

Dental Technicians (Amendment) Bill

EXPLANATORY MEMORANDUM

OUTLINE

The purpose of this Bill is to enable those Advanced Dental Technicians who have completed a bridging course to make and fit partial dentures direct to the public.

Such technicians will be required to have their licence endorsed by the Advanced Dental Technicians Qualifications Board.

However, Advanced Dental Technicians, whose licences have been endorsed, will be prohibited from fitting partial dentures to a patient unless the patient holds a certificate of oral health issued within the previous twelve months by a dentist or from undertaking work which involves the restoration or modification of natural teeth or the jaw.

The Bill will also make some machinery changes to the **Dental Technicians Act 1972**.

CLAUSE NOTES

Clause 1 sets out the purpose of the Act.

Clause 2 provides for commencement of the Act on Royal Assent.

Clause 3 makes an amendment to section 3 (9) of the Dental Technicians Act.

Section 3 (9) currently provides for the appointment by the Governor in Council of a deputy chairman of the Dental Technicians Licensing Committee.

In the absence of the chairman, the deputy chairman is empowered to exercise all the powers and perform all the functions of the chairman.

No deputy chairman has ever been appointed under section 3 (9) and, in the absence of any other provision in the Act providing for an acting chair, the effect is that no meeting of the Committee can be held if the chairman is not present.

The proposed amendment will enable the members present to elect one of their number to chair a meeting if the chairman is absent.

This will enable the Committee to hold a meeting despite the fact that the chairman may not be able to attend.

It should be noted that a similar amendment is proposed in clause 5 with respect to meetings of the Advanced Dental Technicians Qualifications Board.

Clause 4 broadens the findings available to the Dental Technicians Licensing Committee as the result of a disciplinary inquiry under section 9 of the Dental Technicians Act.

Currently, the Committee can only suspend or deregister an advanced dental technician if he or she—

- (a) has been convicted of an indictable offence;

- (b) contravenes the Act or regulations; or
- (c) obtained his or her licence by fraud or misrepresentation.

A major weakness is that, unlike other health registration Acts, there are no disciplinary powers available to the Committee if the issue before the Committee relates to the ability or conduct of a dental technician.

The purpose of the proposed amendment is to give the Committee a capacity to suspend or cancel the licence of a dental technician if he or she is incompetent or is guilty of improper or discreditable conduct.

Similar amendments to the powers of the Advanced Dental Technicians Qualifications Board are proposed in clause 6.

It should be noted that, if a licence is suspended or cancelled by the Committee or the Board, dental technicians and advanced dental technicians have right of appeal to the County Court under sections 10 and 24 (6) of the Act, respectively.

Clause 5 amends section 16 (8) of the Dental Technicians Act.

The amendment, which will enable the members present to elect a deputy chairman if the chairman of the Advanced Dental Technicians Qualifications Board is absent from a meeting of the Board, is similar to the earlier amendment proposed by clause 3 in relation to the Dental Technicians Licensing Committee.

Clause 6 makes an amendment to the disciplinary powers of the Advanced Dental Technicians Qualifications Board in section 24 of the Dental Technicians Act as foreshadowed in the notes on clause 4 of the Bill.

Clause 7 inserts a new section 26A into the Dental Technicians Act.

The new section will enable an advanced dental technician who has satisfactorily completed the Partial Denture Bridging Course for Advanced Dental Technicians at the Royal Melbourne Institute of Technology to apply to the Advanced Dental Technicians Qualifications Board to have his or her licence endorsed to make, fit, supply or repair partial dentures direct to the public.

Provision is made for the prescribing of additional or substituted courses but only if the course has been endorsed by the head of the School of Dental Science of the University of Melbourne.

Clause 8 makes several changes to section 28 (3) of the Dental Technicians Act.

The overall effect is to enable an advanced dental technician, whose licence has been endorsed by the Board, to make, fit, supply or repair partial dentures direct to the public, subject to certain constraints.

However, a patient will need to first provide the advanced dental technician with a current certificate of oral health from a dentist.

The clause also prohibits an advanced dental technician from undertaking work which involves the restoration or modification of natural teeth or the jaw of a patient.

Proposed paragraph (d) will make clear that an advanced dental technician with an endorsed licence can only fit removable dentures to the jaw of a patient.

It will preclude, for example, the replacement of a missing tooth by a denture which is cemented in place and which cannot be removed.

Clause 9 extends the regulation making powers in section 32 of the Dental Technicians Act.

The amendment will enable regulations to be made relating to infection control procedures and to incorporate documents.

These additional powers are being sought in anticipation of the adoption of national standards such as the NHMRC “Guidelines for the Prevention of Viral Infection in Dentistry” in regulations governing the practice of advanced dental technicians.

Clause 10 makes several statute law revision type amendments to the Dental Technicians Act.

Sub-clause (1) repeals the table of Parts in section 1 (3) in accordance with modern drafting practice.

Sub-clause (2) corrects several errors in references to the Advanced Dental Technicians Qualifications Board in section 26 of the Act.

