



DENTAL AMENDMENT ACT 1991

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Queensland



Dental Amendment Act 1991

Act No. 56 of 1991

An Act to amend the *Dental Act 1971*

[Assented to 18 September 1991]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows.

Short title

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

Commencement

2. This Act commences on a day to be fixed by proclamation.

Amended Act

3. The *Dental Act 1971* is amended as set out in this Act.

Amendment of s.18 (Qualifications for registration)

- 4.(1) Section 18(1)—

omit 'and is residing in Queensland'.

- (2) Section 18(3)—

omit 'A dentist shall be', *insert* 'Subject to section 20(3), a dentist is'.

- (3) Section 18(3)(b)—

omit, insert—

'(b) he or she has gained special skill in a particular dental specialty, by experience satisfactory to the Board in that specialty, for a period of not less than 2 years after the granting of the prescribed qualification referred to in provision (a).'

Replacement of s.20 (Registration as dentist for limited period)

5. Section 20—

omit, insert—

‘Limited registration as a dentist or dental specialist

‘20.(1) The Board may grant limited registration as a dentist to a person who—

- (a) applies to the Board in a form approved by the Board; and
- (b) pays the prescribed fee; and
- (c) satisfies the Board that—
 - (i) he or she is of good fame and character; and
 - (ii) he or she is the holder of a degree, diploma or certificate in dentistry awarded by an institution recognised in the State, Territory or foreign country in which it is situated, and by the Board, as authorised to grant the degree, diploma or certificate; and
- (d) has or intends to come to Queensland—
 - (i) at the request of or to take up appointment at the University of Queensland in the department of dentistry, for the purpose of teaching, lecturing, giving clinical demonstrations or engaging in research work; or
 - (ii) at the request of a State authority, or a dental association, approved by the Board for the purpose of teaching, lecturing, giving clinical demonstrations or engaging in research work; or
 - (iii) at the direction or request of the Commonwealth for the purpose of engaging in official duties related to the practice of dentistry within Queensland.

‘(2) A grant of limited registration as a dentist must be for a period of not more than the period the person is or will be in Queensland for the purpose mentioned in subsection (1)(d).

‘(3) A person who—

- (a) is granted limited registration as a dentist; and
- (b) is entitled to be registered as a dental specialist;

is only entitled to be granted limited registration as a dental specialist for a period of not more than the period mentioned in subsection (2).

‘(4) When the Board grants limited registration to a person it must issue a certificate of limited registration to the person.

‘(5) A certificate of limited registration—

(a) remains in force for a period, of not more than 12 months, specified in the certificate; and

(b) may be renewed from time to time, on application made to the Board in a form approved by the Board and on payment of the prescribed fee, for a period of not more than 12 months; and

(c) is subject to such conditions as the Board considers necessary to ensure that the person is not entitled to practise dentistry in Queensland other than for the purpose for which the registration was granted.

‘(6) The person must not practise dentistry otherwise than in accordance with the conditions of registration.

‘(7) The person must give written notice to the Board immediately on his or her ceasing to practise dentistry in Queensland.

‘(8) On receipt of a notice the Board must cancel the person’s registration.

‘(9) The Board may call on the person to satisfy it that his or her name should remain on the register.

‘(10) If the person fails to satisfy the Board, it may cancel his or her registration.’.

Insertion of new s.25

6. After section 24—

insert—

‘Production of documents etc.

‘**25.(1)** The Board may, by written notice given to a dentist or a dental specialist, direct the dentist or dental specialist to produce to it a specified document or thing, relating to the practice of dentistry by the dentist or dental specialist, within the reasonable time specified in the notice.

‘(2) The Board must not give a notice unless it suspects on reasonable grounds that the dentist or dental specialist—

(a) has been incompetent or negligent in rendering any advice or service, or performing any treatment or operation, in respect of the practice of dentistry; or

(b) has contravened a provision of this Act.

‘(3) A notice must contain particulars of the grounds on which it is based.

‘(4) A dentist or dental specialist must not, without reasonable excuse, contravene a notice.

‘(5) A dentist or dental specialist is not required to produce a document or thing to the Board if the dentist or dental specialist objects to its production on the ground that it may tend to incriminate the dentist or dental specialist.

‘(6) When any document or thing is produced to the Board under this section, the Board may—

(a) retain possession of the document or thing for such period as it thinks fit; and

(b) inspect, make copies of, photograph, or take extracts from, the document or thing.

‘(7) While it retains possession of a document or thing, the Board must permit the person otherwise entitled to possession of the document or thing to inspect, make copies of, photograph, or take extracts from, the document or thing, at such place and time as the Board determines.

‘(8) The Board must not disclose information or publish a record obtained by it as a result of any document or thing being produced to it under this section, unless the disclosure or publication is made—

(a) with the written consent of the dentist or dental specialist in respect of whom the information or record relates; or

(b) during the course of an inquiry conducted under section 26; or

(c) for the purposes of a legal proceeding under this Act.’.

Amendment of s.26 (Disciplinary action)

7.(1) Section 26(1)—

omit ‘shall notify’, *insert* ‘must give written notice to’.

(2) Section 26(3)—

omit.

Amendment of s.27 (Correction of registers)

8. After section 27(3)—

insert—

‘(4) A dentist or dental specialist must give written notice to the Board of any change of name or change in the prescribed particulars entered in the appropriate register within 30 days of the change.

‘(5) The directors of a dental company or the members of an association of persons engaged in the practice of dentistry must give written notice to the Board of any change in the particulars prescribed for the purpose of this subsection within 30 days of the change.’.

Amendment of s.30 (Prohibited practices)

9.(1) After section 30(5)—

insert—

‘(5A) A person or an association of persons must not, in any advertisement, poster or other public notice—

(a) hold out another person as, or use words that imply or are calculated or likely to imply that another person is, a dentist or dental specialist, unless the other person is so registered; or

(b) hold out, or use words that imply or are calculated or likely to imply, that a dentist will render any advice or service, or perform any treatment or operation in respect of the practice of a dental specialty, unless the dentist is registered as a dental specialist in respect of that specialty.

‘(5B) A dentist must not accept or agree to accept any payment or benefit from any person in respect of the referral by the dentist of a patient to that person or any other person for any advice, service, treatment or operation in respect of the practice of dentistry.

‘(5C) A dental specialist must not make or give, or agree to make or give, any payment or benefit to any person in respect of the referral by a dentist of a patient to the dental specialist for any advice, service, treatment or operation in respect of the practice of dentistry.

‘(5D) A dentist or dental specialist must not practise dentistry in a way likely to lead a patient to believe that any advice or service rendered to the

patient, or any treatment or operation performed on the patient, is rendered or performed by a dental specialist in a particular branch of dentistry when the advice or service is not so rendered or the treatment or operation is not so performed.’.

(2) After section 30(8)(c)(ii)—

insert—

‘(iii) dentistry by an operative dental auxiliary, of a prescribed designation, undergoing an examination conducted by or on behalf of the Board under the immediate personal supervision of a dentist or a dental specialist;’.