

DENTISTS REGISTRATION

No. 16 of 1967

An Ordinance to amend the *Dentists Registration Ordinance 1931-1966*.

Short title
and citation.

1.—(1.) This Ordinance may be cited as the *Dentists Registration Ordinance 1967*.*

(2.) The *Dentists Registration Ordinance 1931-1966*† is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Dentists Registration Ordinance 1931-1967*.

Parts.

2. Section 3 of the Principal Ordinance is amended by omitting the words—

“Part IV.—The Conduct of Dental Practice (Sections 30-38A)”

and inserting in their stead the words—

“Part IV.—The Conduct of Dental Practice (Sections 30-38AA)”.

Definitions.

3. Section 4 of the Principal Ordinance is amended—

(a) by inserting before the definition of “member” the following definition:—

“‘dental service’ includes a dental operation, attendance or advice;”;

(b) by omitting the definition of “the Director-General” and inserting in its stead the following definition:—

“‘the Director’ means the person for the time being occupying, or performing the duties of, the office of Commonwealth Director of Health for the Territory;”.

Members of the
Dental Board.

4. Section 6 of the Principal Ordinance is amended—

(a) by omitting from sub-section (1.) the word “Director-General” and inserting in its stead the word “Director”; and

(b) by omitting sub-sections (3.) and (4.) and inserting in their stead the following sub-section:—

“(3.) The Director shall be the Chairman of the Board.”.

* Made on 26 May 1967; notified in the *Commonwealth Gazette* and commenced on 8 June 1967.

† Ordinance No. 8, 1931, as amended by Nos. 5 and 17, 1932; No. 22, 1933; No. 20, 1935; No. 27, 1937; No. 10, 1954; No. 21, 1959; No. 4, 1963; and No. 19, 1966.

5. After section 15 of the Principal Ordinance the following section is inserted:—

“ 16.—(1.) A person who attends for the purpose of giving evidence before the Board is entitled to receive such fees and allowances (if any) as the Chairman or, if the Chairman is absent from the meeting of the Board, the Deputy Chairman thinks fit to allow in accordance with the scale of fees and allowances prescribed from time to time, for the purposes of section twenty-seven of the *Public Works Committee Act 1913-1966*, by the Public Works Committee Regulations.

Fees and allowances to witnesses before the Board.

“ (2.) Fees and allowances payable to a person in accordance with the last preceding sub-section are payable—

- (a) if the person attended before the Board, whether on summons or not, by reason of a request by a person other than an officer of the Department of Health—by the person at whose request the first-mentioned person attended; or
- (b) in any other case—by the Commonwealth.”

6. Section 28 of the Principal Ordinance is repealed and the following section inserted in its stead:—

“ 28. A registered dentist who changes his professional address shall forthwith give notice of the changed address by post to the Chairman.”

Notification of change of address.

7. Section 34 of the Principal Ordinance is amended—

- (a) by omitting the words “ , attendance, operation or advice ”; and
- (b) by inserting after sub-section (1.) the following sub-section:—

“ (1A.) 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.”

No person other than a registered dentist to practise dentistry.

8. Sections 36 and 37 of the Principal Ordinance are repealed and the following section is inserted in their stead:—

“ 36. Notwithstanding anything contained in this Ordinance, a medical practitioner who is registered under the *Medical Practitioners Registration Ordinance 1930-1967* may give a dental service, and the provisions of sections thirty-nine A and thirty-nine B of that Ordinance 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.”

Medical practitioner may give dental services.

9. Section 38A of the Principal Ordinance is repealed and the following sections are inserted in its stead:—

“ 38A.—(1.) A person is not entitled to commence an action for the recovery of fees or remuneration for a dental service unless he was the dentist who gave the dental service.

Recovery of fees for dental services by registered dentists.

“(2.) The last preceding sub-section 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 (not being a dental service constituting medical treatment for the purpose of the *Workmen's Compensation Ordinance 1951-1965*) for a person, or a dependant of a person, is not entitled to commence an action for the recovery from that person of fees or remuneration for the dental service unless—

- (a) he 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 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 on which it was given and the person for whom it was given; and
- (b) a period of three months has elapsed since that service of the account and the account is unpaid at the end of that period.

“(4.) Notwithstanding the last preceding sub-section, an action for the recovery of fees or remuneration for a dental service may be commenced without the service of an account for those fees or remuneration in accordance with that sub-section, or, if such an account has been so served, before the elapsing of the period of three months since the service of the account, if the action is one in which an application could, but for that sub-section, be made for an order under Part II. of the Arrest on Mesne Process Act, 1902 of the State of New South Wales in its application to the Territory.

Review of
accounts for
fees for
dental services.

“38AA.—(1.) A person liable to pay fees or remuneration to a registered dentist for a dental service (not being a dental service constituting medical treatment for the purpose of the *Workmen's Compensation Ordinance 1951-1965*) may, within three months after service upon him of an account for the fees or remuneration in accordance with the last preceding section, apply in writing to the Board to review the account.

“(2.) The Board shall, upon such an application, review the account and certify, under the hand of the Chairman or Deputy Chairman, the amount which, in the Board's opinion, is a reasonable amount of fees or remuneration for the dental service.

“(3.) The Board shall, in such a certificate, set out the facts on which the certificate is based.

“(4.) The Board may require a person to furnish such information as it thinks necessary or desirable for the purpose of a review under this section and may fix a time within which the information shall be furnished.

“(5.) If a person does not furnish, within the time fixed, the information required by the Board under the last preceding sub-section, 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 applicant for the review and the registered dentist of any information furnished to the Board under sub-section (4.) of this section.

“(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;
- (b) the distance between the dental surgery or residence of the registered dentist and the place at which he gave the dental service;
- (c) the hours of the day or night at which he gave the dental service;
- (d) the degree of skill, knowledge or experience required in the giving of the dental service;
- (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.) In proceedings for the recovery of fees or remuneration in respect of a dental service, a certificate of the Board under sub-section (2.) of this section 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.

“(9.) Judicial notice shall be taken of the signature of the Chairman or Deputy Chairman appearing on a certificate under sub-section (2.) of this section and of the fact that the person by whom the certificate purports to have been signed was, at the time the certificate was signed, the Chairman or Deputy Chairman, as the case may be.”.

10. Section 40 of the Principal Ordinance is amended—

(a) by omitting from sub-section (2A.) the word “Director-General” (wherever occurring) and inserting in its stead the word “Director”; and

(b) by adding at the end thereof the following sub-sections:—

“(4.) A person (not being a party) who attends before the Minister for the purpose of giving evidence is entitled to receive such fees and allowances (if any) as the Minister thinks fit to allow in accordance with the scale of fees and allowances prescribed from time to time, for the purposes of section twenty-seven of the *Public Works Committee Act 1913-1966*, by the *Public Works Committee Regulations*.

Power of
Minister to
determine
charges.

“(5.) Fees and allowances payable to a person in accordance with the last preceding sub-section are payable by the Commonwealth.

“(6.) In this section, ‘party’ means the person by whom or against whom the charge the subject of the inquiry has been made.”.