

NORTHERN TERRITORY OF AUSTRALIA

DENTAL AMENDMENT ACT 1991

No. 74 of 1991

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SCHEDULE



NORTHERN TERRITORY OF AUSTRALIA

No. 74 of 1991

AN ACT

to amend the *Dental Act*

[Assented to 10 December 1991]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act* 1978 of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Dental Amendment Act* 1991.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. PRINCIPAL ACT

The *Dental Act* is in this Act referred to as the Principal Act.

4. DEFINITIONS

Section 3 of the Principal Act is amended by inserting after the definition of "Secretary" the following:

"'temporary registration' means temporary registration under section 20;".

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5. CHAIRMAN AND DEPUTY CHAIRMAN, &c.

Section 7 of the Principal Act is amended by omitting subsection (2) and substituting the following:

"(2) The members shall, at an election to be held at the first meeting of the Board in each calendar year, elect one of their number to be the Chairman and another to be the Deputy Chairman of the Board and the offices of Chairman and Deputy Chairman shall become vacant immediately before each election.

"(2A) For the purposes only of enabling an election of the Chairman and the Deputy Chairman to be held under subsection (2), the member nominated as a member under section 5(1)(b) shall preside at the meeting.

"(2B) If, for any reason, there is a vacancy in the office of Chairman or Deputy Chairman, the members may, at a meeting, elect one of their number to occupy the office until the election is held under subsection (2)."

6. CERTIFICATES

Section 17 of the Principal Act is amended by omitting subsections (1) and (2) and substituting the following:

"(1) Where the Registrar registers, or renews or reinstates the registration of, a person in a category of registration the Registrar shall, as soon as practicable and, after receiving from the person the fee determined by the Minister, issue to the person a certificate of registration in an approved form.

"(2) Where a person is issued with a full registration authorized under section 16 or 20, the Registrar shall issue to the person a practising certificate in an approved form which takes effect on the date on which it is expressed to take effect and expires on 30 September next following."

7. REPEAL AND SUBSTITUTION

Section 20 of the Principal Act is repealed and the following substituted:

"20. CONDITIONAL AND TEMPORARY REGISTRATION

"(1) Notwithstanding section 16(a), where an applicant under section 15 for full or temporary registration has qualifications that, in the opinion of the Board, are suitable for the purpose, the Board may authorize the conditional registration or the temporary registration of the applicant for a period not exceeding 12 months in the category of registration for which the application is made.

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"(2) A person whose name is entered in the Register as being conditionally registered or temporarily registered in a category of registration is entitled to practise in the category subject to such conditions as are imposed by the Board and endorsed on his certificate of conditional registration or temporary registration.

"(3) At the expiration of the period of conditional registration or temporary registration authorized under subsection (1), the Board may -

- (a) authorize the renewal of the person's conditional registration or temporary registration for one further period not exceeding 12 months; or
- (b) if the person had applied for full registration -
 - (i) authorize the full registration of the person in the category of registration to which his original application related; or
 - (ii) refuse to authorize his full registration in that category.

"(4) Where, under subsection (3)(a), the Board authorizes the renewal of a conditional registration of a person whose application was for full registration, it shall, at the expiration of the further period for which the conditional registration was renewed -

- (a) authorize the full registration of the person in the category of registration to which his original application related; or
- (b) refuse to authorize his full registration.

"(5) Without derogating from its power under Part IV, the Board may direct the Registrar to cancel the conditional registration or temporary registration of a person or to amend or vary a condition to which the conditional registration or temporary registration is subject."

8. NEW SECTION

The Principal Act is amended by inserting in Part III, after section 24, the following:

"24A. RESTORATION OF REGISTRATION

"(1) Where a person's name has, for any reason, been removed from the Register, he may apply in the approved form, accompanied by the fee determined by the Minister, to the Board for his registration to be reinstated.

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"(2) The Board shall determine an application under subsection (1) by -

- (a) authorizing; or
- (b) refusing to authorize,

the person's registration to be reinstated.

"(3) Where the Board authorizes a person's registration to be reinstated the Registrar shall adjust the Register accordingly.".

9. DETERMINATION OF FEES

Section 47 of the Principal Act is amended by omitting subsection (1) and substituting the following:

"(1) The Minister may, by notice in the *Gazette*, determine the fees payable in respect of a matter or thing under this Act, and a fee so determined shall be payable to the Board accordingly.".

10. REPEAL AND SUBSTITUTION

Section 51 of the Principal Act is repealed and the following substituted:

"51. DENTAL COMPANIES

"(1) Subject to subsection (2) -

- (a) a dentist may, with one or more natural persons who are not dental specialists; or
- (b) a dental specialist may, with one or more natural persons who are not dentists,

form a dental company by incorporation under the Corporations Law.

"(2) Where -

- (a) under subsection (1)(a), a dental company in which a dentist is a member, shareholder or director is incorporated -
 - (i) with 2 directors, not fewer than one director shall be a dentist who holds; or
 - (ii) with more than 2 directors, not fewer than two-thirds of the total number of the directors shall be dentists who between them hold; or

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(b) under subsection (1)(b), a dental company in which a dental specialist is a member, shareholder or director is incorporated -

(i) with 2 directors, not fewer than one director shall be a dental specialist who holds; or

(ii) with more than 2 directors, not fewer than two-thirds of the total number of the directors shall be dental specialists who between them hold,

not less than two-thirds of the total voting rights of all -

(c) directors entitled to vote at a meeting of directors of the company; and

(d) persons entitled to vote at a general meeting of members of the company.

"(3) A dentist shall not be a member, shareholder or director of a dental company in which a dental specialist is a member, shareholder or director, and a dental specialist shall not be a member, shareholder or director of a dental company in which a dentist is a member, shareholder or director.

"(4) A dental company shall not -

(a) be incorporated except under a memorandum and articles of association and a name, approved by the Board; or

(b) alter the memorandum and articles of association or name approved under paragraph (a) unless it has submitted the proposed alterations to the Board and the alterations have been approved.

"(5) A dental company shall, as soon as practicable, and in any case not later than 28 days, after each annual general meeting, provide to the Board in writing -

(a) the names of its directors, members and shareholders; and

(b) the voting rights of each director, member and shareholder.

"(6) The shareholders of a dental company who are dentists or dental specialists are jointly and severally responsible for the liabilities, and shall be deemed jointly and severally to guarantee the debts, of the dental company.

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"(7) In this section, 'shareholders' includes persons for whose benefit a share in a dental company is being held by a person in trust for those persons and the trustee of the share.

"(8) An application for approval under this section shall be accompanied by a fee determined by the Minister."

11. SCHEDULES

(1) Schedule 1 to the Principal Act is amended by adding at the end the following:

"16. Placing of fissure sealants."

(2) Schedule 2 to the Principal Act is amended by adding at the end the following:

"12. Placing of fissure sealants."

(3) Schedule 3 to the Principal Act is amended by adding at the end the following:

"4. Placing of fissure sealants."

12. FURTHER AMENDMENTS

The Principal Act is further amended as provided in the Schedule.

SCHEDULE

Section 12

| Provision | Amendment | |
|-------------------------------------|--------------------|----------------------------------|
| | omit | substitute |
| Section 3 | | |
| - definition of "application" | "or 21" | |
| - definition of "full registration" | "section 16" | "section 16 or 20" |
| - definition of "registered" | "or conditionally" | ", conditionally or temporarily" |
| Section 5(1) | paragraph (a) | |

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| Provision | Amendment | |
|---------------------|--|--|
| | omit | substitute |
| Section 5(2) | "6 dentists" | "6 persons who are dentists or dental specialists" |
| | "28 days" | "60 days" |
| Section 5(3) | "28 days" | "60 days" |
| | "3 dentists" | "3 persons who are dentists or dental specialists" |
| Section 5(5) | "dentist" (wherever occurring) | "dentist or dental specialist" |
| Section 15(1) | "Subject to subsection (3), a person" | "A person" |
| Section 15(2) | "subsection (1)" | "this section" |
| Section 15(3) | "who is not a dentist shall not apply, or be eligible" | "who does not have the approved qualifications for registration as a dentist shall not apply, and is not eligible" |
| Section 17(4) | "Subject to subsection (5), where" | "Where" |
| Section 17(5) | the whole subsection | |
| Section 18(1)(d) | "dentist; or" | "dentist; and" |
| Section 21 | the whole section | |
| Section 22 | "or conditional" | ", conditional or temporary" |
| Section 23(2) | "or conditional" | ", conditional or temporary" |
| Section 29(1)(d)(i) | "conditionally" | "conditionally registered or temporarily" |

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| Provision | Amendment | |
|------------------|--|--|
| | omit | substitute |
| Section 30(g) | "is addicted" | "in the opinion of the Board habitually uses intoxicating liquor to excess or is addicted" |
| Section 32(2) | "2 dentists" | "2 persons who are dentists or dental specialists" |
| | "dentist" | "dentist or as a dental specialist" |
| Section 44(1)(a) | "authorized to do so under this Act and holds" | "entitled to do so under this Act or holds" |
| | "in respect of the category" | "in respect of full registration in the category" |
| Section 44(1)(c) | "preventative dental care" | "preventive dental care" |