

**DENTISTS REGISTRATION ACT 1931
DETERMINATION OF FEES**

DETERMINATION NO. 107 OF 1996

EXPLANATORY STATEMENT

The *Dentists Registration Act 1931* (the Act) provides for the registration of persons engaged in dental practice.

The Minister in accordance with section 41 of the Act, is authorised by notice in the Gazette, to determine fees for the purposes of this Act.

Fees for initial application for registration as a dentist pursuant to paragraph 22(6)(e), annual registration fee for dentists pursuant to paragraph 23A(1)(b), initial application for registration as a dental hygienist pursuant to paragraph 23K(1)(b) and annual registration fee for dental hygienists pursuant to paragraph 23L(1)(b) were determined by Determination No. 117 of 1993 which was published in the ACT Gazette No. 174 on 30 August 1993.

With the commencement of the *Mutual Recognition Act 1992 (Commonwealth)* (the Mutual Recognition Act) on 1 March 1993 a new category of registration was introduced which is registration under the mutual recognition principle and carried out in accordance with the provisions of Part 3 of that Act.

Section 40 of the Mutual Recognition Act provides for 'a local registration authority to impose fees in relation to substantive or deemed registration and continuance of such registration, but any such fees may not be greater than are applicable for registration apart from this provision.' This means that registration fees under this provision must not be higher than fees for registration under the *Dentists Registration Act 1931*.

The following explanatory statement refers only to the provisions which are subject to the fees determined in the schedule.

1. Section 22 of the Act deals with matters associated with entitlement for registration as a dentist under the Act. Paragraph 22(6)(e) requires the determined fee to accompany an application for registration. This fee was previously determined by determination No. 117 of 1993 published in the ACT Gazette No. 174 on 30 August 1993. The fee at that time was set at \$109.00. This fee is increased to \$125.00 to reflect a gradual move towards full cost recovery for services provided by the Board.
2. Subsection 23A (1) of the Act requires a registered dentist on or before 1 July in each year to notify the Board of his or her professional address and pay the prescribed fee pursuant to paragraph 23A(1)(b). This fee was previously determined by determination No. 117 of 1993 published in the ACT Gazette No. 174 on 30 August 1993. The fee at that time was set at \$80.00. This fee is increased to \$105.00 to reflect a gradual move towards full cost recovery for services provided by the Board.

3. Section 23K of the Act deals with matters associated with entitlement for registration as a dental hygienist under the Act. Paragraph 23K(1)(b) requires the determined fee to accompany an application for registration. This fee was previously determined by determination No. 117 of 1993 published in the ACT Gazette No. 174 on 30 August 1993. The fee at that time was set at \$22.00. This fee is increased to \$60.00 to reflect a gradual move towards full cost recovery for services provided by the Board.

4. Subsection 23L(1) of the Act requires a registered dental hygienist on or before 1 June in each year to notify the Board of the address of the person by whom he or she is employed as a dental hygienist or if he or she is not employed, of his or her place of residence and pay the prescribed fee pursuant to paragraph 23L(1)(b). This fee was previously determined by determination No. 117 of 1993 published in the ACT Gazette No. 174 on 30 August 1993. The fee at that time was set at \$11.00. This fee is increased to \$45.00 to reflect a gradual move towards full cost recovery for services provided by the Board.

5. The *Mutual Recognition Act 1992 (Commonwealth)*, was commenced on 1 March 1993. The purpose of introducing this legislation was to free up the movement of goods and services across Australian States and Territories. Part 3 of the Mutual Recognition Act 1992 deals with matters entitling a person who is registered to carry on an occupation in one jurisdiction to be entitled to be registered in another State or Territory on the basis of their registration in the first State. Such registration is subject to the same terms and conditions as apply to the persons registration in the first State and is not subject to the attainment of further qualifications.

6. Subsection 40(1) states that 'A local registration authority has power to impose fees in relation to substantive or deemed registration or the continuance of registration arising under this Part, but any such fees may not be greater than are applicable for registration apart from this part'.

7. The procedures for processing applications for registration under the mutual recognition principle are more streamlined than those for initial registration (ie. where the person is not registered in another State or Territory). Under similar provisions in other health registration Acts this fee is set to be equivalent to the annual practising fee which in most instances is lower than the fee for initial registration. Accordingly this fee is set as \$105.00 for dentists and \$45.00 for dental hygienists. This fee appears at this time to cover the administrative costs associated with processing such applications.