-registered if the person gives the board a completed application form and pays the fee.

Note If a form is approved under s 86 (Approved forms) for this section, the form must be used.

- (2) The entitlement of a person to re-registration under this section is an entitlement to registration on the same terms and subject to the same conditions (if any) as applied to the person's registration immediately before the removal of his or her name from the register of dentists or the register of specialist dentists.
- (3) The board may refuse to re-register a person under this section if satisfied that he or she—
 - (a) is not competent to practise dentistry; and
 - (b) has engaged in any conduct, whether occurring in practising as a dentist or specialist dentist or not, that brings the dental profession into disrepute.
- (4) An entitlement to re-registration under this section is subject to the provisions of this Act under which a person's name is authorised or required to be removed from the register of dentists or the register of specialist dentists.

Part 4 Registration of dental hygienists

Division 4.1 Preliminary

39 Meaning of *register*

In this part:

register means the register of dental hygienists.

Division 4.2 Qualifications for registration as dental hygienist

40 Entitlement to registration

- (1) A person is entitled to be registered as a dental hygienist if—
 - (a) the person is a graduate of a course of education or training as a dental hygienist offered by an Australian institution, being a course that is accredited by the board or by a registration authority of a State or another Territory; or
 - (b) the person—
 - (i) has completed a course of education or training as a dental hygienist in a place outside Australia, being a course that is accredited by the board; and
 - (ii) has passed the examinations that the board requires; and
 - (iii) has undertaken the further education or training and gained the experience in practising as a dental hygienist, for the period not exceeding 12 months, that the board determines.
- (2) The board shall not accredit a course under subsection (1) (b) (i) unless the course is substantially equivalent to a course referred to in subsection (1) (a).

41 Registration under mutual recognition principle

- (1) A person who is licensed or registered as a dental hygienist under the law in force in a State or another Territory that is a participating jurisdiction within the meaning of the Mutual Recognition Act is entitled to be registered as a dental hygienist under this Act.
- (2) If the person's licence or registration in the State or other Territory is not subject to any condition or restriction, the person's entitlement to registration under this Act is an entitlement to registration that is not subject to any condition.
- (3) If the person's licence or registration in the State or other Territory is subject to any condition or restriction, the person's entitlement to registration under this Act is an entitlement to registration subject to the conditions to which that licence or registration is subject or conditions appropriate to give effect to any restriction to which that licence or registration is subject.

42 Conditions of registration in cases of impairment

- (1) The board may impose conditions on a person's registration as a dental hygienist if the board is satisfied that the person suffers from an impairment and the conditions are reasonably required having regard to the impairment.
- (2) If conditions have been imposed on a person's registration under this section (including conditions imposed on a review under this section), the board may, if so requested by the person, review the conditions and, if satisfied—
 - (a) that the person no longer suffers from the impairment; or
 - (b) that the impairment has lessened;the board may alter or remove the conditions or impose new conditions.

43 Refusal of registration if applicant deregistered under foreign law

- (1) Subject to subsection (3), the board may refuse an application for registration as a dental hygienist if the applicant's name has been removed from a foreign register of dental hygienists for any reason relating to conduct of the person as a dental hygienist or on any basis relating to the person's physical or mental capacity to practise as a dental hygienist.
- (2) A person's name shall be taken to have been removed from a foreign register of dental hygienists if it is removed from any register or roll established or kept under any law of a State, another Territory or a place outside Australia providing for the registration or licensing of dental hygienists or the authorisation of persons to practise as dental hygienists.
- (3) Subsection (1) does not apply in relation to a person who is entitled to registration under the Mutual Recognition Act and who has lodged with the board a notice under that Act, section 19.

44 Applicants to be competent etc

- (1) Subject to subsection (2), the board shall not register a person as a dental hygienist unless satisfied that he or she—
 - (a) is competent to practise as a dental hygienist; and
 - (b) has not, within 10 years before the date of application for registration, engaged in any conduct that would, were he or she registered, bring the dental profession into disrepute.
- (2) Subsection (1) does not apply in relation to a person who is entitled to registration under the Mutual Recognition Act and who has lodged with the board a notice under that Act, section 19.

45 Restriction on registration of deregistered or suspended persons

- (1) Subject to subsection (2), a person whose registration as a dental hygienist has been cancelled (otherwise than under section 56 or 60 (2)) or suspended (otherwise than under section 67 (2)) may not apply for re-registration or termination of the suspension, otherwise than under section 70.
- (2) Subsection (1) does not apply in relation to a person who is entitled to be re-registered under the Mutual Recognition Act and who has lodged with the board a notice under that Act, section 19.

Division 4.3 Registration procedure for dental hygienists

46 Applications for registration

- (1) This section applies to applications for registration as a dental hygienist other than applications by persons who are entitled to registration under the Mutual Recognition Act and who lodge with the board a notice under that Act, section 19.
- (2) The applicant must give the board a completed application form.

Note 1 A fee may be determined under s 85 (Determination of fees) for this section.

Note 2 If a form is approved under s 86 (Approved forms) for an application, the form must be used.

47 Applications to be considered and determined

The board shall consider each application under section 46 and shall determine the application by—

- (a) registering the applicant unconditionally or subject to conditions; or
- (b) refusing the application.

48 Registration of applicants

If a person who is applying for registration as a dental hygienist otherwise than under the Mutual Recognition Act—

- (a) complies with section 46; and
- (b) appears personally before the board or a nominee of the board in support of his or her application if required by the board to do so; and
- (c) is entitled to registration in accordance with this Act;

the board shall, subject to this Act, register the applicant as a dental hygienist.

50 Conditions of registration

The conditions that the board may impose on registration as a dental hygienist at the time of registration include conditions relating to the duration of registration, the aspects of practice in which the person who is registered may be engaged and conditions relating to any other matters the board considers appropriate.

Division 4.4 Register of dental hygienists

51 Register

- (1) The board shall keep a register to be called the register of dental hygienists.
- (2) The register may be kept by electronic means.

52 Particulars to be entered in register

The registration of a person as a dental hygienist shall be effected by entering in the register—

- (a) the name of the person; and

- (b) the professional address or 1 of the professional addresses of the person by whom the firstmentioned person is employed as a dental hygienist or, if he or she is not so employed, his or her place of residence, whether within or outside the ACT;
- (c) particulars of the person's qualifications; and
- (d) the registration number allotted to the person; and
- (e) the date of the registration; and
- (f) the provision under which the person is entitled to be registered; and
- (g) any condition to which the person's registration is subject; and
- (h) the other particulars (if any) prescribed under the regulations.

53 Certificate of registration

- (1) If a person is registered as a dental hygienist under this Act, the board shall issue to the person a certificate of registration signed by the chairperson or deputy chairperson.
- (2) A certificate of registration shall state the provision under which the person specified in the certificate is entitled to be registered as a dental hygienist and set out any conditions to which his or her registration is subject.
- (3) A certificate of registration is evidence that the person specified in the certificate was registered as a dental hygienist on the date specified in the certificate.
- (4) If a certificate issued under subsection (1) to a person has been stolen, lost or destroyed, the board must, on application by the person, issue a duplicate certificate.

Note A fee may be determined under s 85 (Determination of fees) for this section.

- (5) If the registration of a person has been cancelled or suspended the board shall, by written notice given to the person, require the person

to give his or her certificate of registration to the board within 14 days.

- (6) If a person whose registration as a dental hygienist has been suspended gives his or her certificate of registration to the board, the board shall keep the certificate during the period of the suspension and return it to the person at the end of that period unless the person's registration has sooner been cancelled.
- (7) If, after a certificate of registration has been issued to a person—
- (a) conditions are imposed on the registration of the person; or
 - (b) conditions imposed on the registration of the person are varied;
- the board may, by written notice given to the person, require the person to give his or her certificate of registration to the Board within 14 days to enable a statement of the conditions imposed, or the conditions as varied, to be endorsed on the certificate.
- (8) A person shall not, without reasonable excuse, fail to comply with a notice under subsection (5) or (7).

Maximum penalty: 5 penalty units.

54 Change of address to be notified

- (1) If—
- (a) an address shown in the register as an address of the person by whom a registered dental hygienist is employed ceases to be such an address; and
 - (b) the registered dental hygienist continues to be employed as a dental hygienist;
- the registered dental hygienist shall, within 1 month, notify the chairperson in writing accordingly and specify in the notice the address of the person by whom he or she is employed.

- (2) If a registered dental hygienist ceases to be employed as a dental hygienist he or she shall within 1 month of ceasing to be so employed, notify the chairperson in writing accordingly and specify in the notice his or her place of residence.
- (3) If a registered dental hygienist who was not employed as a dental hygienist becomes so employed he or she shall, within 1 month of becoming so employed, notify the chairperson in writing accordingly and specify in the notice the address of the person by whom he or she is employed.

Maximum penalty: 5 penalty units.

55 Alteration of register

- (1) The board shall remove from the register the name of—
 - (a) a registered dental hygienist who has died; or
 - (b) a registered dental hygienist whose registration has been cancelled.
- (2) The board may, from time to time, at the request of a person or on its own initiative, make the other alterations to particulars in the register of dental hygienists that are necessary.

Note A fee may be determined under s 85 (Determination of fees) for a request under this section.

56 Deregistration on basis of disciplinary action under foreign law

- (1) If the board is satisfied that the name of a person who is registered as a dental hygienist under this Act has been removed from a register or roll of dental hygienists kept under a law of a State or another Territory for any reason relating to—
 - (a) conduct of the person as a dental hygienist; or
 - (b) the physical or mental capacity of the person to practise as a dental hygienist;

the board shall cancel the registration of the person.

(2) If—

- (a) the name of a person whose registration has been cancelled under subsection (1) is restored to the register or roll referred to in that subsection; and
- (b) the person applies to the board to be re-registered under this Act;

the board shall re-register the person as a dental hygienist.

(3) If the board is satisfied that the name of a person who is registered as a dental hygienist under this Act has been removed from any register or roll of dental hygienists kept under a law of a place outside Australia for any reason relating to—

- (a) conduct of the person as a dental hygienist; or
- (b) the physical or mental capacity of the person to practise as a dental hygienist;

the Board may cancel the registration of the person.

(4) The board may re-register a person whose registration has been cancelled under subsection (3) if the board is satisfied that it is appropriate in the circumstances to do so.

57 Imposition of conditions imposed under foreign law

- (1) If the board is satisfied that after a person has been registered as a dental hygienist under this Act a condition has been imposed on the registration of the person as a dental hygienist under a law of a State or another Territory, the board shall impose a similar condition on the registration of the person under this Act.
- (2) If the board is satisfied that after a person has been registered as a dental hygienist under this Act a condition has been imposed on the registration of the person as a dental hygienist under a law of a place

outside Australia, the board may impose a similar condition on the registration of the person under this Act.

58 Cessation of registration

A person who is registered as a dental hygienist ceases to be so registered—

- (a) when the board gives the person notice that his or her registration has been cancelled in accordance with this Act; or
- (b) if registration is conditional and the period of registration is specified in a condition—when that period ends.

Division 4.5 Annual registration fees for dental hygienists

59 Annual registration fee payable by registered dental hygienist

- (1) On or before 1 July in each year, a registered dental hygienist must pay to the Territory the annual registration fee determined under section 85 (Determination of fees) for the year.
- (2) The board shall send to each registered dental hygienist, not later than 1 month before 1 July in each year, a notice requiring him or her to comply with subsection (1).
- (3) The liability of a registered dental hygienist for a fee payable by him or her under subsection (1) is not affected by a failure of the board to comply with subsection (2).

60 Registration to be cancelled for nonpayment

- (1) If a registered dental hygienist does not comply with section 59 (1), the board shall send to the dental hygienist a notice requiring him or her to pay the fee due under that subsection by a day specified in the notice and advising him or her that if the fee is not paid on or before that day his or her registration will be cancelled.

- (2) The board shall cancel the registration of a dental hygienist to whom a notice has been sent under subsection (1) and who has not paid the fee due by the day specified in the notice.

61 Re-registration

- (1) A person whose registration has been cancelled for failure to pay the annual registration fee determined under section 85 (Determination of fees) for a year is entitled to be re-registered if the person gives the board a completed application form and pays the fee.

Note If a form is approved under s 86 (Approved forms) for an application, the form must be used.

- (2) The entitlement of a person to re-registration under this section is an entitlement to registration on the same terms and subject to the same conditions (if any) as applied to the person's registration immediately before the removal of his or her name from the register.
- (3) The board may refuse to re-register a person under this section if satisfied that he or she—
- (a) is not competent to practise as a dental hygienist; and
 - (b) has engaged in any conduct, whether occurring in practising as a dental hygienist or not, that brings the dental profession into disrepute.
- (4) An entitlement to re-registration under this section is subject to the provisions of this Act pursuant to which a person's name is authorised or required to be removed from the register.

Part 5 Conduct of dental practice

62 Cancellation or suspension of registration

(1) The board may—

- (a) cancel the registration of a person; or
- (b) by order served on the person, suspend the registration of the person for the period the board considers appropriate;

if satisfied that—

- (c) the registration of the person was obtained by fraud or misrepresentation; or
- (d) the qualification of the person that entitled him or her to registration has been withdrawn or cancelled by the body that granted it; or
- (e) the person has contravened this Act; or
- (f) the person has contravened a condition to which his or her registration under this Act is subject; or
- (g) the person has been convicted in the ACT or elsewhere of an offence punishable by imprisonment for more than 1 year or any offence that, in the opinion of the board, renders him or her unfit to practise as a dentist or dental hygienist, as the case requires; or
- (h) the person has advertised for the purpose of procuring patients or practice, or has sanctioned, or been associated with or employed by a person who sanctions, such an advertisement; or
- (i) the person has canvassed or employed an agent or canvasser for the purpose of procuring patients or practice, or has sanctioned, or been associated with or employed by a person

who sanctions, the employment of an agent or canvasser for that purpose; or

- (j) the person is guilty of habitual drunkenness, or addiction to a deleterious drug, that renders him or her unfit to practise as a dentist or dental hygienist, as the case requires; or
- (k) the person has engaged in conduct, whether occurring in practising as a dentist, or dental hygienist or not, that—
 - (i) adversely affects the way the person practises as a dentist or dental hygienist, as the case requires; or
 - (ii) brings the dental profession into disrepute;
- (l) the person has engaged in any improper or unethical conduct in relation to practising as a dentist or dental hygienist, as the case requires;
- (m) the person has failed to exercise adequate judgment or care in practising as a dentist or dental hygienist, as the case requires; or
- (n) the person is not competent to practise as a dentist or dental hygienist, as the case requires.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

- (6) A reference to advertising in subsection (1) (h) does not include a reference to—
 - (a) the publication by a registered dentist of a notice of the fact that he or she has begun or resumed practice as a dentist or a notice of a change of the address where he or she practises as a dentist; or
 - (b) the exhibition by a registered dentist at the place or places at where he or she practises as a dentist of a notice or notices containing his or her name and qualifications;

being a notice or notices of a kind that conforms to the accepted customs and usages of the dental profession.

63 Cancellation, suspension or restriction of right of practise on health grounds

- (1) Subject to subsection (2), the board shall, if satisfied that the mental or physical condition of a person who is registered renders him or her unfit to practise—
 - (a) cancel the registration of the person; or
 - (b) by order served on the person, suspend the registration of the person for the period the board considers appropriate.
- (2) The board may, instead of cancelling or suspending the registration of a person, if satisfied that the person is fit to give or perform some dental services and that it would not be contrary to the public interest to make an order under this subsection, by order served on the person, direct the person not to give or perform the dental services specified, whether individually or otherwise, in the order.
- (3) If the Board has made an order under subsection (2) in relation to a person, it may, if so requested by the person, review the order and, if satisfied that the mental or physical condition of the person has changed since the order was made, amend or revoke the order.
- (4) A person on whom an order under subsection (1) (b) or (2) has been served who gives or performs a dental service in contravention of that order shall, in giving or performing the service, be deemed to be a person who is not registered.

64 Practising when registration suspended

If a person whose registration has been suspended is convicted of an offence against section 73, the board may—

- (a) cancel the registration of the person; or

- (b) by order served on the person, suspend the registration of the person for the further period the board considers appropriate.

65 Power of board to caution, reprimand etc

- (1) Subject to subsection (2), the board may do any 1 or more of the following in relation to the conduct of a person who is registered:
 - (a) caution or reprimand the person;
 - (b) order that the person seek and undergo medical or psychiatric treatment or counselling;
 - (c) impose on the person's registration the conditions that the board considers appropriate relating to the person practising as a dentist, specialist dentist or dental hygienist, as the case requires;
 - (d) order that the person complete specified educational courses;
 - (e) order that the person seek and follow advice, in relation to his or her practice as a dentist from persons specified by the Board.
- (2) Subsection (1) (d) does not apply in relation to a registered dentist or dental hygienist, who obtained registration under this Act under the Mutual Recognition Act.

66 Power of board to impose fines

- (1) Subject to subsection (2), if the board finds that a person who is registered has failed to comply with an order under section 65 (1) (b), (d) or (e) it may, by order served on the person, impose on him or her a fine not exceeding \$1 000.
- (2) The board shall not impose a fine under subsection (1) in relation to conduct for which a court has already imposed a fine or other penalty.

- (3) A fine imposed under this section shall be paid to the Territory within the time specified in the order imposing the fine.
- (4) If a person on whom the board has imposed a fine under subsection (1) fails to pay the fine by the time specified in the order, the board may—
 - (a) cancel the registration of the person; or
 - (b) by order served on the person, suspend the registration of the person for the period the board considers appropriate.

67 Inquiry by board

- (1) The board shall hold an inquiry before—
 - (a) cancelling the registration of a person, other than under section 30, 32 (1), 37 (2), 56 (1) or 60 (2); or
 - (b) suspending the registration of a person, other than under section 31 (1); or
 - (c) making an order under section 63 (2); or
 - (d) taking any action under section 65 (1).
- (2) Pending the holding of an inquiry under subsection (1), the board may, by order served on the person to whom the inquiry relates, suspend temporarily the registration of the person.
- (3) For the hearing of an inquiry under subsection (1), the board must include a member appointed under section 7 (1) (c).

68 Publication of notice of decision

- (1) The chairperson may prepare written notice of a decision of the board or of the administrative appeals tribunal on application for review of a decision of the board—
 - (a) cancelling the registration of a person; or

- (b) suspending, otherwise than under section 31 (1) or 67 (2), the registration of a person; or
 - (c) imposing conditions on the registration of a person; or
 - (d) making or amending an order under section 63 (2); or
 - (e) taking any action under section 65 (1); or
 - (f) imposing a fine on a person under section 66 (1); or
- and the reasons for the decision, including the findings of material questions of fact.

- (2) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (3) The notice must not be notified until—
- (a) the period within which an application may be made to the administrative appeals tribunal for review of the decision has ended; and
 - (b) if an application for review of the decision is made—the administrative appeals tribunal has given its decision on the application.

69 Effect of suspension and conditions

For this Act, a registered dentist or registered dental hygienist whose registration is suspended shall be deemed, during the period of the suspension, not to be registered as a dentist or dental hygienist.

70 Application for re-registration

- (1) A person whose registration—
- (a) has been cancelled, otherwise than under section 30 (2), 32, 37 (2), 56 or 60 (2); or
 - (b) has been suspended, otherwise than under section 31 (1) or 67 (2);

may apply in writing to the board for re-registration or termination of the suspension, because on the ground that, by reason of a specified change in circumstances that has occurred since the date of the cancellation or suspension, the person should be re-registered or the suspension should be terminated.

- (2) On an application under this section the board may, if satisfied that, because of the change in circumstances, the registration of the person should be restored, or the suspension of the registration of the person should be terminated, order that the registration be restored or the suspension terminated.

71 Administration of estate of deceased dentist

On the death of a registered dentist who was at the time of death practising dentistry or a specialist branch of dentistry, an executor or executrix of the will of the deceased dentist, or an administrator, administratrix or trustee of the estate of the deceased dentist, may continue that practice for 6 months or for any longer period that the board, on application by the executor, executrix, administrator, administratrix or trustee, permits, if the practice is carried on by a registered dentist or a registered specialist dentist who is registered in relation to the same specialist branch of dentistry as the deceased dentist, as the case requires.

72 Person not to practise except under registered name

A person who is a registered dentist, registered specialist dentist or who is registered as a dental hygienist under this Act shall not practise dentistry or the specialist branch of dentistry or perform the functions of a dental hygienist under a name other than the name under which the person is registered.

Maximum penalty: 50 penalty units.

73 Practising dentistry—registered dentists

- (1) Subject to sections 74 and 75, a person other than a registered dentist shall not—
- (a) give or perform, for fee or reward, any dental service; or
 - (b) advertise or hold himself or herself out as being, or in any way 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 or she is a person registered or entitled to be registered under this Act, or that he or she is qualified to practise dentistry or is carrying on the practice of dentistry or is entitled to use that name, title, word or letters.

Maximum penalty:

- (a) for subsection (1) (a)—50 penalty units, imprisonment for 6 months or both;
 - (b) for subsection (1) (b)—30 penalty units.
- (2) Nothing in this section prohibits a person who is not a registered dentist from making, repairing or altering artificial dentures or restorative or corrective dental appliances as an employee of, or under contract with, a registered dentist.
- (3) A registered dentist shall not, without reasonable excuse—
- (a) advertise or hold himself or herself out as being; or
 - (b) in any way pretend to be or to possess the status of, or take or use a name or title (alone or in conjunction with any other title, word or letter) implying, or that may be construed to imply that he or she is;

a person registered or entitled to be registered as a specialist dentist in a specialist branch of dentistry in relation to which he or she is not registered.

Maximum penalty: 30 penalty units.

- (4) A person shall not, without reasonable excuse, in the course of a business carried on by the person, permit a person employed or engaged by him or her to provide, or offer to provide—
- (a) a dental service, unless that other person is a registered dentist; or
 - (b) a dental service as a specialist dentist, unless that other person is registered as a specialist in the specialist branch of dentistry to which the service relates.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (5) A person shall not, without reasonable excuse, in the course of a business carried on by the person, by advertisement or otherwise, hold out a person employed or engaged by him or her as being a person who—
- (a) is qualified or authorised to practise dentistry; or
 - (b) practises dentistry; or
 - (c) is a registered specialist dentist;
- unless that other person is a registered dentist or registered specialist dentist, as the case requires.

Maximum penalty: 30 penalty units.

- (6) Subsections (2) and (3) (b) and (4) (c) do not apply to a person—
- (a) who is registered under section 10 (1); and

- (b) who was not required by a law in force in the State or other Territory entitling him or her to registration under this Act to be registered as a specialist dentist.

74 Practising dentistry—dental therapists

- (1) A person who is—

- (a) a public servant designated as a dental therapist; or
 - (b) otherwise employed or engaged by the Territory or a Territory authority as a dental therapist;

shall not carry out or perform an approved dental procedure on another person, except—

- (c) under the direction and control of a registered dentist employed or engaged by the Territory or a Territory authority as a registered dentist; and
 - (d) as a public servant.

Maximum penalty: 10 penalty units.

- (2) A person referred to in subsection (1) shall not carry out or perform an approved dental procedure on a person who is 17 years old or older.

Maximum penalty: 10 penalty units.

- (3) For subsection (1), a dental therapist shall be taken to be under the direction and control of a registered dentist if the registered dentist would be available to the dental therapist within a reasonable time (having regard to the distance involved and the type of assistance required) to assist the dental therapist if assistance were required.

- (4) In this section:

approved dental procedure means—

- (a) the diagnosis and recording of dental caries or the planning and arrangement of appropriate treatment; and

- (b) the assessment and recording of the status of oral hygiene, gingival and periodontal health, and noting of any abnormalities within the oro-facial environment; and
- (c) the performance of other diagnostic services, including dental radiography; and
- (d) the removal of plaque and calculus; and
- (e) the placement of fissure sealants; and
- (f) the recontouring, cleaning and polishing of teeth and restorations; and
- (g) the application of topical preparations; and
- (h) the extraction of deciduous teeth not involving incisions or other surgical techniques; and
- (i) the performance of pulpotomies and the placement of pulp dressings in deciduous teeth; and
- (j) the preparation of cavities in deciduous and permanent teeth and the restoration (whether short or long term) of those teeth with suitable materials; and
- (k) the administration of local analgesia using supra periosteal infiltration or inferior dental nerve block; and
- (l) the application and removal of rubber dams; and
- (m) the irrigation of the mouth; and
- (n) the provision of dental health education; and
- (o) the capping of an exposed pulp of a permanent tooth; and
- (p) the protection of the exposed dentine of a fractured tooth; and
- (q) the reimplanting or repositioning and temporary stabilisation of an avulsed or loose permanent tooth.

dental therapist means a person who has successfully completed an Australian diploma course in dental therapy or its equivalent.

75 Practising dentistry—dental hygienists

- (1) A dental hygienist shall not, except under the direction and control of a registered dentist, carry out or perform—
- (a) dental radiography; and
 - (b) the application and removal of rubber dams; and
 - (c) pre-operative and post-operative instruction of patients; and
 - (d) the irrigation of the mouth; and
 - (e) the removal of sutures; and
 - (f) the instruction of persons in oral hygiene and dental health measures; and
 - (g) the application of topical preparations; and
 - (h) the removal of supra and sub gingival plaque and calculus; and
 - (i) the cleaning and polishing of teeth and restorations; and
 - (j) the taking of impressions for study casts; and
 - (k) the insertion and removal of surgical packs and placement of dental dressings; and
 - (l) the placement of fissure sealants; and
 - (m) the measurement and recording of periodontal conditions; and
 - (o) the removal of dental cements and overhangs; and
 - (p) the removal of orthodontic appliances, including orthodontic cements and resins; and
 - (q) the removal of orthodontic arch wires; and

- (r) the placement and removal of nonmetallic orthodontic separators; and
- (s) the etching and sealing preparatory to placement of orthodontic brackets.

Maximum penalty: 10 penalty units.

- (2) For subsection (1), a dental hygienist shall be taken to be under the direction and control of a registered dentist if—
 - (a) the service referred to in that subsection was specified in a direction given to the dental hygienist by the registered dentist as a service the dental hygienist was to carry out or perform; and
 - (b) the registered dentist was on the premises on which the service was being carried out or performed and was reasonably available to advise and assist the dental hygienist in the course of the carrying out or performance of that service; and
 - (c) the registered dentist satisfies himself or herself, by examination, that the service the subject of the direction has been carried out or performed.
- (3) Any person who, without reasonable excuse, as assistant, servant, agent or manager, does or permits any act, matter or thing in contravention of this section commits an offence.

Maximum penalty: 30 penalty units.

76 Person advertising liable to penalty

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 by which any person advertises or holds himself or herself out contrary to any part of section 73, or attempts to do so, commits an offence.

Maximum penalty: 30 penalty units.

U 77 Medical practitioner may give dental services

Notwithstanding anything contained in this Act, a registered medical practitioner may give a dental service, and the provisions of the *Medical Practitioners Act 1930*, section 51 apply in relation to the recovery of fees or remuneration for the dental service as they apply to the recovery of fees or remuneration for a medical service.

78 Recovery of fees for dental services by registered dentists

- (1) A person is not entitled to begin an action for the recovery of fees or remuneration for a dental service unless he or she was the dentist who gave the dental service.
- (2) Subsection (1) does not apply to the recovery from a registered dentist of fees or remuneration by a person who makes, repairs or alters artificial dentures or restorative or corrective dental appliances as an employee of, or under contract with, the registered dentist.
- (3) A registered dentist who has given a dental service for a person, or a dependant of a person, is not entitled to begin an action for the recovery from that person of fees or remuneration for the dental service unless—
 - (a) the dentist has served or caused to be served on that person, by delivery to that person personally or by post addressed to that person at his or her last-known place of residence, an account for the fees or remuneration setting out the amount claimed, a brief statement of the nature of the dental service given, the date or dates when it was given and the person for whom it was given; and
 - (b) 6 months has elapsed since that service of the account and the account is unpaid at the end of that period.
- (4) Notwithstanding subsection (3), an action for the recovery of fees or remuneration for a dental service may be begun without the service of an account for those fees or remuneration in accordance with that

subsection, or, if such an account has been so served, before the elapsing of 6 months since the service of the account, if the action is one in which an application could, apart from that subsection, be made for an order under the *Court Procedures Act 2004*, sections 63 to 69 in its application to the ACT.

- (5) Subsection (4) and this subsection expire on the existing rules expiry day under the *Court Procedures Act 2004*, section 60 (3).

79 Review of accounts for fees for dental services

- (1) A person liable to pay fees or remuneration for a dental service may, within 6 months after service on him or her of an account for the fees or remuneration in accordance with section 78, apply in writing to the board to review the account.
- (2) The board shall, on such an application, review the account and certify, by writing signed by the chairperson or deputy chairperson, the amount that, in the board's opinion, is a reasonable amount of fees or remuneration for the dental service.
- (3) The board shall, in the certificate, set out the facts on which the certificate is based.
- (4) The board may require a person to give the information that it considers appropriate or desirable for the purpose of a review under this section and may fix a time within which the information shall be given.
- (5) If a person does not give, within the time fixed, the information required by the board under subsection (4), the board may proceed to review an account for fees or remuneration for a dental service without the information.
- (6) In reviewing an account for fees or remuneration for a dental service, the board is not required to conduct a formal hearing, but the board shall inform the parties to the application of any information given to the board under subsection (4).

- (7) In reviewing an account for fees or remuneration for a dental service, the board shall have regard, in particular, to—
- (a) the time occupied in giving, and the nature of, the dental service; and
 - (b) the distance between the dental surgery or residence of the registered dentist and the place where he or she gave the dental service; and
 - (c) the hours of the day or night when he or she gave the dental service; and
 - (d) the degree of skill, knowledge or experience required in the giving of the dental service; and
 - (e) whether the registered dentist gave the dental service in the capacity of specialist, consultant or dentist in general practice; and
 - (f) any special circumstances submitted by the registered dentist.
- (8) The board shall send a copy of a certificate of the board under subsection (2) by post to the person who gave the dental service at his or her business address, or at his or her professional address or at 1 of his or her professional addresses, last known to the board.
- (9) In proceedings for the recovery of fees or remuneration in relation to a dental service, a certificate of the board under subsection (2) in relation to that dental service is evidence that the amount certified in the certificate is a reasonable amount of fees or remuneration for the dental service.

Part 6 Appeals

80 Review of decisions

Application may be made to the administrative appeals tribunal for review of a decision of the board—

- (a) under section 11 (4), 13 (1), 33 (2), 42 (1) or 57 (2) to impose conditions on the registration of a person; or
- (b) under section 12 (4) to cancel the interim registration of a person; or
- (c) under section 13 (2) or 42 (2) to refuse to review conditions imposed on the registration of a person; or
- (d) under section 13 (2) or 42 (2) to refuse to alter or remove conditions imposed on the registration of a person; or
- (e) under section 13 (2) or 42 (2) to alter conditions imposed on the registration of a person; or
- (f) under section 13 (2) or 42 (2) to impose new conditions on the registration of a person; or
- (g) under section 19 or 47 to refuse to register a person; or
- (h) under section 32 (3), 56 (3), 62 (1) (a), 63 (1) (a), 64 (a) or 66 (4) (a) to cancel the registration of a person; or
- (i) under section 32 (4), 38 (3), 56 (4), 61 (3) or 70 (2) to refuse to re-register a person; or
- (j) under section 62 (1) (b), 63 (1) (b), 64 (b), 66 (4) (b) or 67 (2) to suspend the registration of a person; or
- (k) under section 63 (2) to make an order directing a person not to give or perform a dental service; or

- (l) under section 63 (3) to refuse to review an order directing a person not to give or perform a dental service; or
- (m) under section 63 (3) to refuse to amend or revoke an order directing a person not to give or perform a dental service; or
- (n) under section 63 (3) to amend an order directing a person not to give or perform a dental service; or
- (o) under section 65 (1) to take any action of a kind specified in that subsection in relation to a registered dentist, registered specialist dentist or registered dental hygienist; or
- (p) under section 66 (1) to impose a fine on a registered dentist or registered dental hygienist; or
- (q) under section 70 (2) to refuse to terminate the suspension of the registration of a person; or
- (r) under section 71 to refuse to extend beyond 6 months the period during which the executor or executrix of the will of a deceased dentist, or the administrator, administratrix or trustee of the estate of a deceased dentist, may continue the business of the dentist; or
- (s) under section 71 to fix a period longer than 6 months during which the executor or executrix of the will of a deceased dentist, or the administrator, administratrix or trustee of the estate of a deceased dentist, may continue the business of the dentist; or
- (t) under section 79 (2) to certify the amount that, in the opinion of the Board, is a reasonable amount of fees or remuneration for a dental service.

81 Notification of decisions

If a decision of the kind referred to in section 80 (other than paragraph (b), (j), (k) or (p)) is made, the board shall give notice in writing of the decision—

- (a) for a decision referred to in section 80 (a)—to the person on whose registration conditions have been imposed; or
- (b) for a decision referred to in section 80 (c), (d) or (e)—to the person whose registration is subject to the conditions; or
- (c) for a decision referred to in section 80 (f)—to the person on whose registration new conditions have been imposed; or
- (d) for a decision referred to in section 80 (g)—to the person whose application for registration has been refused; or
- (e) for a decision referred to in section 80 (h)—to the person whose registration has been cancelled; or
- (f) for a decision referred to in section 80 (i)—to the person whose application for re-registration has been refused; or
- (g) for a decision referred to in section 80 (l), (m) or (n)—to the person in relation to whom the order was made; or
- (h) for a decision referred to in section 80 (o)—to the registered dentist, registered specialist dentist or registered dental hygienist in relation to whom the action has been taken; or
- (i) for a decision referred to in section 80 (q)—to the person whose registration has been suspended; or
- (j) for a decision referred to in section 80 (r) or (s)—to the executor or executrix of the will of the deceased dentist or the administrator, administratrix or trustee of the estate of the deceased dentist; or
- (k) for a decision referred to in section 80 (t)—to the person who requested the review of the account.

82 Contents of notice

- (1) A notice under section 12 (4) or 81 shall be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

- (2) An order under section 62 (1) (b), 63 (1) (b), 63 (2), 64 (b), 66 (1), 66 (4) (b) or 67 (2) shall be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).
- (3) The validity of a decision to which a notice or order referred to in subsection (1) or (2) relates is not to be taken to be affected by a failure to comply with that subsection.

Part 7 Miscellaneous

83 Inspection of registers

- (1) A person may inspect, or obtain a certified copy of, an entry in a register under this Act.

Note A fee may be determined under s 85 (Determination of fees) for this section.

- (2) The board may, on request by a registration authority of a place outside the ACT and without payment by the registration authority of a fee, give a certified copy of the register of dentists, the register of specialist dentists or the register of dental hygienists to that registration authority.

84 Publication of names etc of registered persons

- (1) As soon as practicable after 1 July in each year, the board must prepare a written notice containing—

- (a) the name and professional address (or addresses) of every dentist registered on that day; and
- (b) the name of every specialist dentist registered on that day and the specialist branch of dentistry in which the specialist dentist is registered; and
- (c) the name of every dental hygienist registered on that day and at least 1 professional address of the person by whom the dental hygienist is employed as a dental hygienist.

- (2) A notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

85 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

86 Approved forms

- (1) The board may, in writing, approve forms for this Act.

Note For other provisions about forms, see *Legislation Act 2001*, s 255.

- (2) If the board approves a form for a particular purpose, the approved form must be used for that purpose.

- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

87 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

Endnotes

3 Legislation history

3 Legislation history

This Act was originally a Commonwealth ordinance—the *Dentists Registration Ordinance 1931* No 8 (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989* No 21, s 5 on 11 May 1989 (self-government day).

The Act was later renamed as the *Dentists Act 1931* by the *Dentists (Amendment) Act 1996* (see s 5).

Before 11 May 1989, ordinances commenced on their notification day unless otherwise stated (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).

Legislation before becoming Territory enactment

Dentists Act 1931 No 8

notified 30 April 1931

commenced 1 July 1931 (see Cwlth Gazette 1931 p 935)

as amended by

Dentists Registration Ordinance 1932 No 5

notified 18 February 1932

commenced 18 February 1932

Dentists Registration Ordinance (No 2) 1932 No 17

notified 4 August 1932

commenced 4 August 1932

Dentists Registration Ordinance 1933 No 22

notified 28 September 1933

commenced 28 September 1933

Dentists Registration Ordinance 1935 No 20

notified 12 December 1935
commenced 12 December 1935

Ordinances Revision Ordinance 1937 No 27

notified 23 December 1937
commenced 23 December 1937

Dentists Registration Ordinance 1954 No 10

notified 5 April 1954
commenced 5 April 1954

Ordinances Revision Ordinance 1959 No 21

notified 23 December 1959
commenced 31 December 1959

Dentists Registration Ordinance 1963 No 4

notified 4 April 1963
commenced 4 April 1963

Ordinances Revision (Decimal Currency) Ordinance 1966 No 19

notified 23 December 1966
commenced 23 December 1966

Dentists Registration Ordinance 1967 No 16

notified 8 June 1967
commenced 8 June 1967

Dentists Registration Ordinance 1970 No 1

notified 29 January 1970
commenced 29 January 1970

Dentists Registration Ordinance (No 2) 1970 No 38

notified 27 October 1970
commenced 27 October 1970

Ordinances Revision (Health Commission) Ordinance 1975 No 17

notified 1 July 1975
commenced 1 July 1975

Ordinances Revision Ordinance 1977 No 65

notified 22 December 1977
commenced 22 December 1977

Endnotes

3 Legislation history

Ordinances Revision Ordinance 1978 No 46

notified 28 December 1978
commenced 28 December 1978

Ordinances Revision (Penalties) Ordinance 1979 No 26

notified 31 August 1979
commenced 31 August 1979

Dentists Registration (Amendment) Ordinance 1979 No 31

notified 27 September 1979
commenced 27 September 1979

Dentists Registration (Amendment) Ordinance 1980 No 46

notified 23 December 1980
commenced 30 March 1981 (see Cwlth Gaz 1981 No S54)

Dentists Registration (Amendment) Ordinance 1981 No 45

notified 20 November 1981
commenced 20 November 1981

Dentists Registration (Amendment) Ordinance (No 2) 1981 No 47

notified 9 December 1981
commenced 31 December 1981 (see Cwlth Gaz 1981 No S273)

Dentists Registration (Amendment) Ordinance 1982 No 29

notified 28 June 1982
commenced 30 June 1982 (see Cwlth Gaz 1982 No S139)

Dentists Registration (Amendment) Ordinance (No 2) 1982 No 40

notified 30 June 1982
commenced 30 June 1982

Dentists Registration (Amendment) Ordinance 1984 No 40

notified 2 August 1984
commenced 2 August 1984

**Self-Government (Consequential Amendments) Ordinance 1989
No 38 sch 1**

notified 10 May 1989 (Cwlth Gaz 1989 No S160)
s 1, s 2 commenced 10 May 1989 (s 2 (1))
sch 1 commenced 11 May 1989 (s 2 (2) and see Cwlth Gaz 1989
No S164)

Legislation after becoming Territory enactment**Health Services (Consequential Provisions) Act 1990 No 63 sch 1**

notified 28 December 1990 (Gaz 1990 No S102)
s 1, s 2 commenced 28 December 1990 (s 2 (1))
sch 1 commenced 31 January 1991 (s 2 (2) and see Gaz 1991 No S4)

Health (Consequential Provisions) Act 1993 No 14 sch 1

notified 1 March 1993 (Gaz 1993 No S23)
commenced 1 March 1993 (s 2)

Dentists Registration (Amendment) Act 1993 No 68

notified 27 September 1993
s 1, s 2 commenced 27 September 1993
remainder commenced 1 March 1993

Administrative Appeals (Consequential Amendments) Act 1994 No 60 sch 1

notified 11 October 1994 (Gaz 1994 No S197)
s 1, s 2 commenced 11 October 1994 (s 2 (1))
sch 1 commenced 14 November 1994 (s 2 (2) and see Gaz 1994 No S250)

Statute Law Revision (Penalties) Act 1994 No 81 sch

notified 29 November 1994 (Gaz 1994 No S253)
s 1, s 2 commenced 29 November 1994 (s 2 (1))
sch commenced 29 November 1994 (s 2 (2) and Gaz 1994 No S269)

Dentists (Amendment) Act 1996 No 61

notified 3 December 1996 (Gaz 1996 S321)
ss 1-3 commenced 3 December 1996 (s 2 (1))
remainder commenced 23 December 1996 (s 2 (2) and Gaz 1996 No S337)

Statute Law Revision (Penalties) Act 1998 No 54 sch

notified 27 November 1998 (Gaz 1998 No S207)
s 1, s 2 commenced 27 November 1998 (s 2 (1))
sch commenced 9 December 1998 (s 2 (2) and Gaz 1998 No 49)

Health Legislation Amendment Act 2000 No 81 sch 1 pt 1

notified 21 December 2000 (Gaz 2000 No S69)
commenced 21 December 2000 (s 2)

Endnotes

4 Amendment history

Legislation (Consequential Amendments) Act 2001 No 44 pt 101

notified 26 July 2001 (Gaz 2001 No 30)

s 1, s 2 commenced 26 July 2001 (IA s 10B)

pt 101 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

Health Professionals Legislation Amendment Act 2004 A2004-39

sch 5 pt 5.6

notified LR 8 July 2004

s 1, s 2 commenced 8 July 2004 (LA s 75 (1))

sch 5 pt 5.6 awaiting commencement (s 2 and see Health Professionals Act 2004 A2004-38, s 2)

Note default commencement under s 2: 8 July 2005

Court Procedures (Consequential Amendments) Act 2004 A2004-60

sch 1 pt 1.21

notified LR 2 September 2004

s 1, s 2 commenced 2 September 2004 (LA s 75 (1))

sch 1 pt 1.21 commenced 10 January 2005 (s 2 and see Court Procedures Act 2004 A2004-59, s 2 and CN2004-29)

as repealed by

Health Professionals Act 2004 A2004-38 s 136

notified LR 8 July 2004

s 1, s 2 commenced 8 July 2004 (LA s 75 (1))

s 136 awaiting commencement (s 2)

Note 1 default commencement: 8 July 2005 (s 2 (2))

Note 2 default commencement under LA s 79 does not apply to this Act

4 Amendment history

Title

title am 1996 No 61 s 4

Short title

s 1 am 1996 No 61 s 5

Commencement

s 2 om 2001 No 44 amdt 1.1080

Interpretation for Act

s 3 orig s 3 sub 1963 No 4
 am 1967 No 16
 om 1977 No 65
 (prev s 4) am 1954 No 10
 sub 1963 No 4
 am 1967 No 16; 1975 No 17; 1978 No 46; 1980 No 46; 1981 No 45; 1981 No 47; 1984 No 40; 1989 No 38 sch 1; 1996 No 61 s 6, sch
 renum 1996 No 61 s 47
 def **board** ins 1996 No 61 s 6
 def **chairperson** ins 1996 No 61 s 6
 def **deputy chairperson** ins 1996 No 61 s 6
 def **determined fee** ins 1996 No 61 s 6
 om 2001 No 44 amdt 1.1081
 def **Mutual Recognition Act** ins 1996 No 61 s 6
 def **registered** ins 1996 No 61 s 6
 def **registered dental hygienist** ins 1996 No 61 s 6
 def **registered dentist** sub 1996 No 61 s 6
 def **registered medical practitioner** ins 1996 No 61 s 6
 om A2004-39 amdt 5.8
 def **registered specialist dentist** ins 1996 No 61 s 6
 def **registration authority** ins 1996 No 61 s 6
 def **specialist branch of dentistry** ins 1996 No 61 s 6
 def **the Board** om 1996 No 61 s 6
 def **the Chairman** om 1996 No 61 s 6
 def **the Deputy Chairman** om 1996 No 61 s 6
 def **the Register** om 1996 No 61 s 6
 def **tribunal** sub 1989 No 38 sch 1
 om 1994 No 60 sch 1

Competence to practise as dentist or dental hygienist

s 4 orig s 4 renum as s 3
 (prev s 4A) ins 1996 No 61 s 7
 renum 1996 No 61 s 47

Competence to practise as dentist or dental hygienist

s 4A renum as s 4

Impairment

s 4B renum as s 5

Impairment

s 5 orig s 5 renum as s 6
 (prev s 4B) ins 1996 No 61 s 7
 renum 1996 No 61 s 47

Endnotes

4 Amendment history

Establishment of dental board

s 6 orig s 6 renum as s 7
(prev s 5) am 1981 No 47
renum 1996 No 61 s 47

Constitution of board

s 7 orig s 7 renum as s 8
(prev s 6) am 1954 No 10; 1959 No 21; 1967 No 16; 1975
No 17; 1980 No 46; 1981 No 47; 1996 No 61 sch
renum 1996 No 61 s 47
am 2000 No 81 amds 1.1-1.4

Registration of dentists

pt 3 hdg am 1996 No 61 s 8

Qualifications for registration as dentist or specialist dentist

div 3.1 hdg (prev pt 3 div 1 hdg) ins 1979 No 31
sub 1996 No 61 s 9
renum R4 LA

Entitlement to registration as dentist

s 8 orig s 8 renum as s 9
(prev s 7) om 1981 No 47
ins 1996 No 61 s 9
renum 1996 No 61 s 47

s 8A ins 1980 No 46
om 1981 No 47

Entitlement to registration as specialist dentist

s 9 orig s 9 renum as s 10
(prev s 8) sub 1980 No 46
om 1981 No 47
ins 1996 No 61 s 9
renum 1996 No 61 s 47

Registration under mutual recognition principle

s 10 orig s 10 renum as s 11
(prev s 9) sub 1933 No 22
am 1959 No 21
om 1981 No 47
ins 1996 No 61 s 9
renum 1996 No 61 s 47

Registration at discretion of board

s 11 orig s 11 renum as s 12
(prev s 10) am 1954 No 10; 1980 No 46
om 1981 No 47
ins 1996 No 61 s 9
renum 1996 No 61 s 47

Interim registration

s 12 orig s 12 renum as s 13
 (prev s 11) om 1981 No 47
 ins 1996 No 61 s 9
 renum 1996 No 61 s 47
 am 2001 No 44 amdt 1.1082

Conditions of registration in cases of impairment

s 13 orig s 13 renum as s 14
 (prev s 12) om 1981 No 47
 ins 1996 No 61 s 9
 renum 1996 No 61 s 47

Refusal of registration if applicant convicted of offence

s 14 orig s 14 renum as s 15
 (prev s 13) om 1981 No 47
 ins 1996 No 61 s 9
 renum 1996 No 61 s 47

Refusal of registration if applicant deregistered under foreign law

s 15 orig s 15 renum as s 16
 (prev s 14) am 1966 No 19; 1979 No 26
 om 1981 No 47
 ins 1996 No 61 s 9
 renum 1996 No 61 s 47

Applicants to be competent etc

s 16 orig s 16 renum as s 17
 (prev s 15) am 1966 No 19; 1979 No 26
 om 1981 No 47
 ins 1996 No 61 s 9
 renum 1996 No 61 s 47

Restriction on registration of deregistered or suspended persons

s 17 orig s 17 renum as s 18
 (prev s 16) om 1963 No 4
 ins 1967 No 16
 am 1970 No 38
 om 1981 No 47
 ins 1996 No 61 s 9
 renum 1996 No 61 s 47

Registration procedure for dentists and specialist dentists

div 3.2 hdg (prev pt 3 div 2 hdg) ins 1979 No 31
 om 1996 No 61 s 17
 ins 1996 No 61 s 9
 renum R4 LA

Endnotes

4 Amendment history

Applications for registration

s 18 orig s 18 renum as s 19
(prev s 17) om 1981 No 47
ins 1996 No 61 s 9
renum 1996 No 61 s 47
am 2001 No 44 amdt 1.1083

Registration of applicants

s 18A renum as s 20

Fee for registration pursuant to Mutual Recognition Act

s 18B renum as s 21

Conditions of registration

s 18C renum as s 22

Applications to be considered and determined

s 19 orig s 19 renum as s 23
(prev s 18) sub 1982 No 40
am 1990 No 63 sch 1
om 1993 No 14 sch 1
ins 1996 No 61 s 9
renum 1996 No 61 s 47

Register of specialist dentists

s 19A s 19A renum as s 24

Registration of applicants

s 20 orig s 20 renum as s 25
(prev s 18A) ins 1996 No 61 s 9
renum 1996 No 61 s 47

Fee for registration pursuant to Mutual Recognition Act

s 21 orig s 21 renum as s 26
(prev s 18B) ins 1996 No 61 s 9
renum 1996 No 61 s 47
om 2001 No 44 amdt 1.1084

Conditions of registration

s 22 orig s 22 renum as s 27
(prev s 18C) ins 1996 No 61 s 9
renum 1996 No 61 s 47

Registers and related matters

div 3.3 hdg (prev pt 3 div 3 hdg) ins 1979 No 31
om 1996 No 61 s 18
ins 1996 No 61 s 9
renum R4 LA

Register of dentists

s 23 orig s 23 am 1959 No 21
om 1963 No 4
(prev s 19) am 1996 No 61 s 10
renum 1996 No 61 s 47

Change of address to be notified

s 23AA renum as s 28

s 23AB ins 1982 No 29
om 1996 No 61 s 15

s 23AC ins 1982 No 29
om 1996 No 61 s 15

s 23AD ins 1982 No 29
om 1996 No 61 s 15

s 23AE ins 1982 No 29
om 1996 No 61 s 15

Alteration of register

s 23AF renum as s 29

Deregistration as specialist dentist on basis of deregistration as dentist

s 23A renum as s 30

Suspension as specialist dentist on basis of suspension as dentist

s 23B renum as s 31

Deregistration on basis of disciplinary action under foreign law

s 23C renum as s 32

Imposition of conditions imposed under foreign law

s 23D renum as s 33

Cessation of registration

s 23E renum as s 34

Annual fee payable by registered dentist

s 23F renum as s 35

Annual fee payable by registered specialist dentist

s 23FA renum as s 36

Registration to be cancelled for nonpayment

s 23FB renum as s 37

Entitlement to re-registration if fee paid

s 23FC renum as s 38

Endnotes

4 Amendment history

Registration of dental hygienists

pt 3A hdg renum as pt 4 hdg

Preliminary

pt 3A div 1 hdg renum as div 4.1 hdg

Meaning of *register*

s 23G renum as s 39

Qualifications for registration as a dental hygienist

pt 3A div 2 hdg renum as div 4.2 hdg

Entitlement to registration

s 23GA renum as s 40

Registration under mutual recognition principle

s 23GB renum as s 41

Conditions of registration in cases of impairment

s 23GC renum as s 42

Refusal of registration if applicant deregistered under foreign law

s 23GD renum as s 43

Applicants to be competent etc

s 23GE renum as s 44

Restriction on registration of deregistered or suspended persons

s 23GF renum as s 45

Registration procedure for dental hygienists

pt 3A div 3 hdg renum as div 4.3 hdg

Applications for registration

s 23GG renum as s 46

Applications to be considered and determined

s 23GH renum as s 47

Registration of applicants

s 23GJ renum as s 48

Fee for registration pursuant to Mutual Recognition Act

s 23GK renum as s 49

Conditions of registration

s 23GL renum as s 50

Register of dental hygienists

pt 3A div 4 hdg renum as div 4.4 hdg

Register

s 23GM renum as s 51

Particulars to be entered in register

s 23H renum as s 52

Certificate of registration

s 23J renum as s 53

s 23K ins 1979 No 31
am 1981 No 45; 1982 No 29
om 1996 No 61 s 22

s 23L ins 1979 No 31
sub 1981 No 45
om 1996 No 61 s 22

Change of address to be notified

s 23LA renum as s 54

Alteration of register

s 23LB renum as s 55

Register of specialist dentists

s 24 orig s 24 renum as s 56
(prev s 19A) ins 1996 No 61 s 11
renum 1996 No 61 s 47

Particulars to be entered in register of dentists

s 25 orig s 25 renum as s 57
(prev s 20) am 1963 No 4
sub 1981 No 45
am 1996 No 61 s 12
renum 1996 No 61 s 47

Particulars to be entered in register of specialist dentists

s 26 orig s 26 renum as s 58
(prev s 21) om 1959 No 21
ins 1996 No 61 s 13
renum 1996 No 61 s 47

Annual fees for dental hygienists

pt 3A div 5 hdg renum as div 4.5 hdg

Endnotes

4 Amendment history

Certificate of registration

s 27 orig s 27 renum as s 59
(prev s 22) am 1932 No 5; 1937 No 27; 1954 No 10; 1959
No 21
sub 1963 No 4; 1981 No 45
am 1982 No 29
sub 1996 No 61 s 13
renum 1996 No 61 s 47
am 2001 No 44 amdt 1.1085

Change of address to be notified

s 28 orig s 28 renum as s 60
(prev s 23AA) ins 1982 No 29
am 1984 No 81; 1996 No 61 s 14
renum 1996 No 61 s 47

Alteration of register

s 29 orig s 29 renum as s 61
(prev s 23AF) ins 1982 No 29
am 1996 No 61 s 16
renum 1996 No 61 s 47
am 2001 No 44 amdt 1.1086, amdt 1.1087; ss renum R4 LA

s 29A ins 1979 No 31
om 1982 No 29

Deregistration as specialist dentist on basis of deregistration as dentist

s 30 orig s 30 renum as s 62
(prev s 23A) ins 1932 No 5
am 1959 No 21; 1963 No 4; 1966 No 19
sub 1981 No 45
om 1996 No 61 s 13
ins 1996 No 61 s 17
renum 1996 No 61 s 47

Cancellation, suspension or restriction of right of practise on health grounds

s 30A renum as s 63

Practising when registration suspended

s 30B renum as s 64

Power of board to caution, reprimand etc

s 30C renum as s 65

Power of board to impose fines

s 30D renum as s 66

Suspension as specialist dentist on basis of suspension as dentist

s 31 orig s 31 renum as s 67
 (prev s 23B) ins 1979 No 31
 sub 1996 No 61 s 17
 renum 1996 No 61 s 47

s 31A ins 1963 No 4
 am 1981 No 45
 om 1981 No 47

Publication of notice of decision

s 31B renum as s 68

Effect of suspension and conditions

s 31C renum as s 69

s 31D ins 1981 No 45
 om 1996 No 61 s 29

Application for re-registration

s 31E renum as s 70

Deregistration on basis of disciplinary action under foreign law

s 32 orig s 32 am 1966 No 19
 sub 1979 No 26
 am 1981 No 45
 om 1982 No 29
 (prev s 23C) ins 1979 No 31
 sub 1981 No 45; 1996 No 61 s 17
 renum 1996 No 61 s 47

Administration of estate of deceased dentist

s 32A renum as s 71

Imposition of conditions imposed under foreign law

s 33 orig s 33 renum as s 72
 (prev s 23D) ins 1979 No 31
 sub 1996 No 61 s 17
 renum 1996 No 61 s 47

Cessation of registration

s 34 orig s 34 renum as s 73
 (prev s 23E) ins 1979 No 31
 am 1981 No 45; 1982 No 29
 sub 1996 No 61 s 17
 renum 1996 No 61 s 47

Practising dentistry—dental therapists

s 34A renum as s 74

Endnotes

4 Amendment history

Practising dentistry—dental hygienists

s 34B renum as s 75

Annual registration fees for dentists and specialist dentists

div 3.4 hdg ins 1979 No 31
om 1996 No 61 s 25
ins 1996 No 61 s 17
sub 2001 No 44 amdt 1.1088

Annual registration fee payable by registered dentist

s 35 hdg sub 2001 No 44 amdt 1.1089
s 35 orig s 35 renum as s 76
(prev s 23F) ins 1979 No 31
sub 1981 No 45; 1996 No 61 s 17
renum 1996 No 61 s 47
am 2001 No 44 amdt 1.1090

Annual registration fee payable by registered specialist dentist

s 36 hdg sub 2001 No 44 amdt 1.1091
s 36 orig s 36 renum as s 77
(prev s 23FA) ins 1982 No 29
am 1984 No 81
sub 1996 No 61 s 17
renum 1996 No 61 s 47
am 2001 No 44 amdt 1.1092

Registration to be cancelled for nonpayment

s 37 orig s 37 am 1963 No 4
om 1967 No 16
(prev s 23FB) ins 1982 No 29
sub 1996 No 61 s 17
renum 1996 No 61 s 47

Re-registration

s 38 hdg sub 2001 No 44 amdt 1.1093
s 38 orig s 38 am 1963 No 4; 1970 No 1; 1970 No 38; 1975 No 17;
1979 No 31
om 1981 No 45
(prev s 23FC) ins 1996 No 61 s 17
renum 1996 No 61 s 47
am 2001 No 44 amdt 1.1094

Recovery of fees for dental services by registered dentists

s 38A renum as s 78

Review of accounts for fees for dental services

s 38AA renum as s 79

s 38B	ins 1963 No 4 am 1979 No 31; 1981 No 45 sub 1981 No 47 am 1982 No 29; 1994 No 60 om 1996 No 61 s 35
Registration of dental hygienists	
pt 4 hdg	orig pt 4 hdg renum as pt 5 hdg (prev pt 3A hdg) ins 1996 No 61 s 18 renum 1996 No 61 s 47
Preliminary	
div 4.1 hdg	(prev pt 3A div 1 hdg) ins 1996 No 61 s 18 renum as pt 4 div 1 hdg 1996 No 61 s 47 renum as div 4.1 hdg R4 LA
Appeals	
pt 4AA hdg	renum as pt 6 hdg
Meaning of register	
s 39	orig s 39 renum as s 80 (prev s 23G) ins 1979 No 31 am 1996 No 61 s 19 renum 1996 No 61 s 47
Notification of decisions	
s 39A	renum as s 81
Contents of notice	
s 39B	renum as s 82
Miscellaneous	
pt 4A hdg	renum as pt 7 hdg
Inspection of registers	
s 39C	renum as s 83
Qualifications for registration as dental hygienist	
div 4.2 hdg	(prev pt 3A div 2 hdg) ins 1996 No 61 s 20 renum as pt 4 div 2 hdg 1996 No 61 s 47 renum as div 4.2 hdg R4 LA
Entitlement to registration	
s 40	orig s 40 renum as s 84 (prev s 23GA) ins 1996 No 61 s 20 renum 1996 No 61 s 47
Registration under mutual recognition principle	
s 41	orig s 41 renum as s 85 (prev s 23GB) ins 1996 No 61 s 20 renum 1996 No 61 s 47

Endnotes

4 Amendment history

Penalty for offences

s 41A renum as s 86

Conditions of registration in cases of impairment

s 42 orig s 42 om 1981 No 47
(prev s 23GC) ins 1996 No 61 s 20
renum 1996 No 61 s 47

Refusal of registration if applicant deregistered under foreign law

s 43 orig s 43 renum as s 87
(prev s 23GD) ins 1996 No 61 s 20
renum 1996 No 61 s 47

Applicants to be competent etc

s 44 (prev s 23GE) ins 1996 No 61 s 20
renum 1996 No 61 s 47

Restriction on registration of deregistered or suspended persons

s 45 (prev s 23GF) ins 1996 No 61 s 20
renum 1996 No 61 s 47

Registration procedure for dental hygienists

div 4.3 hdg (prev pt 3A div 3 hdg) ins 1996 No 61 s 20
renum as pt 4 div 3 hdg 1996 No 61 s 47
renum as div 4.3 hdg R4 LA

Applications for registration

s 46 (prev s 23GG) ins 1996 No 61 s 20
renum 1996 No 61 s 47
am 2001 No 44 amdt 1.1095

Applications to be considered and determined

s 47 (prev s 23GH) ins 1996 No 61 s 20
renum 1996 No 61 s 47

Registration of applicants

s 48 (prev s 23GJ) ins 1996 No 61 s 20
renum 1996 No 61 s 47

Fee for registration pursuant to Mutual Recognition Act

s 49 (prev s 23GK) ins 1996 No 61 s 20
renum 1996 No 61 s 47
om 2001 No 44 amdt 1.1096

Conditions of registration

s 50 (prev s 23GL) ins 1996 No 61 s 20
renum 1996 No 61 s 47

Register of dental hygienists

div 4.4 hdg (prev pt 3A div 4 hdg) ins 1996 No 61 s 20
renum as pt 4 div 4 hdg 1996 No 61 s 47
renum as div 4.4 hdg R4 LA

Register

s 51 (prev s 23GM) ins 1996 No 61 s 20
renum 1996 No 61 s 47

Particulars to be entered in register

s 52 (prev s 23H) ins 1979 No 31
sub 1981 No 45
am 1996 No 61 s 21
renum 1996 No 61 s 47

Certificate of registration

s 53 (prev s 23J) ins 1979 No 31
am 1984 No 40
sub 1996 No 61 s 22
renum 1996 No 61 s 47
am 2001 No 44 amdt 1.1097

Change of address to be notified

s 54 (prev s 23LA) ins 1982 No 29
am 1984 No 81; 1996 No 61 s 23
renum 1996 No 61 s 47

Alteration of register

s 55 (prev s 23LB) ins 1982 No 29
am 1996 No 61 s 24
renum 1996 No 61 s 47
am 2001 No 44 amdt 1.1098, amdt 1.1099

Deregistration on basis of disciplinary action under foreign law

s 56 (prev s 24) am 1937 No 27
sub 1963 No 4
om 1981 No 47
ins 1996 No 61 s 25
renum 1996 No 61 s 47

Imposition of conditions imposed under foreign law

s 57 (prev s 25) sub 1954 No 10
am 1963 No 4; 1979 No 31; 1981 No 45; 1981 No 47
sub 1982 No 29
am 1984 No 81
sub 1996 No 61 s 25
renum 1996 No 61 s 47

Cessation of registration

s 58 (prev s 26) am 1966 No 19; 1979 No 26
om 1981 No 45
ins 1982 No 29
sub 1996 No 61 s 25
renum 1996 No 61 s 47

Endnotes

4 Amendment history

Annual registration fees for dental hygienists

div 4.5 hdg (prev div 3A.5 hdg) ins 1996 No 61 s 25
renum as pt 4 div 5 hdg 1996 No 61 s 47
sub 2001 No 44 amdt 1.1100

Annual registration fee payable by registered dental hygienist

s 59 hdg sub 2001 No 44 amdt 1.1101
s 59 (prev s 27) am 1954 No 10
sub 1982 No 29; 1996 No 61 s 25
renum 1996 No 61 s 47
am 2001 No 44 amdt 1.1102

Registration to be cancelled for nonpayment

s 60 (prev s 28) am 1932 No 5
sub 1967 No 16
am 1979 No 31
om 1982 No 29
ins 1996 No 61 s 25
renum 1996 No 61 s 47

Re-registration

s 61 hdg sub 2001 No 44 amdt 1.1103
s 61 (prev s 29) am 1932 No 5; 1963 No 4
sub 1979 No 31
om 1982 No 29
ins 1996 No 61 s 25
renum 1996 No 61 s 47
am 2001 No 44 amdt 1.1104

Conduct of dental practice

pt 5 hdg orig pt 5 hdg om 1984 No 40
(prev pt 4 hdg) renum 1996 No 61 s 47

Cancellation or suspension of registration

s 62 (prev s 30) am 1933 No 22; 1937 No 27; 1954 No 10; 1963
No 4; 1981 No 45; 1984 No 40; 1996 No 61 s 26, sch
renum 1996 No 61 s 47
am 2001 No 44 amdt 1.1105, amdt 1.1106; pars renum R4 LA

Cancellation, suspension or restriction of right of practise on health grounds

s 63 (prev s 30A) ins 1981 No 45
sub 1996 No 61 s 27
renum 1996 No 61 s 47

Practising when registration suspended

s 64 (prev s 30B) ins 1996 No 61 s 27
renum 1996 No 61 s 47

Power of board to caution, reprimand etc

s 65 (prev s 30C) ins 1996 No 61 s 27
renum 1996 No 61 s 47

Power of board to impose fines

s 66 (prev s 30D) ins 1996 No 61 s 27
renum 1996 No 61 s 47

Inquiry by board

s 67 (prev s 31) am 1963 No 4; 1981 No 45; 1981 No 47
sub 1996 No 61 s 27
renum 1996 No 61 s 47
am 2000 No 81 amdt 1.5

Publication of notice of decision

s 68 (prev s 31B) ins 1963 No 4
am 1981 No 45
sub 1981 No 47
am 1994 No 60 sch 1; 1996 No 61 s 28
renum 1996 No 61 s 47
am 2001 No 44 amds 1.1107-1.1110

Effect of suspension and conditions

s 69 (prev s 31C) ins 1963 No 4
sub 1979 No 31; 1996 No 61 s 29
renum 1996 No 61 s 47

Application for re-registration

s 70 (prev s 31E) ins 1981 No 45
am 1996 No 61 s 30
renum 1996 No 61 s 47

Administration of estate of deceased dentist

s 71 (prev s 32A) ins 1981 No 45
am 1996 No 61 sch
renum 1996 No 61 s 47

Person not to practise except under registered name

s 72 (prev s 33) am 1966 No 19; 1979 No 26
sub 1981 No 45
am 1984 No 81; 1996 No 61 sch
renum 1996 No 61 s 47

Practising dentistry—registered dentists

s 73 (prev s 34) am 1966 No 19; 1967 No 16; 1979 No 1; 1970
No 38; 1975 No 17; 1979 No 26; 1979 No 31; 1981 No 45;
1989 No 38 sch 1; 1990 No 63 sch 1; 1993 No 14 sch 1;
1993 No 68 s 4; 1994 No 81 sch; 1996 No 61 s 31
renum 1996 No 61 s 47
ss renum R4 LA

Endnotes

4 Amendment history

Practising dentistry—dental therapists

s 74 (prev s 34A) ins 1935 No 20
om 1982 No 29
ins 1996 No 61 s 32
renum 1996 No 61 s 47
pars renum R4 LA

Practising dentistry—dental hygienists

s 75 (prev s 34B) ins 1996 No 61 s 32
pars renum R4 LA

Person advertising liable to penalty

s 76 (prev s 35) am 1954 No 10; 1966 No 19; 1979 No 26; 1981
No 45; 1994 No 81 sch; 1996 No 61 sch
renum 1996 No 61 s 47

Doctor may give dental services

s 77 (prev s 36) am 1932 No 17
sub 1967 No 16
am 1981 No 45; 1996 No 61 s 33
renum 1996 No 61 s 47
sub A2004-39 amdt 5.9

Recovery of fees for dental services by registered dentists

s 78 (prev s 38A) ins 1933 No 22
sub 1967 No 16
am 1981 No 45; 1996 No 61 sch
renum 1996 No 61 s 47
(4), (5) exp 1 July 2006 (s 78 (5))

Review of accounts for fees for dental services

s 79 (prev s 38AA) ins 1967 No 16
am 1981 No 45; 1981 No 47; 1984 No 40; 1996 No 61 sch
renum 1996 No 61 s 47
ss renum R4 LA

Appeals

pt 6 hdg orig pt 6 hdg om 1984 No 40
(prev pt 4AA hdg) ins 1996 No 61 s 34
renum 1996 No 61 s 47

Review of decisions

s 80 (prev s 39) om 1981 No 47
ins 1984 No 40
am 1989 No 38 sch 1
sub 1994 No 60 sch 1
om 1996 No 61 s 35
ins 1996 No 61 s 34
renum 1996 No 61 s 47
pars renum R4 LA

Notification of decisions

s 81 (prev s 39A) ins 1996 No 61 s 34
renum 1996 No 61 s 47
pars renum R4 LA

Contents of notice

s 82 (prev s 39B) ins 1996 No 61 s 34
renum 1996 No 61 s 47

Miscellaneous

pt 7 hdg (prev pt 4A hdg) ins 1963 No 4
am 1984 No 40
renum 1996 No 61 s 47

Inspection of registers

s 83 (prev s 39C) ins 1996 No 61 s 35
renum 1996 No 61 s 47
am 2001 No 44 amdt 1.1111

Publication of names etc of registered persons

s 84 (orig s 40) am 1933 No 22; 1954 No 10; 1963 No 4; 1967
No 16; 1970 No 38; 1975 No 17
om 1981 No 47
ins 1984 No 40
am 1996 No 61 s 36
renum 1996 No 61 s 47
sub 2001 No 44 amdt 1.1112

Determination of fees

s 85 (prev s 41) am 1966 No 19
sub 1979 No 26
om 1981 No 47
ins 1984 No 40
renum 1996 No 61 s 47
sub 2001 No 44 amdt 1.1112

Approved forms

s 86 (prev s 41A) ins 1933 No 22
am 1966 No 19
sub 1979 No 26
renum 1996 No 61 s 47
om 1998 No 54 sch
ins 2001 No 44 amdt 1.1112

Regulation-making power

s 87 (prev s 43) am 1966 No 19; 1979 No 26; 1979 No 31; 1981
No 47; 1984 No 40; 1989 No 38 sch 1
renum 1996 No 61 s 47
sub 2001 No 44 amdt 1.1112

Endnotes

5 Earlier republishing

Approved qualifications

sch ins 1981 No 45
om 1996 No 61 s 37

5 Earlier republishing

Some earlier republishing were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republishing has been published in electronic pdf format on the ACT legislation register. A selection of authorised republishing have also been published in printed format. These republishing are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republishing are identical.

Republishing No	Amendments to	Republishing date
1	Act 1990 No 63	30 June 1991
2	Act 1993 No 68	31 January 1994
3	Act 1996 No 61	31 December 1996
4	A2001-44	21 August 2002

6 Renumbered provisions

as made by the *Dentists (Amendment) Act 1996* No 61

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5	Establishment of dental board	6
6	Constitution of board	7
7	Entitlement to registration as dentist	8
8	Entitlement to registration as specialist dentist	9
9	Registration under mutual recognition principle	10

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11	Interim registration	12
12	Conditions of registration in cases of impairment	13
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14	Refusal of registration if applicant deregistered under foreign law	15
15	Applicants to be competent etc	16
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23AA	Change of address to be notified	28
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23A	Deregistration as specialist dentist on basis of deregistration as dentist	30
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23C	Deregistration on basis of disciplinary action under foreign law	32

Endnotes

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23GL	Conditions of registration	50
23GM	Register	51
23H	Particulars to be entered in register	52
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7 Uncommenced amendments

The following amendments have not been included in this republication because they were uncommenced at the republication date:

Health Professionals Legislation Amendment Act 2004, A2004-39, sch 5 pt 5.6
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[5.8] Section 3, definition of *registered medical practitioner*
omit

[5.9] Section 77
substitute

77 Doctor may give dental services

- (1) A doctor may give a dental service.

- (2) If a doctor gives a dental service, the service is taken to be a medical service for the purpose of recovering payment for the service.

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