

DENTAL AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Dental Act 1963. Its principal purpose is to incorporate the Dental Council, and take the first step towards its separation from the Department of Health, as was done in the case of the Medical Council by the Medical Practitioners Amendment Act 1962.

Clause 1 relates to the Short Title and commencement of the Bill. It is to come into force on 1 April 1972.

Clause 2 provides for the incorporation of the Dental Council.

Clause 3 revises section 7 of the principal Act so as to authorise the Dental Council to appoint its own Secretary and such other officers, servants, and agents as it thinks fit, and to pay them such remuneration as it considers appropriate.

Clause 4 amends section 8 of the principal Act so as to take away the power of the Director-General of Health to require the Secretary to call a meeting of the Council.

Clause 5 amends section 10 of the principal Act so as to provide that fees and travelling allowances for members of the Council shall be paid out of the funds of the Council instead of out of money appropriated by Parliament for the purpose.

Clause 6 amends section 38 of the principal Act so as to provide that the remuneration paid to a Crown Solicitor for investigating a complaint against a dentist shall be paid by the Council instead of out of money appropriated by Parliament. The words omitted by paragraph (b) are now redundant. The legal staff of the Crown Law Office are now designated as Crown Counsel, and do not do investigations under this section.

Clause 7 revises section 39 (8) of the principal Act so as to provide that the Council, instead of the Crown, shall be entitled to recover monetary penalties that are imposed, and costs and expenses that are payable, under the section.

Clause 8 follows section 44 (2) of the Medical Practitioners Act 1968 and makes provision for bonds signed by dental bursars to be enforced by disciplinary action.

Clause 9 provides that witnesses' expenses in connection with an inquiry under the principal Act shall be paid by the Council instead of out of money appropriated by Parliament for the purpose.

Clause 10 provides for the Council to receive fees and pay expenses under the principal Act. The Council is empowered to invest its funds in authorised trustee investments. It is required to pay the Crown for any accommodation and services provided. The Dental Council is declared to be a public body for the purposes of the Public Bodies Contracts Act 1959.

Clause 11 amends section 49 of the principal Act so as to require persons practising dentistry in the service of the Crown, or as members of the Faculty of Dentistry in any University in New Zealand, on and after 1 June 1972 to hold annual practising certificates.

Hon. Mr McKay

DENTAL AMENDMENT

ANALYSIS

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2. Incorporation of Dental Council	7. Penalties, etc. to be paid to Council
3. Secretary and other officers, servants, and agents	8. Enforcement of contracts of service entered into by dental bursars
4. Meetings of Council	9. Witnesses' expenses
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A BILL INTITULED

An Act to amend the Dental Act 1963

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. **Short Title and commencement**—(1) This Act may be cited as the Dental Amendment Act 1971, and shall be read together with and deemed part of the Dental Act 1963* (hereinafter referred to as the principal Act).
- 10 (2) This Act shall come into force on the 1st day of April 1972.

*1963, No. 13

Amendments: 1966, No. 58; 1968, No. 76

2. Incorporation of Dental Council—Section 3 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) The Council shall be a body corporate with perpetual succession and a common seal, and may hold real and personal property, and sue and be sued, and do and suffer all that bodies corporate may do and suffer.” 5

3. Secretary and other officers, servants, and agents—The principal Act is hereby amended by repealing section 7, and substituting the following section: 10

“7. (1) The Council may from time to time appoint a Secretary to the Dental Council and such other officers, servants, and agents as it thinks fit, and may pay them such remuneration as it considers appropriate.

“(2) Until a Secretary to the Dental Council who is not an officer of the Public Service is appointed under subsection (1) of this section, there shall from time to time be appointed under the State Services Act 1962 a Secretary to the Dental Council. The office of Secretary to the Dental Council may be held either separately or in conjunction with any other office in the Public Service”. 15 20

4. Meetings of Council—Section 8 of the principal Act is hereby amended by omitting from subsection (1) the words “or of the Director-General of Health”.

5. Fees and travelling allowances—Section 10 of the principal Act is hereby amended by omitting the words, “money appropriated by Parliament for the purpose”, and substituting the words, “the funds of the Council”. 25

6. Remuneration of members of Investigation Committee—Section 38 of the principal Act is hereby amended— 30

(a) By omitting the words “out of money appropriated by Parliament for the purpose”, and substituting the words “by the Council”;

(b) By omitting from paragraph (a) the words “who is not a member of the Public Service”. 35

7. Penalties etc. to be paid to Council—Section 39 of the principal Act is hereby amended by repealing subsection (8), and substituting the following subsection:

5 “(8) Every monetary penalty imposed, and all costs and expenses payable, under this section shall be recoverable as a debt due to the Council.”

8. Enforcement of contracts of service entered into by dental bursars—Section 41 of the principal Act is hereby amended by adding the following subsection:

10 “(4) In any case in which, pursuant to section 132A of the Health Act 1956, as inserted by section 13 of the Health Amendment Act 1964, a person has signed a bond whereby that person is required, as a condition for the discharge of the bond, to serve as provided in subsection (1) of this
15 section, the offer and acceptance of the bursary in connection with which the bond is signed shall be deemed to be a contract to which this section applies whereby that person has undertaken so to serve.”

Cf. 1968, No. 46, s. 44 (2)

20 **9. Witnesses' expenses**—Section 45 of the principal Act is hereby amended by omitting the words “out of money appropriated by Parliament for the purpose”, and substituting the words “by the Council”.

25 **10. Council to receive fees and pay expenses**—(1) Section 48 of the principal Act is hereby amended—

(a) By omitting from subsection (1) the words “Department of Health authorised in that behalf by the Director-General of Health”, and substituting the words “Council authorised in that behalf by the
30 Council”:

(b) By omitting from subsection (2) the words “Department of Health”, and substituting the word “Council”.

35 (2) Section 48 of the principal Act is hereby further amended by repealing subsection (3), and substituting the following subsections:

40 “(3) All fees and other money payable to the Council under this Act in respect of any period after the 31st day of March 1972 shall, notwithstanding that they were received on or before that date and became payable into the Public Account, be paid without further appropriation than this section to the Council.

“(4) Subject to the provisions of this Act and to the terms of any trust or endowment, all fees received under this section and all other money received by the Council shall be applied by the Council in paying all amounts which by this Act are required to be paid by the Council; and, subject thereto, all such fees and money may be applied by the Council as follows: 5

“(a) In payment of remuneration and travelling allowances and expenses to its members, officers, servants, and agents: 10

“(b) In payment of contributions to any superannuation scheme approved by the Council, for the purpose of providing superannuation and allowances for its officers and servants:

“(c) In payment of all costs and expenses incurred in doing whatever the Council considers expedient in order that it may best accomplish the purposes for which it is established. 15

“(5) The Council may from time to time, as it thinks fit, invest any such fees and money not for the time being required for any of the purposes mentioned in subsection (4) of this section in any manner authorised by the Trustee Act 1956 for the investment of trust funds. 20

“(6) The accounts of the Council shall be audited annually by a chartered accountant appointed for the purpose by the Council. 25

“(7) At the end of any financial year in which the Council has made use of accommodation provided by the Crown, or of the services of persons in the Public Service, the Council shall pay to the Crown such sum in respect of that year as the Minister considers to be reasonable. Any such sum shall be recoverable by the Crown as a debt due by the Council.” 30

(3) The Public Bodies Contracts Act 1959 is hereby amended by inserting in Part II of the First Schedule, in its appropriate alphabetical order, the following item: 35

“The Dental Council of New Zealand		1963, No. 13—The Dental Act 1963”.
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11. Annual practising certificates—(1) Section 49 of the principal Act is hereby amended by inserting, after subsection (5), the following subsection: 40

“(5A) Subject to subsection (6) of this section, this section shall apply to the practice of dentistry in the service of the Crown as well as to the practice of dentistry otherwise than in the service of the Crown.”

(2) Section 49 of the principal Act is hereby further amended by repealing paragraphs (a) and (c) of subsection (6).

5 (3) Nothing in this section shall require any person to hold an annual practising certificate by reason only of the fact that he practises dentistry in the service of the Crown, or as a member of the Faculty of Dentistry in any University in New Zealand, between the 31st day of March and the 1st day of June 1972.