

**AUSTRALIAN CAPITAL TERRITORY  
DENTISTS ACT 1931  
DETERMINATION NO.98 OF 1997**

**EXPLANATORY STATEMENT**

The *Dentists Act 1931* (the Act) provides for the registration of persons engaged in Dental Practice and for other purposes. On 3 December 1996 the *Dentists (Amendment) Act 1996* (the Amendment Act) was notified in the ACT Special Gazette No. S321.

The Amendment Act resulted in among other things, the repeal of some sections and insertion of new sections; the renumbering of provisions and amended the title of the *Dentists Registration Act 1931*. The substantive provisions of the Amendment Act came into effect on 23 December 1996 as notified by the Minister in the ACT Special Gazette No. S337 on 18 December 1996.

The Act empowers the Minister, by notice published in the Gazette, to determine fees for the purposes of the Act. This power was previously provided by section 41 of the Act. As a result of the renumbering provisions in the Amendment Act this power is now provided by section 85 of the Act.

This instrument revokes all existing fees and determinations under the *Dentists Registration Act 1931* which relate to:

1. Paragraph 22(6)(e), fee for application for registration as a dentist;
2. Paragraph 23A(1)(b), annual fee for dentists;
3. Paragraph 23A(1)(b), entitlement to re registration subject to payment of a fee;
4. Subsection 23AB(1), provisional registration as a dentist;
5. Subsection 23AC(2), temporary registration as a dentist; and subsection 23A(3) renewal of temporary registration.
6. Subsection 23AD(2), special registration as a dentist; and paragraph 23AD(3)(b) renewal of special registration as a dentist,
7. Subsection 23AF(3), fee for alteration of particulars in the register of dentists;
8. Paragraph 23E(1)(b), fee for application for registration as a dental assistant;
9. Paragraph 23F(1)(b), annual fee for dental assistants;
10. Paragraph 23F(5)(b), entitlement to re registration as a dental assistant subject to the payment of fee;
11. Subsection 23FB(3), fee for alteration of particulars in the register as a dental assistant;
12. Paragraph 23K(1)(b), fee for application for registration as a dental hygienist;
13. Paragraph 23L(1)(b), annual fee for dental hygienists;
14. Paragraph 23L(5)(b), entitlement to re registration as a dental hygienist subject to payment of fee;
15. Subsection 23LB(3), fee for alteration to particulars in the register as a dental hygienist;
16. Section 26, fee for duplicate certificate;
17. Subsection 27(1), inspect an entry in the register;
18. Subsection 27(2), obtain a certified copy of an entry in the register; and

sets fees for the equivalent provisions or new provisions under the *Dentists Act 1931*. These determinations reflect the move towards full cost recovery for services provided by the Board or to ensure consistency with fees for similar provisions in other health registration legislation which appear at this time to be at cost recovery level.

The explanatory statements which follow relate to the numbering in the foregoing paragraph.

1. The provisions relating to the registration of dentists which included paragraph 22(6)(e), requiring for the determined fee to be paid, together with an application for registration as a dentist were repealed by the amendments.

The determined fee for initial registration as a dentist was \$125.00. This determination was notified in the Australian Capital Territory Gazette No. S142, Thursday 27 June 1996, Determination No. 107 of 1996.

The repealed provision is replaced by new section 18 which provides for lodgement of applications for registration other than applications by persons who are entitled to registration under the mutual recognition provisions.

Paragraph 18(2)(b) of the Act provides for a determined fee to be lodged with such an application. The fee for this purpose is set at \$145. The fee has been set at a level to reflect the move towards full cost recovery for services provided by the Board.

2. Section 23A of the Act which required a registered dentist to notify the Board of his/her professional address or addresses in the Territory and to pay the determined annual fee under paragraph 23A(1)(b) was repealed by the amendments and is replaced by new section 35 which requires a registered dentist on or before 1 July in each year to pay the determined fee under subsection 35(1) in the amended Act.

The existing annual fee for dentists for the purposes of paragraph 23A(1)(b) is \$105.00. This determination was notified in the Australian Capital Territory Gazette No. S142, Thursday 27 June 1996, Determination No. 107 of 1996.

The fee is set at \$125.00 to reflect the gradual move towards full cost recovery for services provided by the Board and covers administrative costs associated with sending renewal notices to registered dentists, processing and receipting procedures, maintenance of the Register, publication of names and addresses of persons registered under the Act etc.

3. The entitlement for a dentist to re-registration where registration was cancelled for failure to pay the annual fee was provided by subsection 23A(5). Paragraph 23A(5)(b) provided an entitlement to re registration as a dentist subject to payment of the determined fee specified in paragraph 23A(1)(b). There is no separate fee determined for the purposes of paragraph 23A(5)(b) as this is reliant on the fee determined for the purposes of paragraph 23A(1)(b) which is the payment of the annual fee.

The existing annual fee for dentists for the purposes of paragraph 23A(1)(b) is \$105.00. This determination was notified in the Australian Capital Territory Gazette No. S142, Thursday 27 June 1996, Determination No. 107 of 1996.

The repeal of these provisions by the Amendment Act has necessitated for similar provisions to be included in the principal Act and this is now provided by section 38(1) and is subject to the payment of a fee determined by paragraph 38(1)(b).

The fee is now set at \$125.00 which is consistent with both the annual renewal registration fee and the fee for registration under mutual recognition provisions.

4. Section 23AB provided for the granting of provisional registration for a period not exceeding three months to a person who lodged an application for full registration until such time as the Board was able to consider the person's application for registration. The granting of provisional registration was subject to the payment of a fee under subsection 23AB(1). This section has been repealed by the Amendment Act.

The determined fee for provisional registration is \$5.00. It cannot be ascertained if a fee for this purpose was determined since it was published in the Commonwealth of Australia Gazette in 1981.

The repeal of provisions relating to provisional registration by the Amendment Act has necessitated for similar provisions to be included in the principal Act. This provision is now provided by section 12 of the amended Act and provides for the granting of interim registration to a person who is entitled to full registration as a dentist, but where it is not practical to wait until the Board can consider the application. Subsection 12(2) provides for interim registration to be granted subject to the payment of a determined fee. This fee is set at \$20.00 to make it consistent with fees for similar provisions in other health professions registration Acts.

5. Section 23AC providing for 'temporary' registration and the extension of 'temporary registration' under the principal Act was subject to the payment of a fee under subsections 23AC(2) and 23AC(3). The determined fee for temporary registration and extension of temporary registration is \$20.00. It cannot be ascertained if a fee for this purpose was determined since it was published in the Commonwealth of Australia Gazette in 1981.

The provisions relating to temporary registration were repealed by the Amendment Act and have been replaced by section 11 'registration at the discretion of the Board' in the amended Act. The payment of an application under these provisions is subject to the payment of the determined application fee under paragraph 18(2)(b).

The new provisions under section 11 enable the Board to register a person on a temporary basis for the purposes of enabling the person to undertake training or gain experience in practising dentistry, or if the Board is satisfied that it is in the public interest to do so.

The fee is increased to \$145.00. The fee is equivalent to the fee payable for registration other than under the mutual recognition provisions. The administrative costs associated with granting temporary registration in the past have been equal to if not more costly than the granting of full registration. Therefore it is appropriate that the fee be set at similar level to initial applications as the same administrative processes need to be undertaken.

6. Subsection 23AD of the principal Act provided for the Board to grant 'special' registration to a dentist for certain purposes and for extension of 'special' registration which was subject to the payment of a fee under subsection 23AD(2) and paragraph 23AD(3)(b).

The determined fees for 'special' registration under subsection 23AD(2) and for renewal of 'special' registration under subsection 23AD(3) were set at \$50.00. It cannot be ascertained if a fee for this purpose was determined since it was published in the Commonwealth of Australia Gazette in 1981.

Section 23AD providing for 'special' registration in the principal Act was also repealed by the Amendment Act and now is provided under section 11, registration at the discretion of the Board. The payment of an application under these provisions is subject to the payment of the determined application fee under paragraph 18(2)(b).

As the same section relates to 'temporary' registration, the fee is increased to \$145.00. The fee is equivalent to the fee payable for registration other than under the mutual recognition provisions. As with 'temporary' registration the administrative costs associated with granting 'special' registration in the past have been equal to if not more costly than the granting of full registration. Therefore it is appropriate that the fee be increased to a level commensurate with cost recovery.

7. Subsection 23AF(3) of the Act required for the payment of a fee in respect to any alterations made to particulars in the Register of Dentists at the request of the person. As a result of the renumbering provisions of the Amendment Act, this is now provided under subsection 29(3) of the Act.

The fee for alteration to entries in the register is \$5.00. It cannot be ascertained if a fee for this purpose was determined since it was published in the Commonwealth of Australia Gazette in 1981. This fee is increased to \$10.00 in the interests of establishing consistent administrative fees between other Health Professions Registration Boards for similar provisions.

8. Section 23 of the Act provided for the registration of Dental Assistants. Paragraph 23E(1)(b) required that fee be paid for application for registration as a dental assistant. The occupation of dental assistant resulted from a perceived need by orthodontists to have trained personnel to assist them with specific oral procedures. The Dental Board developed a course of training which was to be undertaken by people wishing to become qualified as dental assistants, but the course was never pursued and as a consequence no one undertook the course.

It is confirmed that no dental assistants were ever registered since the provisions were included in the Act some time prior to 1981. The role originally intended for this occupational group has been subsumed into that of dental hygienists.

The fee for registration as a dental assistant is \$20.00. It cannot be ascertained if a fee for this purpose was determined since it was published in the Commonwealth of Australia Gazette in 1981.

The section dealing with the registration of dental assistants has been repealed by the Amendment Act and these provisions have not been replaced into the Act.

9. Paragraph 23F(1)(b) of the Act provided for an annual practising fee to be paid by dental assistants. The annual fee for dental assistants is \$10.00. It cannot be ascertained if a fee for this purpose was determined since it was published in the Commonwealth of Australia Gazette in 1981.

The section dealing with the registration of dental assistants has been repealed by the Amendment Act and these provisions have not been replaced into the Act.

10. Paragraph 23F(5)(b) provided and entitlement to re registration as a dental assistant subject to payment of the annual fee. The annual fee for dental assistants is \$10.00. It cannot be ascertained if a fee for this purpose was determined since it was published in the Commonwealth of Australia Gazette in 1981.

The section dealing with the registration of dental assistants has been repealed by the Amendment Act and these provisions have not been replaced into the Act.

11. Subsection 23FB(3) of the Act provided for a fee to be paid in respect of any alteration to particulars in the register requested by a dental assistant. The fee for alteration to entries in the register is \$5.00. It cannot be ascertained if a fee for this purpose was determined since it was published in the Commonwealth of Australia Gazette in 1981.

The section dealing with the registration of dental assistants has been repealed by the Amendment Act and these provisions have not been replaced into the Act.

12. Section 23K of the Act provided for the registration of dental hygienists. Paragraph 2K(1)(b) required the payment of a fee with an application for registration as a dental hygienist. The application fee for initial registration is \$60.00. This determination was notified in the Australian Capital Territory Gazette No. S142, Thursday 27 June 1996, Determination No. 107 of 1996.

The provisions relating to the registration of dental hygienists were amended by the Amendment Act. With the renumbering of provisions, subsection 46(1) provides for the lodgement of applications for registration other than applications by persons who are entitled to registration under the mutual recognition provisions.

Paragraph 46(2)(b) of the Act provides for a determined fee to be lodged with such an application. The fee for this purpose is set at \$80. The fee has been set at a level to reflect a gradual move towards full cost recovery for services provided by the Board.

13. Section 23A of the Act of the which required a registered dental hygienist to notify the Board of his/her professional address or addresses in the Territory and to pay the determined annual fee under paragraph 23L(1)(b) was repealed by the amendments. The provisions relating to the payment of an annual fee is now provided under subsection 59(1) which requires a registered dental hygienist on or before 1 July in each year to pay the determined fee.

The existing annual fee for dental hygienists for the purposes of paragraph 23L(1)(b) is \$45.00. This determination was notified in the Australian Capital Territory Gazette No. S142, Thursday 27 June 1996, Determination No. 107 of 1996.

The fee for the purposes of subsection 59(1) is set at \$60.00 to reflect the gradual move towards full cost recovery for services provided by the Board and covers administrative costs associated with sending renewal notices to registered dental hygienists, processing and receipting procedures, maintenance of the Register, publication of names and addresses of persons registered under the Act etc.

14. Subsection 23L(5) provided an entitlement for a dental hygienist to re registration where the person's registration had been cancelled for non payment of the annual fee. Paragraph 23L(5)(b) provided that re registration was subject to the payment of a fee referred to under paragraph 23L(1)(b).

The Determined fee for the purposes of paragraph 23L(1)(b) is \$45.00. This determination was notified in the Australian Capital Territory Gazette No. S142, Thursday 27 June 1996, Determination No. 107 of 1996.

The provisions relating to an entitlement to re registration are provided by section 61 of the amended Act and is subject to the payment of a fee referred to in paragraph 61(1)(b).

The fee for the purposes of paragraph 61(1)(b) is set at \$60. The fee has been set to be consistent with the annual fee and at a level to reflect a gradual move towards full cost recovery for services provided by the Board.

15. Subsection 23LB(3) of the Act required for the payment of a fee in respect to any alterations made to particulars in the register at the request of a dental hygienist. As a result of the renumbering provisions of the Amendment Act, this is now provided under subsection 55(3) of the Act.

The fee for alteration to entries in the register is \$5.00. It cannot be ascertained if a fee for this purpose was determined since it was published in the Commonwealth of Australia Gazette in 1981. This fee is increased to \$10.00 in the interests of establishing consistent administrative fees with other Health Professions Registration Boards for similar provisions.

16. Section 26 of the Act provided for a duplicate certificate to be issued to a registered dentist, dental assistant or dental hygienist where the original has been lost or destroyed, subject to the payment of the determined fee. This provision in the amended Act is now provided by subsection 27(5) in respect of dentists and 53(4) in respect of dental hygienists.

The determined fee for this provision was set at \$10.00. It cannot be ascertained if a fee for this purpose was determined since it was published in the Commonwealth of Australia Gazette in 1981. In the interests of aligning this fee with those for similar provisions in other Health Registration Acts, the fee for the purposes of subsections 27(5) and 53(4) is now set at \$30.00.

17. Subsection 27(1) of the Act provided for a person, upon the payment of a determined fee, to inspect an entry in the Register of Dentists, Dental Assistants or Dental Hygienists. The determined fee was set at \$1.00 per entry. It cannot be ascertained if a fee for this purpose was determined since it was published in the Commonwealth of Australia Gazette in 1981. This provision is now provided under paragraph 83(1)(a) of the amended Act. The fee is increased to \$5.00 to make it consistent with the determined fee for the same provision with those of other Boards.

18. Subsection 27(2) of the Act provided for a person upon the payment of a determined fee to obtain a certified copy of an entry in the Register of Dentists, Dental Assistants or Dental Hygienists. The determined fee was set at \$2.00 per entry. It cannot be ascertained if a fee for this purpose was determined since it was published in the Commonwealth of Australia Gazette in 1981. This provision is now provided under paragraph 83(1)(b) of the amended Act. The fee is increased to \$10.00 to make it consistent with the determined fee for the same provision with those of other Boards.

19. A new category of registration has been introduced pursuant to the *Mutual Recognition Act 1992*. This new provision is mirrored by section 10 of the Act in respect of dentists and specialist dentists, and section 41 in respect of dental hygienists. Provisions for the payment of a determined fee for applications for registration under mutual recognition provisions is provided by section 21 for dentists and specialist dentists and by section 49 for dental hygienists.

The fee for the purpose of registration under the mutual recognition provisions is set at \$125.00 for dentists which is equivalent to the annual practising fee. As all specialist dentists must firstly be registered as dentists, it is appropriate to reduce the fee for specialist dentists to \$60.00 as the administrative tasks are reduced in relation to the specialist registration.

This means that a person seeking registration with the Board as a specialist dentist under the mutual recognition principle will pay \$125 to register as a dentist and additional \$60 in respect of registering in his/her speciality. Total \$185.00.

The fee for registration as a dental hygienist under section 49 is set at \$60.00 and is equivalent to the determined fee for an annual practising fee.

20. The Amendment Act also introduced registration for specialist dentists under defined categories.

Entitlement to registration as a specialist dentist is provided by section 9 of the amended Act. Applications for registration as a specialist dentist must show that the applicant is currently (or entitled to be) registered as a dentist under the Act and hold approved qualifications and have relevant experience in the category of Specialty. These requirements apply to applications other than applications by persons who are entitled to registration under the mutual recognition provisions.

Paragraph 18(2)(b) of the Act provides for a determined fee to be lodged with such an application. As all specialist dentists must first be registered as dentists, it is appropriate to reduce the fee for application for specialist dentists to \$70.00 as the administrative tasks are reduced in relation to the specialist registration. This means that a person seeking initial registration with the Board as a specialist dentist will pay \$145 to register as a dentist and additional \$70 in respect of registering in his/her speciality. Total \$215.00.

21. The requirement for a specialist dentist to pay an annual fee is provided under subsection 36(1) of the Act. As with the foregoing provisions relating to the payment of fees by specialist dentists, they are required to pay the annual fee of \$125.00 as a dentist. Again it is appropriate to reduce the additional annual fee payable in respect of their specialist practising fee. The fee for this purpose is set at \$60.00 and in total is equivalent to the application fee for registration under the mutual recognition principle.

A comparative chart of provisions and fees is attached for ease of reference.

# COMPARATIVE CHART

<b>Dentists Registration Act 1931</b> <b>Provisions of Old Act</b>	<b>Old Fee</b>	<b>Dentists Act 1931</b> <b>Provisions of New Act</b>	<b>New Fee</b>
Paragraph 22(6)(e), fee for registration as a dentist;	\$125.00	Paragraph 18(2)(b), fee for registration as a dentist pursuant to section 8;	\$145.00
Paragraph 23A(1)(b), annual fee for dentists;	\$105.00	Subsection 35(1), annual fee for dentists;	\$125.00
Paragraph 23A(1)(b), entitlement to re registration as a dentist;	\$105.00	Paragraph 38(1)(b) entitlement to re registration as a dentist;	\$125.00
Subsection 23AB(1), provisional registration as a dentist;	\$5.00	Subsection 12(2) interim registration as a dentist;	\$20.00
Subsection 23AC(2), temporary registration as a dentist and subsection 23AC(3) renewal of temporary registration	\$20.00	Paragraph 18(2)(b), application for registration as a dentist pursuant to section 11, registration at the discretion of the Board;	\$145.00
Subsection 23AD(2), special registration as a dentist and paragraph 23AD(3)(b) renewal of special registration;	\$50.00	Paragraph 18(2)(b), application fee for registration as a dentist pursuant to section 11, registration at the discretion of the Board;	\$145.00
Subsection 23AF(3), fee for alteration of particulars in the register as a dentist;	\$5.00	Subsection 29(3), fee for alteration of particulars in the register as a dentist;	\$10.00
Paragraph 23E(1)(b), fee for application for registration as a dental assistant;	\$20.00	Provisions Repealed	N/A
Paragraph 23F(1)(b), annual fee for dental assistants;	\$10.00	Provisions Repealed	N/A
Paragraph 23F(5)(b), entitlement to re registration as a dental assistant;	\$10.00	Provisions Repealed	N/A
Subsection 23FB(3), fee for alteration of particulars in the register as a dental assistant;	\$5.00	Provisions Repealed	N/A
Paragraph 23K(1)(b), fee for application for registration as a dental hygienist;	\$60.00	Paragraph 46(2)(b), fee for registration as a dental hygienist other than under mutual recognition;	\$80.00
Paragraph 23L(1)(b), annual fee for dental hygienists;	\$45.00	Subsection 59(1), annual fee for dental hygienists;	\$60.00
Paragraph 23L(5)(b), entitlement to re registration as a dental hygienist subject to payment of fee;	\$45.00	Paragraph 61(1)(b), entitlement to re registration as a dental hygienist subject to payment of fee;	\$60.00
Subsection 23LB(3), fee for alteration of particulars in the register as a dental hygienist;	\$5.00	Subsection 55(3), fee for alteration of particulars in the register as a dental hygienist;	\$10.00
Section 26, fee for a duplicate certificate;	\$10.00	Subsections 27(5) & 53(4), fee for a duplicate certificate;	\$30.00
Subsection 27(1), inspect an entry in the register;	\$1.00	Paragraph 83(1)(a), inspect an entry in the register;	\$5.00
Subsection 27(2), obtain a certified copy of an entry in the register;	\$2.00	Paragraph 83(1)(b), obtain a certified copy of an entry in the register;	\$10.00
N/A	N/A	Section 21, fee for registration as a dentist & specialist dentist under the Mutual Recognition provisions;	\$125.00 \$ 60.00
N/A	N/A	Section 49, fee for registration as a dental hygienist under the Mutual Recognition provisions;	\$60.00
N/A	N/A	Paragraph 18(2)(b) registration as a specialist dentist pursuant to section 9;	\$70.00
N/A	N/A	Subsection 36(1) annual fee for specialist dentist;	\$60.00