

DENTISTS.

12° Elizabeth II., No. LXXV.

No. 75 of 1963.

AN ACT to amend the Dentists Act, 1939-1954.*[Assented to 19th December, 1963.]*

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Dentists Act Amendment Act, 1963.*

Short title
and citation

(2) In this Act the Dentists Act, 1939-1954, is referred to as the principal Act.

Reprinted.
Approved
for reprint
29th April,
1963.

(3) The principal Act as amended by this Act may be cited as the Dentists Act, 1939-1963.

S. 2
amended.

2. Section two of the principal Act is amended—
- (a) by deleting the words, “AND RECORDS”, in the arrangement of Part III;
 - (b) by deleting the words, “and Records”, in the arrangement of Division I of Part III;
 - (c) by substituting for the numerals, “21”, in the arrangement of Division I of Part III, the numerals, “18”;
 - (d) by deleting the arrangements of Part IV and Part V; and
 - (e) by substituting for the numerals, “64”, in the arrangement of Part VII, the numerals, “65”.

S. 4
amended.

3. Section four of the principal Act is amended—
- (a) by deleting the interpretation, “Apprentice”;
 - (b) by deleting the interpretation, “Assistant”; and
 - (c) by deleting the interpretation, “Student”.

S. 5
amended.

4. Section five of the principal Act is amended by substituting for the word, “British”, where appearing, in line two of paragraph (c) of subsection (2), in line six of subsection (3), in line five of subsection (4) and in line six of paragraph (b) of subsection (5), the word, “Australian” in each case.

S. 15
amended.

5. Section fifteen of the principal Act is amended—
- (a) by deleting the passage, “Subject to this Act,”, in line one of subsection (1);
 - (b) by deleting the words, “or by persons desiring to be recognised as assistants or students”, in lines five and six of paragraph (d) of subsection (1);

- (c) by substituting for paragraph (e) of subsection (1) the following paragraph—
 - (e) for regulating the practice of dentistry and of dental specialities; ;
- (d) by substituting for paragraph (f) of subsection (1) the following paragraph—
 - (f) for regulating the keeping of the Register; ;
- (e) by deleting the words, “or assistant”, in line three of paragraph (h) of subsection (1);
- (f) by deleting the passage, “diplomas, degrees,” in line two, and the words, “or assistants and other persons”, in lines three and four of paragraph (i) of subsection (1);
- (g) by deleting the passage, “, diploma,” in line five of paragraph (j) of subsection (1); and
- (h) by substituting for the word, “ten”, in the ultimate line of subsection (2), the word, “twenty”.

6. The heading to Part III of the principal Act is amended by deleting the words, “AND RECORDS”. Heading to Part III amended.

7. The heading to Division I of Part III of the principal Act is amended by deleting the words, “and Records”. Heading to Div. I of Part III amended.

8. Section seventeen of the principal Act is amended by substituting for the passage, commencing with the word, “the”, in line three, and ending with the word, “apprentices”, being the last word in the section, the words, “a Register of Dentists”. S. 17 amended.

9. The principal Act is amended by repealing sections nineteen, twenty and twenty-one. Ss. 19, 20 and 21 repealed.

S. 22
amended.

10. Section twenty-two of the principal Act is amended by deleting the words, "and every record kept by the Registrar", in lines one and two.

S. 23
amended.

11. Section twenty-three of the principal Act is amended—

(a) by deleting—

(i) the passage, "of Dentists, or in any record kept by the Registrar", in lines two and three;

(ii) the passage, "or from such record, as the case may be", in lines five and six; and

(iii) the passage, "or from the record, as the case may require", in line ten,

of subsection (1);

(b) by deleting the passage, "or the record, as the case may be", in lines seven and eight of the proviso to subsection (1); and

(c) by deleting—

(i) the words, "or any record as aforesaid", in line two;

(ii) the passage, "or recorded, as the case may be", in lines three and four;

(iii) the words, "or record", in line five; and

(iv) the passage, "or the record, as the case may be", in lines eight and nine,

of subsection (2).

S. 24
amended.

12. Section twenty-four of the principal Act is amended—

(a) by deleting—

(i) the words, "or from any record kept by the Registrar", in lines two and three; and

- (ii) the words, "or in the record from which it has previously been withdrawn", in lines six and seven,

of subsection (1);

- (b) by deleting the passage, "or the record from from which it had been previously withdrawn as aforesaid," in lines six, seven and eight of subsection (2); and
- (c) by repealing subsection (3) and re-enacting it with amendments, as follows—

(3) The amount payable by an applicant for the re-entry of his name in the Register shall be the sum of the amount of the current annual license fee that he would have been liable to pay, if his name had not been withdrawn from the Register, and the amount of the fee prescribed for such re-entry.

13. Section twenty-five of the principal Act is amended by deleting the passage, "or is recorded as an assistant, or student, or apprentice," in lines two and three, and the passage, "or from the record, as the case may be", in line six.

S. 25
amended.

14. Section twenty-six of the principal Act is repealed and re-enacted with amendments as follows:

S. 26
repealed and
re-enacted.

26. Subject to the directions of the Board, the Registrar shall, from time to time, as the occasion requires, make such amendments, additions, alterations and corrections in the Register as may be necessary to make the Register an accurate record of the names, addresses, qualifications and descriptions of all dentists.

Registrar
to amend
Register
to insure
accuracy.

S. 27
amended.

15. Section twenty-seven of the principal Act is amended by repealing and re-enacting subsections (1) and (2) with amendments, as follows:

List of
dentists to be
published
annually.

(1) Once in every year the Board shall cause to be published in the *Government Gazette* a list of all dentists whose names appear in the Register.

(2) As soon as may be after the name of a dentist has been entered in, withdrawn from, or struck off, the Register the Board shall cause notice of that event to be published in the *Government Gazette*.

S. 28
amended.

16. Section twenty-eight of the principal Act is amended by deleting the words, "of Dentists or a copy of or an extract from any record kept by the Registrar", in lines one, two and three.

S. 29
amended.

17. Section twenty-nine of the principal Act is amended by deleting the words, "or was or was not recognised by the Board as an assistant", in lines five and six.

S. 30
amended.

18. Section thirty of the principal Act is amended—

(a) by deleting the passage, "of Dentists, and the name of any assistant recorded in the record of assistants," in lines two and three of subsection (1);

(b) by deleting the words, "or off the record, as the case may require", in lines four and five of subsection (1);

(c) by substituting for paragraph (a) of subsection (1) the following paragraph:

(a) before or after registration, the dentist was or has been convicted of an offence which, in the opinion of the Board, renders him unfit to practise as a dentist; ;

(d) by substituting for paragraph (b) of subsection (1) of the following paragraph:

(b) the dentist is addicted to drink or drugs or suffers from mental disorder, within the meaning of the Mental Health Act, 1962; ;

- (e) by substituting for the words, "or recognition by the Board he", in lines one and two of paragraph (c) of subsection (1), the passage, ", the dentist";
- (f) by deleting the words, "or from acting as an assistant", in the ultimate line of paragraph (c) of subsection (1);
- (g) by deleting the words, "or assistant", in line five, and the passage, "or from acting as an assistant, as the case may be", in lines seven and eight, of the proviso to subsection (2); and
- (h) by deleting the words, "or an assistant", in each case, where occurring in lines two and three of subsection (3) and in line two of subsection (4).

19. Section thirty-one of the principal Act is amended— S. 31
amended.

- (a) by deleting the words, "of Dentists or the record of assistants", in lines two and three of subsection (1);
- (b) by deleting the words, "or in the record from which it has been previously struck off", in lines five, six and seven of subsection (3); and
- (c) by repealing subsection (4) and re-enacting it with amendments, as follows:

(4) The amount payable by an applicant for the re-entry of his name in the Register shall be the sum of the amount of the current annual license fee that he would have been liable to pay, if his name had not been struck off the Register, and the amount of the fee prescribed for such re-entry.

20. Section thirty-two of the principal Act is repealed and re-enacted with amendments, as follows— S. 32
repealed and
re-enacted.

32. Where the name of a person has been struck off the Register, that person shall cease Effect of
striking off.

to be registered as, and shall be disqualified from practising as, a dentist, until such time as his name is re-entered in the Register.

S. 33
amended.

21. Section thirty-three of the principal Act is amended—

(a) by deleting the passage, “or to recognise or record any person as an assistant, or student or apprentice”, in lines two and three of paragraph (a);

(b) by deleting the passage, “of Dentists or the record of assistants, or of students or of apprentices”, in lines two, three and four of paragraph (b);

(c) by deleting the words, “or in any record”, in lines one and two of paragraph (c);

of subsection (1); and

(d) by substituting for the words, “such register or record”, in line four of paragraph (c) of subsection (1), the words, “the Register”.

Parts IV and
V repealed.

22. The principal Act is amended by repealing Part IV and Part V.

S. 43
amended.

23. Section forty-three of the principal Act is amended by deleting the words, “of Dentists”, in each case where occurring in line six of subsection (1), and in line six of subsection (3).

S. 44
amended.

24. Section forty-four of the principal Act is amended—

(a) by substituting for the passage, “Australia; or”, at the end of subparagraph (iii) of paragraph (d) of subsection (1), the passage, “Australia.”;

(b) by repealing paragraphs (e), (f) and (g) of subsection (1); and

(c) by deleting the words, “of Dentists”, in line seven of subsection (2).

25. Section forty-five of the principal Act is amended by deleting the words, "or any assistant", in lines two and three, and the words, "or assistant", in line five, of paragraph (a) of subsection (1). S. 45
amended.

26. Section forty-six of the principal Act is amended— S. 46
amended.

- (a) by deleting the words, "and no assistant shall be employed or engage in the practice of dentistry", in lines two, three and four of subsection (1);
- (b) by deleting the words, "of Dentists", in line two of subsection (2);
- (c) by substituting for the passage, commencing with the word, "and", in line three, and ending with the word, "assistant", in line six of subsection (2), the words, "but whether such dentist";
- (d) by deleting the words, "or the said record, as the case may be", in line eight of subsection (2);
- (e) by repealing subsection (4);
- (f) by deleting the words, "and assistants", in line one of subsection (5);
- (g) by deleting the words, "to dentists or assistants", in line two of subsection (6);
- (h) by substituting for the passage, commencing with the word, "registered", in line five, and ending with the word, "be", in line seven of subsection (7), the words, "entered in the Register"; and
- (i) by deleting the passage, "or of recording, as the case may be", in the ultimate line of subsection (7).

27. Section forty-seven of the principal Act is repealed and re-enacted with amendments, as follows— S. 47
repealed and
re-enacted.

47. (1) Where a dentist fails or neglects to pay the license fee provided, within the time prescribed, by section forty-six of this Act, his name shall, forthwith upon his making default, be struck off the Register. Dentist
making
default
in payment
of license fee
to be struck
off.

(2) Where the name of a dentist is struck off the Register pursuant to this section, the Board shall, upon the receipt of an application in writing for the restoration, signed by the dentist, together with an amount, being the sum of the amount of all the annual license fees the applicant would have been liable to pay, if his name had not been struck off, the amount of any prescribed penalty and of the fee prescribed for the re-entry, restore his name to the Register.

S. 48
amended.

28. Section forty-eight of the principal Act is amended—

- (a) by deleting the words, “or to any record kept under this Act”, in line three of paragraph (a); and
- (b) by deleting the words, “or recorded”, in lines two and three of paragraph (d).

S. 50
repealed and
re-enacted.

29. Section fifty of the principal Act is repealed and re-enacted with amendments, as follows—

Practise of
dentistry by
certain
persons
prohibited.

50. (1) No person, other than a dentist, and no company shall—

- (a) practise dentistry or perform any act of dentistry; or
- (b) hold himself, or hold itself, out, either directly or by implication, as practising, or being prepared to practise, dentistry in any of its branches.

(2) This section does not apply to—

- (a) a person who, without reward or the expectation of reward, extracts a tooth or teeth, for the immediate relief of pain, at a place not less than fifty miles by the shortest road journey from the nearest place of business of a dentist;
- (b) a medical practitioner who performs an act of of dentistry, not being—
 - (i) the preparation of a cavity in a tooth, with a view to the permanent restoration of the tooth;
 - or

- (ii) the fitting, insertion or fixing of artificial teeth, the artificial restoration of lost teeth or the mechanical construction of artificial dentures;
- (c) a student in the Dental School of the University of Western Australia, under the direction of a dentist, in that school; or
- (d) any person visiting the State, as an official dental clinician, for the purpose of giving professional instruction and who, although not being registered, or entitled to be registered, under this Act, performs acts of dentistry, in the course of giving the professional instruction, for a period not exceeding twelve months, pursuant to the permission in writing of the Board, which permission the Board is by, and subject to, this paragraph authorised to give.

(3) Every person who, or company that, contravenes the provisions of this section commits an offence.

Penalty: For a first offence, forty pounds; and, for any subsequent offence, one hundred pounds.

30. Section fifty-five of the principal Act is amended— S. 55
amended.

- (a) by deleting the words, “or an assistant”, in line four of paragraph (b) and, again, in line three of paragraph (c);
 - (b) by deleting the passage, “assistant student, apprentice,”, in line three of paragraph (d); and
 - (c) by inserting the words, “dental attendant or registered”, immediately after the word, “female”, in line three of paragraph (d),
- of subsection (1).

31. Section fifty-six of the principal Act is amended— S. 56
amended.

- (a) by repealing subsection (2);

- (b) by repealing paragraphs (i) and (ii) of subsection (4); and
- (c) by redesignating paragraphs (iii) and (iv) of subsection (4), as paragraphs (a) and (b), respectively.

S. 60
amended.

32. Section sixty of the principal Act is amended by deleting the words, "or assistant", in line five of subparagraph (iii) of paragraph (a).

S. 65
added.

33. The principal Act is amended by adding, after section sixty-four, the following section—

Saving of
rights of
assistants.

65. Notwithstanding the repeal or the deletion, by the Dentists Act Amendment Act, 1963, of any provisions of this Act relating to, or any reference made in this Act to, assistants, every person who, before the coming into operation of the former Act, was recognised as an assistant, under, and for the purposes of, the provisions of this Act as they then existed, may continue to be so recognised and may continue to act under, and be subject to, and exercise the rights conferred by, those provisions.
