

# AUSTRALIAN CAPITAL TERRITORY

No. 47 of 1981

## AN ORDINANCE

### To amend the *Dentists Registration Ordinance 1931*

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated this third day of December 1981.

ZELMAN COWEN  
Governor-General

By His Excellency's Command,

MICHAEL MACKELLAR  
Minister of State for Health

### DENTISTS REGISTRATION (AMENDMENT) ORDINANCE (No. 2) 1981

- Short title**      1. This Ordinance may be cited as the *Dentists Registration (Amendment) Ordinance (No. 2) 1981*.\*
- Commence ment**      2. This Ordinance shall come into operation on such date as is fixed by the Minister of State for the Capital Territory by notice in the *Gazette*.
- Principal Ordinance**      3. In this Ordinance, "Principal Ordinance" means the *Dentists Registration Ordinance 1931*.†
- Interpretation**      4. Section 4 of the Principal Ordinance is amended—
- (a) by omitting from sub-section (1) the definitions of "the Election Ordinance" and "the Court of Petty Sessions"; and
- (b) by adding at the end of sub-section (1) the following definition:
- "“the Tribunal” means the Administrative Appeals Tribunal established by the *Administrative Appeals Tribunal Act 1975*.”.

\* Notified in the *Commonwealth of Australia Gazette* on 9 December 1981.

† Ordinance No. 8, 1931 as amended by Nos. 5 and 17, 1932; No. 22, 1933; No. 20, 1935; No. 27, 1937; No. 10, 1954; No. 21, 1959; No. 4, 1963; No. 19, 1966; No. 16, 1967; Nos. 1 and 38, 1970; No. 17, 1975; No. 65, 1977; No. 46, 1978; Nos. 26 and 31, 1979; No. 46, 1980; and No. 45, 1981.

5. Section 5 of the Principal Ordinance is amended by omitting sub-sections (2) and (3). Establishment of Dental Board
6. Section 6 of the Principal Ordinance is amended— Constitution of Board
- (a) by omitting sub-section (1) and substituting the following sub-section:
- “ (1) The Board shall consist of—
- (a) a Chairman, and 3 other members, appointed in accordance with the *Health Professions Boards (Procedures) Ordinance* 1981; and
- (b) 3 members elected, as occasion requires, in accordance with the *Health Professions Boards (Elections) Ordinance* 1980.”;
- (b) by omitting sub-section (3) and substituting the following sub-section:
- “ (3) The Chairman shall be the executive officer of the Board.”; and
- (c) by omitting sub-sections (5), (6), (7), (8) and (9).
7. Sections 7, 8, 8A, 9, 10, 11, 12, 13, 14, 15, 16 and 17 of the Principal Ordinance are repealed. Repeal
8. Section 24 of the Principal Ordinance is repealed. Repeal
9. Section 25 of the Principal Ordinance is amended by omitting sub-section (2). Proof of registration
10. Section 31 of the Principal Ordinance is amended by omitting from sub-section (1) all the words after “ due inquiry ”. Inquiry by Board
11. Section 31A of the Principal Ordinance is repealed. Repeal
12. Section 31B of the Principal Ordinance is repealed and the following section substituted: Publication of notice of decision
- “ 31B. (1) The Chairman may, if he thinks fit, cause a notice of a decision of the Board or of the Tribunal on application for review of a decision of the Board—
- (a) ordering the cancellation of the registration of a person in pursuance of Part IV;
- (b) reprimanding a person; or
- (c) suspending, otherwise than under sub-section 31 (2), the registration of a person,
- and the reasons for the decision, including the findings on material questions of fact, to be published in the *Gazette*.

“(2) A notice of a decision shall not be published under sub-section (1) until—

- (a) the period within which an application may be made to the Tribunal for review of the decision has expired; and
- (b) if an application for review of the decision is made, the Tribunal has given its decision on the application.”.

Review of  
accounts  
for fees  
for dental  
services

**13.** Section 38AA of the Principal Ordinance is amended by omitting sub-section (9).

**14.** Section 38B of the Principal Ordinance is repealed and the following section substituted:

Appeal

“38B. Application may be made to the Tribunal for a review of a decision of the Board—

- (a) refusing to register, or to re-register, a person;
- (b) cancelling the registration of a person in pursuance of Part IV;
- (c) reprimanding a person;
- (d) suspending, otherwise than under sub-section 31 (2), the registration of a person;
- (e) refusing to issue, or to renew, a temporary permit to a person under section 34A; or
- (f) refusing to permit an extension of the period under section 32A.”.

Repeal

**15.** Sections 39, 40, 41 and 42 of the Principal Ordinance are repealed.

Regulations

**16.** Section 43 of the Principal Ordinance is amended by omitting paragraph (a).

Transitional

**17.** (1) The person who was, immediately before the commencement of this Ordinance, the Chairman of the Board continues to be the Chairman of the Board as if he had been appointed as the Chairman under the Principal Ordinance as amended by this Ordinance and holds office subject to the *Health Professions Boards (Procedures) Ordinance 1981*.

(2) The person who was, immediately before the commencement of this Ordinance, the Deputy Chairman of the Board continues to be the Deputy Chairman of the Board as if he had been elected as the Deputy Chairman under the *Health Professions Boards (Procedures) Ordinance 1981* and holds office subject to that Ordinance.

(3) A person who was, immediately before the commencement of this Ordinance, a member of the Board continues to be a member of the Board as if he had been appointed or elected as a member under the

Principal Ordinance as amended by this Ordinance and holds office subject to the *Health Professions Boards (Procedures) Ordinance* 1981.

(4) An expression in this section that is defined in the Principal Ordinance as amended by this Ordinance has the same meaning for the purposes of this section as it has in the Principal Ordinance as so amended.