

## DENTAL.

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No. 94 of 1980.

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### AN ACT to amend the Dental Act 1939-1979.

[Assented to 9 December 1980.]

**B**E 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 *Dental Amendment Act 1980*.

Short title and citation.

(2) In this Act the Dental Act 1939-1979 is referred to as the principal Act.

Reprinted as approved for reprint 11 January 1979 and further amended by No. 19 of 1979.

(3) The principal Act as amended by this Act may be cited as the Dental Act 1939-1980.

Commence-  
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

Section 5  
amended.

3. Section 5 of the principal Act is amended by repealing subsections (2), (3) and (4) and substituting the following subsection—

“ (2) The Board shall consist of seven members to be appointed by the Governor of whom five shall be dental practitioners. ” .

Section 6  
repealed  
and  
substituted.

4. Section 6 of the principal Act is repealed and the following section is substituted—

Tenure of  
office.

“ 6. A member of the Board shall hold office for such period not exceeding 3 years as may be specified in his instrument of appointment but shall be eligible for re-appointment. ”.

Section 7  
amended.

5. Section 7 of the principal Act is amended by repealing subsection (4) and substituting the following subsection—

Acts not  
invalidated  
by defect  
in appoint-  
ment of  
member.

“ (4) No act or proceeding of the Board, or by any committee or member of the Board shall be invalid or be prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken or commenced there was some defect in the appointment of any member of the Board, or that the member of the Board was disqualified or not authorized to do or participate in the doing of anything done by the Board or by such member. ”.

Section 10  
amended.

6. Section 10 of the principal Act is amended by deleting “elected or nominated” and substituting the following—

“ appointed ”.

7. Section 11 of the principal Act is amended— Section 11 amended.

(a) in paragraph (d) of subsection (1) by deleting “; in the case of a medical practitioner member, when he ceases to be a duly qualified medical practitioner; and, in the case of a legal practitioner member, when he ceases to be a duly qualified legal practitioner” ; and

(b) in subsection (2), by deleting “elected or nominated, as the case may be,” and substituting the following—

“ appointed ” .

8. Section 12 of the principal Act is repealed and the following section is substituted— Section 12 repealed and substituted.

“ 12. The Governor may from time to time remove the members or President of the Board, or any of them, and fill any vacancy caused by removal, death, resignation, illness, absence from the State, or other incapacity. ” . Governor may remove any member.

9. Section 12A of the principal Act is amended by deleting “1904” and substituting the following— Section 12A amended.

“ 1978 ” .

10. Section 18 of the principal Act is amended by inserting after subsection (3) the following subsection— Section 18 amended.

“ (4) Where a person is not qualified for registration under the Act as amended but that person has been registered as a dentist in this State and has had his name struck off the Register, the Board may, in its discretion allow the name of that person to be re-entered in the Register. ” .

Section 30  
amended.

11. Section 30 of the principal Act is amended—

(a) by inserting after subsection (1) the following subsections—

“ (1a) Subject to subsection (1b) of this section, if the Board, after due inquiry, is satisfied in relation to a person whose name has been withdrawn from or struck off the Register, that, had the name of that person not been so withdrawn from or struck off the Register the Board would have been empowered to impose a penalty on that person under subsection (1) or (3) of this section, the Board may—

(a) censure that person; or

(b) order that person to be fined such amount, not exceeding two thousand dollars, as the Board thinks fit.

(1b) Nothing in subsection (1a) of this section shall be construed as enabling the Board to impose more than one penalty on a person in respect of the same act or omission. ”;

(b) in subsection (2)—

(i) by inserting, before “a dentist or dental therapist”, the following—

“ a person who is or was ”; and

(ii) by deleting “the dentist or the dental therapist concerned” and substituting the following—

“ that person ”;

(c) in subsection (4)—

(i) by deleting “that dentist or dental therapist” and substituting the following—

“ the person in respect of whom the proceedings concerned were taken ”; and

(ii) by deleting “to the proceedings” and substituting the following—

“ to those proceedings ”; and

(d) in subsection (5) by deleting “dentist or dental therapist” and substituting the following—

“ person ”.

12. Section 30B of the principal Act is amended— Section 30B amended.

(a) in subsection (1)—

(i) by inserting, before “a dentist or a dental therapist”, the following—

“ a person who is or was ”; and

(ii) by deleting “that dentist or dental therapist” and substituting the following—

“ that person ”;

(b) in subsection (2) by deleting “dentist or dental therapist” and substituting the following—

“ person ”; and

(c) in subsection (3) by deleting “dentist or dental therapist” and substituting the following—

“ person ”.

13. Section 44 of the principal Act is amended Section 44 amended.  
in paragraph (d) of subsection (1)—

(a) by deleting in subparagraph (i) “the primary qualification in dentistry of the

Royal College of Surgeons either of England, Ireland, Edinburgh, or Glasgow, or holds"; and

(b) by deleting subparagraphs (ii) and (iv).

Section 44B  
amended.

14. Section 44B of the principal Act is amended in subsection (3) by deleting the words "outside Western Australia".

Section 46  
amended.

15. Section 46 of the principal Act is amended by inserting after subsection (7) the following subsection—

" (8) A dentist or dental therapist when remitting to the Board the license fee payable under this section, shall also furnish to the Board in writing such particulars concerning the nature of his practice, the place or places at which he conducts his practice and his registration and qualifications as are prescribed, to enable the Board to plan education programmes and make manpower projections. " .

Section 49  
amended.

16. Section 49 of the principal Act is amended in subsection (2) by deleting "words "dental company," "dental institute," "dental hospital," "dental college," "college of dentistry," "school of dentistry," or any other words in which the word "dental" or "dentistry" appears." and substituting the following—

" description "dental company," "dental institute," "dental hospital," "dental college," "college of dentistry," "school of dentistry," or any other description in which the word "dental" or "dentistry" appears that implies or tends to the belief that the business or practice of dentistry is carried on in that place but this subsection does not prevent a dentist from taking, using, or having attached to or exhibited

at any place a description referred to in subsection (1) of this section. ” .

17. Section 55 of the principal Act is amended in paragraph (d) of subsection (1) by deleting “female”. Section 55 amended.

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