

DENTISTS.

No. 108 of 1972.

AN ACT to amend the Dentists Act, 1939-1970.

[Assented to 6th December, 1972.]

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, 1972*. Short title and citation.

(2) In this Act the Dentists Act, 1939-1970, is referred to as the principal Act. Reprinted Acts. Approved for reprint 11th February, 1972.

(3) The principal Act as amended by this Act may be cited as the *Dental Act, 1939-1972*.

Commence-
ment.

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

Long title.

3. The principal Act is amended by substituting for the long title a new long title as follows—

AN ACT to consolidate and amend the Law relating to dentists and dental therapists, to regulate the practice of dentistry, and for purposes incidental thereto. .

Section 2
amended.

4. Section 2 of the principal Act is amended, as to the heading PART VI., by deleting the passage “ss. 43 and 44” and substituting the passage “ss. 44 to 44B”.

Section 4
amended.

5. Section 4 of the principal Act is amended—

- (a) by deleting the definition “Register”; and
(b) by inserting in their appropriate alphabetical sequence new definitions as follows—

“Committee” means the Dental Charges Committee established by this Act;

“Dental therapist” means a person whose name is entered in the Register as a dental therapist;

“Legal practitioner” means a person admitted and entitled to practise as a barrister, solicitor, attorney, and proctor of the Supreme Court of Western Australia, or in any one or more of those capacities;

“Principal Dental Officer” includes the person designated as the Principal Dental Officer of the Department of the Public Service of the State known as the Department of Public Health and any person nominated by him in writing for the purposes of this Act;

“Register” means the Register of Dentists and Dental Therapists to be kept by the Registrar for the purposes of this Act; .

6. Section 5 of the principal Act is amended—

Section 5
amended.

(a) as to subsection (2)—

- (i) by substituting for the word “seven”, in line one, the word “eight”;
- (ii) by deleting the word “and” in line five; and
- (iii) by substituting for the passage “Branch)”, in line eight, a passage as follows—
 - Branch); and
- (d) one legal practitioner to be nominated by the Law Society of Western Australia (Inc.) ;

(b) as to subsection (3)—

- (i) by substituting for the passage “Minister, and”, in line five, the passage “Minister;” ; and
- (ii) by substituting for the word “Council”, being the last word in the subsection, the passage “Council; and the legal practitioner member to be nominated by the Law Society of Western Australia (Inc.) shall be so nominated by a resolution of the Council of that Society duly passed at a duly convened meeting of that Council” ;

(c) as to subsection (4)—

- (i) by substituting for the passage “Branch)”, in line six the passage “Branch), or if no legal practitioner is nominated by the said Law Society of Western Australia (Inc.)” ; and
- (ii) by substituting for the words “and such medical practitioner”, in lines eleven and twelve, the passage “, such medical practitioner or such legal practitioner” ; and

(d) by deleting subsection (5) and subsection (6).

Section 6
amended.

7. Section 6 of the principal Act is amended by substituting for the passage "Subject to subsection (6) of section five of this Act, the", in lines one and two, the word "The".

Section 11
amended.

8. Section 11 of the principal Act is amended, as to subsection (1),—

- (a) by substituting for the passage "Act, and," in line eleven, the passage "Act;"; and
- (b) by adding after the word "practitioner", being the last word in the subsection, the passage "; and, in the case of a legal practitioner member, when he ceases to be a duly qualified legal practitioner".

Section 12
amended.

9. Section 12 of the principal Act is amended as to subsection (1), by substituting for the words "or another medical practitioner", in lines six and seven, the passage "another medical practitioner, or another legal practitioner".

Section 12A
added.

10. The principal Act is amended by inserting after section 12 a new section as follows—

Remunera-
tion of
members.

12A. A member of the Board, not being a person to whom the Public Service Act, 1904, applies, shall be entitled to such allowances and remuneration for his services as the Minister from time to time determines.

Section 15
amended.

11. Section 15 of the principal Act is amended, in subsection (1),—

- (a) as to paragraph (d), by adding after the word "dentists", in line three, the words "or dental therapists";

- (b) by adding after paragraph (e) a new paragraph as follows—
 - (ea) for regulating those acts of dentistry performed by a dental therapist; ;
- (c) as to paragraph (h), by adding after the word “dentist”, in line three, the words “or dental therapist”;
- (d) by adding after paragraph (h) a new paragraph as follows—
 - (ha) for regulating the exercise by the Board of its disciplinary powers; ;
 - and
- (e) as to paragraph (i), by adding after the word “dentists”, in line three, the words “and dental therapists”.

12. Section 17 of the principal Act is amended by adding after the word “Dentists”, in line three, the words “and Dental Therapists”.

Section 17
amended.

13. Section 18 of the principal Act is amended—

Section 18
amended.

- (a) by deleting subsection (1) and substituting a new subsection as follows—
 - (1) The Registrar shall enter in the Register the name, address, description, and qualification of every dentist and of every dental therapist for the time being and from time to time qualified and required to be registered under this Act, together with particulars of any restriction or limitation on the practice of dentistry or on employment as a dental therapist, or of any condition, imposed by the Board in relation to that person under this Act, and such other particulars as may be prescribed. ; and
- (b) as to subsection (3),—
 - (i) by adding after the word “dentist”, in line one, the words “or dental therapist”;

- (ii) by deleting the passage “, which shall not exceed two dollars ten cents,” in lines three and four; and
- (iii) by substituting for the words “the issue to him by the Board of a certificate in the prescribed form that he is registered”, in lines four to six, the words “be issued by the Board with a registration certificate in the prescribed form”.

Section 22
amended.

14. Section 22 of the principal Act is amended by substituting for the words “a fee of twenty-five cents”, in lines three and four, the words “the prescribed fee”.

Section 25
amended.

15. Section 25 of the principal Act is amended by adding after the word “dentist”, in line two, the words “or dental therapist”.

Section 26
amended.

16. Section 26 of the principal Act is amended by adding after the word “dentists”, in line seven the words “and of all dental therapists”.

Section 27
amended.

17. Section 27 of the principal Act is amended—
- (a) as to subsection (1), by substituting for the word “dentists”, in line three, the words “the dentists and all the dental therapists”; and
 - (b) as to subsection (2), by adding after the word “dentist”, in line one, the words “or a dental therapist”.

Section 29
amended.

18. Section 29 of the principal Act is amended by adding after the word “dentist”, in line five, the passage “or as a dental therapist, as the case may be,”.

19. Section 30 of the principal Act is repealed and re-enacted with amendments as follows—

Section 30
repealed and
re-enacted.

30. (1) The name of any dentist or dental therapist registered in the Register may be struck off the Register if the Board, after due inquiry, is satisfied that—

Disciplinary
powers.

- (a) the registration was obtained by fraud or misrepresentation;
- (b) before or after registration, the person named was or has been convicted of an offence which, in the opinion of the Board, renders that person unfit to practise as a dentist or to be employed as a dental therapist;
- (c) as the result of a finding of any other authority lawfully exercising outside the State powers similar to those conferred on the Board by this Act, that person has been at any time, and in the opinion of the Board should continue to be, disqualified from carrying on practice as a dentist or from employment as a dental therapist;
- (d) the dentist or dental therapist is addicted to alcohol or any deleterious drug or suffers from any mental or physical disorder to a degree that renders that person unfit to practise as a dentist or be employed as a dental therapist; or
- (e) that dentist or dental therapist is guilty of misconduct in a professional respect by reason of carelessness, incompetence, impropriety, infamous conduct, or a breach of the provisions of this Act.

(2) Any person may make to the Board an allegation that a dentist or dental therapist is guilty of misconduct in a professional respect, and the Board shall consider all such allegations after affording the dentist or the dental

therapist concerned an opportunity of giving an explanation to the Board either in person or in writing.

(3) Instead of causing the name of any person to be struck off the Register in accordance with subsection (1) of this section, where the Board considers that the matter does not in the public interest require that the dentist or dental therapist concerned should be disqualified from practice or employment as such, the Board may—

- (a) order that the particulars entered in the Register in relation to that person be amended, and amend those particulars accordingly;
- (b) censure that person;
- (c) require that person to give an undertaking, either with or without security, for such period as the Board thinks necessary—
 - (i) in the case of a dentist to comply with such conditions as the Board may impose in relation to that person's practice; or
 - (ii) in the case of a dental therapist, to work under supervision, or to complete a specified course of instruction or study.
- (d) order that person to be fined such an amount, not exceeding one thousand dollars, as the Board thinks fit; or
- (e) suspend that dentist or dental therapist from practice or employment as a dental therapist generally, or from the performance of any specified operation, service or act of dentistry or dental therapy for a period not exceeding twelve months.

(4) The Board may, in any case, in addition to or in lieu of imposing any one or more of the penalties specified in this section, order that dentist or dental therapist to pay such costs and expenses of or incidental to the proceedings as the Board thinks fit.

(5) Where any fine, costs or expenses are ordered to be paid by any dentist or dental therapist under this section the amount ordered to be paid shall be recoverable from that person in any court of competent jurisdiction as a debt due to the Board. .

20. The principal Act is amended by adding after section 30 a new section as follows—

Section 30A
added.

30A. Where the Board, after due inquiry, is satisfied that a dentist or a dental therapist who has given an undertaking to the Board pursuant to section thirty of this Act has at any time during the currency of the undertaking been in breach of that undertaking, or failed to comply with any condition imposed, the Board may, in addition to or in lieu of proceeding against that person in accordance with the undertaking, impose on that person such further penalty under section thirty of this Act in respect of the matter as a consequence of which the undertaking was required to be given as the Board thinks fit, and may also impose any such penalty in relation to the conduct or omission giving rise to the breach or the failure to comply with the conditions imposed. .

Breach of
undertaking.

21. The principal Act is amended by adding after section 30A a new section as follows—

Section 30B
added.

30B. (1) Before making any order under section thirty or section thirty A of this Act in relation to a dentist or a dental therapist

Inquiry.

the Board shall hold an inquiry into the matter and shall give to that person notice of the time and place at which the inquiry is to be held and sufficient details of the matters to be inquired into to enable that dentist or dental therapist to show cause why the Board should not deal with that person in accordance with the provisions of that section.

(2) In conducting the inquiry the Board is not bound by rules of evidence or legal procedure and may inform itself in such manner as it thinks fit but shall afford the dentist or dental therapist concerned an opportunity to be heard, either in person or by solicitor or counsel, and to examine witnesses.

(3) If so requested by the dentist or dental therapist concerned, the Board shall sit and conduct the proceedings as if it were an open court.

(4) Where the Board takes any action under section thirty of this Act in relation to a person, the Board shall record the finding on which the decision was based, and its reasons. .

Section 31
amended.

22. Section 31 of the principal Act is amended, as to subsection (1), by adding after the words "section thirty", in line two, the words "or section thirty A".

Section 32
amended.

23. Section 32 of the principal Act is amended by adding after the word "dentist", in line four, the passage "or from employment as a dental therapist, as the case may be".

Section 32A
added.

24. The principal Act is amended by adding after section 32 a new section as follows—

Effect of
suspension.

32A. (1) Where a dentist or a dental therapist is suspended from practice or from employment as a dental therapist generally

that person shall be deemed not to be registered as, and shall be disqualified from practising as, a dentist or from employment as a dental therapist, as the case may be, during the period for which the suspension subsists.

(2) The Board may, by notice in writing, revoke the suspension and may direct in the notice that the revocation have effect from a date specified in the notice. .

25. Section 33 of the principal Act is amended— Section 33
amended.

(a) as to subsection (1),—

(i) by adding after the word “dentist”, in line two, the passage “or dental therapist, as the case may be”;

(ii) by substituting for the passage “Register,” in line nine, the passage “Register; or”;

(iii) by adding after paragraph (c) two new paragraphs as follows—

(d) suspends any dentist or dental therapist; or

(e) imposes any penalty or makes any order as to costs in disciplinary proceedings under this Act, ;

(iv) by substituting for the words “such person”, in line ten, the words “a person aggrieved”; and

(v) by substituting for the words “refusal or striking off”, in line eleven and in line fourteen, the word “decision”;

(b) as to subsection (2), by substituting for the words “refusal or striking off”, in line three and in lines four and five, the word “decision”;

(c) as to subsection (3),—

- (i) by substituting for the passage “Court.”, in line four, the passage “Court,”;
- (ii) by deleting the words “Provided that the appeal”, in line five; and
- (iii) by substituting for the word “shall”, in line six, the word “may”.

Section 43
repealed.

26. Section 43 of the principal Act is repealed.

Section 44
amended.

27. Section 44 of the principal Act is amended as to subsection (1),—

- (a) by substituting for the passage “Subject to section forty-three of this Act, no”, in line one, the passage “No”;
- (b) by substituting for the words “diploma of”, in line two of paragraph (d), the words “primary qualification in”;
- (c) by substituting for the words “degree or diploma of”, in line five of paragraph (d), the words “primary qualification in”;
- (d) by substituting for the words “diploma or degree”, in line thirteen, line fourteen, lines sixteen and seventeen, and line twenty-nine of paragraph (d), the words “primary qualification”;
- (e) by adding after the passage “granted;”, in line twenty-nine of paragraph (d), the word “or”;
- (f) by deleting subparagraph (iii) of paragraph (d); and
- (g) by deleting subparagraph (iv) of paragraph (d) and substituting a new subparagraph as follows—
 - (iv) a primary qualification in dental medicine or dental surgery that was granted by an institution in the

United States of America that is accredited by the American Dental Association, the further qualification attained by satisfying the requirements of the National Board of Dental Examiners in that country, and at the date of his application for registration under this Act is entitled to registration as a dentist in one or more of the States of that country. .

28. The principal Act is amended by adding after section 44 a new section as follows—

Section 44A
added.

44A. (1) Any person who is in Western Australia or proposes to come to Western Australia and who satisfies the Board that he proposes to undertake a course in post graduate study or professional practice and training under supervision, or to engage in teaching or research in dental surgery or dental science, may, upon payment of the prescribed fee, be granted by the Board a certificate of temporary registration as a dentist for the purposes of this Act.

Temporary
registration.

(2) A certificate granted under subsection (1) of this section may be made subject to such limitations and restrictions upon the practice of dentistry by the applicant and to such other conditions as the Board in any particular case specifies in the certificate.

(3) Every certificate granted under subsection (1) of this section may in the first place be issued for a period of not more than twelve months, but upon application to the Board during the currency of the certificate may from time to time be renewed for a further period or periods of not more than twelve months in respect of each such application, but so that the maximum period for which a certificate may be in force under this section in respect of any person shall not in the aggregate exceed three years.

(4) The Board may at any time cancel any certificate issued or renewed under subsection (1) of this section, or may vary any limitation, restriction or condition to which it was made subject.

(5) Every person in respect of whom a certificate of temporary registration as a dentist is granted shall, while the certificate remains in force and so long as he does not infringe the restrictions or limitations or contravene the conditions to which it was made subject, be deemed for all the purposes of this Act to be a registered dentist, and his name and such other particulars as the Board considers to be material shall be entered by the Registrar in the Register as a person to whom temporary registration has been granted. .

Section 44B
added.

29. The principal Act is amended by adding after section 44A a new section as follows—

Qualification
for
registration
as a dental
therapist.

44B. (1) No male person shall be qualified for registration as a dental therapist under this Act.

(2) A person shall be qualified for registration as a dental therapist under this Act, if she proves to the satisfaction of the Board, and, if so required after personal attendance before the Board, that—

- (a) she has attained the prescribed age when she applies for registration;
- (b) she has in all respects complied with the requirements of this Act and the rules and regulations;
- (c) she is a person of good character; and
- (d) she has completed the prescribed course of training and passed the prescribed examinations.

(3) Any person who satisfies the Board that she has completed an approved course of study and professional practice and training as a dental therapist outside Western Australia may, subject to such further or other training as the

Board requires, be dealt with by the Board as if she were a person who had completed the prescribed course of training and passed the prescribed examinations.

(4) Any person who satisfies the Board that in accordance with the provisions of this section she is qualified for registration as a dental therapist under this Act, shall, subject to this Act and the rules and regulations and upon payment of the prescribed fee, be entitled to be and shall be registered in the Register kept in accordance with this Act.

30. Section 45 of the principal Act is amended— Section 45 amended.

(a) as to subsection (1), by repealing paragraph (a) and re-enacting it with amendments as follows—

(a) the attendance of a dentist or a dental therapist at any proceedings held under section thirty B of this Act which concern that person, and may also require the attendance at any such proceedings of any other person who, in the opinion of the Board, can give evidence or produce documents touching the matter in question, or whom the complainant (if any) or the dentist or dental therapist may desire to call as a witness; and;

and

(b) as to subsection (2), by substituting for the word "inquiry", in line six, the word "proceedings".

31. Section 46 of the principal Act is amended— Section 46 amended.

(a) by repealing subsection (1) and re-enacting it with amendments as follows—

(1) No dentist or dental therapist shall practise dentistry or act as a dental therapist—

(a) unless that person holds a license so to do issued by the Board;

- (b) so as to infringe any restriction or limitation, or to contravene any condition, imposed upon that person by the Board.

Penalty: Five hundred dollars. ;

- (b) as to subsection (2),—

- (i) by substituting for the word “dentist”, in line one and in line three, the word “person”; and

- (ii) by substituting for the words “dentist’s license”, in line two, the passage “license either as a dentist, or as a dental therapist, as the case may require”;

- (c) by repealing subsection (3);

- (d) as to subsection (5), by adding after the word “dentists”, in line one, the passage “or to dental therapists, as the case may be,”;

- (e) as to subsection (6), by repealing subparagraph (i); and

- (f) as to subsection (7), by substituting for the word “dentist”, in line five, the word “person”.

Section 47
amended.

32. Section 47 of the principal Act is amended—

- (a) as to subsection (1), by substituting for the word “dentist”, in line one, the word “person”; and

- (b) as to subsection (2),—

- (i) by adding after the word “dentist”, in line one, the words “or dental therapist”;

- (ii) by substituting for the words “the dentist”, in line four, the words “that person”; and

- (iii) by deleting the passage “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,” in lines four to seven.

33. Section 50 of the principal Act is amended, as to subsection (2),— Section 50 amended.

- (a) by substituting for the word “dentist”, being the last word in the subsection, the passage “dentist; or”; and
- (b) by adding after paragraph (e) a new paragraph as follows—
- (f) a dental therapist who performs under the direction and control of a dentist any act of dentistry authorised under the provisions of section fifty A of this Act. .

34. The principal Act is amended by adding after section 50 new sections as follows— Section 50A added.

50A. (1) A dental therapist, under the direction and control of a dentist and for the purpose of assisting that dentist in the prevention, control, or treatment of dental disease and who is employed by a dentist or by the Department of the Public Service of the State known as the Department of Public Health, may undertake— Acts which may be performed by dental therapists.

- (a) dental hygiene duties, including—
- (i) dental health education;
- (ii) procedures associated with chair-side assistance to a dentist;
- (iii) pre-operative and post-operative instruction;
- (iv) dental radiography for usual dental examinations;
- (v) the application of a rubber dam;
- (vi) the irrigation of the mouth;

- (vii) the removal of sutures;
 - (viii) the topical application of solutions;
 - (ix) the removal of dental calculus;
 - (x) the cleaning and polishing of teeth and restorations;
 - (xi) the taking of impressions for study casts;
 - (xii) the insertion and removal of surgical packs; and
 - (xiii) the removal of orthodontic bands;
- (b) practice management duties;
- (c) the following acts of dentistry—
- (i) the administration of infiltration and inferior dental nerve block local analgesia;
 - (ii) the extraction by forceps of loosened deciduous teeth under local analgesia;
 - (iii) the emergency treatment of pulp exposure;
 - (iv) the preparation and restoration of cavities in deciduous and permanent teeth of pre-school and school children by amalgam cement and plastic material; and
 - (v) the restoration of prepared cavities in deciduous and permanent teeth by the use of materials other than cast metal, gold foil, or porcelain.

(2) Where clinical treatment of a patient is to be carried out by a dental therapist, the dentist under whose direction and control the treatment is to be given shall examine the

patient before the treatment commences and also after the treatment within such time as is prescribed, and whilst he is not in full time attendance shall remain reasonably available for consultation.

(3) For the purposes of this section, it shall be sufficient compliance with the requirement for a dentist to remain reasonably available for consultation, if he, or another dentist specified by him, would be available to render assistance to the dental therapist if such assistance is required by her. .

50B. (1) For the purpose of this section "clinic" means any premises under the control of a dentist wherein the dentist employs the services of dental therapists on a regular full time basis at those premises.

(2) No dentist shall operate more than two clinics.

(3) No premises shall be classified as a clinic under this section if a dentist is in attendance thereat so long as such premises shall be open.

(4) No dentist shall employ more than two dental therapists and in the case of dental therapists employed by the Department of the Public Service of the State known as the Department of Public Health they shall not be employed in any higher proportion than two dental therapists for each dentist employed by such Department provided that such proportion may be exceeded if necessary for the purposes of the schools dental service operated by such Department.

35. The principal Act is amended by adding after section 51 a new section as follows—

Section 51A
added.

51A. (1) For the purposes of this Act there shall be established a committee to be known as the Dental Charges Committee.

Dental
Charges
Committee.

(2) The Committee shall consist of—

- (a) the person designated as the Principal Dental Officer of the Department of the Public Service of the State known as the Department of Public Health, or a person nominated by him in writing for the purpose, who shall be chairman; and
- (b) two other members appointed by the Governor, of whom—
 - (i) one shall be a dentist in private practice nominated by the Australian Dental Association (W.A. Branch) Inc.;
 - (ii) one shall be a qualified accountant nominated by the Minister.

(3) A member may be appointed to hold office for any term not exceeding three years, is eligible for re-appointment, and shall hold and vacate office in accordance with the terms of the instrument under which he is appointed.

(4) The Governor may appoint a person to be a deputy of a member, and a reference in this section to a member shall be construed as a reference to a deputy taking the place of that member in the absence of that member from any meeting.

(5) A member, not being a person to whom the Public Service Act, 1904, applies, may be paid such remuneration and allowances as the Governor determines.

(6) If a member—

- (a) becomes permanently incapable of performing his duties as a member;
- (b) resigns his office by writing under his hand addressed to the Governor;
- (c) absents himself, except on leave duly approved by the Minister, from three consecutive meetings,

the office of that member becomes vacant,

(7) The Committee shall hold meetings at such times and places as it thinks fit, but may be convened at any time by the Minister.

(8) The proceedings of the Committee shall not be invalidated by reason only of there being a vacancy in the office of a member or there being a defect in the appointment of any member.

(9) At a meeting of the Committee—

- (a) three members form a quorum;
- (b) if the chairman is absent the members present shall elect one of their number to preside at that meeting and while so presiding that member is deemed to be the chairman;
- (c) any question arising shall be determined by a majority of the votes of the members present;
- (d) the member presiding has a deliberative vote only.

(10) Subject to this Act, the Committee may regulate its procedure in such manner as it thinks fit. .

36. The principal Act is amended by adding after section 51A a new section as follows—

Section 51B
added.

51B. A dentist shall be entitled to sue in any court of competent jurisdiction for the recovery of his fees or other remuneration for his professional services in dentistry or in the performance of any dental operation or for any dental attendance or advice, and it shall be sufficient to state in the particulars of demand the words "for dental services" which shall include every demand for any act of dentistry, attendance and advice and for any articles supplied by the plaintiff to the defendant for dental purposes.

Dentist may
sue for fees.

Section 51C
added.

37. The principal Act is amended by adding after section 51B a new section as follows—

Review of
charges.

51C. (1) A person liable to pay fees or remuneration to a dentist for a dental service (not being a dental service constituting medical treatment for the purpose of the Workers' Compensation Act, 1912) may, within three months after service upon him of an account for the fees or remuneration, apply in writing to the Dental Charges Committee to review the account.

(2) The Committee shall, upon such an application,—

- (a) give to the applicant for the review an acknowledgment in the prescribed form that the matter is under review;
- (b) review the account;
- (c) certify, under the hand of the chairman, the amount which, in the Committee's opinion, is a reasonable amount of fees or remuneration for the dental service; and
- (d) set out, in such certificate, the facts on which the Committee's decision was based.

(3) The Committee may—

- (a) require a person to furnish such information as it thinks necessary or desirable for the purpose of a review under this section;
- (b) fix a time within which the information shall be furnished; and
- (c) proceed to review an account for fees or remuneration for a dental service without the information requested if it is not furnished within the time fixed.

(4) In reviewing an account the Committee is not required to conduct a formal hearing, but shall inform the applicant for the review and the dentist of any information furnished to the Board under this section.

(5) In reviewing an account the Committee shall have regard, in particular, to—

- (a) the time occupied in giving, and the nature of, the dental service;
- (b) the distance between the dental surgery or residence of the dentist or dental therapist and the place at which the dental service was given;
- (c) the hours of the day or night at which the dental service was given;
- (d) the degree of skill, knowledge or experience required in the giving of the dental service;
- (e) whether the dental service was given by a specialist, a consultant, a dentist in general practice or a dental therapist; and
- (f) any special circumstances submitted by the dentist.

(6) In proceedings for the recovery of fees or remuneration in respect of a dental service, a certificate of the Board under subsection (2) of this section in relation to that dental service is evidence that the amount certified in the certificate is a reasonable amount of fees or remuneration for the dental service.

(7) Notwithstanding the provisions of any other subsection of this section the Committee may refer any application made to it under subsection (1) of this section to the Counselling Committee of the Australian Dental Association (W.A. Branch) Inc. for determination or report.

(8) Judicial notice shall be taken of the signature of the chairman appearing on a certificate under subsection (2) of this section and of the fact that the person by whom the certificate purports to have been signed was, at the time the certificate was signed, the chairman. .

Section 51D
added.

38. The principal Act is amended by adding after section 51C a new section as follows—

Stay of
proceedings.

51D. Where in any proceedings for the recovery of fees or other remuneration in respect of a dental service an acknowledgment in the prescribed form purporting to have been given to the defendant by the Dental Charges Committee and stating that the matter is under review by that Committee is produced to the court, those proceedings shall be stayed until the decision of the Committee is known unless the court for cause shown otherwise determines. .

Section 55
amended.

39. Section 55 of the principal Act is amended, as to subsection (1), by adding after the word "dentist", in line two of paragraph (d), the words "or dental therapist".

Section 56
amended.

40. Section 56 of the principal Act is amended by repealing subsection (1) and subsection (3) and substituting a new subsection as follows—

(1) Where any person is engaged in the business or practice of dentistry and desires to carry on the business or practice under a firm-name, the Board may, on application being made in the prescribed manner, and on being satisfied that the applicant is registered as the proprietor of that firm-name under the Business Names Act, 1962, grant to that person a permit authorising the use of that firm-name to describe that business or practice. .