

WESTERN AUSTRALIA

ANNO QUINQUAGESIMO OCTAVO

VICTORIÆ REGINÆ

No. 19

An Act to provide for the Registration of Dentists.

[Assented to 8th November, 1894.]

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

Short title

1. This Act may be cited as 'The Dentists Act, 1894,' and is divided into parts, as follows:—

Part I.—DENTAL BOARD, ss. 3-8.

Part II.—REGISTRATION, ss. 9-13.

Part III.—MISCELLANEOUS, ss. 14-19.

Interpretation

2. In this Act, unless the context otherwise requires—

'Board' shall mean the Dental Board as hereinafter constituted.

'Dentist' shall mean a dentist registered under this Act.

'Minister' shall mean the responsible Minister of the Crown for the time being administering this Act.

'Register' shall mean the register of dentists hereinafter mentioned, and 'Registrar' shall mean the registrar appointed under the provisions of this Act.

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‘Rules’ shall mean the rules for the time being made and prescribed by the Board under this Act.

‘Medical Practitioner’ shall mean a legally qualified practitioner under ‘The Medical Ordinance, 1869,’ or any Act hereafter amending the same.

PART I

DENTAL BOARD

3. (1) For the purposes of this Act there shall be a Board, to be called the ‘Dental Board,’ and such Board shall consist of three medical practitioners and (except in the first instance) three dentists. Dental Board

(2) Any three members of the Board shall form a quorum, and the Board may act notwithstanding any vacancy or vacancies, provided that the number of the Board be not reduced to less than four. Quorum

(3) The members of the Board shall appoint one of their number to be president, who shall be *ex officio* chairman of the Board. In the absence of the president, the members present at any meeting may elect a chairman for such meeting. Each member, including the chairman, shall have one vote, and the chairman shall, in addition to his ordinary vote, have a casting vote in the case of an equality of votes. All questions at any meeting shall be determined by a majority of the votes of the members present. President  
Chairman  
Questions determined by majority present at meeting

(4) The members shall hold office for three years: Provided that any member elected or nominated to fill any vacancy caused by death, resignation, or otherwise shall hold office so long only as his predecessor would have done. Duration of office

4. The Governor in Council may nominate the first Board, and fill any vacancy occurring in such Board. The first Board shall consist of three medical practitioners and three persons who appear to be entitled to be registered under this Act. Governor may nominate first Board

5. At the end of the first three years, and at the end of every succeeding three years thereafter, the Board shall be elected by the medical practitioners and dentists, at such times and in such manner as may be prescribed by rules. Any vacancy occurring after the first three years shall be filled by election in the same manner. In default of any election to fill any vacancy, or if five members be not elected at any election, the Governor in Council may nominate a sufficient number to complete the Board. Election of Board  
In default of election the Governor may fill the vacancy

6. (1) The Board may, with the approval of the Governor in Council, from time to time make and prescribe, amend, repeal, and add to all such rules as to the Board may seem meet:— Board may make by-laws

(a) For fixing the time and regulating the election of members of the Board.

(b) For the examination of persons claiming to be registered as dentists, and for determining the qualifications to be held and the evidence to be produced by any such persons.

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- (c) For requiring and regulating the registration of all articles of apprenticeship, under which apprentices or students to dentists are now or may hereafter be serving.
- (d) For regulating the meetings and proceedings of the Board, and the conduct of their business.
- (e) For generally carrying into effect the objects of this Act.

And impose penalties

(2) By any such rules the Board may impose and provide for the recovery of fines and penalties from any person or persons subject thereto, and prescribe a scale of fees to be charged and paid in respect of any proceeding or registration under this Act or the rules.

Not exceeding £10

(3) All such rules as aforesaid shall, where the nature of the case permits, state some maximum fine or penalty for any neglect or breach thereof respectively, provided that no such fine or penalty shall exceed Ten pounds.

Board may appoint an examiner, registrar, or other officers

7. The Board shall have power to appoint and pay, and to dismiss, an examiner or examiners, and a registrar, and such other officers as the Board may deem necessary for carrying out this Act and the rules, and all such persons shall hold office subject to the rules.

Board may sue

8. The Board may, in its own name, by its registrar or any person thereunto authorised in writing under the hand of the chairman, commence, carry, prosecute, and defend any action, complaint, information, or proceeding whatsoever, both civil and criminal.

## PART II

## REGISTRATION

Register of dentists

9. A register shall be kept by the registrar, and shall contain the names, addresses, and descriptions of all dentists for the time being registered under this Act.

The register shall be kept in such manner and form and contain such particulars as prescribed by the rules, and shall at all times be open to inspection by any person on payment of a fee not exceeding Two shillings and sixpence.

Such alterations and amendments may be made in the register as the Board may from time to time direct, for the purpose of making the same an accurate record of the names and addresses and descriptions from time to time of the registered dentists for the time being.

Persons entitled to be registered

10. Every person above the age of twenty-one years, and of good character, shall be entitled to be registered as a dentist under this Act, who, having observed the rules, shall prove to the satisfaction of the Board—

- (a) That he is registered as a dentist in any part of the United Kingdom, in accordance with the law for the time in force therein; or

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- (b) That he is at the passing of this Act engaged in any part of Western Australia in the practice of dentistry or dental surgery, and is duly registered within twelve months from the passing of this Act; or
- (c) That he has been continuously engaged during a period of not less than four years as an apprentice or student to a dentist, and has passed such examinations as may be prescribed by the rules; or
- (d) That he has for a period of not less than seven years practised dentistry or dental surgery in any part of the world and holds such certificate, diploma, degree, membership, license or other document, status or title as may be recognised by the Board as a sufficient qualification.

11. If any person is refused registration under this Act, the Board shall, if so required, state in writing the reasons for such refusal, and such person may appeal to the Minister, who may make such order as to him seems just after hearing such person and the Board.

If registration refused may appeal to Minister

12. The name of any dentist registered under this Act who, either before or after the passing hereof, and either before or after he is so registered, shall be convicted in any part of Her Majesty's Dominions or elsewhere of a felony or misdemeanour (not being a political offence) shall be erased from the register.

If dentist guilty of felony or misdemeanour, name to be erased from register

13. A copy of the register purporting to be certified as a true copy by the registrar shall, in all courts of law, be *prima facie* evidence that the person or persons therein specified are registered dentists, and the absence of the name of any person from such copy shall be *prima facie* evidence that such person is not so registered.

Copy of register to be evidence

## PART III

## MISCELLANEOUS

14. Any person who—

Offences

- (1) Wilfully makes or causes to be made any falsification in any matter relating to the register; or
- (2) Knowingly presents or causes to be presented to the Board any forged, false, or counterfeit certificate, diploma, degree, license, or other document; or
- (3) Personates or wrongfully represents himself as being the person referred to in any such certificate, diploma, degree, license, or other document; or
- (4) Wilfully procures or attempts to procure himself or any other person to be registered under this Act by making or producing, or causing to be made or produced, any false or fraudulent declaration, or representation either verbally or in writing; or
- (5) Wilfully makes any false statement in any declaration required by the Board under this Act, or the rules; or
- (6) Wilfully makes any false statement upon any examination by the Board as hereinafter mentioned;

Falsification of register

Presenting false or forged diploma, &c.

Personation

False representation

False declaration

False statement

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shall be guilty of a misdemeanour and shall, on conviction thereof, be liable to be imprisoned for any term not exceeding two years.

15. From and after the passing of this Act, no person other than a registered dentist for the time being, or medical practitioner, shall be entitled—

No person entitled to practise as dentist unless registered

Nor to use name or words implying that he is entitled to practise

Nor to perform any dental operation

- (1) To take or use the name or title of 'Dentist' or 'Dental Surgeon,' or any other name, words, title, or description, either alone or in conjunction with any other word or words implying or tending to the belief that he is entitled to practise dentistry or dental surgery; or
- (2) To practise dentistry or dental surgery, or perform any dental operation or service;

and every person who takes or uses any such name, title, word, or description, or practises dentistry or dental surgery, or performs any dental operation or service contrary to this section, shall be liable for each and every such offence, upon conviction, to a penalty not exceeding Twenty pounds:

Penalty for breach

Provided that this section shall not apply to any person entitled to be registered under section ten, sub-section (b), and who is duly registered within twelve months from the passing of this Act; nor to any person who may extract teeth at any place more than ten miles from the place of business of the nearest practising dentist.

No person other than registered dentist to sue for fees

16. No person other than a registered dentist for the time being, or a medical practitioner shall be entitled to sue or proceed in any Court of law for the recovery of, or be allowed to counterclaim for, or set off, any fees or remuneration for the performance of any dental operation, service, work, or attendance.

Board may require attendance of any person

17. The Board may require the attendance of any person who applies for registration, and may examine or question any such person, or any witness who may be produced before the Board, upon oath or affirmation; and for any such purposes the chairman of the Board may administer any oath or affirmation.

How offences tried

18. All offences, penalties, fines, or fees under this Act or the rules may be tried and determined, enforced and recovered, summarily, before any two or more Justices of the Peace in petty sessions. All penalties recovered under this Act or the rules shall, as to one half thereof, be paid to the Crown, and as to the other half thereof to the Board.

Shortening Ordinance

19. Sections A, C, F, G, and H of 'The Shortening Ordinance, 1853,' shall be incorporated with and taken to form part of this Act to all intents and purposes, and in as full and complete a manner as if the said sections had been introduced and fully set forth in this Act.

ALEX. C. ONSLOW,  
GOVERNOR'S DEPUTY.