

AUSTRALIAN CAPITAL TERRITORY

Dentists Registration (Amendment) Ordinance 1984

No. 40 of 1984

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 26 July 1984.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

NEAL BLEWITT
Minister of State for Health

An Ordinance to amend the *Dentists Registration Ordinance 1931*

Short title

1. This Ordinance may be cited as the *Dentists Registration (Amendment) Ordinance 1984*.¹

Principal Ordinance

2. In this Ordinance, "Principal Ordinance" means the *Dentists Registration Ordinance 1931*.²

Interpretation

3. Section 4 of the Principal Ordinance is amended—

(a) by inserting after sub-section (1) the following sub-section:

“(1A) A reference in a provision of this Ordinance to a prescribed fee shall be read as a reference to the fee determined under section 41 for the purposes of that provision.”; and

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

“(3) For the purposes of this Ordinance a person shall be deemed to practise dentistry if—

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

Qualification for registration

4. Section 23J of the Principal Ordinance is amended by inserting in sub-paragraph (2) (c) (i) “entitled to be” after “is”.

Disciplinary action

5. Section 30 of the Principal Ordinance is amended—

- (a) by omitting from paragraph (5) (a) “, otherwise than as permitted by the regulations,”;
- (b) by adding at the end of paragraph (5) (a) “and”;
- (c) by omitting from paragraph (5) (b) “purpose; and” and substituting “purpose.”;
- (d) by omitting paragraph (5) (c); and
- (e) by adding at the end thereof the following sub-section:

“(6) A reference to advertising in sub-section (5) shall not be read as including a reference to—

- (a) the publication by a registered dentist of a notice of the fact that he has commenced or resumed practice as a dentist or a notice of a change of the address at which he practises as a dentist; or

- (b) the exhibition by a registered dentist at the place or places at which he practices as a dentist of a notice or notices containing his name and qualifications,

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

Review of accounts for fees for dental services

6. Section 38AA of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1) “to a registered dentist”;
- (b) by omitting from sub-section (6) “applicant for review and the registered dentist” and substituting “parties to the application”; and
- (c) by inserting after sub-section (7) the following sub-section:

“(7A) The Board shall cause a copy of a certificate of the Board under sub-section (2) to be sent by post to the person who gave the dental service at his business address, or at his professional address or at one of his professional addresses, last-known to the Board.”.

Heading to Part IVA

7. The heading to Part IVA of the Principal Ordinance is amended by omitting “APPEALS” and substituting “MISCELLANEOUS”.

Heading to Part V

8. The heading to Part V of the Principal Ordinance is omitted.

9. After section 38B of the Principal Ordinance the following sections are inserted:

Notification of decisions

“39. (1) Where the Board makes a decision—

- (a) refusing to register, or to re-register, a person;
- (b) refusing to grant, or to renew, special registration;
- (c) refusing to terminate the suspension of a person or to set aside an order under section 30A; or
- (d) refusing to permit an extension of the period under section 32A,

or the Chairman makes a decision refusing to grant, or to renew, temporary registration, the Board or the Chairman, as the case may be, shall cause a

statement in writing to be given to the person whose interests are adversely affected by the decision, setting out the decision, the findings on material questions of fact, referring to the evidence or other material on which those findings were based, and the giving the reasons for the decision.

“(2) A statement by the Board or the Chairman under sub-section (1) or a statement by the Board under section 31 of the *Health Professions Boards (Procedures) Ordinance 1981* shall include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1975*, a person whose interests are adversely affected by the decision to which the statement relates is entitled to apply to the Tribunal for a review of the decision.

“(3) The validity of a decision to which a statement under sub-section (1) or under section 31 of the *Health Professions Boards (Procedures) Ordinance 1981* relates shall not be taken to be affected by a failure to comply with sub-section (2).

Publication of registered dentists

“40. The Board shall as soon as practicable after 1 July in each year cause to be published in the *Gazette* a notice containing the names of all dentists registered under this Ordinance on that day and the professional address or professional addresses, if any, of those dentists.

Power of Minister to determine fees

“41. The Minister may, by notice in writing published in the *Gazette*, determine fees for the purposes of this Ordinance.”.

Heading to Part VI

10. The heading to Part VI of the Principal Ordinance is omitted.

Regulations

11. Section 43 of the Principal Ordinance is amended by omitting all the words after “giving effect to this Ordinance”.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 2 August 1984.
2. 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; No. 9, 1966; No. 16, 1967; Nos. 1 and 38, 1970; No. 17, 1975; No. 65, 1977; No. 46, 1978; Nos. 26 and 31, 1979; No. 46, 1980; Nos. 45 and 47, 1981; Nos. 29 and 40, 1982.