

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**Dental Technicians and Dental Prosthetists
Registration (Amendment) Bill (No.2) 1997**

EXPLANATORY MEMORANDUM

Circulated by Authority of
Kate Carnell MLA
Minister for Health and Community Care

Outline

The *Dental Technicians and Dental Prosthetists Registration (Amendment) Bill (No. 2) 1997* amends the *Dental Technicians and Dental Prosthetists Registration Act 1988* (Dental Technicians and Dental Prosthetists Registration Act) by adding a provision which will entitle members of the Dental Technicians and Dental Prosthetists board to receive remuneration for time spent sitting on board Inquiries.

The Dental Technicians and Dental Prosthetists Act provides for the registration of persons engaged in the performance of dental work or the provision of dental prosthetic services and for related purposes. It is a stand alone piece of health professions legislation not covered by the *Health Professions Boards (Procedures) Act 1981* (Procedures Act).

Before the board can take any disciplinary action against a practitioner registered under the Dental Technicians and Dental Prosthetists Act it must first hold an Inquiry pursuant to sections 45 or 49. Persons appointed to the board provide their time and expertise on a voluntary basis.

Section 13 of the Dental Technicians and Dental Prosthetists Act provides that a member of the board is not entitled to be paid in respect of any duties or functions performed by him or her in his or her capacity as a member.

Inquiries into complex matters relating to the conduct of a practitioner have the potential to be lengthy and the board can be compromised in carrying out its legislated disciplinary responsibilities through members, because of commitments to their practice or employment, not being available to sit on Inquiries for protracted periods of time.

The insertion of a provision into section 13 of the Dental Technicians and Dental Prosthetists Act will entitle board members to remuneration for sitting on board Inquiries.

Determinations will be in accordance with the *Remuneration Tribunal Act 1995*.

This amendment aligns the provisions concerning remuneration with those of other health professions registration boards which are subject to the provisions of the Procedures Act.

Financial Implications

There may be some nominal financial implications for the Government arising from this Bill. It is estimated that the cost of providing remuneration for a Board Inquiry would be approximately \$2,000 per day.

Since the commencement of the Principal Act in 1988, there have been no Inquiries conducted by the Board. There are no complaints currently before the Commissioner for Community and Health Services Complaints.

Given this, it is unlikely that remuneration would be payable for Board members. Where funding is required, the costs will be borne within the overall budget allocation for the Department of Health and Community Care.

Detail of the Bill

Short Title

This is a formal requirement which provides the short title by which the Bill may be cited once passed, being the *Dental Technicians and Dental Prosthetists Registration (Amendment) Act (No.2) 1997*.

Clause 2 Commencement

This is a formal requirement which states the procedure for commencement of the clauses of the Bill. All clauses of the Bill will take effect from the date on which the Bill is notified in the *Gazette*.

Clause 3 Principal Act

This clause defines the term 'Principal Act', as referred to in the Bill, as the *Dental Technicians and Dental Prosthetists Registration Act 1988*.

Clause 4 Remuneration

This Clause amends Section 13 of the Act to provide for remuneration for members for time spent sitting on board inquiries. This does not provide for remuneration for Board meetings or other duties performed by members in their capacity as a Board member.