



ANNO OCTAVO

# GEORGII V REGIS.

A.D. 1917.

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## No. 1302.

An Act to further amend the Dentists Act, 1902, and to amend the Dentists Act Amendment Act, 1904, and for other purposes.

[Assented to, November 15th, 1917.]

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

**1.** (1) This Act may be cited alone as the "Dentists Act Further Amendment Act, 1917." Short titles.

(2) The Dentists Act, 1902 (hereinafter called "the principal Act"), the Dentists Act Amendment Act, 1904, and this Act may be cited together as the "Dentists Acts, 1902 to 1917." No. 813 of 1902. No. 871 of 1904.

**2.** This Act is incorporated with the other Acts mentioned in section 1 of this Act, and those Acts and this Act shall be read as one Act. Incorporation with other Acts.

**3.** In this Act— Interpretation.

"Advertisement" includes any advertisement, handbill, circular, or other notice:

"Dentistry" means and includes any operation on the human teeth or jaws, or the artificial restoration of lost teeth or jaws or portions of jaws or the treatment of diseases or lesions, or the correction of mal-positions in human teeth or jaws; but this definition shall not apply to the mechanical construction by an artisan employed by a registered dentist of artificial dentures or other devices:

"Operative

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“Operative dental assistant” means a person (other than a registered dentist) practising dentistry as an assistant to a dentist:

“Paper” includes any letter-paper, billhead, receipt-form, or invoice, and any document or paper used in connection with any business, practice, or profession.

Repeal.

4. The following enactments are hereby repealed, namely—

- i. Section 18 of the principal Act:
- ii. Sections 2, 8, and 9, subdivisions (a) and (c) of section 12, and section 20, of the Dentists Act Amendment Act, 1904, and the Sixth Schedule to the said Act.

Registration of operative dental assistants.

5. Any person who has prior to the coming into operation of this Act been *bonâ fide* employed as an operative dental assistant for a period of at least three years, or for periods amounting to at least three years in the aggregate, by a dentist or dentists residing, practising, and registered in South Australia, or any person who has prior to the coming into operation of this Act become apprenticed to any such dentist as aforesaid for a period of not less than five years, and has been employed by him for at least three years in work similar in character to the work of an operative dental assistant, but whose articles have not been registered with the Dental Board, and has passed a *viva voce* and practical examination in operative and prosthetic dentistry before examiners appointed by the Dental Board of South Australia, shall be entitled to registration: Provided that such person has been resident in South Australia for a period of at least six months immediately prior to the coming into operation of this Act and has otherwise complied with the provisions of this Act: Provided further that any time spent by any such person in the practice of dentistry on his own account in South Australia, or as an operative dental assistant to a person so practising dentistry, shall, for the purpose of this section, be deemed to be a period during which such person was employed as mentioned in this section: Provided further that if the total period served by such person as an operative dental assistant as provided for by this section is not less than six months in the aggregate, such person shall for the purposes of this section be entitled to add to such period any time served by such person as an operative dental assistant in any other State of the Commonwealth.

Partial exemption of persons enlisting.

6. (1) If any person is at the time of his enlistment in the Australian Imperial Force or any other force raised in any part of His Majesty's Dominions for service in the war in which His Majesty is at present engaged, or in any force raised for service as aforesaid in any State which is allied with His Majesty in such war, actually employed as mentioned in section 5 of this Act as an operative dental assistant, the time of his absence from such employment by reason of such enlistment shall for the purposes of the said section 5 count as if during such time he had been actually employed as aforesaid.

(2) If

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(2) If any person is at the time of his enlistment in the Australian Imperial Force or such other force as aforesaid resident in South Australia, the time during which he is absent from South Australia by reason of such enlistment shall for the purposes of the said section 5 count as if during such time he had been resident in South Australia.

**7.** (1) The Governor may appoint a Board to be called the "Dental Assistants Board" Dental Assistants Board.

(2) The Board shall consist of the following members:—

- I. One person to be nominated by the Minister, who shall be Chairman of the Board;
- II. One person to be nominated by the Dental Board of South Australia in manner prescribed; and
- III. One person to be nominated by the Dental Operatives and Assistants Association in manner prescribed.

(3) The person to be nominated by the Minister shall not be a member of the Dental Board of South Australia, nor of the Dental Operatives and Assistants Association.

(4) No member other than the Chairman shall hold office on the Board for a longer period than two years without reappointment. Quorum

**8.** (1) The Chairman and one other member of the Board shall form a quorum for the transaction of business. Voting by chairman

(2) In the case of equality of votes the Chairman shall have a casting as well as a deliberate vote. Vacancies on Board.

**9.** (1) If any member of the Board is absent from four consecutive meetings of the Board, without leave granted by the Board, his office shall thereupon become vacant.

(2) When the office of any member of the Board becomes vacant the Governor may fill the vacancy: Provided that—

- I. the new member shall be appointed after nomination by the person or body which nominated the member in whose place he is appointed; and
- II. if the vacancy occurs otherwise than by effluxion of time, the term of office of the new member shall be computed from the beginning of the term of office of the member in whose place he is appointed.

**10.** During any vacancy on the Board the remaining members may act as if no vacancy existed. Board may act during vacancy.

**11.** The following provisions shall apply to the case of any person applying to be registered in pursuance of the section 5 of this Act:— Provisions applicable where person applies under section 5.

- I. He must have attained the age of twenty-one years before his registration:

II. He

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- ii. He must within three months after the coming into operation of this Act have given to the Registrar a written statement of his name, address, and age:
- iii. He must have been approved by the Dental Assistants Board as an applicant under section 5 of this Act. Any person desirous of obtaining such approval shall within three months after the coming into operation of this Act make application in writing for such approval to the Registrar, giving his full name and address. The Registrar shall refer such application to the Dental Assistants Board, which may in its absolute discretion give or refuse its approval, and its decision on such application shall be final. The Registrar shall keep a register, to be called "The Operative Dental Assistants Register," in which he shall enter the name and address of every person who has obtained such approval. Such register shall be conclusive evidence of the approval by the Dental Assistants Board of every person whose name and address shall be entered thereon:
- iv. The said practical examination shall comply with regulation No. 8, Part I., and with regulation No. 11, of the regulations made on the eighteenth day of October, one thousand nine hundred and five, under the Dentists Act, 1902, and the Dentists Act Amendment Act, 1904, by the Governor, or with any other regulation or regulations hereafter substituted for the said regulation No. 8, Part I., and the said regulation No. 11. Regulation No. 15 contained in the regulations made on the twenty-sixth day of March, nineteen hundred and eight, by the Governor under the Dentists Act, 1902, and the Dentists Act Amendment Act, 1904, shall not apply to such examination:
- v. Such person shall present himself for examination within one year from the coming into operation of this Act. Should he fail to pass such examination he may again present himself for examination within one year and a half from the coming into operation of this Act. Should he fail to pass such second examination he may again present himself for examination within two years from the coming into operation of this Act. Should he fail to pass such third examination he shall not be entitled to be registered under the section 5 of this Act:
- vi. Such person shall present himself for examination at such time and place as are appointed by the examiners and notified to such person:
- vii. Such person shall, on applying to be registered, send to the Registrar an application and declaration in the form in the Schedule to this Act, with such modifications as circumstances may require, signed and declared by him.

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**12.** Any person who has been employed as mentioned in section 5 of this Act for the period therein mentioned and who at the time of the passing of this Act is engaged in the practice of dentistry in South Australia on his own account shall be entitled to continue such practice until the holding of the third examination provided for under section 11 of this Act.

Provision for operative dental assistants at present in practice.

**13. (1)** An articed pupil or an apprentice to a dentist shall not be deemed to be an operative dental assistant within the meaning of this Act

Articed pupils and apprentices.

(2) A dentist shall not hereafter employ or have more than two operative dental assistants at a time in addition to any apprentices or articed pupils whom he may for the time being be entitled to have.

Limitation on operative assistants.

Penalty—Ten Pounds.

(3) A dentist employing one or more registered dentists, may employ or have not more than two operative dental assistants at a time for each registered dentist so employed, and such assistants shall be employed under the immediate personal supervision of a registered dentist.

(4) For the purposes of this section an articed pupil or an apprentice means a person who has passed the entrance examination prescribed under the Acts incorporated herewith, and whose indentures are registered with the Dental Board of South Australia.

(5) Subsection (2) of this section shall not come into operation until the expiration of the period of two years next after the passing of this Act.

**14. (1)** After the coming into operation of this Act no person other than a legally qualified medical practitioner shall practise dentistry for fee or reward unless he is registered as a dentist under the Dentists Acts, 1902 to 1917, or is employed in conformity with the Dentists Acts, 1902 to 1917, by a dentist so registered.

Prohibition of practice of dentistry by unqualified persons.

Penalty—Not less than Five Pounds nor more than Fifty Pounds.

(2) Any person shown to have practised dentistry shall be deemed to have done so for fee or reward unless the contrary is proved.

**15.** The regulations made by the Governor on the eighteenth day of October, nineteen hundred and five, and on the twenty-sixth day of March, nineteen hundred and eight, and purporting to have been made by virtue of the provisions of the Dentists Act, 1902, and the Dentists Act Amendment Act, 1904, are hereby validated and confirmed.

Validation of regulations.

**16.** No person or persons, other than a person or persons registered as a dentist or dentists under the Dentists Acts, 1902 to 1917, and no company other than a company which conforms to the description relating to companies contained in section 12 of the

Misleading advertisements. &c.

Cf. D. Act Amendment Act, 1904, s. 9 (part).

Dentists

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Dentists Act Amendment Act, 1904, and which has complied and continues to comply with the provisions of that section as to companies, shall—

- (a) have attached to or exhibited at the place of business or residence of such person or persons or the place of business of such company, or
- (b) take or use in any advertisement or paper, or
- (c) otherwise howsoever take or use in connection with the business of such person or persons or company:

the name or title of “dentist,” “dental surgeon,” “surgeon dentist,” “mechanical dentist,” or “dental practitioner” either in the singular or plural, or the word “dental” or “dentistry” or any other word or any sign, device, article or thing whatsoever implying or tending to imply or convey the belief that such person or persons or company is qualified or authorised to practise or is practising dentistry or that dentistry or dental operations is or are practised, carried on, or performed by such person or persons or company.

Penalty—Not less than Five Pounds nor more than Fifty Pounds.

Prohibition of certain letters, &c.

Cf. *ibid.* s. 9 (part).

**17.** No person, whether registered as a dentist under the Dentists Acts, 1902 to 1917, or not, whatever his qualification, shall—

- i. use the letters “R.D.S.” upon or as an addition to his nameplate or sign or in any advertisement or paper
- ii. use in relation to dentistry either upon or as an addition to his nameplate or sign or in any advertisement or paper any title, description, word, or letters to which he is not properly entitled, or which does not denote some qualification relating to dentistry to which he is properly entitled:
- iii. in any manner falsely claim to hold a degree, licence, certificate, diploma, membership, or other title, status, or document which is recognised by the Board as entitling the holder to be registered as a dentist.

Penalty—Not less than Five Pounds nor more than Fifty Pounds.

Amendment of First Schedule to principal Act.

**18.** The First Schedule to the principal Act is amended—

- i. by striking out the words “Certificate of” in the second line thereof and inserting in lieu thereof the words “Fee for,” and
- ii. by inserting as an additional line between the second and third lines of the said Schedule the passage “Certificate of registration: 0 5s. 0.”

No recovery of fees except by registered dentist or medical practitioner.  
Cf. principal Act, s. 18.

**19.** (1) No person shall be entitled to recover payment for any operation in dentistry or any dental attendance or advice unless at the

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the time of such operation, attendance, or advice he is registered as a dentist under the Dentists Acts, 1902 to 1917, or is a legally qualified medical practitioner.

(2) No person shall hold any appointment (whether honorary or for remuneration) as a dentist, dental practitioner, or dental surgeon in any public or private institution except while he is registered as a dentist under the Dentists Acts, 1902 to 1917, or is a legally qualified medical practitioner, and any contract for remuneration or reward in any way in respect of any appointment held contrary to this subsection shall be void.

Appointments not to be held as dentists, etc., except by registered dentist or medical practitioner.

Penalty—Ten Pounds.

20. Notwithstanding anything to the contrary in this Act, or any Act incorporated herewith, any person may, with the approval of the Minister and upon his complying with such conditions as are prescribed by the Minister, carry on the business of extracting teeth for reward and recover his reasonable fees or charges therefor, but shall not be entitled to be registered as a dentist.

Certain persons entitled to extract teeth for reward.  
Cf. 871, 1904, s. 20.

21. In any proceedings for an offence against this Act or any Act incorporated herewith the onus of proving that the defendant—

Onus of proof of registration, &c.

- (a) is registered as a dentist under the Dentists Acts, 1902 to 1917, or
- (b) is a legally qualified medical practitioner, or
- (c) is a company which conforms to the description relating to companies contained in section 12 of the Dentists Act Amendment Act, 1904, and has complied and continues to comply with the provisions of that section as to companies,

shall be on the defendant.

22. The Board may refuse to register as a dentist or may remove from the register any person who has been guilty of infamous conduct in any professional respect.

Board may refuse to register.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

H. L. GALWAY, Governor.

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THE SCHEDULE.

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THE DENTISTS ACT FURTHER AMENDMENT ACT, 1917.

Section 11.

Application and declaration to be made by any person applying to be registered under section 5.

I                                residing at                                hereby apply to be registered as a dentist under section 5 of the Dentists Act Further Amendment Act, 1917, and I hereby declare that I attained the age of twenty-one years on the day of                                19                               , and that I was prior to the passing of the Dentists Act Further Amendment Act, 1917, *bona fide* employed as an operative dental assistant for a period of three years from                                to                                (or for the following periods amounting to three years in the aggregate [*specify them*]) by                                a dentist residing, practising, and registered in South Australia [*if by more than one dentist specify them*], and that I was resident in South Australia for a period of two years immediately prior to the coming into operation of the Dentists Act Further Amendment Act, 1917.

[*If partial exemption is sought under section 6, specify accordingly*].

Declared at                                the                                day }  
of                               , 19                               , at                               , }  
before me,                                }