

SCHOOL DENTAL NURSING SERVICE.

No. 32 of 1965.

AN ACT to make provision for a school dental
nursing service. [10 November 1965.]

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:—

Short title.

1 This Act may be cited as the *School Dental Nursing Service Act 1965*.

Interpre-
tation.

2 In this Act, unless the contrary intention appears—

“committee” means the Dental Health Services Advisory Committee established under section four;

“dental nurse” means a member of the school dental nursing service who was appointed thereto as a dental nurse or who has been granted a dental nursing certificate;

“dental nursing certificate” means a certificate granted under section six;

“dental nursing school” means a school of dental nursing established under section five;

“hostel” means a hostel established under section five;

“school dental nursing service” means the school dental nursing service established under section three;

“student dental nurse” means a member of the school dental nursing service who is not a dental nurse.

The school
dental nursing
service.

3—(1) There shall be established in accordance with this Act a school dental nursing service to provide dental nursing services for persons who have not attained the age of sixteen years.

(2) The Governor may, on the recommendation of the Minister, appoint female persons to be members of the school dental nursing service either as dental nurses or as student dental nurses.

(3) A person shall not be appointed to be a member of the school dental nursing service as a dental nurse unless she—

(a) has been granted a dental nursing certificate; or

(b) has such qualifications, obtained elsewhere than in this State, as the Minister may approve,

and a person shall not be so appointed as a student dental nurse unless the terms or conditions of her service require her to undergo a course of training for the purpose of obtaining a dental nursing certificate.

4—(1) There shall be established in accordance with this section a Dental Health Services Advisory Committee.

Dental
Health
Services
Advisory
Committee.

(2) The Committee shall consist of seven persons appointed by the Minister, three of whom shall be persons appointed on the recommendation of the Tasmanian Branch of the Australian Dental Association or, if there is no body of that name operating in the State, such other body as, in the opinion of the Minister, is representative of dentists practising in the State.

(3) The committee may make recommendations to the Minister on any matters connected with the school dental nursing service and shall report to him on such matters relating to that service as he may refer to it.

(4) The chairman of the committee shall be such member thereof, not being a member appointed on such a recommendation as is referred to in subsection (2) of this section, as the Minister may appoint.

(5) Subject to subsection (6) of this section, each member of the committee shall hold office for a term of three years.

(6) Where a member of the committee dies or ceases to hold office otherwise than by the effluxion of time, the person appointed to fill the vacancy shall hold office only for the unexpired portion of the term of office of the member in whose place he was appointed.

(7) A member of the committee appointed as chairman of the committee shall hold and vacate his office as chairman under the terms of the instrument under which he was appointed.

(8) The chairman of the committee shall preside at all meetings of the committee at which he is present, and, if he is absent or there is no chairman of the committee, such one of the other members present at the meeting, as they may choose, shall preside at the meeting.

(9) Three members of the committee, at least one of whom is, and at least one of whom is not, a member appointed on such a recommendation as is referred to in subsection (2) of this section, constitute a quorum at any meeting of the committee.

(10) The chairman of the committee or other person presiding at a meeting of the committee may vote on any matter before the meeting.

(11) The committee may act notwithstanding a vacancy in its membership so long as a quorum remains, and no act or proceeding of the committee is invalidated by any defect or irregularity in its constitution or in the appointment of any member thereof.

(12) Subject to this section, the committee may regulate its own proceedings.

**Dental
nursing
schools
and hostels.**

5—(1) The Governor may establish schools of dental nursing for the purpose of training members of the school dental nursing service and hostels for the accommodation of persons undergoing training at those schools.

(2) The Minister may determine the positions on the staff of a dental nursing school or hostel that may be filled by members of the school dental nursing service, and a dental nurse may be employed in any such position.

**Dental
nursing
certificates.**

6 Where the Minister is satisfied that a student dental nurse has completed, at a dental nursing school, a course of training approved by the committee and has passed such examinations as have been specified by him, on the recommendation of the committee, he may grant her a certificate stating that she has qualified as a dental nurse.

**Terms and
conditions of
service in the
school dental
nursing
service.**

7—(1) Subject to this section, the terms and conditions of service of a person as a member of the school dental nursing service shall be such as may be determined by the Minister and accepted by that person.

(2) The Governor may make regulations prescribing the rates or amounts of remuneration to be paid to members of the school dental nursing service or the manner in which those rates or amounts are to be determined and a member of the school dental nursing service shall be entitled to receive remuneration determined in accordance with those regulations.

(3) The regulations made under subsection (2) of this section do not apply in respect of any period after the thirty-first day of December 1967, and after that date a member of the school dental nursing service shall not be entitled to any remuneration otherwise than in accordance with an award made by the Public Service Tribunal.

(4) The Minister may make or issue, or authorize the making or issuing of, orders, instructions, and rules with respect to the school dental nursing service, including orders, instructions, and rules with regard to the conduct of dental nursing schools and hostels, and compliance with any such orders, instructions, and rules so made or issued that may for the time being be in force may be made a term or condition of service of a member of the school dental nursing service.

(5) Without prejudice to the generality of the foregoing provisions of this section, the terms and conditions of service of a student dental nurse may require her to make payments to the Minister in the event of her failing to complete a course of training to his satisfaction or to pass any specified examination or of her failing to remain in the school dental nursing service for a specified period.

(6) Nothing in this section authorizes the making of any terms or conditions of service that require the payment of any sum to the Minister in respect of the failure of any person to remain a member of the school dental nursing service after the expiration of a period of three years from the date on which she was granted a dental nursing certificate.

(7) Where any sum becomes payable to the Minister under the terms and conditions of service of a member of the school dental nursing service he may remit the payment of the whole or any part of that sum, either unconditionally or on such conditions as he may determine.

(8) For the purposes of the *Superannuation Act 1938* service in the school dental nursing service shall be treated as employment in a permanent capacity by the State unless the terms and conditions under which the service is rendered expressly state that that service is not to be so treated, and, if it is so stated, that service shall be deemed not to be employment of that nature.

(9) Service in the school dental nursing service shall be treated as employment by the State in the Public Service thereof for the purposes of the *State Employees (Long-Service Leave) Act 1950* and the Minister shall be the prescribed authority for the purposes of that Act in relation to members of the school dental nursing service.

(10) The *Public Service Act 1923* does not apply to members of the school dental nursing service.

(11) For the purposes of the *Public Service Tribunal Act 1958* the Public Service shall be deemed to include the school dental nursing service and the Minister shall for those purposes be the controlling authority in relation to members of the school dental nursing service.

(12) The provisions of this section have effect subject to the provisions of any award made under the *Public Service Tribunal Act 1958* that are applicable to members of the school dental nursing service.

- 8**—(1) Where a dental nurse is aggrieved by a decision— Appeals
against
dismissal, &c.
- (a) to suspend or dismiss her from the school dental nursing service;
 - (b) to require her to resign in order to avoid dismissal from that service; or
 - (c) to reduce her in the class or grade of, or the position in, the service in which she is employed,

she may appeal against that decision.

(2) The Governor may appoint a police magistrate as an adjudicator to hear appeals brought under this section.

(3) On the hearing of an appeal under this section the adjudicator may (unless he dismisses the appeal) quash or vary the decision against which the appeal is brought.

(4) On the hearing of an appeal under this section—

(a) the appellant is entitled to be heard either in person or by some person (not being a legal practitioner) appointed by her in that behalf; and

(b) the Minister is entitled to be heard by some officer of the Public Service (not being a legal practitioner).

(5) An adjudicator may take evidence in such manner as he may determine, but where the appellant requests that any evidence to be given before the adjudicator be given on oath, the adjudicator shall not hear that evidence otherwise than on oath.

(6) Subject to this section, Division II of Part II of the *Evidence Act 1910* has effect with respect to an adjudicator as if he were such a board of inquiry as is referred to in section fourteen of that Act.

(7) On determining an appeal the adjudicator may fix the costs of the appeal and direct by whom and in what proportion they are to be paid.

(8) Any costs ordered under this section to be paid by the appellant may be deducted from the remuneration due to her as a member of the school dental nursing service or recovered as a debt due to the Minister, and the Minister shall pay to the appellant any costs directed to be paid to her.

(9) The Governor may make regulations prescribing the procedure for the bringing and hearing of appeals under this section, and such an appeal shall, subject to this section, be brought and heard in the manner so prescribed.

(10) The Minister shall pay an adjudicator such remuneration, and make such payments to him in or towards the reimbursement of the expenses incurred by him in the performance of his functions, as the Governor may determine.

Practice of dentistry in the school dental nursing service.

9—(1) Subject to such restrictions and limitations as the Minister, on the recommendation of the committee, may specify, a member of the school dental nursing service is entitled to practise dentistry within the meaning of the *Dentists Act 1919*, and where she practises any dentistry that she is so entitled to practise or performs any operation in the practice of that dentistry neither she nor any other person is guilty of any offence under that Act by reason of that dentistry being practised or that operation being performed.

(2) Subject to subsection (3) of this section, the taking by any person of a name, title, addition, or description that implies that that person is a member of the school dental nursing service or is a dental nurse or a student dental nurse shall, for the purposes of the *Dentists Act 1919*, be deemed to

be the taking by that person of a name, title, addition, or description that implies that that person is qualified to practise dentistry.

(3) Nothing in the *Dentists Act 1919* prohibits a member of the school dental nursing service from using any name, title, addition, or description that indicates that she is a member of the school dental nursing service or, if it be a fact, that she is a dental nurse or a student dental nurse.

10—(1) A written statement, purporting to be signed by the Minister or some person authorized by him in that behalf, stating that any person is or was, at any time, a member of the school dental nursing service, or a dental nurse, or a student dental nurse, or holds, or held at any time, office in any class or grade in that service, or any position therein, is sufficient evidence of the facts so stated. Evidence of certain matters.

(2) Production of a document purporting to set out any orders, instructions, or rules made or issued by, or under the authority of, the Minister in pursuance of subsection (4) of section seven and endorsed with a certificate purporting to be signed by the Minister, or some person authorized by him in that behalf, specifying the date on which those orders, instructions, or rules were so made or issued is sufficient evidence that those orders, instructions, or rules were so made or issued on that date.

(3) Where any endorsement made on such a document as is referred to in subsection (2) of this section states that any orders, instructions, or rules set out therein were at any time in force that endorsement is sufficient evidence of the fact so stated.

(4) Production of a document purporting to set out any restrictions or limitations specified for the purposes of subsection (1) of section nine and endorsed with—

- (a) a certificate purporting to be signed by the chairman of the committee stating the date on which the specification of those restrictions or limitations was recommended by the committee; and
- (b) a certificate purporting to be signed by the Minister, or some person authorized by him in that behalf, stating the date on which those restrictions or limitations were so specified,

is sufficient evidence that those restrictions or limitations were specified in accordance with subsection (1) of section nine, and where the certificate referred to in paragraph (b) of this subsection states that the restrictions or limitations were in force at any time that certificate is sufficient evidence of the fact so stated.