

## DENTAL ACT 1982

### No. 43 of 1982

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MARGINAL NOTES

The following abbreviations are used in the marginal notes to this Act:—

1919—*Dentists Act 1919* (Tasmania, 10 Geo. V No. 46).

1959—*Medical Act 1959* (Tasmania, No. 80 of 1959).



DENTAL ACT 1982

No. 43 of 1982



AN ACT to consolidate and amend the law relating to dentists and dental mechanics, to provide for the registration of dental auxiliaries, and to amend certain enactments.

[Royal Assent 28 October 1982]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

PART I

PRELIMINARY

1—This Act may be cited as the Dental Act 1982.

Short title.

2—(1) This section and section 1 shall commence on the day on which this Act receives the royal assent.

Commencement.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be fixed by proclamation.

Interpretation.  
1919, s. 3.

**3**—In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

“artificial denture” means a removable appliance that, for the purposes of mastication or appearance, replaces or restores any or all of the natural teeth or their associate parts of the human subject by whom it is used;

“Board” means—

(a) in Parts II and III and in Schedule 1, the Dental Board of Tasmania constituted under section 4;

(b) in Part IV and in Schedule 2, the Dental Mechanics Registration Board constituted under section 44; and

(c) in Part V, either of those Boards, as the case requires;

“committee of assessors” means a committee of assessors appointed under section 6;

“dental auxiliary” means a person who is registered as a dental auxiliary pursuant to regulations made and in force under section 43;

“dental mechanic” means a person who is registered under Part IV;

“dentist” means a person who is registered under Part II;

“dentistry” means—

(a) an operation on the natural teeth and their associate parts of a human subject; and

(b) the taking of impressions for, and the construction, adjustment, repair, fitting, and supply of, artificial dentures and teeth and other dental devices for that subject;

“full registration” means full registration as a dentist granted under section 9;

“limited registration” means limited registration as a dentist granted under section 12;

“officer of the Public Service” means a person who is employed, whether permanently or otherwise, under the *Public Service Act 1973*;

“Public Service” has the meaning assigned to that expression in the *Public Service Act 1973*;

“Public Service Board” means the Board appointed under section 6 of the *Public Service Act 1973*;

“ register ” means—

- (a) in Part II, the register of dentists kept pursuant to section 16;
- (b) in Part IV, the register of dental mechanics kept pursuant to section 52; and
- (c) in Part V, either of those registers, as the case requires;

“ Registrar ” means the Registrar of the Dental Board of Tasmania;

“ the regulations ” means—

- (a) in Part II and in Part I of Schedule 1, regulations made and in force under section 8;
- (b) in Part III, regulations made and in force under section 43;
- (c) in Part IV, regulations made and in force under section 47; and
- (d) in Part V, regulations made and in force under section 8 or 47, as the case requires;

“ Secretary ” means the Secretary of the Dental Mechanics Registration Board;

“ temporary registration ” means temporary registration as a dentist granted under section 11.

## PART II

### THE DENTAL BOARD OF TASMANIA AND REGISTRATION AND PRACTICE OF DENTISTS

#### *Division 1—The Dental Board of Tasmania*

4—(1) There is constituted by this Act a body corporate with the corporate name of the “ Dental Board of Tasmania ”.

Constitution  
of the Dental  
Board of  
Tasmania.  
1919, s. 5 (1).

(2) The Board—

- (a) has perpetual succession;
- (b) shall have a common seal;
- (c) may take proceedings, and be proceeded against, in its corporate name;
- (d) may acquire, hold, and dispose of real and personal property;
- (e) may do and be subject to all other things that bodies corporate may, by law, do and be subject to and that are necessary for or incidental to the purposes for which it is constituted; and

(f) has the functions imposed, and the powers conferred, on it by or under this or any other Act.

(3) All courts, judges, and persons acting judicially shall take judicial notice of the common seal of the Board affixed to a document and shall, unless the contrary is established, presume that it was duly affixed.

Provisions with respect to constitution, membership, and meetings of the Board.  
1919, ss. 5 (2), 7, 8, and 9 and clause 1 of Schedule 1.

**5**—(1) The Board shall consist of 6 members of whom—

(a) five shall be dentists elected by dentists as prescribed in the regulations; and

(b) one shall be a dentist holding office in the Public Service and appointed by the Governor on the recommendation of the Minister.

(2) Notwithstanding anything in subsection (1) (a), a person who is registered as a dentist under this Part by reason only of his holding a limited registration shall not be elected a member of the Board and shall not vote at an election for a member of the Board.

(3) The Board shall elect one of its members to be chairman of the Board.

(4) The chairman of the Board shall be the executive officer of the Board.

(5) Part I of Schedule 1 has effect with respect to the membership of the Board.

(6) Part II of Schedule 1 has effect with respect to meetings of the Board.

Power of Board to appoint committees of assessors for certain purposes.  
1959, s. 9A.

**6**—(1) The Board may appoint a committee of assessors to determine—

(a) for the purposes of section 9 (3) (c), whether or not an applicant for registration; or

(b) for the purposes of section 26, whether or not a dentist, is medically fit to practise dentistry.

(2) A committee of assessors shall be composed of dentists, whether or not they are members of the Board.

(3) A committee of assessors shall, after making the determination for which it was appointed, provide the Board with a certificate of its finding.

Registrar of the Board.  
1919, s. 11.

**7**—(1) The Board shall—

(a) appoint a Registrar who shall also act as secretary to the Board; and

(b) out of the funds at its disposal pay to the Registrar such remuneration (including travelling and sustenance allowances) as the Board determines.

(2) A person who is an officer of the Public Service may, with the approval of the Public Service Board, be appointed as Registrar and the person so appointed may hold office as Registrar in conjunction with his office in the Public Service.

(3) The Registrar shall hold office on such terms and conditions as are specified in his instrument of appointment.

(4) The provisions of the *Public Service Act* 1973 do not apply to or in respect of the appointment of the Registrar and the Registrar is not, in his capacity as Registrar, subject to the provisions of that Act during his term of office.

**8**—(1) The Board may, with the approval of the Governor, make regulations for the purposes of this Part. Regulations.  
1919, s. 10.

(2) Without limiting subsection (1), the regulations may prescribe—

- (a) the manner in which, and the times at which, the elections of members of the Board and the filling of vacancies are to be carried out;
- (b) the manner of keeping and controlling the register;
- (c) conditions regulating the granting and issue of certificates of admission to the register;
- (d) the certificates of examinations which will be recognized by the Board;
- (e) provisions for regulating, supervising, and restricting the practice of persons registered under this Part;
- (f) any conduct of a dentist that would amount on his part to infamous or improper conduct in a professional respect; and
- (g) the fees to be paid in respect of any examination, application, registration, certificate, inspection, or other matter required, or provided for, under or pursuant to this Part.

(3) The regulations may be made subject to such conditions, or be made so as to apply differently according to such factors, as may be specified in the regulations or according to such limitations or restrictions, whether as to time or circumstance or otherwise, as may be so specified.

(4) The regulations may provide that it is an offence, punishable on summary conviction, for a person to contravene, or fail to comply with, any of the regulations and may provide in respect of any such offence for the imposition of a penalty not exceeding \$500 and, in the case of a continuing offence, a further penalty not exceeding \$10 for each day during which the offence continues.

(5) A regulation may authorize any matter or thing to be from time to time determined, applied, or regulated by any person or body specified in the regulation.

(6) Nothing in this section or in the regulations shall be construed as limiting, for the purposes of this Act, the generality of the expressions “infamous conduct” or “improper conduct in a professional respect”.

#### *Division 2—Registration of dentists*

Full  
registration.  
1919, s. 14.

**9**—(1) A person is qualified for full registration as a dentist if—

- (a) he holds a degree in dental surgery or dentistry granted at a university in the Commonwealth; or
- (b) he has such other qualifications, and complies with such other requirements, as may be prescribed in the regulations.

(2) Notwithstanding anything in subsection (1), the Board may refuse to grant full registration to a person who does not hold such a qualification as is referred to in subsection (1) (a) unless the Board is satisfied, upon examination or otherwise, that he is competent to practise dentistry in the State.

(3) Subject to subsection (2), where a person is qualified for full registration as a dentist, the Board shall grant him that registration on being satisfied—

- (a) that he is of good fame and character;
- (b) that he has sufficient command of the English language to enable him readily to communicate with patients who ordinarily use that language; and
- (c) that he is medically fit to practise dentistry.



**10**—(1) A person who is aggrieved by a refusal of the Board to grant him a full registration as a dentist may appeal to the Supreme Court. Appeal against refusal of full registration. 1919, s. 28.

(2) An appeal under subsection (1) shall not be dealt with unless it is made within the period prescribed in accordance with the rules of court of the Supreme Court.

(3) Notice of an appeal made under subsection (1) shall be given to such persons as may be prescribed by rules of court of the Supreme Court or as the Supreme Court may direct, and those persons shall, together with the appellant, be parties to the hearing of the appeal.

(4) In deciding an appeal under subsection (1), the Supreme Court, unless it dismisses the appeal, may, by order, direct the Board to grant the appellant full registration or to grant him such a registration upon compliance with such conditions as the Court specifies, and the Board shall comply with the direction.

(5) The decision of the Supreme Court in respect of an appeal under subsection (1) shall be final and shall be deemed to be the decision or order of the Board.

(6) The Registrar shall enter in the register a memorandum of the terms of a decision of the Supreme Court under this section.

**11**—(1) Where a member of the Board is satisfied that a person may properly be granted full registration as a dentist, he may grant that person temporary registration as a dentist. Temporary registration.

(2) A temporary registration has the like effect as a full registration, except that it ceases to have effect—

(a) at the expiration of a period of 3 months beginning on the day on which it was granted; or

(b) on the grant or refusal by the Board of an application by him for full registration,

whichever first happens.

(3) Where a member of the Board grants a temporary registration under this section, he shall immediately give notice of the grant to the Registrar.

Limited  
registration.

**12**—(1) Where the Board is satisfied that a person is entitled to practise dentistry in a jurisdiction outside the State, it may grant him limited registration as a dentist for the purpose of enabling him to engage in the teaching of, or to conduct demonstrations in some branch of, dentistry that will be of benefit to persons practising in the State.

(2) In granting a limited registration under this section, the Board shall impose such limitations on the registration as it considers necessary to ensure that the person to whom it is granted is not entitled to practise dentistry in the State otherwise than to effect the purpose for which the registration was granted.

(3) In granting a limited registration the Board shall specify the period for which it is to remain in force, being a period not exceeding 2 years in length, and may extend that period from time to time by further periods not exceeding 12 months in length.

(4) The Board may, if in its discretion it thinks fit, cancel a limited registration granted to any person.

Certificates of  
registration.  
1919, s. 23.

**13**—(1) Where the Board grants full registration or limited registration to a person, it shall issue a certificate of registration to that person and where it extends the period of operation of a limited registration, it shall issue to that person a certificate of the extension of the period of operation of the registration.

(2) A certificate of registration shall not be issued in respect of a temporary registration.

(3) The certificate issued to a person in respect of a limited registration shall specify the limitations imposed on the registration and, if that limited registration remains in force for a limited period, shall specify the period for which the registration will remain in force, unless its period of operation is extended.

Fees on  
grant, &c., of  
registration.

**14**—(1) Subject to subsection (2), a fee, as prescribed in the regulations, is payable on the grant or restoration of a registration, or on the extension of the period of a limited registration, and no registration shall be granted or restored, and the period of a limited registration shall not be extended, unless the fee so prescribed in relation to the grant, restoration, or extension is paid to the Board.

(2) The Board may, in any case in its discretion, waive payment of a fee referred to in subsection (1).

**15**—(1) A dentist shall, on or before 30th September in each year—

Annual  
registration  
fees.  
1919, s. 29.

- (a) pay to the Board such annual registration fee as is prescribed in the regulations; and
- (b) provide the Board with particulars of his address and with any change in his qualifications.

(2) The Board may, in any case in its discretion, waive the payment of an annual registration fee.

(3) If a dentist does not as required by this section pay an annual registration fee on or before 30th September in any year, the Board shall immediately give him written notice that, if the fee is not paid before 31st December next following, his name will be removed from the register.

(4) If a dentist does not comply with a notice under subsection (3), the Board shall immediately cause his name to be removed from the register.

(5) If a person's name is removed from the register under this section, the Board shall restore it—

- (a) on application by that person in the form; and
- (b) on payment of the fee,

prescribed in the regulations.

(6) The Board may waive the payment of the whole or such part of the fee mentioned in subsection (5) as it may, in its discretion, in a particular case, determine.

**16**—(1) The Registrar shall keep, in a form directed by the Board, a register of dentists.

Register of  
dentists.  
1919, s. 21.

(2) The Registrar shall enter in the register—

- (a) the full name and address of every dentist;
- (b) the date of his registration;
- (c) particulars of the qualification in respect of which his registration is granted;
- (d) particulars of such further or additional qualifications possessed by him as the Board may direct to be entered in the register and in respect of which he applies to have so entered and pays the fee prescribed in the regulations; and
- (e) such other particulars (if any) as are directed by the Board or the regulations to be entered in it.

(3) The register shall be kept in the custody of the Registrar.

(4) Where it appears to the Registrar that—

(a) an entry in the register is incorrect;

(b) an entry that ought to have been made in the register has not been made; or

(c) an entry has been made that ought not to have been made,

the Registrar shall take such steps as are necessary to correct the entry or, as the case may be, make the entry that ought to have been made or cancel the entry that ought not to have been made.

(5) A member of the public who—

(a) attends the office of the Registrar during the ordinary business hours of that office;

(b) makes a request to inspect the register; and

(c) pays the inspection fee prescribed in the regulations,

is entitled to inspect the register and to make a copy of any entry in it.

(6) The Board may sell copies of the register at such price for each copy as it determines.

**17**—The Board shall cause the name of a deceased dentist to be removed from the register.

Names of deceased dentists to be removed from register. 1919, s. 22.

**18**—(1) The Board shall, as soon as practicable after 1st January in each year, provide the Minister with a list of persons who, on that day, held full registrations or limited registrations (excluding those persons whose registrations were, for the time being, then suspended).

Annual publication of list of registered dentists. 1919, s. 25.

(2) On receipt of a list under subsection (1), the Minister shall cause a copy of it to be published in the *Gazette*.

**19**—A person shall not—

(a) wilfully procure—

(i) the registration under this Part of; or

(ii) a certificate of registration or any other certificate under this Part for,

himself or any other person by making or producing a false or fraudulent representation or declaration, either orally or in writing;

Offences. 1919, s. 26.

- (b) wilfully make or cause to be made a false entry in, or a falsification of, the register;
- (c) forge, alter, or counterfeit a certificate referred to in paragraph (a) (ii);
- (d) utter or use such a forged, altered, or counterfeited certificate, knowing it to have been forged, altered, or counterfeited;
- (e) fraudulently hold himself out as being registered or holding a certificate under this Part; or
- (f) falsely personate a dentist of the same name or a similar or different name, or fraudulently obtain a certificate under this Part issued to another person.

Penalty: Not less than \$500 and not more than \$1 000 or 12 months' imprisonment.

### *Division 3—Disciplinary and other procedures*

**20**—(1) The Board may require a dentist to appear before it to enable an inquiry to be held with respect to a complaint made to the Board concerning his conduct in a professional respect and if, on that inquiry, the Board is satisfied that he has failed to carry out his professional duties adequately or to accept his professional responsibilities properly, it may so inform him.

Inquiries into complaints against registered dentists. 1959, s. 24.

(2) Where, in the course of an inquiry under this section, the Board is of opinion that proceedings should be taken against the dentist under any other provision of this Division, it shall discontinue the inquiry and institute those proceedings.

(3) Where a dentist has been required, in accordance with this section, to attend a meeting of the Board held for the purposes of an inquiry under this section with respect to a complaint concerning his conduct and he fails, without good and sufficient reason, to attend that meeting, the Board may charge him with the costs of that meeting and may suspend his registration until such time as those costs are paid.

(4) Where a dentist has been twice required to attend such a meeting as is referred to in subsection (3) and has failed on both occasions to attend the meeting, the Board, without prejudice to the exercise of its powers under that subsection, may carry out the inquiry in his absence.

(5) A requirement made of a dentist under this section to attend a meeting of the Board shall be made by a notice in writing served on him at least 14 days before the date of the meeting.

(6) A notice under subsection (5) to a dentist may be served by—

- (a) delivering it to him personally; or
- (b) sending it by certified mail addressed to him at his place of residence or practice last known to the Board.

Professional  
misconduct.  
1959, s. 25.

**21**—(1) On a charge against a dentist of professional misconduct in respect of any matter, the Board—

- (a) if it finds that the conduct to which the charge relates is infamous conduct in a professional respect, may cause his name to be removed from the register; or
- (b) if it finds that that conduct is improper conduct in a professional respect, may deal with his case under section 30.

(2) A charge against a dentist under this section may be made by the Board either on its own motion or upon a complaint made by a person who is aggrieved by the conduct of the dentist.

(3) Where the Board receives such a complaint as is referred to in subsection (2), it may require the person making the complaint—

- (a) to give further particulars of the grounds of the complaint; and
- (b) to verify by statutory declaration the complaint or those particulars.

(4) Where, on consideration of such a complaint as is referred to in subsection (2) made in respect of a dentist and any further particulars that may have been provided in relation to the complaint, the Board is of opinion that there has been established against him a *prima facie* case of infamous conduct or improper conduct in a professional respect, it shall charge him under this section.

(5) Nothing in this section shall be construed as preventing the Board from taking action under any of the following provisions of this Division in any case in which it considers it appropriate to do so.

(6) Without prejudice to the generality of the expression “improper conduct in a professional respect”, negligence or incompetence of a dentist in the practice of dentistry amounts to improper conduct in a professional respect.

**22**—(1) Where a dentist has at any time been convicted in the State or elsewhere of—

Crimes and drug offences. 1959, s. 26.

- (a) a crime or of any offence that, if it had been committed in the State, would have been a crime; or
- (b) an offence under a law prohibiting or regulating the possession, sale, use, supply, prescription, or other dealing in or with a poison, drug, or similar substance,

the Board may cause his name to be removed from the register or deal with his case under section 30 otherwise than by the imposition of a fine.

(2) Where, before a person is granted registration, he gives the Board full particulars of his conviction for an offence, this section does not apply in relation to that conviction.

**23**—Where the Board is satisfied that a dentist has taken alcohol or drugs to excess and has thereby, either generally or at certain times, been rendered incapable of adequately performing the functions of a dentist or of assuming the full responsibilities of a dentist, it may cause his name to be removed from the register or deal with his case under section 30.

Taking of alcohol or drugs. 1959, s. 27.

**24**—Where the Board is satisfied that a dentist has authorized or caused or permitted—

Offences in relation to operations and procedures authorized to be carried out by dental auxiliaries.

- (a) a dental auxiliary to carry out an operation or procedure in dentistry—
  - (i) other than one prescribed by the regulations under section 43 as an operation or procedure that dental auxiliaries may carry out; or
  - (ii) otherwise than at the direction, and under the supervision, of a dentist; or
- (b) a person other than another dentist or a dental auxiliary to carry out an operation or procedure in dentistry prescribed by those regulations as an operation or procedure that dental auxiliaries may carry out,

the Board may cause his name to be removed from the register or deal with his case under section 30.

Mental  
disorder.  
1959, s. 28.

**25**—(1) Where the Board is satisfied that a dentist is suffering from mental disorder of such a nature or degree as to render him incapable of adequately performing the functions of a dentist or assuming the full responsibilities of a dentist, it may suspend his registration for such period as it thinks proper or cause his name to be removed from the register.

(2) Where it appears to the Board that grounds may exist for the exercise of the powers conferred on it by this section, or it receives information from a person from which it appears that those grounds may exist, it shall serve notice on the Medical Commissioner of Mental Health Services stating that it proposes to inquire into the matter.

(3) Where notice is served on the Medical Commissioner of Mental Health Services under subsection (2), he shall take such steps as he considers necessary or desirable to protect the interests of the dentist to whom the notice relates and, in particular, the Board shall not exercise the powers conferred on it by this section in relation to the matters specified in the notice unless it has heard the Commissioner on those matters or some other medical practitioner authorized by him for that purpose.

(4) Section 31 (5) and (6) apply where a dentist is liable to suffer removal from the register, or suspension, under this section.

Medical  
unfitness  
to  
practise.  
1959, s. 28A.

**26**—(1) Where the Board is satisfied that a dentist is medically unfit to practise dentistry, it may, subject to this section, suspend his registration for such period as it thinks proper or remove his name from the register.

(2) Where a committee of assessors appointed to make a determination for the purposes of this section provides the Board with a certificate under section 6 (3) that states that the dentist named in it is medically unfit to practise dentistry, the Board shall proceed to determine in accordance with section 31 whether it should exercise the powers conferred on it by this section in respect of the dentist.

Dentists  
excluded from  
practice in  
other juris-  
dictions.  
1959, s. 29A.

**27**—(1) Where a dentist has, at any time, as a result of any proceedings against him, been excluded from practice in any jurisdiction outside the State otherwise than for a specified period, the Board may cause his name to be removed from the register.



(2) Where, as a result of any proceedings against him, a dentist is excluded from practice in any jurisdiction outside the State for a specified period, the Board may suspend his registration for the same period.

(3) This section does not apply to the exclusion of a dentist from practice unless that exclusion arises from a matter that relates to his conduct in a professional respect or would, in the State, afford grounds for his removal from the register or the suspension of his registration, and, in particular, does not apply where the exclusion was imposed for political reasons or on account of the religious views of the dentist.

**28**—(1) Where a qualification that is held by a dentist that is registered or may be registered has been withdrawn, cancelled, or revoked by the body or authority by which it was conferred, the Board may cause a note of the fact to be made in the register.

Withdrawal,  
&c., of  
qualifications.  
1959, s. 29a.

(2) Where the qualification referred to in subsection (1) is a qualification referred to in section 9 (1), the Board may cause the name of the dentist to be removed from the register or deal with his case under section 30 otherwise than by the imposition of a fine.

(3) Subsection (2) does not apply where the qualification was withdrawn, cancelled, or revoked for political reasons or on account of the religious views of the dentist.

**29**—If it is proved to the satisfaction of the Board that an entry in the register has been fraudulently made, the Board may cause the entry to be removed from the register.

Removal from  
register on  
grounds of  
fraud.  
1959, s. 29c.

**30**—(1) Where the Board may deal with the case of a dentist under this section, it may impose any one or more of the following penalties on the dentist:—

Subsidiary  
disciplinary  
powers.  
1959, s. 29d.

- (a) suspend his registration for such period as it thinks proper;
- (b) order him to pay a fine of such amount, not exceeding \$400, as it thinks proper;
- (c) require him to give to the Board an undertaking under this section;
- (d) reprimand him.

(2) An undertaking that may be given to the Board under this section is an undertaking to comply, during such period as the Board specifies, with such conditions as it may specify and, at any time within that period, to appear before the Board when required by it to do so.

(3) A condition referred to in subsection (2) may be a condition requiring the dentist concerned to be of good behaviour or any other condition that the Board may consider necessary or desirable to impose in the public interest.

(4) Where the Board is satisfied that a dentist has failed to comply with an undertaking given by him under this section, it may exercise, in relation to him, any of the powers that it could have exercised if it had not required him to enter into the undertaking or may require the terms of the undertaking to be varied.

(5) Where the Board requires a dentist to enter into an undertaking under this section, or requires the terms of such an undertaking to be varied, and, within such time as the Board may allow, that undertaking is not given or so varied, the Board may exercise, in relation to him, any of the powers that it could have exercised instead of requiring the undertaking to be entered into or varied.

Procedures on  
charges, &c.  
1959, s. 29g.

**31**—(1) Where the Board charges a person with professional misconduct, it shall require that person to appear before it by means of a summons stating that he is so charged and specifying the matters in respect of which he is so charged.

(2) Except in a case to which subsection (1) applies, where the Board proceeds to determine whether, in pursuance of any provision of this Division (other than section 20), it should exercise any of the powers conferred on it by this Division in respect of any person, it shall require him to appear before it by means of a summons stating that it intends so to proceed and specifying—

(a) the provision pursuant to which it so intends to proceed;  
and

(b) the matters in relation to which it so intends to proceed.

(3) A summons under this section requiring a person to appear before the Board shall be served at least 14 days before the day on which he is required by the summons so to appear.

(4) A summons under this section—

(a) shall be sealed with the Board's common seal; and

(b) may be served on the person to whom it is directed by—

(i) delivering it to him personally; or

(ii) sending it by certified mail addressed to him at his place of residence or practice last known to the Board.

(5) If a person duly served with a summons under this section fails to appear in accordance with the summons or, having so appeared, absents himself from the hearing of the charge or other matter to which the summons relates, the Board may proceed as if he were present.

(6) In any proceedings to which this section relates, the Board may have counsel appear before it to assist it in any matter arising in the course of those proceedings and any person appearing before the Board in those proceedings may be represented by counsel.

(7) Where the Board exercises in respect of a dentist—

(a) its power under this Division to cause his name to be removed from the register or to suspend his registration; or

(b) any of its powers under section 30,

it shall express its decision in the form of an order which shall be served on, or notified to, him in the same way as a summons under this section.

(8) Except as otherwise provided in subsection (4) of section 25, this section does not apply to proceedings under that section.

**32**—(1) A finding of fact relating to the conduct of a dentist made in any proceedings in a court (whether in the State or elsewhere) to which he is a party is, in any proceedings under this Division, evidence of that fact, unless the contrary is established.

Evidence of facts found in other proceedings. 1959, s. 29F.

(2) Where a qualification held by a dentist is withdrawn, cancelled, or revoked by the body or authority by whom it was awarded or granted, any finding of fact relating to the conduct of that dentist made in the proceedings as a consequence of which that qualification was so withdrawn, cancelled, or revoked that is notified to the Board by that body or authority is, in any proceedings under this Division, sufficient evidence of that fact.

Appeals to  
Supreme Court.  
1959, s. 29G.

**33**—(1) A person who is aggrieved by a decision of the Board under this Division—

(a) as a result of which his name is removed from the register; or

(b) exercising any of its powers under section 30,  
may appeal to the Supreme Court.

(2) An appeal under subsection (1) shall not be dealt with unless it is made within the period prescribed in accordance with the rules of court of the Supreme Court.

(3) Notice of an appeal made under subsection (1) shall be given to such persons as may be prescribed by rules of court of the Supreme Court or as the Supreme Court may direct, and those persons shall, together with the appellant, be parties to the hearing of the appeal.

(4) In deciding an appeal under subsection (1), the Supreme Court, unless it dismisses the appeal, may, by order, quash or vary the decision of the Board or make such decision in the case as the Board could have done.

(5) A decision made by the Board in respect of which an appeal is brought under subsection (1) has effect subject to any order made by the Supreme Court on that appeal.

(6) The decision of the Supreme Court in respect of an appeal under subsection (1) shall be final and shall be deemed to be the decision or order of the Board.

(7) The Registrar shall enter in the register a memorandum of the terms of a decision of the Supreme Court under this section.

Restoration to  
the register.  
1959, s. 29H.

**34**—(1) Where the name of a person has been removed from the register under this Division, the Board may, on the application of that person, cause his name to be restored to the register if it considers it proper to do so.

(2) An application for the restoration of a name to the register shall not be made to the Board—

(a) before the expiration of 12 months from the date of removal; or

(b) before the expiration of 12 months from the date on which such an application was previously made.

(3) Subsection (2) does not apply where the name of the person has been removed from the register under section 25 or 26.

(4) The Board may require a person applying for the restoration of his name to the register to attend personally before the Board for the purpose of proving facts on which his application depends.

(5) Where the Board restores to the register the name of a person whose name has been removed from the register pursuant to section 25 or 26, or where the period of his suspension pursuant to section 25 or 26 has expired, the Board may impose any conditions that, having regard to the mental condition or state of health of that person, it thinks necessary to impose limiting or otherwise qualifying or affecting the manner in, or places at which, that person may practise dentistry.

(6) The Board may from time to time, either of its own motion or on the application of the person concerned, vary or revoke a condition imposed by it under subsection (5).

(7) Where the Board is satisfied that a person has failed to comply with a condition imposed under subsection (5) in relation to his practice, the Board may remove his name from the register or suspend his registration for such period as it thinks proper.

**35**—(1) Where the name of a person is removed from the register, a registration granted to him that was in force immediately before his name was so removed ceases to be of effect, but again becomes of effect if and when his name is restored to the register.

Effect of removal from register or suspension. 1959, s. 29J.

(2) Where the registration of a person is suspended for a period, a registration granted to him that was in force immediately before the date on which the registration was suspended ceases to be of any effect during that period.

**36**—Where a dentist has had—

- (a) his name removed from the register; or
- (b) his registration suspended,

under this Division, the Board may notify the removal or suspension, and its cause, to any authority outside the State by whom he is registered as a dentist and to anybody that has granted him a qualification that may be registered under this Act.

Notification of removal from register, &c., to other authorities. 1959, s. 29K.

*Division 4—Restriction of practice of dentistry to registered persons*

Unregistered person not to use title of "dentist", &c.  
1919, s. 13.

**37**—(1) A person who is not registered as a dentist shall not—

- (a) take or use the name or title of dentist, either alone or in combination with other words, or the name or title of dental practitioner or dental surgeon; or
- (b) take or use, or have attached to, or exhibit at, his place of business or residence any name or title implying that he is registered under this Part, or that he is qualified to practise dentistry, or to carry on the practice of dentistry, or is competent or entitled to do so.

(2) A person shall not take or receive a fee or reward for the performance of a dental operation, for the carrying out or giving of any dental attendance or advice, or for the issue of any dental advice, unless he is registered as a dentist under this Part.

(3) Unless it consists wholly of dentists, a body of persons, whether corporate or unincorporate, shall not—

- (a) do any of the things prohibited by subsection (1); or
- (b) take or receive a fee or reward for the performance of a dental operation, for the carrying out or giving of any dental attendance or advice, or for the issue of a dental prescription.

(4) Subsections (2) and (3) do not apply to a fee or reward taken or received for the performance of a dental operation, for the carrying out or giving of any dental attendance or advice, or for the issue of a dental prescription, at—

- (a) a public hospital within the meaning of the *Hospitals Act 1918*;
- (b) a private medical establishment in respect of which a licence is in force under that Act; or
- (c) an institution within the meaning of the *Public Welfare Institutions Act 1935*.

(5) Subsections (2) and (3) do not prohibit the taking or receiving of a fee or reward for the performance of a dental operation, for the carrying out or giving of any dental attendance or advice, or for the issue of a dental prescription by—

- (a) a registered society or registered branch within the meaning of the *Friendly Societies Act 1888*; or

(b) a body corporate for the time being approved by the Board for the purposes of this section,

so long as no offence would have been committed under this section if that fee or reward had been paid to the person by whom, or at whose direction, the operation was performed, the attendance or advice was carried out or given, or the prescription was issued.

(6) In its application to a dentist holding a limited registration, a reference in subsection (2) or (3) to a dental operation, or to any dental attendance, prescription, or advice, shall be read as including references only to operations, attendances, prescriptions, and advice of the kind that he is authorized to carry out or give under the terms of his registration.

(7) This section does not apply so as to prevent a dental auxiliary from receiving any remuneration or other payments in the course of his employment by a dentist.

(8) This section—

- (a) does not apply to a legally-qualified medical practitioner;
- (b) does not restrict the operation of section 48; or
- (c) does not apply so as to prevent a dental mechanic from publishing that he is registered as a dental mechanic under Part IV.

(9) A person who contravenes a provision of this section is guilty of an offence and is liable on summary conviction to a penalty of not less than \$500 and not more than \$1 000 for a first offence and to a penalty of not less than \$1 000 and not more than \$2 000 or 6 months' imprisonment, or both, for a subsequent offence.

**38**—(1) The personal representative of a dentist who carried on the practice of dentistry at the time of his death may continue the business of that dentist for a period of 6 months from the date of death or for such longer time as the Board permits, if the business so continued is conducted by a dentist.

Provision for continuing business after death of dentist. 1919, s. 19.

(2) Where, pursuant to subsection (1), the personal representative of a dentist continues the business of that dentist, that personal representative shall not—

- (a) continue that business for a period longer than he is entitled to by or under that subsection; or
- (b) permit that business to be conducted by a person other than a dentist.

Penalty: Not less than \$500 and not more than \$1 000.

(3) A dentist who conducts the business of a deceased dentist on behalf of his personal representative pursuant to subsection (1) or a purchaser of the business and the goodwill from that personal representative shall not use the name of the deceased dentist in an advertisement, sign, or announcement to the public or to the patients of the deceased dentist unless the advertisement, sign, or announcement clearly states that he has died.

Penalty: Not less than \$500 and not more than \$1 000.

Persons,  
other than  
registered  
dentists, not  
to practise  
dentistry, &c.  
1919, s. 20.

**39**—(1) Except as provided in this section and section 48, a person who is not registered as a dentist under this Part shall not, with or without the payment of a fee or reward, practise dentistry.

Penalty: Not less than \$500 and not more than \$1 000.

(2) Where a person is convicted of an offence under subsection (1), having previously been convicted of such an offence, the court, in addition to, or in lieu of, imposing a pecuniary penalty under that subsection, may sentence him to imprisonment for not more than 6 months and, if it does not impose a pecuniary penalty under that subsection, for not less than 3 months.

(3) Notwithstanding section 26 of the *Justices Act* 1959, a complaint under this section may be made within 2 years from the time when the matter of complaint arose.

(4) If an officer of police of or above the rank of inspector believes that there are reasonable grounds for suspecting that a person has committed, or is committing, or is about to commit, an offence under subsection (1), he may issue a warrant under his hand to some police officer named in the warrant authorizing him—

- (a) within the period of 14 days after the date of the warrant, either alone, or with the assistance of such police officers or other persons (including members of the Board) as he thinks fit, at any time, whether by day or by night, to enter or re-enter into or on, and search, the place to which the warrant relates;
- (b) to use force if necessary in making entry or re-entry, whether by breaking open doors or windows, or otherwise; and
- (c) to seize any instrument, apparatus, tool, device, drug, medicine, prescription, book, document, paper, or other thing relating to the practice of dentistry.



(5) In subsection (4), “ police officer ” means a person who is employed in the police force within the meaning of section 5 of the *Police Regulation Act 1898*.

(6) A warrant issued under subsection (4) may be executed according to its tenor and any property seized under it may be detained and may, if the property or anything contained in the property is relevant, be used in evidence in any proceedings against a person in respect of a contravention of this section.

(7) Where a person is convicted of an offence under subsection (1), the court by which he is convicted may order that anything that has been seized under subsection (4) (c) that it is satisfied has been used by that person in the practice of dentistry or has been in his possession for the purpose of being so used shall be forfeited to the Crown.

(8) This section does not apply to—

- (a) a legally-qualified medical practitioner;
- (b) a person holding a limited registration in respect of his practising dentistry within the limits imposed by his registration;
- (c) a dental auxiliary in respect of his carrying out a process or operation that he is authorized to carry out by virtue of the provisions of section 43 or the regulations made under that section;
- (d) a wholesale manufacturer of, or dealer in, dentists' supplies and equipment in respect of his manufacture or trade; or
- (e) an employee of a dentist or dental mechanic in respect of his carrying out under the supervision of his employer the mechanical construction, adjustment, or repair of artificial dentures and other dental appliances.

#### *Division 5—Miscellaneous*

**40—**(1) The Board may require the attendance of any person as a witness for the purposes of this Part.

Powers of Board in respect of matters under this Part. 1919, s. 27.

(2) Subject to this section, where the Board exercises its powers under subsection (1) in relation to a matter, Division 2 of Part II of the *Evidence Act 1910* applies to the matter as if—

- (a) the Board were a board of inquiry referred to in section 14 (1) (b) of that Act; and

(b) that matter were the matter into which that board was appointed to inquire by its instrument of appointment.

(3) Notwithstanding anything in the *Evidence Act* 1910, a person who attends before the Board for the purpose of giving evidence when summoned to do so is entitled to be paid such fees, allowances, and sums by way of reimbursement of expenses as may be prescribed in the regulations.

Fees and penalties to be paid to the Board. 1919, s. 30.

**41**—(1) All fees received, and all penalties recovered, under this Part shall be paid to the Board.

(2) The money received by the Board for fees and penalties and for the sale of copies of the register shall be applied by the Board in or towards paying the expenses of the administration of this Part, including the expenses incurred by the Board in paying the remuneration referred to in clause 6 of Part I of Schedule 1.

Offences triable only by a magistrate. 1919, s. 32.

**42**—Proceedings in respect of offences under this Part shall be heard and determined by a magistrate sitting alone.

### PART III

#### DENTAL AUXILIARIES

Dental auxiliaries.

**43**—(1) Regulations may be made under this Part by the Governor, on the recommendation of the Board, and may provide for the registration of persons as dental auxiliaries or as dental auxiliaries of a specified class and, in relation to a person so registered, may prescribe the operations and procedures in dentistry that persons so registered are entitled to carry out.

(2) The regulations shall not authorize the carrying out of any operation or procedure except at the direction, and under the supervision, of a dentist.

(3) The regulations may make provision for or with respect to—

- (a) the course of training for persons who desire to be registered as dental auxiliaries or as dental auxiliaries of a specified class;
- (b) the qualifications for registration, and the circumstances in which or the conditions under which a person may be refused or granted registration;

- (c) the cancellation or suspension of the registration of any person;
- (d) the penalties that may be imposed on, or the other action that may be taken against, a dental auxiliary in prescribed circumstances;
- (e) appeals against refusals to grant or restore, or against cancellation or suspension of registrations, or against the imposition of any such penalty, or the taking of any such other action, as is referred to in paragraph (d);
- (f) the fees to be paid in respect of the grant, retention, or restoration of a registration;
- (g) the form and keeping of registers in which particulars of the grant, cancellation, suspension, and restoration of registrations are recorded; and
- (h) the recording in any such register of particulars relating to persons to whom registration is granted.

(4) The regulations may be made subject to such conditions, or be made so as to apply differently according to such factors, as may be specified in the regulations or according to such limitations or restrictions, whether as to time or circumstance or otherwise, as may be so specified.

(5) The regulations may provide that it is an offence, punishable on summary conviction, for a person to contravene, or fail to comply with, any of the regulations and may provide in respect of any such offence for the imposition of a penalty not exceeding \$500 and, in the case of a continuing offence, a further penalty not exceeding \$10 for each day during which the offence continues.

(6) A regulation may authorize any matter or thing to be from time to time determined, applied, or regulated by any person or body specified in the regulation.

## PART IV

### THE DENTAL MECHANICS REGISTRATION BOARD AND REGISTRATION AND PRACTICE OF DENTAL MECHANICS

#### *Division 1—The Dental Mechanics Registration Board*

**44**—(1) There is constituted by this Act a body corporate with the corporate name of the “Dental Mechanics Registration Board”.

(2) The Board—

- (a) has perpetual succession;
- (b) shall have a common seal;

Constitution  
of the  
Dental  
Mechanics  
Registration  
Board.  
1919, s. 33 (1).

- (c) may take proceedings, and be proceeded against, in its corporate name;
- (d) may acquire, hold, and dispose of real and personal property;
- (e) may do and be subject to all other things that bodies corporate may, by law, do and be subject to and that are necessary for or incidental to the purposes for which it is constituted; and
- (f) has the functions imposed, and the powers conferred on it, by or under this or any other Act.

(3) All courts, judges, and persons acting judicially shall take judicial notice of the common seal of the Board affixed to a document and shall, unless the contrary is established, presume that it was duly affixed.

Provisions  
with respect  
to constitution,  
membership,  
and meetings  
of the Board.  
1919, ss.  
33 (2)-(6),  
34, and 35.

**45**—(1) The Board shall consist of 5 members of whom—

- (a) one shall be the Director-General of Health Services; and
- (b) four shall be appointed by the Governor.

(2) Of the members of the Board appointed by the Governor—

- (a) two shall be dentists nominated by the Dental Board of Tasmania; and
- (b) two shall be dental mechanics nominated by the Tasmanian Dental Mechanics' and Dental Employees' Association.

(3) If the body referred to in paragraph (b) of subsection (2) changes its name to another name or ceases to exist under the name referred to in that paragraph, the Governor may, by order, amend that paragraph—

- (a) by substituting for the name of that body that other name;
- or

- (b) by substituting for the name of that body the name of some other association or body that he is satisfied represents substantially the same interests as those represented by the first-mentioned body.

(4) If a nomination required by subsection (2) is not made within 6 weeks after written notice to nominate a person for appointment to the Board is given by the Minister to the body entitled to make the nomination, the Governor may, without a nomination, appoint as and to be a member of the Board a person possessing the necessary qualifications.

(5) The member referred to in subsection (1) (a) shall be the chairman of the Board.

(6) Part I of Schedule 2 has effect with respect to the membership of the Board.

(7) Part II of Schedule 2 has effect with respect to meetings of the Board.

**46**—(1) The Board may appoint a person as the Secretary of the Board and such other officers as the Board considers necessary for the administration of this Part. Secretary and other officers of the Board. 1919, s. 36.

(2) A person who is an officer of the Public Service may, with the approval of the Public Service Board, be appointed as the Secretary or another officer of the Board and a person so appointed may hold office as an officer of the Board in conjunction with his office in the Public Service.

(3) The Board may, out of the funds at its disposal, pay to the officers appointed by it pursuant to subsection (1) such remuneration (including travelling and sustenance allowances) as the Board determines.

(4) An officer of the Board shall hold office on such terms and conditions as are specified in his instrument of appointment.

(5) The provisions of the *Public Service Act* 1973 do not apply to or in respect of the appointment of an officer of the Board and an officer of the Board is not, in his capacity as such, subject to the provisions of that Act during his term of office.

**47**—(1) The Board may, with the approval of the Governor, make regulations for the purposes of this Part. Regulations. 1919, s. 48.

(2) Without limiting subsection (1), the regulations may—

- (a) prescribe the manner in which a complaint or charge of misconduct as a dental mechanic may be preferred to the Board;
- (b) prescribe the procedure to be followed at, and any matters incidental to, the holding of an inquiry by the Board in respect of any such complaint or charge;
- (c) prescribe the course of training referred to in section 49 (1) (b) (i) and the fee to be paid by persons undertaking that course;
- (d) regulate the supervision and conduct, and prescribe the standard, of examinations for the purposes of this Part;
- (e) regulate, control, supervise, and restrict the practice of persons registered under this Part;

- (f) provide for reciprocal recognition of training received, experience gained, and examinations passed outside the State;
- (g) prescribe the manner of keeping and controlling the register; and
- (h) prescribe the fees to be paid in respect of any examination, application, registration, certificate, inspection, or other matter required, or provided for, under or pursuant to this Part.

(3) The regulations may be made subject to such conditions, or be made so as to apply differently according to such factors, as may be specified in the regulations or according to such limitations or restrictions, whether as to time or circumstance or otherwise, as may be so specified.

(4) The regulations may provide that it is an offence, punishable on summary conviction, for a person to contravene, or fail to comply with, any of the regulations and may provide in respect of any such offence for the imposition of a penalty not exceeding \$500 and, in the case of a continuing offence, a further penalty not exceeding \$10 for each day during which the offence continues.

(5) A regulation may authorize any matter or thing to be from time to time determined, applied, or regulated by any person or body specified in the regulation.

*Division 2—Scope of dental mechanics' operations and registration of dental mechanics*

**48**—(1) A dental mechanic—

- (a) may, on his own account and in direct relationship with the public; or
- (b) may, in accordance with the instructions given by a dentist to himself or to another dental mechanic by whom he is employed,

undertake, take impressions for, and carry out the mechanical construction, fitting, and adjustment of artificial dentures and protective mouth guards.

(2) Nothing in subsection (1) authorizes a dental mechanic to take impressions for, or fit, an artificial denture or a protective mouth guard in a mouth in which any unhealed tissue is in evidence.

(3) A dental mechanic may, whether for fee or reward or otherwise, repair artificial dentures and other dental appliances.

(4) A person pursuing the course of training prescribed in the regulations under section 47 (2) (c) may, under the supervision and on behalf of a dentist or dental mechanic and as prescribed for the purposes of the course in the regulations, do anything that a dental mechanic may do under this section.

**49**—(1) After making an application to the Board under this section, a person is entitled to be registered under this Part if he proves to the satisfaction of the Board—

Qualifications  
for registration.  
1919, s. 37.

- (a) that he is of good fame and character;
- (b) that he has completed—
  - (i) the course of training prescribed in the regulations; or
  - (ii) a course of training that the Board is satisfied is equivalent to the course of training referred to in subparagraph (i); and
- (c) that he has passed the examinations prescribed in the regulations.

(2) An application for registration under this Part—

- (a) shall be in the form; and
- (b) shall be accompanied by the fee,

prescribed in the regulations.

(3) If an application under this section is refused by the Board the Secretary shall, immediately after the refusal, notify the applicant, in writing, of the refusal of the application and of the reasons for the refusal.

**50**—Where the Board grants registration under this Part to a person, it shall issue a certificate of registration to that person.

Certificates of  
registration.

**51**—(1) A dental mechanic shall, on or before 31st December in each year—

Annual  
registration  
fees.  
1919, s. 39.

- (a) pay to the Board such annual registration fee as is prescribed in the regulations; and
- (b) provide the Board with particulars of his address.

(2) The Board may, in any case in its discretion, waive the payment of an annual registration fee.

(3) If a dental mechanic does not as required by this section pay an annual registration fee on or before 31st December in any year, the Board shall immediately give him written notice that, if the fee is not paid before 31st March next following, his name will be removed from the register.

(4) If a dental mechanic does not comply with a notice under subsection (3), the Board shall immediately cause his name to be removed from the register.

(5) If a person's name is removed from the register under this section, the Board shall restore it—

(a) on application by that person in the form; and

(b) on payment of the fee,

prescribed in the regulations.

(6) The Board may waive the payment of the whole or such part of the fee mentioned in subsection (5) as it may, in its discretion, in a particular case, determine.

Register  
of dental  
mechanics.  
1919, s.  
40 (1)-(3)  
and (5).

**52**—(1) The Secretary shall keep a register of dental mechanics.

(2) The Secretary shall enter in the register—

(a) the full name and address of every dental mechanic;

(b) the date of his registration;

(c) particulars of the qualification in respect of which his registration is granted; and

(d) such other particulars (if any) as are directed by the Board or the regulations to be entered in it.

(3) The register shall be kept in the custody of the Secretary.

(4) A member of the public who—

(a) attends the office of the Secretary during the ordinary business hours of that office;

(b) makes a request to inspect the register; and

(c) pays the inspection fee prescribed in the regulations, is entitled to inspect the register and to make a copy of any entry in it.

(5) The Board may sell copies of the register at such price for each copy as it determines.

(6) The Secretary shall revise and correct the register as prescribed in the regulations or as the Board directs.



**53**—The Secretary shall, in January in each year, cause a copy of the register to be published in the *Gazette*.

Annual publication of register. 1919, s. 40 (4).

**54**—(1) The Board shall cause to be removed from the register the name of—

Removal of names from register and suspension of registrations. 1919, ss. 41 and 42.

- (a) a deceased dental mechanic;
- (b) a dental mechanic who has ceased to possess, or who, in the opinion of the Board, does not possess the qualifications in respect of which his registration is granted;
- (c) a dental mechanic who has become liable to be detained under the *Mental Health Act* 1963 in a hospital, being a hospital within the meaning of section 3 (1) of that Act; and
- (d) a person who has not been a resident in the State for at least 3 years and who has not paid the annual registration fee payable under section 51 in respect of the year then current.

(2) Where a dental mechanic at any time—

- (a) has been convicted in the State or elsewhere of a crime or of any offence that, if it had been committed in the State, would have been a crime;
- (b) has been convicted of an offence under section 39; or
- (c) has been adjudged by the Board, after an inquiry, to have been guilty of gross negligence, incompetence, or fraudulent conduct in or in connection with the performance of any work as a dental mechanic undertaken by him,

the Board may cause his name to be removed from the register or may suspend his registration for such period as the Board thinks fit.

(3) The following provisions apply in respect of an inquiry under subsection (2) (c):—

- (a) before holding the inquiry, the Board shall, at least 14 days before the date on which the inquiry is to be heard, serve a notice in writing on the dental mechanic in respect of whom the inquiry is to be held specifying the matter in relation to which the inquiry is to be

held and requiring him to appear before the Board on the holding of the inquiry at such place, date, and time as are specified in the notice to show cause why his registration should not be cancelled or suspended;

(b) subject to paragraph (c), Division 2 of Part II of the *Evidence Act* 1910 applies to the inquiry as if—

(i) the Board were a board of inquiry referred to in section 14 (1) (b) of that Act; and

(ii) the subject of the inquiry were the matter into which that board was appointed to inquire by its instrument of appointment;

(c) notwithstanding anything in the *Evidence Act* 1910, a person who attends before the Board for the purpose of giving evidence when summoned to do so is entitled to be paid such fees, allowances, and sums by way of reimbursement of expenses as are prescribed in the regulations.

(4) Where the Board removes a person's name from the register, or suspends his registration, under this section, the Board shall cancel his certificate of registration or, as the case may be, shall suspend the operation of that certificate for the same period as his registration is suspended.

(5) A person whose name is removed from the register, or whose registration is suspended, under this section or the personal representative of that person shall, on receipt of a notice in writing requesting its surrender and served on him by the Board, immediately surrender his certificate of registration to the Board.

(6) A person who fails to comply with a notice served on him pursuant to subsection (5) is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$200.

(7) The cancellation, or the suspension of the operation, of a certificate of registration under subsection (4) is, for all purposes, effective, notwithstanding the failure of the person concerned to surrender the certificate pursuant to a notice under subsection (5).

(8) Where—

(a) the name of a person is restored to the register by direction of the Board or pursuant to an order made by a magistrate, the Board shall issue a fresh certificate of registration to that person; or

- (b) the period for which the operation of a person's certificate of registration is suspended by the Board expires or ceases to operate by virtue of an order made by a magistrate, the suspension of the operation of the certificate imposed by the Board under subsection (4) ceases to have effect at the same time as that period expires or ceases to operate.

**55**—(1) A person who is aggrieved by—

- (a) the refusal of the Board to register him under this Part;  
or  
(b) the removal of his name from the register, otherwise than pursuant to section 51, or the suspension of his registration,

Appeals from  
decisions of  
the Board.  
1919, s. 43.

may, within one month after the refusal, removal, or suspension, appeal, as prescribed in the regulations, to a magistrate.

(2) In deciding an appeal under subsection (1), a magistrate, unless he dismisses the appeal, may—

- (a) in the case of an appeal under subsection (1) (a), by order, direct the Board to grant the appellant registration; or  
(b) in the case of an appeal under subsection (1) (b), by order, quash the decision of the Board to which the appeal relates or substitute for that decision any other decision that the Board could have made in respect of the matter to which the appeal relates.

(3) The Board shall comply with an order made by a magistrate under subsection (2).

(4) An appeal under subsection (1) shall be heard and determined as prescribed in the regulations.

(5) The decision of a magistrate in respect of an appeal under subsection (1) shall be final and shall be deemed to be the decision or order of the Board.

(6) The Secretary shall enter in the register a memorandum of the terms of a decision of a magistrate under this section.

**56**—(1) Where the Board causes the name of a person to be removed from the register, the name of that person shall not be restored to the register, except by direction of the Board or by order of a magistrate.

Restoration  
of name to  
register.  
1919, s. 44.

(2) The Board may, if it thinks fit in any case, direct the Secretary to restore to the register a name removed from it, without fee, or on payment of the fee prescribed in the regulations, and the Secretary shall restore the name accordingly.

Offences.  
1919, s. 45.

**57**—A person shall not—

(a) wilfully procure—

(i) the registration under this Part of; or

(ii) a certificate of registration or any other certificate under this Part for,

himself or any other person by making or producing a false or fraudulent representation or declaration, either orally or in writing;

(b) wilfully make or cause to be made a false entry in, or a falsification of, the register;

(c) forge, alter, or counterfeit a certificate referred to in paragraph (a) (ii);

(d) utter or use such a forged, altered, or counterfeited certificate, knowing it to have been forged, altered, or counterfeited;

(e) fraudulently hold himself out as being registered or holding a certificate under this Part; or

(f) falsely personate a dental mechanic of the same name or a similar or different name, or fraudulently obtain a certificate under this Part issued to another person.

Penalty: Not less than \$500 and not more than \$1 000 or 12 months' imprisonment.

### *Division 3—Miscellaneous*

Fees and  
penalties  
to be paid  
to the Board.  
1919, s. 46.

**58**—(1) All fees received, and all penalties recovered, under this Part shall be paid to the Board.

(2) The money received by the Board for fees and penalties and for the sale of copies of the register shall be applied by the Board in or towards paying the expenses of the administration of this Part, including the expenses incurred by the Board in paying the remuneration referred to in clause 5 of Part I of Schedule 2.

## PART V

### MISCELLANEOUS

Duplicate  
certificates of  
registration.

**59**—(1) In this section, “certificate of registration” means a certificate of registration under section 13 or 50.

(2) Where the holder of a certificate of registration claims that his certificate has been lost or destroyed, he may make an application in accordance with subsection (4) to the appropriate Board for the issue of a duplicate certificate of registration.

(3) On receipt of an application made under subsection (2), a Board shall, if after the production of such evidence as it may require it is satisfied that the certificate of registration has been lost or destroyed, issue a duplicate certificate of registration to the applicant in place of the original certificate.

(4) An application under subsection (2) shall—

(a) be in the form, and contain the information;

(b) be made in the manner; and

(c) be accompanied by the fee,

prescribed in the regulations.

(5) On the issue of a duplicate certificate of registration under subsection (3), the original certificate of registration shall be deemed to be cancelled and the duplicate certificate has the same effect as the original certificate.

**60**—(1) Each Board shall cause to be kept proper accounts and records in relation to the money received by it under this Act. Accounts. 1919, ss. 31 and 47.

(2) Each Board shall, as soon as practicable after 30th June in each year—

(a) prepare a statement of accounts exhibiting a true and correct view of the Board's financial position as at that date;

(b) cause the accounts shown in that statement to be audited by a qualified accountant; and

(c) submit to the Minister that statement with the accounts audited as provided in paragraph (b).

**61**—(1) Each Board shall, as soon as practicable after 30th June in each year, prepare a report of its affairs and activities for the period of 12 months ending on that date and submit the report to the Minister. Annual reports of Boards. 1919, s. 48A.

(2) The Minister shall lay, or cause to be laid, before each House of Parliament a copy of a report submitted to him in accordance with subsection (1) within 10 sitting days of the House after the date on which he receives that report.

Evidentiary  
provisions.  
1919, s. 50.

**62**—(1) A certificate purporting to be under the hand of the Registrar or Secretary certifying that—

- (a) a person was or was not, on a date or during a period specified in the certificate, registered under this Act; or
- (b) the registration of a person under this Act was, on a date or during a period specified in the certificate, suspended under this Act,

is admissible in evidence in any proceedings and is evidence of the matters stated in the certificate.

(2) The following are admissible in any proceedings as evidence of an entry in a register:—

- (a) a certificate purporting to be under the hand of the Registrar or Secretary certifying that the copy of the entry contained in the certificate is a true copy of that entry;
- (b) a copy of the register purporting to be printed by the Government Printer which is, for the time being, the latest copy so printed.

(3) Any—

- (a) entry in a register; or
- (b) copy of the *Gazette* purporting to contain a notification relating to any appointment, register, registration, erasure, suspension, or reinstatement, or any other matter under or for the purposes of this Act,

is admissible in any proceedings as evidence of all matters contained in the entry or copy and gives rise to a rebuttable presumption of the truth of those matters.

(4) Judicial notice shall be taken—

- (a) of the signature of a person who holds or has held office as the Chairman or as the Registrar or Secretary of a Board and of the fact of his appointment;
- (b) of the appointment of a person who holds or has held office as a member of a Board;
- (c) of the signature of a person who has held office as the Chairman of a Board constituted under the *Dentists Act 1919* or as the Registrar or Secretary of such a Board; and
- (d) of the appointment of a person who has held office as a member of a Board referred to in paragraph (c).

**63**—(1) Where an offence against this Act is committed by a body corporate, every person concerned in the management of that body corporate shall be deemed also to have committed the offence and may be convicted of the offence, unless he proves that the act or omission constituting the offence took place without his knowledge or consent.

Offences by  
bodies  
corporate.

(2) A person referred to in subsection (1) may be convicted of an offence under that subsection whether or not the body corporate is charged with or convicted of the offence.

**64**—(1) Where under this Act a document is required or authorized to be served on, or a notice is required or authorized to be given to, a person by a Board, and no other provision has been made elsewhere in this Act in that regard, the document may be served or, as the case may be, the notice may be given—

Service of  
documents, &c.

(a) by delivering it to him personally; or

(b) by sending it by post addressed to him at his place of residence, business, or practice last known to that Board.

(2) Where under this Act a document or notice is served by sending it by certified mail, the serving of the document or notice shall be deemed to be effected by properly addressing, prepaying, and posting the document or notice as a letter sent by means of the certified mail service as provided by the by-laws as in force for the time being under the *Postal Services Act 1975* of the Commonwealth, and, unless the contrary is proved, shall be deemed to have been effected at the time when the letter would be delivered in the ordinary course of post.

**65**—The *Dentists Act 1919* is repealed.

Repeal.

**66**—(1) Each Act specified in column 1 of Schedule 3 is amended in the manner specified opposite the reference to that Act in column 2 of that Schedule.

Amendments  
of Acts  
containing  
references to  
certified  
dentists, &c.

(2) A reference to a certified dentist in an Act other than one to which subsection (1) relates or in any regulation shall be read as a reference to a dentist within the meaning of this Act.

**67**—Schedule 4 has effect.

Savings and  
transitional  
provisions.

1919, ss. 7  
(3)-(6) and 8.

## SCHEDULE 1

Section 5 (5)

## PART I

## PROVISIONS WITH RESPECT TO THE MEMBERSHIP OF THE DENTAL BOARD OF TASMANIA

Interpretation.

1—In this Part—

“appointed member of the Board” means the member of the Board appointed by the Governor;

“elected member of the Board” means a member of the Board elected by dentists.

Terms of office of elected members.

2—(1) An elected member of the Board shall, subject to this Act, hold office from the date of his election for such term not exceeding 3 years as is specified in the regulations or until the date on which his successor is elected, whichever first happens.

(2) The sequence of the retirement of elected members of the Board shall be in accordance with the regulations.

Term of office and conditions of service of appointed member.

3—The appointed member of the Board shall hold office for such term, and on such terms and conditions, as are specified in his instrument of appointment.

Provisions relating to members.

4—Where, by or under any Act, provision is made requiring the holder of an office to devote the whole of his time to the duties of his office, that provision shall not operate to disqualify him from holding that office and also the office of a member of the Board or from accepting and retaining any remuneration payable to a member of the Board under clause 6.

Office of member not an office or place of profit.

5—The office of a member of the Board shall not, for the purposes of any Act, be deemed to be an office or place of profit under the Crown.

Remuneration of members.

6—(1) Subject to subclause (2), each member of the Board is entitled to be paid such remuneration (including travelling and sustenance allowances) as the Board may from time to time determine in respect of him.

(2) A determination shall not be made under subclause (1) without the approval of the Public Service Board in respect of a member of the Board who holds office in the Public Service.

Public Service Act 1973 not to apply.

7—The provisions of the *Public Service Act* 1973 do not apply to or in respect of the appointment or election of a member of the Board and a member of the Board is not, in his capacity as such a member, subject to the provisions of that Act during his term of office.

Appointment of substitute to act during absence of chairman or other member of Board.

8—(1) The Governor may appoint any person who is a dentist (including a member of the Board other than the chairman) to act in the office of the chairman of the Board or appoint any person who is a dentist to act in the office of a member of the Board other than the chairman while the chairman or that member, as the case may be, is absent from his office through illness or any other cause.



(2) A member of the Board other than the chairman shall, for the purposes of subclause (1), be deemed to be absent from his office if he is acting in the office of the chairman pursuant to subclause (1).

(3) A member of the Board shall, for the purposes of subclause (1), be deemed to be absent from his office if there is a vacancy in that office which has not been filled in accordance with clause 10.

(4) No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorizing a person to act in the office of a member of the Board, and all things done or omitted to be done by that person while so acting shall be as valid, and shall have the same consequences, as if they had been done or omitted to be done by that member.

9—(1) An elected member of the Board shall be deemed to have vacated his office— Vacation  
of office.

- (a) when he dies;
- (b) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors, or makes an assignment of his remuneration or estate for their benefit;
- (c) if he is absent from 3 consecutive ordinary meetings of the Board of which reasonable notice has been given to him, either personally or in the ordinary course of post, unless on leave granted by the Board;
- (d) if he becomes liable to be detained under the *Mental Health Act* 1963 in a hospital, being a hospital within the meaning of section 3 (1) of that Act;
- (e) if he is convicted in the State of a crime or an offence which is punishable by imprisonment for 12 months or upwards, or if he is convicted elsewhere than in the State of an offence which, if committed in the State, would be a crime or an offence so punishable or if he has been convicted, whether in the State or elsewhere, of a crime or an offence for which he has been sentenced to imprisonment;
- (f) if he is convicted of an offence against this Act;
- (g) if he resigns his office by writing under his hand addressed to the Governor and the Governor accepts the resignation;
- (h) if, having been appointed by virtue of his being a dentist holding office in the Public Service, he ceases to hold that office;
- (i) if his name is removed from the register kept pursuant to section 16;  
or
- (j) if he is removed from office by the Governor under subclause (2).

(2) The Governor may remove an elected member of the Board from office for misbehaviour or incompetence.

Filling of  
casual  
vacancies.

10—(1) On the occurrence of a vacancy in the office of the appointed member of the Board otherwise than by the expiration of the term for which he was appointed, the Governor may appoint a person to the vacant office for the balance of his predecessor's term of office, being a person qualified and recommended under section 5 (1) (b).

(2) On the occurrence of a vacancy in the office of an elected member of the Board otherwise than by the expiration of the term for which he was elected, dentists may elect, as prescribed in the regulations, a person who is a dentist to the vacant office for the balance of his predecessor's term of office.

Validity of  
proceedings,  
&c.

11—(1) No act or proceeding of the Board or of a person acting pursuant to a direction of the Board is invalidated or prejudiced by reason only of the fact that at the time when the act or proceeding was done, taken, or commenced, there was a vacancy in the office of a member of the Board.

(2) All acts and proceedings of the Board or of a person acting pursuant to a direction of the Board are, notwithstanding the subsequent discovery of a defect in the appointment or election of a member of the Board or that a person was disqualified from acting as, or incapable of being, a member of the Board, as valid as if the member had been duly appointed or elected and was qualified to act as, or capable of being, a member of the Board, and as if the Board had been fully constituted.

Presumptions.

12—In any proceedings by or against the Board, unless evidence is given to the contrary, no proof shall be required of—

- (a) the constitution of the Board;
- (b) any resolution of the Board;
- (c) the appointment or election of a member of the Board; or
- (d) the presence of a quorum at a meeting of the Board.

1919, s. 9  
and Sched. 1.

## PART II

Section 5 (6)

### PROVISIONS WITH RESPECT TO MEETINGS OF THE BOARD

Convening of  
meetings.

1—(1) Meetings of the Board may be convened by the chairman or by any 2 members.

(2) A notice of a meeting of the Board—

- (a) shall be in writing; and
- (b) shall be delivered to each member of the Board personally, or sent by post or left at his place of residence or at his place of employment, at least 7 days before the meeting.

Procedure at  
meetings.

2—(1) Three members of the Board shall form a quorum at a duly convened meeting of the Board.

(2) A duly convened meeting of the Board at which a quorum is present shall be competent to transact any business of the Board.

(3) Questions arising at a meeting of the Board shall be determined by a majority of votes of the members present and voting.

(4) If a member of the Board refuses to vote on a question referred to in subclause (3), his vote shall be counted for the negative.

3—(1) The chairman shall preside at all meetings of the Board at which Chairman. he is present.

(2) If the chairman is not present at a meeting of the Board, a member elected by the members present shall preside at that meeting.

(3) The member presiding at a meeting of the Board has a deliberative vote only, and, in the event of an equality of votes on a question arising at a meeting of the Board, the question shall pass in the negative.

4—(1) The members present at a meeting of the Board may adjourn the Adjournment of meetings. meeting.

(2) If a quorum is not present within half an hour after the time appointed for a meeting of the Board, the members present, or any one member if only one is present, or the Registrar if no member is present, may adjourn the meeting to—

(a) a later hour of the same day on which the meeting was appointed to be held; or

(b) any time on any other day not more than 7 days from the date of the adjournment.

5—The Board shall cause full and accurate minutes to be kept of its pro- Minutes. ceedings at meetings.

6—The procedure for the calling of, and for the conduct of business at, General procedure. meetings of the Board shall, subject to any procedure that is specified in this Part, be as determined by the Board.

## SCHEDULE 2

Section 45 (6) 1919, ss. 33 (5) and (6) and 34.

### PART I

#### PROVISIONS WITH RESPECT TO THE MEMBERSHIP OF THE DENTAL MECHANICS REGISTRATION BOARD

1—In this Part, “appointed member of the Board” means a member of the Interpretation. Board appointed by the Governor.

2—An appointed member of the Board shall, subject to this Act, hold Terms of office. office for such term not exceeding 3 years as is specified in his instrument of appointment.

3—Where, by or under any Act, provision is made requiring the holder Provisions relating to members. of an office to devote the whole of his time to the duties of his office, that provision shall not operate to disqualify him from holding that office and also the office of a member of the Board or from accepting and retaining any remuneration payable to a member of the Board under clause 5.

4—The office of a member of the Board shall not, for the purposes of any Office of member not an office or place of profit. Act, be deemed to be an office or place of profit under the Crown.

5—(1) Subject to subclause (2), each member of the Board is entitled to Remuneration of members. be paid such remuneration (including travelling and sustenance allowances) as the Board may from time to time determine in respect of him.

(2) A determination shall not be made under subclause (1) without the approval of the Public Service Board in respect of a member of the Board who holds office in the Public Service.

*Public Service Act 1973* not to apply.

6—The provisions of the *Public Service Act 1973* do not apply to or in respect of the appointment of a member of the Board and a member of the Board is not, in his capacity as such a member, subject to the provisions of that Act during his term of office.

Appointment of substitute to act during absence of chairman or other member of Board.

7—(1) Subject to subclause (2), the Governor may appoint any person (including a member of the Board other than the chairman) to act in the office of the chairman of the Board or appoint any person to act in the office of a member of the Board other than the chairman while the chairman or that member, as the case may be, is absent from his office through illness or any other cause.

(2) A person who is appointed to act in the office of a member of the Board other than the chairman shall have the same qualification that that member is required to have under section 45 (2).

(3) A member of the Board other than the chairman shall, for the purposes of subclause (1), be deemed to be absent from his office if he is acting in the office of the chairman pursuant to subclause (1).

(4) A member of the Board shall, for the purposes of subclause (1), be deemed to be absent from his office if there is a vacancy in that office which has not been filled in accordance with clause 9.

(5) No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorizing a person to act in the office of a member of the Board, and all things done or omitted to be done by that person while so acting shall be as valid, and shall have the same consequences, as if they had been done or omitted to be done by that member.

Vacation of office.

8—(1) An appointed member of the Board shall be deemed to have vacated his office—

- (a) when he dies;
- (b) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors, or makes an assignment of his remuneration or estate for their benefit;
- (c) if he is absent from 3 consecutive ordinary meetings of the Board of which reasonable notice has been given to him, either personally or in the ordinary course of post, unless on leave granted by the Board;
- (d) if he becomes liable to be detained under the *Mental Health Act 1963* in a hospital, being a hospital within the meaning of section 3 (1) of that Act;
- (e) if he is convicted in the State of a crime or an offence which is punishable by imprisonment for 12 months or upwards, or if he is convicted elsewhere than in the State of an offence which,

if committed in the State, would be a crime or an offence so punishable or if he has been convicted, whether in the State or elsewhere of a crime or an offence for which he has been sentenced to imprisonment;

- (f) if he is convicted of an offence against this Act;
- (g) if he resigns his office by writing under his hand addressed to the Governor and the Governor accepts the resignation;
- (h) if, being a member of the Board by virtue of holding an office in the Public Service, he ceases to hold that office ;
- (i) if, being a dentist, his name is removed from the register kept pursuant to section 16;
- (j) if, being a dental mechanic, his name is removed from the register kept pursuant to section 52; or
- (k) if he is removed from office by the Governor under subclause (2).

(2) The Governor may remove an appointed member of the Board from office for misbehaviour or incompetence.

9—(1) On the occurrence of a vacancy in the office of an appointed member of the Board otherwise than by the expiration of the term for which he was appointed, the Governor may appoint a person to the vacant office for the balance of his predecessor's term of office, being a person qualified and nominated under the same paragraph of section 45 (2) as his predecessor. Filling of casual vacancies.

(2) If a person is not nominated as referred to in subclause (1), section 45 (4) applies in respect of an appointment to fill the vacancy in the same way as it applies to an original appointment.

10—(1) No act or proceeding of the Board or of a person acting pursuant to a direction of the Board is invalidated or prejudiced by reason only of the fact that at the time when the act or proceeding was done, taken, or commenced, there was a vacancy in the office of a member of the Board. Validity of proceedings, &c.

(2) All acts and proceedings of the Board or of a person acting pursuant to a direction of the Board are, notwithstanding the subsequent discovery of a defect in the appointment of a member of the Board or that a person was disqualified from acting as, or incapable of being, a member of the Board, as valid as if the member had, if applicable, been duly appointed, and was qualified to act as, or capable of being, a member of the Board, and as if the Board had been fully constituted.

11—In any proceedings by or against the Board, unless evidence is given to the contrary, no proof shall be required of— Presumptions.

- (a) the constitution of the Board;
- (b) any resolution of the Board;
- (c) the appointment of a member of the Board;
- (d) the entitlement of a person to be a member of the Board otherwise than by appointment by the Governor; or
- (e) the presence of a quorum at a meeting of the Board.

1919, s. 35.

## PART II

Section 45 (7)

## PROVISIONS WITH RESPECT TO MEETINGS OF THE BOARD

Convening of meetings.

1—Meetings of the Board may be convened by the chairman or by any 2 members.

Procedure at meetings.

2—(1) Three members of the Board shall form a quorum at a duly convened meeting of the Board.

(2) A duly convened meeting of the Board at which a quorum is present shall be competent to transact any business of the Board.

(3) Questions arising at a meeting of the Board shall be determined by a majority of votes of the members present and voting.

Chairman.

3—(1) The chairman shall preside at all meetings of the Board at which he is present.

(2) If the chairman is not present at a meeting of the Board, a member elected by the members present shall preside at that meeting.

(3) The member presiding at a meeting of the Board has a deliberative vote and, in the event of an equality of votes on a question arising at a meeting of the Board, the motion shall be deemed to have been determined in the negative.

Minutes.

4—The Board shall cause full and accurate minutes to be kept of its proceedings at meetings.

General procedure.

5—The procedure for the calling of, and for the conduct of business at, meetings of the Board shall, subject to any procedure that is specified in this Part, be as determined by the Board.

## SCHEDULE 3

Section 66

## AMENDMENTS OF ACTS

COLUMN 1		COLUMN 2
Year and number of Act affected	Short title of Act affected	Amendment
63 Vict. No. 32	<i>Jury Act 1899</i>	Schedule I, item 4—Omit paragraph (b), substitute the following paragraph:— (b) Part II of the <i>Dental Act 1982</i> ;
No. 80 of 1959	<i>Medical Act 1959</i>	Section 33—Omit “certified dentists”, substitute “dentists within the meaning of the <i>Dental Act 1982</i> ”.
No. 59 of 1964	<i>Anatomy Act 1964</i>	Section 6 (1)—Omit paragraph (a), substitute the following paragraph:— (a) a dentist within the meaning of the <i>Dental Act 1982</i> ;
No. 32 of 1965	<i>School Dental Therapy Service Act 1965</i>	(a) Section 9—Omit subsection (1), substitute the following subsection:— (1) Subject to such restrictions and limitations as the Minister, on the recommendation of the committee, may specify, a member of the school dental therapy service is entitled to practise dentistry within the meaning of the <i>Dental Act 1982</i> and, where she practises an act or operation in dentistry, neither she nor any other person is guilty of an offence under that Act by reason of that act or operation being practised. (b) Section 9 (2)— (i) Omit “name, title, addition, or description”, wherever occurring, substitute “name or title”; and

COLUMN 1		COLUMN 2
Year and number of Act affected	Short title of Act affected	Amendment
No. 81 of 1971	<i>Poisons Act 1971</i>	<p>(ii) Omit "<i>Dentists Act 1919</i>", substitute "<i>Dental Act 1982</i>".</p> <p>(c) Section 9 (3)—</p> <p>(i) Omit "<i>Dentists Act 1919</i>", substitute "<i>Dental Act 1982</i>"; and</p> <p>(ii) Omit "name, title, addition, or description", substitute "name or title".</p> <p>(a) Section 3 (1)—Omit the definition of "dentist", substitute the following definition:—</p> <p>"dentist" means a dentist within the meaning of the <i>Dental Act 1982</i>;</p> <p>(b) Section 59 (6) (b)—Omit "<i>Dentists Act 1919</i>", substitute "<i>Dental Act 1982</i>".</p>
No. 89 of 1971	<i>Radiographers Registration Act 1971</i>	<p>Section 16 (4) (a)—Omit "a certified dentist within the meaning of the <i>Dentists Act 1919</i>", substitute "a dentist within the meaning of the <i>Dental Act 1982</i>".</p>
No. 1 of 1976	<i>Therapeutic Goods and Cosmetics Act 1976</i>	<p>Section 2 (1)—Omit the definition of "dentist", substitute the following definition:—</p> <p>"dentist" means a dentist within the meaning of the <i>Dental Act 1982</i>;</p>

## SCHEDULE 4

Section 67

## SAVINGS AND TRANSITIONAL PROVISIONS

## Interpretation.

1—In this Schedule—

"Act of 1919" means the *Dentists Act 1919*;

"former Dental Board" means the board constituted under section 5 of the Act of 1919;



“ former Dental Mechanics Registration Board ” means the board constituted under section 33 of the Act of 1919;

“ new Dental Board ” means the board constituted under section 4;

“ new Dental Mechanics Registration Board ” means the board constituted under section 44;

“ proclaimed day ” means the day fixed by proclamation under section 2 (2).

2—(1) A person holding office, immediately before the proclaimed day, as a member of the former Dental Board elected by certified dentists under the Act of 1919 shall be deemed to have been elected by dentists under this Act as a member of the new Dental Board, and he shall, subject to this Act, hold office for the remainder of the period for which he was elected under the Act of 1919. New Dental Board.

(2) Any property and all rights, obligations, and liabilities of the former Dental Board that are subsisting immediately before the proclaimed day are, on that day, transferred to and vest in the new Dental Board.

3—The person holding office under the Act of 1919 as Registrar of the former Dental Board immediately before the proclaimed day shall be deemed to have been appointed under this Act as Registrar of the new Dental Board. Registrar of the new Dental Board.

4—The register of dentists kept under the Act of 1919 shall, on the proclaimed day, be deemed to be the register of dentists required to be kept under this Act. Register of dentists.

5—(1) A person who, immediately before the proclaimed day, holds a certificate issued under section 23 of the Act of 1919 shall be deemed to hold a full registration under this Act and the Board may issue to that person a certificate of registration under section 13. Registration of dentists, &c.

(2) Where, immediately before the proclaimed day, a person is registered as a dentist under the Act of 1919 but does not hold a certificate issued under section 23 of that Act, that person's name shall be deemed to have been removed from the register of dentists required to be kept under this Act, but it may be restored in the same manner as if it had been so removed under section 15 (4).

(3) Subclause (2) does not apply in a case where, before the proclaimed day, an application by the person concerned for a certificate of registration had been refused under section 24 of the Act of 1919 and on that day that person shall be deemed not to hold any registration under this Act.

6—(1) A person holding office, immediately before the proclaimed day, as a member of the former Dental Mechanics Registration Board appointed by the Governor under the Act of 1919 shall be deemed to have been appointed under this Act by the Governor as a member of the new Dental Mechanics Registration Board, and he shall, subject to this Act, hold office for the remainder of the period for which he was appointed under the Act of 1919. New Dental Mechanics Registration Board

(2) Any property and all rights, obligations, and liabilities of the former Dental Mechanics Registration Board that are subsisting immediately before the proclaimed day are, on that day, transferred to and vest in the new Dental Mechanics Registration Board.

Officers of  
the new  
Dental  
Mechanics  
Registration  
Board.

7—A person holding office under the Act of 1919 as the Secretary or another officer of the former Dental Mechanics Registration Board immediately before the proclaimed day shall be deemed to have been appointed under this Act as the Secretary or another officer of the new Dental Mechanics Registration Board.

Register  
of dental  
mechanics.

8—The register of dental mechanics kept under the Act of 1919 shall, on the proclaimed day, be deemed to be the register of dental mechanics required to be kept under this Act.

Certificates and  
registration  
of dental  
mechanics.

9—(1) A person who, immediately before the proclaimed day, holds a certificate of registration as a dental mechanic issued under Part III of the Act of 1919 shall be deemed to hold a certificate of registration under section 50.

(2) A person who, immediately before the proclaimed day, is registered as a dental mechanic under Part III of the Act of 1919 shall be deemed to be registered under Part IV of this Act.

Regulations  
in force  
under the  
Act of 1919.

10—Any regulations in force under the Act of 1919 immediately before the proclaimed day shall, to the extent that they are authorized to be made under this Act, be deemed to be regulations made under this Act.

Regulations  
of a savings  
or transitional  
nature.

11—(1) The Governor may make regulations containing other provisions of a savings or transitional nature consequent on the enactment of this Act.

(2) A provision made under subclause (1) may take effect as from the proclaimed day or a later day.

(3) To the extent to which a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its notification in the *Gazette*, the provision does not operate so as—

(a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its notification in the *Gazette*; or

(b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its notification in the *Gazette*.

(4) A provision made under subclause (1) shall, if the regulations under this clause so provide, have effect notwithstanding any other clause of this Schedule.