



DENTAL TECHNICIANS AND DENTAL PROSTHETISTS ACT 1991

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Queensland



Dental Technicians and Dental Prosthetists Act 1991

Act No. 57 of 1991

An Act to provide for the establishment of the Dental Technicians and Dental Prosthetists Board, the keeping of registers of dental technicians and dental prosthetists and the regulation of dental technical work and dental prosthetic services and for related purposes

[Assented to 9 December 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.

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Dental Technicians and Dental Prosthetists Act 1991*.

Commencement

2.(1) Parts 1 and 2 of this Act commence on the day this Act receives the Royal Assent.

(2) The remaining provisions commence on a day to be fixed by proclamation.

Interpretation

3.(1) In this Act—

“**artificial denture**” means a removable prosthesis that replaces missing natural teeth, and includes a removable partial artificial denture;

“**Board**” means the Dental Technicians and Dental Prosthetists Board of Queensland constituted by this Act;

“**chairperson**” means the chairperson of the Board;

“**commencing day**” means the day fixed under section 2(2);

“**company**” means a body corporate;

“**dental technical work**” means making, altering, adjusting, repairing or maintaining—

- (a) artificial dentures; or
- (b) mouthguards; or
- (c) restorative or corrective dental appliances;

“dentist” means a dentist or dental specialist within the meaning of the *Dental Act 1971*;

“deputy chairperson” means the deputy chairperson of the Board;

“fitting” in respect of a dental prosthesis, includes taking an impression or making a measurement for the purpose of making, altering, adjusting, repairing, inserting or maintaining an artificial denture or mouthguard;

“medical practitioner” means a duly registered medical practitioner;

“register” means a register kept under this Act;

“registered” means registered under this Act;

“registrar” means the person holding the appointment as registrar of the Board, and includes a person for the time being performing the duties of the registrar;

“utter”, in relation to a thing, includes—

- (a) use, deal with or act on; or
 - (b) attempt to use, deal with or act on; or
 - (c) attempt to induce a person to use, deal with or act on;
- the thing as if it were genuine.

(2) Subject to subsection (3), in this Act—

“dental prosthetic service” means—

- (a) advice or attention given for the purpose of, or in connection with, fitting, inserting or maintaining an artificial denture or a mouthguard; or
- (b) fitting or inserting an artificial denture in a person’s healthy mouth; or
- (c) fitting or inserting a mouthguard; or
- (d) making, altering, adjusting, repairing or maintaining an artificial denture or a mouthguard in connection with a purpose mentioned in paragraph (a), (b) or (c);

but does not include fitting or inserting an artificial denture if, in the proper practice of dentistry, it could reasonably be foreseen that before doing so any preventive, curative, operative or conservative treatment may be required to—

- (d) balance the occlusion of natural teeth and the artificial denture; or
- (e) prepare natural teeth or the jaw for insertion of the artificial denture; or
- (f) extract, restore or treat natural teeth in either jaw; or
- (g) treat or condition soft tissues of the jaw before inserting the artificial denture; or
- (h) modify the hard or soft tissues of the jaw before inserting the artificial denture.

(3) For the purposes of subsection (2)—

- (a) an artificial denture does not include—
 - (i) a fixed bridge; or
 - (ii) an artificial denture, of which an intracoronar retainer or rest forms part, or to which an intracoronar retainer or rest is attached; or
 - (iii) an artificial denture that—
 - (A) is combined with an obturator; or
 - (B) relates to any phase of orthodontic treatment; or
 - (C) incorporates overlays which modify or treat the occlusion of teeth; or
 - (D) performs any active or passive function other than the replacement of teeth for cosmetic purposes or to enhance mastication; or
 - (iv) an artificial denture that overlays natural teeth or dental implants; and
- (b) the mouth of a person is taken to be not healthy if the mouth has not been recently examined by a dentist or medical practitioner and—
 - (i) there are signs or symptoms of temporo-mandibular joint damage, disease or abnormality; or
 - (ii) there are signs or symptoms that indicate a jaw—
 - (A) may be damaged or diseased; or
 - (B) contains unerupted teeth or retained root remnants; or

- (C) exhibits any swelling; or
 - (iii) the mouth contains soft tissue that appears to be damaged, not completely healed, hyperplastic or diseased; or
 - (iv) the mouth contains teeth that appear to be carious, damaged or diseased; or
 - (v) there are signs or symptoms of periodontal disease.
- (4) For the purposes of this Act—
- (a) an individual is taken to have performed dental technical work, or provided a dental prosthetic service, if the work is performed, or the service is provided, by an employee or agent employed or engaged by the person in the course of a business carried on by the person; and
 - (b) a company is taken to have performed dental technical work, or provided a dental prosthetic service, if the work is performed, or the service is provided, by an employee or agent employed or engaged by the company to perform the work or provide the service.

Application of Act

4. This Act does not apply to the carrying on by a medical practitioner of the practice of medicine, or a dentist of the practice of dentistry, in accordance with law.

Administration of Act

5. Subject to the Minister, the Board administers this Act.

PART 2—THE BOARD

Board established

6.(1) There is established a board called Dental Technicians and Dental Prosthetists Board of Queensland.

(2) The Board—

- (a) is a body corporate with perpetual succession; and
- (b) has a common seal; and
- (c) may sue and be sued in its corporate name; and
- (d) may acquire, hold, alienate and otherwise deal with real and personal property or any interest in real or personal property; and
- (e) has all the other powers of a natural person.

(3) All courts and persons acting judicially are to take judicial notice of the Board's common seal affixed to a document, and until the contrary is proved, are to presume that it was duly fixed.

Membership

7.(1) The Board consists of the following 9 members—

- (a) a person registered as a dental technician;
- (b) a person registered as a dental prosthetist;
- (c) 2 persons registered as dental technicians, nominated by the Minister from names submitted by one or more associations accepted by the Minister as representative of dental technicians;
- (d) a person registered as a dental prosthetist, nominated by the Minister from names submitted by one or more associations accepted by the Minister as representative of dental prosthetists;
- (e) a dentist, nominated by the Minister from names submitted by an association accepted by the Minister as representative of dentists;
- (f) a dentist who is an officer of the department or an employee of a Regional Health Authority established under the *Health Services Act 1991*;
- (g) a barrister-at-law or solicitor of the Supreme Court;
- (h) a person who is not registered, or entitled to be registered, under this or any other Act as authorised to provide a health service to the community, nominated by the Minister as representing the public interest.

(2) The members of the Board are to be appointed by the Governor in Council, by Gazette notice.

(3) The submission of names of persons under subsection (1)(c), (d) or (e) is to be made within the time and in the manner determined by the Minister.

(4) If an association mentioned in subsection (1)(c), (d) or (e) fails to make a submission within the time and in the manner determined by the Minister, the Governor in Council may appoint as a member any person who is otherwise qualified to be nominated under the subsection.

(5) For the purpose of the constitution of the Board first constituted after the passing of this Act, the reference in subsections (1)(b) and (1)(d) to persons registered as dental prosthetists is to be read as a reference to persons who—

(a) at the passing of this Act, are members of an association that, in the Minister's opinion, is representative of dental prosthetists; and

(b) in the opinion of the Minister, are persons likely to be able to satisfy the requirements of the Board in respect of the qualifications for registration of persons under this Act as dental prosthetists.

(6) A vacancy occurs in the office of a member of the Board first constituted appointed in accordance with subsection (5) if the member does not, within 6 months following the commencing day, become registered as a dental prosthetist under section 25.

(7) A member of the Board first constituted after the passing of this Act—

(a) is not to be present during the consideration by the Board; and

(b) is not to take part in any decision of the Board;

in respect of that member's application to be registered.

Chairperson and deputy chairperson

8.(1) In every appointment of the whole number of members of the Board, the Governor in Council is to appoint members to be respectively the chairperson and the deputy chairperson of the Board.

(2) When a vacancy occurs in the office of chairperson or deputy chairperson, the Governor in Council may, by Gazette notice, appoint another member of the Board to the vacant office.

(3) The deputy chairperson is entitled to act in the place of the

chairperson whenever the chairperson is temporarily unable to perform the duties of office, and, while so acting, has the powers and authorities and may perform the duties of the chairperson.

Resignation from executive offices

9. A member of the Board who holds appointment as chairperson or deputy chairperson may resign the appointment in writing signed by the member and given to the Minister.

Tenure of office

10.(1) An appointment as a member of the Board—

- (a) commences on the date specified in the Gazette notice or, if no date is specified, on the date of publication of the notice; and
- (b) is for a term of 3 years or such shorter period as is specified in the notice.

(2) A member of the Board may be re-appointed as a member if the member has not become ineligible for appointment.

Casual vacancy

11.(1) The office of a member of the Board becomes vacant if the member—

- (a) dies; or
- (b) ceases to be qualified as a member; or
- (c) becomes bankrupt or compounds with creditors, or otherwise takes advantage of the laws in force relating to bankruptcy; or
- (d) resigns from office in writing signed by the member and given to the Minister; or
- (e) is convicted of an indictable offence (whether in Queensland or elsewhere); or
- (f) is removed from office by the Governor in Council under section 12.

(2) Resignation from office takes effect on the day on which the

instrument of resignation is received by the Minister or on the day specified in the instrument for its operation, whichever is later.

(3) If a vacancy occurs in the office of a member of the Board, the Governor in Council may, under section 7, appoint a qualified person to that office for the balance of the predecessor's term of appointment and, that person, if otherwise qualified, is eligible for re-appointment.

Removal from office

12.(1) The Governor in Council may, by Gazette notice, remove from office a member of the Board if—

- (a) because of mental or physical incapacity, the member is unable to perform the duties of office; or
- (b) the member is guilty of misconduct; or
- (c) the member is absent, without prior leave granted by the Board, from 3 consecutive meetings of the Board of which due notice has been given to the member; or
- (d) the member fails, without reasonable excuse, to comply with section 17.

(2) For the purpose of subsection (1)(c), attendance of a member at the time and place appointed for an ordinary meeting of the Board is taken to constitute presence at a meeting even though, because of the lack of a quorum, the meeting does not take place, and the names of all members who so attend are to be entered in the minute book.

Meetings

13.(1) The Board is to meet as often as is necessary for the efficient conduct of its business.

(2) Meetings are to be held—

- (a) when convened by the chairperson by written notice to the other members of the Board; or
- (b) when directed by the Minister by written notice to the members of the Board;

at a time and place specified in the notice, or to which the meeting is

adjourned.

(3) If a majority of members of the Board requests the chairperson in writing to convene a meeting, the chairperson is to convene a meeting in accordance with the request.

(4) The Board is to cause minutes to be kept of proceedings at each of its meetings and to be presented to the next meeting of the Board for adoption.

(5) The Board may invite any person to attend a meeting with a view to informing or advising the Board on any matter before the Board.

(6) A proceeding or decision of the Board is not invalid merely because—

(a) a member was not entitled to take part in the proceeding or decision; or

(b) there is a defect in the appointment of a member.

Presiding member

14.(1) The chairperson or, in that member's absence, the deputy chairperson is to preside at meetings of the Board.

(2) If both the chairperson and the deputy chairperson are absent from a meeting, the member of the Board elected by the members present at the meeting is to preside.

(3) A member elected to preside at a meeting has the powers of the chairperson.

Quorum

15.(1) Business is not to be conducted at a meeting of the Board unless a quorum is present.

(2) A quorum at any meeting of the Board is 5 members.

Voting

16.(1) A question before a meeting of the Board is to be decided by majority vote of the members present and voting.

(2) If a member present at a meeting and entitled to vote abstains from

voting, the member is taken to have voted for the negative.

(3) The member presiding at a meeting has a deliberative vote and, if there is an equality of votes, a casting vote.

Disclosure of interest

17.(1) A member of the Board who has a direct or indirect pecuniary interest in a matter being considered, or about to be considered, by the Board must, as soon as possible after the relevant facts come to the member's knowledge, disclose the nature of the interest to a meeting of the Board.

(2) The disclosure is to be recorded in the minutes of the meeting, and, unless the Board otherwise determines, the member concerned—

(a) is not to be present during the consideration by the Board of the matter in question; and

(b) is not to take part in any decision of the Board in respect of the matter.

(3) A member of the Board who makes a disclosure—

(a) is not to be present during any deliberation by the Board as to whether to make a determination under subsection (2) in respect of the member; and

(b) is not to take part in the making by the Board of such a determination.

Entitlements of members of Board and committees

18.(1) Members of the Board or of an advisory committee appointed by the Board are to be paid such fees and allowances as are approved by the Governor in Council except that a member who is an officer of the public service is not entitled to receive fees or allowances for attending a meeting of the Board or that committee held during the officer's ordinary working hours.

(2) Members of the Board or of an advisory committee are entitled to be reimbursed such out of pocket expenses necessarily incurred by them in the performance of the duties of office as are approved by the Board.

Registrar and officers

19.(1) A registrar of the Board may be appointed under the *Medical Act and Other Acts (Administration) Act 1966*.

(2) For the effectual administration of this Act, officers may be appointed under the *Public Service Management and Employment Act 1988*.

(3) An officer of the public service may be appointed and hold office as an officer of the Board in conjunction with any other office in the public service.

(4) With the Minister's prior approval, the services of an officer of the public service may be utilised in the affairs of the Board, other than as registrar, on such terms and conditions as are arranged between the Board and the Minister responsible for the department in which the officer is employed, without an appointment referred to in subsection (2).

Funds of Board

20.(1) All amounts received by or on behalf of the Board are to be paid into and form part of the funds of the Board.

(2) Expenses of and incidental to the administration of this Act are to be paid from the funds of the Board.

(3) The Board is to cause a true and correct account to be kept of all amounts received by or on behalf of the Board and all expenditure incurred for the purposes of this Act.

PART 3—REGISTRATION**Registers**

21.(1) The Board is to keep the following registers in such form as it thinks fit—

- (a) the Register of Dental Technicians recording the names and other prescribed particulars of persons who are registered under this Act as dental technicians; and

(b) the Register of Dental Prosthetists recording the names and other prescribed particulars of persons who are registered under this Act as dental prosthetists.

(2) The prescribed particulars mentioned in subsections (1)(a) and (1)(b) are the prescribed particulars specified in section 28(b).

Inspection of registers

22.(1) A person may, on payment of the prescribed fee—

- (a) inspect an entry in a register; or
- (b) obtain a copy of an entry, certified correct by the registrar.

(2) On request by a registration authority, and without fee, the Board may give to the registration authority a copy of an entry in a register, certified by the registrar.

(3) In subsection (2)—

“registration authority” means a person or body authorised by or under the law of another State, a Territory or another country to register persons authorised by that law to perform dental technical work or provide dental prosthetic services.

Publication of names of registered persons

23. The Board is to publish in the Gazette a copy of the registers as at 1 May in each year certified as being correct by the registrar.

Applications for registration

24. An application to be registered is to be—

- (a) made in a form approved by the Board; and
- (b) supported by such evidence as the Board may require; and
- (c) lodged with the registrar; and
- (d) accompanied by the prescribed fee.

Qualifications for registration as dental technicians and prosthetists

25.(1) The Board is to register an individual as a dental technician if the person makes application under section 24 and satisfies the Board that—

- (a) the person is of good fame and character, and has an adequate ability to speak and understand the English language; and
- (b) the person holds one of the following qualifications—
 - (i) successful completion of an apprenticeship as a dental technician under the *Employment, Vocational Education and Training Act 1988*, or any other Act in force at any time before that Act;
 - (ii) successful completion of a course of training as a dental technician, elsewhere than in Queensland, being a course of training that is, in the opinion of the Board, of a standard at least equal to the apprenticeship referred to in subparagraph (i).

(2) The Board is to register an individual as a dental prosthetist if the person makes application under section 24 and satisfies the Board that—

- (a) the person is registered as a dental technician; and
- (b) the person holds one of the following qualifications—
 - (i) successful completion of an accredited course, within the meaning of the *Employment, Vocational Education and Training Act 1988*, in the calling dental prosthetist;
 - (ii) successful completion of a course, in the calling dental prosthetist, elsewhere than in Queensland, being a course that is, in the opinion of the Board, of a standard at least equal to the course referred to in subparagraph (i);
 - (iii) where the application is received by the Board within the period of 2 years from the commencing day, successful completion of such oral, written and practical examinations as are arranged by a committee appointed by the Minister.

Registration of companies

26.(1) The Board is to register a company as a dental technician if—

- (a) the company makes application under section 24 and satisfies the

Board that—

- (i) the carrying on of business as a dental technician is within the authority conferred by its memorandum and articles of association; and
- (ii) at least one of its directors is registered as a dental technician or dental prosthetist, or is a dentist; and
- (iii) the controlling interest in the company is held by one or more persons registered as dental technicians or dental prosthetists, or dentists, or a combination of such persons; and

(b) the company's name is an approved name.

(2) The Board is to register a company as a dental prosthetist if—

(a) the company makes application under section 24 and satisfies the Board that—

- (i) the carrying on of business as a dental prosthetist is within the authority conferred by its memorandum and articles of association; and
- (ii) at least one of its directors is registered as a dental prosthetist or is a dentist; and
- (iii) the controlling interest in the company is held by one or more persons registered as dental prosthetists or dentists, or a combination of such persons; and

(b) the company's name is an approved name.

(3) In this section—

“approved name” means a name that—

- (a) is approved by the Board; and
- (b) is approved by any other person or authority that under a law other than this Act is required to approve the name of a company.

Attendance before Board of applicant

27.(1) The Board may, by written notice, require an applicant for registration, or, if the applicant is a company, a director of the company—

- (a) to give to the Board, orally or in writing, further information

relating to the application as is specified in the notice; and

(b) to attend before the Board for the purpose of giving information relating to the application.

(2) If the applicant, or director fails to give information, or to attend, as required, the Board may refuse the application.

Entries in registers

28. Registration is effected by entering in the appropriate register—

(a) the name of the person; and

(b) the following prescribed particulars—

(i) in the case of an individual—

(A) the person's place of business in the State or, if there is no such place, the person's place of residence in the State; and

(B) the person's qualifications;

(ii) in the case of a company—

(A) the place at which the company carries on business in the State; and

(B) the names of the company's directors and members who are registered persons;

(iii) the allotted registration number;

(iv) the date of registration.

Provisional registration

29.(1) If the chairperson or, in the absence of the chairperson, a member of the Board authorised by the Board, is satisfied that a person who has applied to be registered is entitled to be registered as a dental technician or dental prosthetist, the chairperson or member may grant to the person a certificate of provisional registration as a dental technician or dental prosthetist, as the case may be.

(2) A person who has been granted a certificate of provisional registration as a dental technician or dental prosthetist is taken to be

registered as a dental technician or dental prosthetist for a period of 6 months from the granting of the certificate or such shorter period as may be fixed by the Board either in the certificate or by written notice to the person.

(3) The Board may cancel the certificate of provisional registration.

(4) If the Board cancels the certificate of provisional registration, the cancellation is taken to be a refusal by the Board of the person's application to be registered.

(5) If the person to whom the certificate of provisional registration has been granted becomes registered while the certificate is still in force, the person's registration dates from the granting of the certificate unless otherwise decided by the Board.

Certificate of registration

30.(1) The Board is to issue a certificate of registration to each person who is registered.

(2) A certificate is evidence that the person named in the certificate was registered as a dental technician or dental prosthetist, as the case may be, on the day specified in the certificate.

(3) If the Board is satisfied that a certificate issued to a registered person has been lost, stolen or destroyed, the Board may issue to the person a duplicate certificate on payment of the prescribed fee.

(4) If a person ceases to be registered, the Board may by written notice require the person to deliver the certificate issued to the person to the registrar within 14 days of service of the notice on the person.

(5) A person to whom a notice is given under subsection (4), must comply with the notice unless the person has reasonable excuse for failing to do so.

Penalty: 2 penalty units.

Annual registration fee

31.(1) Within the period commencing on 1 January and ending on 30 April in each year, a registered person who desires to remain registered is to pay to the Board the prescribed annual registration fee.

(2) If the person fails to comply with subsection (1), the Board may, by written notice, inform the person that the person's registration will be cancelled if the person fails to pay the prescribed annual registration fee.

(3) If the person fails to pay the prescribed annual registration fee after being given the notice, the Board may cancel the person's registration.

(4) If the person's registration is cancelled under subsection (3), the Board is to restore the registration if the person makes written application to the Board and pays the prescribed annual registration fee and the prescribed restoration fee.

Removal from and alteration of registers

32.(1) A registered person 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 day on which the change happens.

(2) The Board is to—

(a) remove from the appropriate register particulars of a registration if—

(i) in the case of an individual—the person has died, or has, in writing, requested the removal; or

(ii) in the case of a company—it has been wound up or has, in writing, requested the removal; and

(b) make such alterations to particulars in the appropriate register as are necessary for the register to be an accurate record of the registered particulars of dental technicians and dental prosthetists.

**PART 4—PERFORMANCE OF DENTAL TECHNICAL
WORK AND PROVISION OF DENTAL PROSTHETIC
SERVICES****Authority to practise restricted to registered persons**

33.(1) A person must not—

- (a) perform dental technical work for fee or reward; or
- (b) take or use, either alone or in combination with any other word, letter, symbol or description—
 - (i) the title or description “dental technician”; or
 - (ii) a name, title or description (including initials or letters placed after the person’s name) indicating or implying that the person—
 - (A) is a registered dental technician; or
 - (B) performs, or is qualified to perform, dental technical work; or
- (c) purport, by advertisement or otherwise, to be—
 - (i) qualified or authorised to perform dental technical work; or
 - (ii) a person who performs dental technical work;

unless the person is registered as a dental technician.

Penalty:

- (a) in the case of a contravention of paragraph (a)—17 penalty units;
- (b) in the case of a contravention of paragraph (b) or (c)—8 penalty units.

(2) A person must not—

- (a) provide dental prosthetic services for fee or reward; or
- (b) take or use, either alone or in combination with any other word, letter, symbol or description—
 - (i) the title or description “dental prosthetist”; or
 - (ii) a name, title or description (including initials or letters placed after the person’s name) indicating or implying that the person—

- (A) is a registered dental prosthetist; or
- (B) provides, or is qualified to provide, dental prosthetic services; or
- (c) purport, by advertisement or otherwise, to be—
 - (i) qualified or authorised to provide dental prosthetic services; or
 - (ii) a person who provides dental prosthetic services;

unless the person is registered as a dental prosthetist.

Penalty:

- (a) in the case of a contravention of paragraph (a)—35 penalty units;
- (b) in the case of a contravention of paragraph (b) or (c)—17 penalty units.

(3) A registered person must not perform dental technical work, or provide a dental prosthetic service, under a name other than the name registered in respect of the person.

Penalty: 4 penalty units.

(4) A person must not employ another person—

- (a) to perform dental technical work unless that other person is registered as a dental technician or dental prosthetist, or is a dentist; or
- (b) to provide a dental prosthetic service, unless that other person is registered as a dental prosthetist or is a dentist.

Penalty: 4 penalty units.

(5) Subsections (1) and (4) do not apply to the performance of dental technical work by a person undergoing a course of training approved by the Board under the immediate supervision of a registered dental technician or dental prosthetist, or a dentist.

(6) Subsections (2) and (4) do not apply to the provision of a dental prosthetic service by a person undergoing a course of training approved by the Board under the immediate supervision of a registered dental prosthetist or a dentist.

Restriction on performance of dental technical work and provision of dental prosthetic services

34.(1) A registered dental technician who is not a registered dental prosthetist must not perform dental technical work for fee or reward other than on the written order of a dentist, medical practitioner or registered dental prosthetist.

(2) A registered dental prosthetist must not supply and fit a partial artificial denture, within 5 years of the commencing day, unless a dentist or medical practitioner has certified that the oral health of the person, in respect of whom the denture is to be fitted, is satisfactory.

Penalty: 35 penalty units.

Restricted use of business names

35.(1) A registered person must not carry on business as a dental technician or dental prosthetist under a business name unless the name is a name that—

- (a) is approved by the Board; and
- (b) is approved by any other person or authority that under a law other than this Act is required to approve the name.

Penalty: 17 penalty units.

(2) In this section—

“business name” means a business name within the meaning of the *Business Names Act 1962*.

Continuation of practice of deceased registered person

36.(1) Where a registered person dies and, at the time of death, the person was carrying on business as a registered dental technician or dental prosthetist, the personal representative of the estate of the deceased person may continue the business for a period of 6 months following the death, or for such longer period as the Board, on written application made to it by the personal representative, permits, if—

- (a) the dental technical work performed in the business is performed by a registered dental technician; or

(b) the dental prosthetic services provided in the business are provided by a registered dental prosthetist.

(2) When making an application under subsection (1), the personal representative is to notify the Board of the name of the registered person who will perform the dental technical work or provide the dental prosthetic services, as the case may be, in the business.

PART 5—INQUIRY AND APPEAL PROCEDURES

Board may conduct inquiry

37.(1) If the Board considers there are reasonable grounds to suspect that a registered dental technician or dental prosthetist—

- (a) has been convicted in Queensland of an indictable offence (whether on indictment or summarily) or is convicted elsewhere of an offence that, had it been committed in Queensland, would constitute an indictable offence; or
- (b) has been convicted of an offence against this Act or the *Dental Act 1971*; or
- (c) is incompetent in respect of the performance of dental technical work or the provision of dental prosthetic services, as the case may be, or has been guilty of negligence in the manner of the performance of any such work or the provision of any such service; or
- (d) has ceased to comply with the requirements of—
 - (i) in the case of a registered dental technician—section 26(1)(a)(i), (ii) or (iii); or
 - (ii) in the case of a registered dental prosthetist—section 26(2)(a)(i), (ii) or (iii); or
- (e) is otherwise unfit to perform dental technical work or provide dental prosthetic services, as the case may be;

the Board may conduct an inquiry into the matter.

Notice of inquiry

38. The Board is to give not less than 14 days written notice to the dental technician or dental prosthetist of the matter suspected and of the time and place when and where the inquiry will be conducted.

Constitution of Board

39.(1) At an inquiry, a quorum is constituted by—

- (a) the chairperson; and
- (b) at least 3 other members of the Board.

(2) The chairperson is to preside at an inquiry.

Inquiry not open to public

40. An inquiry is only open to the public if—

- (a) the Board so determines; or
- (b) the dental technician or dental prosthetist concerned so requires.

Records

41. The Board must keep a record of its proceedings.

Procedure

42.(1) An inquiry is to be conducted with as little formality and technicality, and with as much expedition, as is practicable to permit a proper consideration of the matters before the Board.

(2) In an inquiry—

- (a) the Board is not bound by the rules of evidence but may inform itself of any matter in such manner as it thinks appropriate; and
- (b) the Board is to have regard to the rules of natural justice.

(3) Subject to subsections (1) and (2), the chairperson may give directions as to the procedure to be followed in relation to an inquiry.

Representation

43. In the conduct of an inquiry the Board is to afford the dental technician or dental prosthetist concerned the opportunity of making defence to all allegations made, in person or by counsel or solicitor.

Powers of Board

44.(1) At an inquiry, the Board may—

- (a) require a person to give evidence on oath and, for that purpose, the chairperson may administer an oath; and
- (b) proceed in the absence of the dental technician or dental prosthetist who has been served with a notice under section 38; and
- (c) by written notice, require a person to attend the inquiry at a specified time and place—
 - (i) to give evidence; or
 - (ii) to produce a specified document or thing.

(2) The Board may adjourn an inquiry from time to time.

Inspection of documents

45.(1) When a document or thing is produced to the Board at an inquiry, the Board may—

- (a) inspect the document or thing; and
- (b) make copies of, photograph, or take extracts from, the document or thing if it is relevant to the inquiry.

(2) The Board may, for the purposes of an inquiry, take and retain for as long as is necessary possession of a document or thing produced at an inquiry.

(3) While it retains possession of a document or thing, the Board must permit a 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.

Allowance to witness

46. A witness who appears before the Board in the conduct of an inquiry is to be paid by the Board out of its funds the prescribed allowance for attendance at the inquiry.

Offences—inquiries

47.(1) A person served with a notice under section 44(1)(c) must not fail, without reasonable excuse—

- (a) to attend the inquiry as required by the notice; or
- (b) to appear from time to time in the course of the inquiry as required by the chairperson; or
- (c) to produce a document or thing that is specified in the notice.

Penalty: 17 penalty units or imprisonment for 6 months, or both.

(2) A person appearing as a witness at an inquiry must not fail, without reasonable excuse—

- (a) to be sworn; or
- (b) to answer a question that the person is required by a member of the Board to answer.

Penalty: 17 penalty units or imprisonment for 6 months, or both.

Self incrimination

48. A person is not required—

- (a) to produce to the Board a document or thing; or
- (b) to answer a question asked by a member of the Board;

if the person objects to its production or to answering the question on the ground that it tends to incriminate the person.

Board may order cancellation of registration etc.

49.(1) If, after inquiry, the Board is satisfied of the truth of the matter suspected the Board may, as it considers just in the circumstances, in respect of the registered dental technician or dental prosthetist concerned—

- (a) order cancellation of registration as a dental technician or dental prosthetist, or as both; or
- (b) order suspension of registration as a dental technician or a dental prosthetist, or as both, for a specified period; or
- (c) order payment to the Board—
 - (i) by way of costs, of such amount as it thinks fit; or
 - (ii) by way of penalty, of an amount (not exceeding the monetary equivalent of 17 penalty units) fixed by the Board; or
- (d) deliver a reprimand.

(2) Any penalty or costs ordered to be paid by the Board are payable immediately or, if the Board allows time for payment, immediately on expiry of the time allowed.

(3) The registrar is to give effect to, or secure compliance with, an order of the Board made under subsection (1).

Cancellation and suspension of registration

50.(1) Cancellation of registration under this Act is effected by removing the registered person's name and other particulars from the relevant register.

(2) Suspension of registration under this Act is effected by making an appropriate memorandum in respect of the registered person in the relevant register.

(3) On cancellation of registration under this Act or other removal of a registered person's name and other particulars from a register under this Act, the person concerned ceases to be registered as a dental technician or dental prosthetist, as the case may be.

(4) On suspension of registration under this Act, the person concerned ceases to be registered as a dental technician or dental prosthetist, as the case may be, until expiry of the period of suspension or prior termination of the suspension in accordance with this Act.

Notice of Board's decisions

51. When the Board—

- (a) refuses a person's application for registration as a dental

technician or a dental prosthetist; or

(b) makes an order in respect of a person under section 49(1);

the registrar is to immediately give written notice to the person of the refusal, or of particulars of the order, as the case may be.

Restoration of registration

52.(1) A person whose registration is cancelled or suspended under section 49(1) may make written application to the Board for restoration of the registration or termination of the suspension, as the case may be, on the ground that, because of a specified change in circumstances that has happened since the cancellation or suspension, the person should be registered or the suspension should be terminated.

(2) An application under subsection (1) is to be accompanied by the prescribed fee (if any).

(3) If the Board is satisfied that—

(a) the specified change in circumstances claimed in the application has happened; and

(b) because of that change, the applicant's registration under this Act should be restored, or suspension should be terminated;

the Board is to give effect to the application.

Appeals

53.(1) A person aggrieved by—

(a) a refusal by the Board of the person's application for registration as a dental technician or a dental prosthetist; or

(b) an order of the Board made under section 49(1); or

(c) a refusal by the Board of the person's application under section 52;

may appeal against the Board's decision or order to a Judge of the District Court at Brisbane, whose decision is final and is to be given effect by the Board.

(2) The appeal—

-
- (a) is to be instituted within 30 days after the person receives notice of the Board's decision or order, by filing a notice of appeal in the registry of the District Court at Brisbane and by complying with the rules of court applicable to such appeals; and
 - (b) is to be conducted in accordance with the rules of court applicable to such appeals or, if the rules make no provision or insufficient provision, in accordance with directions of a Judge of the District Court at Brisbane; and
 - (c) is by way of re-hearing on the material before the Board or, if the Judge hearing the appeal so orders, on material adduced on the appeal, or on both.

(3) Rules of Court may be made under the *District Courts Act 1967* in respect of the institution, conduct and disposal of appeals under this section.

(4) If on appeal an order is made for payment of a monetary penalty by the appellant, the payment is to be made to the Board and, for purposes of enforcement, the order is taken to be an order of the Board.

PART 6—MISCELLANEOUS

Fraudulent actions

54.(1) A person must not—

- (a) falsify a register, or a document relating to a register; or
- (b) make a false statement relating to a register; or
- (c) utter a false, forged or counterfeit certificate or document relating to a person's qualifications to perform dental technical work or to provide dental prosthetic services; or
- (d) procure, or attempt to procure, any person to be registered by means of any false or fraudulent representation or statement, oral or written; or
- (e) impersonate, or pretend to be, a person referred to in any document furnished to the Board, or in a certificate issued under or for the purposes of this Act; or

-
- (f) fraudulently, or by false representation, obtain a certificate of registration under this Act; or
 - (g) forge, alter or counterfeit a certificate of registration under this Act; or
 - (h) utter any forged, altered or counterfeit certificate of registration under this Act, knowing the certificate to be forged, altered or counterfeit; or
 - (i) falsely advertise or represent that a person is registered under this Act, or holds a certificate of registration under this Act, or to permit another to do so.

Penalty: 17 penalty units or imprisonment for 6 months, or both.

(2) Subsection (1) is in addition to and not in derogation of the Criminal Code, but a person cannot be punished both under this Act and under the Code in respect of the same act.

(3) Despite section 37(1)(b), if a person has become registered by means that constitute an offence, on conviction of the person for the offence the person's name and other particulars are immediately to be removed from the register or registers in which they are entered.

General offence

55.(1) A person who contravenes any provision of this Act (other than the by-laws) commits an offence against this Act and, except where a penalty is otherwise prescribed, is liable to a penalty of 17 penalty units.

(2) Despite any other provision of this Act, if a company is convicted of an offence against this Act, it is liable to a monetary penalty that is 5 times the maximum monetary penalty to which an individual would be liable if convicted of a like offence.

(3) All penalties ordered to be paid in respect of offences against this Act are payable to the Board.

Proceedings generally

56.(1) Proceedings for an offence against this Act may be taken in a summary way under the *Justices Act 1886* on the complaint of the registrar or a person authorised by the Board, generally or in a particular case.

(2) Proceedings for an offence against this Act may be commenced within one year from the time when the matter of complaint arose, or within 6 months after the matter of complaint came to the knowledge of the Board, whichever period is the later to expire.

(3) All fees payable to the Board under this Act and all penalties and costs ordered by the Board to be paid to it under this Act, constitute a debt due to the Board and may be recovered—

- (a) by way of action in a court of competent jurisdiction at the suit of the Board; or
- (b) in a summary way under the *Justices Act 1886* on the complaint of—
 - (i) the registrar; or
 - (ii) a person authorised by the Board generally or in a particular case.

Evidentiary provision

57. In any proceeding for the purposes of this Act—

- (a) a certificate purporting to be that of the registrar certifying—
 - (i) as to the state of any part of a register on a day or during a period specified in the certificate; or
 - (ii) that a named person was, or was not, on a day or during a period specified in the certificate, registered as a dental technician or dental prosthetist;is evidence of the matters contained in the certificate; and
- (b) a certificate purporting to be that of the registrar certifying that a person has been convicted of an offence or offences against this Act is evidence of the matters contained in the certificate; and
- (c) a part of a register, or an extract of part of a register, purporting to be certified as correct by the registrar is evidence of the matters contained in that part of the register; and
- (d) a statement, in a complaint commencing that proceeding, of the date on which the matter of complaint came to the knowledge of the Board is evidence of the statement; and

- (e) proof is not required of the appointment or signature of the registrar or other officer appointed for the effectual administration of this Act; and
- (f) proof is not required of the authority of a person to prosecute an offence against this Act or to take any proceeding on behalf of the Board.

By-laws

58.(1) The Board may make by-laws, not inconsistent with this Act, with respect to any matter that—

- (a) is required or permitted to be prescribed by this Act; or
- (b) is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without limiting subsection (1), the by-laws may make provision with respect to the following matters—

- (a) the powers, duties and functions of the registrar and officers appointed for the effectual administration of this Act;
- (b) the registers and the manner of their keeping;
- (c) the making of applications to the Board, and consequences of furnishing false particulars in applications;
- (d) the conduct of, and procedures at, meetings or other proceedings of the Board;
- (e) the custody of the common seal of the Board, and the attestation of documents by or on behalf of the Board;
- (f) the fees payable under this Act and the purposes for which they are payable;
- (g) advertising by registered persons;
- (h) premises at which dental technical work may be performed or dental prosthetic services may be provided;
- (i) penalties for breaches of a by-law, not exceeding, in the case of a company, 50 penalty units or, in the case of an individual, 10 penalty units.

(3) A by-law has no effect unless approved by the Governor in Council.

(4) Section 28A of the *Acts Interpretation Act 1954* applies to a by-law made under this Act as if it were a regulation.

Savings and transitional provisions

59.(1) A person registered as a dental technician under the *Dental Act 1971* immediately before the commencing day is taken to be registered as a dental technician under this Act.

(2) The Register of Dental Technicians kept under the *Dental Act 1971* and subsisting immediately before the commencing day, is taken to be the Register of Dental Technicians kept under this Act.

(3) On the commencing day—

(a) the Dental Technicians Standing Committee constituted under the *Dental Act 1971* ceases to exist and its members cease to hold office; and

(b) an application for registration under the *Dental Act 1971* as a dental technician that is not disposed of on that day is to be treated as an application duly made to the Board for registration under this Act as a dental technician; and

(c) any proceeding by way of disciplinary action against a person registered under the *Dental Act 1971* as a dental technician that is not disposed of on that day is to be continued and disposed of by the Dental Board of Queensland under that Act; and

(d) any proceeding by way of an appeal, instituted under section 29(1) of the *Dental Act 1971* by a person registered as a dental technician under that Act, that is not disposed of on that day may be continued and disposed of under this Act; and

(e) any amount by way of penalty or costs that was payable to the Dental Board of Queensland pursuant to an order made under section 26F of the *Dental Act 1971* is payable to and recoverable by the Board, as if the order were an order of the Board under this Act.

(4) If—

(a) a person's name was removed from the Register of Dental Technicians kept under the *Dental Act 1971* pursuant to an order made

under section 26F(1)(c) of that Act; and

(b) the time allowed for instituting an appeal under section 29 of that Act has not expired; and

(c) no appeal has been instituted;

the person may, before the expiration of that time, appeal against that order under section 53, as if it were an order of the Board made under section 49(1).

Amendments of Acts

60. The Acts specified in the Schedule are amended as set out in the Schedule.

SCHEDULE

section 60

AMENDMENTS OF ACTS**Dental Act 1971****Long title—**

omit ‘and to provide for the registration of Dental Technicians’.

Section 2—

omit.

Section 4(1)—

omit the definitions—

“dental technician”;

“Register of Dental Technicians”;

“Standing Committee”.

Section 4(2)—

omit.

Section 11(2)—

omit ‘and subject to subsection (4A)’.

Section 11(4A)—

omit.

Division 2 of Part II—

omit.

Division 2 of Part III—

omit.

Section 26H—

(1) *omit* ‘or dental technician’ (wherever occurring).

(2) *omit* ‘or, as the case may be, a dental technician’ (wherever occurring).

Section 26I(1)—

omit ‘, dental specialist and dental technician’, *insert* ‘and dental specialist’.

Section 26I(2)—

omit ‘, dental specialist or dental technician’, *insert* ‘or dental specialist’.

Section 26J(1)—

omit ‘, dental specialist or dental technician’, *insert* ‘or dental specialist’.

Section 26K—

(1) *omit* ‘, dental specialist or dental technician’, *insert* ‘or dental specialist’.

(2) *omit* ‘, dental specialist or, as the case may be, dental technician’, *insert* ‘or, as the case may be, dental specialist’.

Section 26L(1)—

omit ‘sections 24 and 26E’, *insert* ‘section 24’.

Section 27—

(1) *omit* ‘, dental specialists or dental technicians’, *insert* ‘or dental specialists’.

(2) *omit* ‘, dental specialists and dental technicians’, *insert* ‘and dental specialists’.

Section 27(3)—

omit.

Section 28—

(1) *omit* ‘, a dental specialist or a dental technician’, *insert* ‘or a dental specialist’.

(2) *omit* ‘or 26F’.

Section 29(1)(a)—

omit ‘, a dental specialist or a dental technician’, *insert* ‘or a dental specialist’.

Section 29(1)(b)—

omit ‘or 26F’.

Section 29(3)(b)—

omit ‘including an order which could have been made by the Board only with the consent of the Standing Committee’.

Section 30(8)(d)—

omit.

Section 30(8)(e)—

omit.

Section 30(8)(f)—

omit.

Section 30(9)—

omit, insert—

‘(9) This section does not apply in respect of—

- (a) the performance of dental technical work within the meaning of the *Dental Technicians and Dental Prosthetists Act 1991*, or the provision of dental prosthetic services within the meaning of that Act, by persons registered under that Act as dental technicians or dental prosthetists, as the case may be; or
- (b) the use in accordance with that Act of the title “dental technician” or “dental prosthetist” or other word, letter, symbol or description permitted by that Act by persons registered under that Act; or
- (c) the advertising in accordance with that Act of the carrying on by a person registered under that Act of the practice of a dental technician or dental prosthetist.’.

Section 34(a)—

omit ‘, a dental specialist or a dental technician’, *insert* ‘or a dental specialist’.

Section 35(da)—

omit.

Section 35(fa)—

omit.

Medical and Other Acts (Administration) Act 1966**Long title—**

After ‘*Dental Act 1971-1973*,’—

insert ‘the *Dental Technicians and Dental Prosthetists Act 1991*,’.

Section 4—

After ‘Dental Board of Queensland under the *Dental Act 1971*;’—

insert—

‘Dental Technicians and Dental Prosthetists Registration Board of Queensland established under the *Dental Technicians and Dental Prosthetists Act 1991*;’.

Section 14(1)(i)—

After ‘Dentistry,’—

insert ‘Dental Technology, Dental Prosthetics,’.