

DENTISTS BILL

EXPLANATORY NOTE

THIS Bill makes provision for the registration and discipline of dentists and the control of the practice of dentistry.

The Bill will replace the Dental Act 1963.

The principal changes are—

- (a) Changes to the membership of the Council (as set out in *clause 4*);
- (b) Applicants for registration with foreign qualifications must satisfy the Council that they intend to reside and practise in New Zealand (*clause 16*). Provision is also made for the removal from the register of persons who did not obtain their qualifications for registration in New Zealand and who fail to reside here (*clause 26*);
- (c) Provision is made for the registration of certain dentists as specialists (*clauses 13 and 17*);
- (d) All restrictions on the practice of dentistry by non-dentists have been removed. The only restraints are in *clause 31* which prevents persons who are not dentists from claiming to be dentists or to have expertise in dentistry;
- (e) The suspension and discipline provisions have been revised (*Part IV*);
- (f) The Dentists Advertising Regulations 1970 (S.R. 1970/32) are revoked (*clause 63*);
- (g) Restrictions relating to the employment of dentists by other persons are not carried forward.

A new category of persons to be known as clinical dental technicians will be established under the Medical and Dental Auxiliaries Act 1966.

Clause 1 relates to the Short Title and commencement. The Bill is to come into force on 1 July 1988.

Clause 2 defines various terms used in the Bill.

Clause 3 provides that the Bill will bind the Crown.

PART I

DENTAL COUNCIL

Clause 4 provides for the continuation of the Dental Council of New Zealand, but with changes to its membership. The membership of the Council is to comprise—

- (a) An officer of the Department of Health;
- (b) Two persons appointed by the Minister; these persons must not be dentists;
- (c) The Dean of the Faculty of Dentistry of the University of Otago;
- (d) One dentist elected by dentists in the North and South Auckland Land Districts:
- (e) One dentist elected by dentists in the Gisborne, Hawke Bay, Taranaki, Wellington, Nelson, and Marlborough Land Districts;
- (f) One dentist elected by dentists in the Canterbury, Westland, Otago, and Southland Land Districts.

The present Council comprises—

- (a) The Director-General of Health;
- (b) One dentist appointed by the Governor-General on the recommendation of the Minister of Health;
- (c) The Dean of the Faculty of Dentistry of the University of Otago;
- (d) Two dentists elected by dentists in the North Island;
- (e) One dentist elected by dentists in the South Island;
- (f) One medical practitioner not employed in the Government service who is nominated by the Medical Association of New Zealand and appointed by the Governor-General on the recommendation of the Minister.

Clause 5 sets out the functions of the Council. The principal functions are—

- (a) To advise the Minister of Health on matters relating to dentists and dentistry;
 - (b) To advise any New Zealand university on matters relating to the education of dentists;
 - (c) To receive and deal with applications for registration;
 - (d) To promote and encourage high standards of professional education and professional conduct of dentists—
- and, in addition, the Council is given disciplinary functions and powers, and the power to suspend a dentist for disability.

At present, the Act does not specify the functions of the Council.

Clause 6 provides for the election of a Chairperson and Deputy Chairperson of the Council.

Clause 7 requires the Council to appoint a Secretary and empowers it to appoint other officers and employees and agents.

Clause 8 provides for the removal from office of Council members and the filling of extraordinary vacancies.

Clause 9 provides for the appointment of substitutes for the members of the Council who are the departmental officer and the Dean of the Faculty of Dentistry.

Clause 10 empowers the Council to set up committees and delegate some of its functions and powers to them. The Council may not delegate its functions and powers relating to registration or suspension of dentists.

Clause 11 relates to the conduct of meetings of the Council. The quorum is 4 members. No member of the Council may be present at or vote as a member where any matter relating to his or her registration, suspension, or discipline is being considered.

Clause 12 relates to the remuneration of members of the Council, the Disciplinary Tribunal, and the Complaints Assessment Committee and of any committee appointed by the Council. The remuneration is payable from the funds of the Council at rates approved by the Minister of Finance.

PART II REGISTRATION

Clause 13 provides for the maintenance of a register of dentists and its availability for public inspection.

Clause 14 provides that any person who is registered under the Dental Act 1963 immediately before the commencement of the Bill is entitled to remain on the register and is deemed to be registered under the Bill.

Clause 15 relates to the qualifications for registration that may be obtained in New Zealand. Applicants for registration must satisfy the Council that they have graduated or are entitled to graduate from a New Zealand university with the degree of Bachelor of Dental Surgery.

Clause 16 relates to the qualifications for registration that may be obtained outside New Zealand. Applicants must satisfy the Council that they intend to reside and practise in New Zealand, have a reasonable command of the English language, hold a degree equivalent to the New Zealand Bachelor of Dental Surgery, and be registered in the country where the degree was obtained.

The Council is empowered to require applicants to pass examinations set or recognised by it for the purpose of ensuring that the person has sufficient knowledge and experience to practise dentistry in New Zealand and that his or her command of the English language in relation to dentistry is reasonable.

Clause 17 provides for the registration of specialists.

Subclause (1) provides for the registration as a specialist, in respect of any branch of dentistry, of any person who satisfies the Council—

- (a) That he or she either has been registered or has been entitled to be registered for at least 7 years; and
- (b) That he or she holds a qualification approved by the Council as appropriate for registration in respect of the branch of dentistry; and
- (c) That he or she has sufficient training and experience in the branch of dentistry to justify registration as a specialist.

Subclause (2) provides for the registration as a specialist of any person who applies for such registration before 1 July 1990 and who—

- (a) Is registered as a dentist immediately before the commencement of the Bill; and
- (b) Is recognised within the profession as being an appropriate person for registration as a specialist.

Clause 18 contains certain restrictions on the persons who may be registered under the Bill.

Subclause (1) provides that no person may be registered—

- (a) If the person has been convicted by any Court of any offence punishable by imprisonment for not less than 3 months and the Council is satisfied that the circumstances of the offence reflect adversely on the person's fitness to practise as a dentist; or

- (b) If the Council is satisfied that registration would be inappropriate because the person is liable to face professional disciplinary proceedings in another country or is under investigation by any dental professional organisation in another country; or
- (c) If the Council is satisfied that the person is unable to perform professional duties satisfactorily by reason of any mental or physical disability or condition; or
- (d) If the Council is otherwise satisfied that the person is not fit to practise as a dentist.

Subclauses (2) to (5) provide a procedure whereby the Dean of the Faculty of Dentistry of a New Zealand university is required to give written notice to the Council of the circumstances of any person graduating with the degree of Bachelor of Dental Surgery whom the Dean considers would be unable, because of any mental or physical disability or condition, to perform professional duties satisfactorily.

Clause 19 provides that applications for registration are to give details of the applicant and be accompanied by the prescribed fee.

Clause 20 requires the Council to consider all applications for registration and empowers the Council to examine people on oath and require statutory declarations relating to an application for registration.

Clause 21 deals with decisions relating to registration and requires the Council to direct either that the person be registered or that he or she be informed of the reasons why the application for registration has not been accepted.

Clause 22 provides for the inclusion of additional qualifications on the register.

Clause 23 requires a dentist who changes address to notify the Secretary accordingly within 1 month.

Clause 24 provides for the amendment of the register where a dentist has changed his or her name, and for the removal of a name from the register at the request of the dentist.

Clause 25 makes provision for the revision of the register, and the removal of names from, and the restoration of names to, the register.

Clause 26 provides for the removal from the register of the name of any dentist who is not registered by virtue of a New Zealand qualification and who fails to reside in New Zealand for a period of 6 months in any 3-year period, if the Council believes that he or she intends to remain overseas.

The provision is new. It does not apply to periods of absence before 1 July 1988, or to absences of not more than 3 years for postgraduate study.

Clause 27 provides for the removal from the register of the name of any person who is also registered as a medical practitioner if the name is removed from the register of medical practitioners following disciplinary or suspension proceedings. If the name is restored to the register of medical practitioners it can also be restored to the register of dentists.

Clause 28 provides for the issue of provisional certificates to persons who appear to be qualified for registration. The holder of such a certificate will be deemed to be registered. A provisional certificate will have effect until the application for registration is considered by the Council or until it expires.

Clause 29 provides for the issue of a certificate of temporary registration to any person who is temporarily visiting New Zealand and satisfies the Council that it is proper that he or she should receive such a certificate. The holder of a certificate of temporary registration is deemed to be registered.

Clause 30 creates offences relating to the obtaining of registration by any statement known to be false or any document known not to be genuine. Any person who commits such an offence is liable on summary conviction to imprisonment for a term not exceeding 12 months or a fine not exceeding \$1,000, or both.

PART III

PRACTICE OF DENTISTRY

Clause 31 makes a significant change in relation to the practice of dentistry. Anyone may now practise dentistry but only registered dentists may use titles or descriptions indicating that they are registered or have particular expertise in dentistry.

The position set out in the Bill with regard to the use of titles and descriptions by dentists is similar to the position set out in the Medical Practitioners Act 1968 with regard to the use of titles and descriptions by medical practitioners.

Clause 32 provides that only registered specialists may use names or descriptions indicating that they are registered specialists or have particular expertise in a branch of dentistry.

Clause 33 provides that nothing in *clause 31* or *clause 32* applies to words indicating a qualification to practise dentistry if either—

- (a) The word is an accurate indication of the qualifications held by the person;
- or
- (b) Where the word relates to a qualification obtained outside New Zealand, equal prominence is given to the country where the qualification was obtained.

Clauses 34 to 37 make special further provision enabling dental nurses, clinical dental technicians, dental technicians, and dental hygienists to use appropriate titles and descriptions.

Clause 38 provides that no registered dentist shall be entitled to practise dentistry in any year unless he or she is the holder of an annual practising certificate. It also authorises the Council, on application by the dentist and on payment of the prescribed fee, to issue annual practising certificates.

PART IV

SUSPENSION AND DISCIPLINE

Suspension for Disability

Clause 39 provides for the suspension from practice of a dentist where the Council is satisfied that the dentist is unable to perform his or her professional duties satisfactorily because of some mental or physical disability.

Subclause (1) empowers the Council to require a dentist to submit himself or herself for a medical examination where it believes that the dentist has such a disability and may attempt to practise dentistry.

Subclause (2) deals with the serving of notice of that requirement and *subclause (3)* requires the medical practitioner who conducts the examination to report to the Council.

Subclause (4) deals with the procedure for suspension and includes a provision that the dentist must be given a reasonable opportunity to be heard on the matter.

Subclauses (5) to (7) deal with procedural matters and the effects of suspension.

Clause 40 provides for limited practice of a dentist who is under some disability if the Council is satisfied that it would not be contrary to the public interest to allow the person to practise under special conditions.

Any person who is so permitted to practise is suspended except in so far as he or she is specifically authorised to practise.

Clause 41 provides for the notification to the Council of any suspected disability of a dentist by the Medical Superintendent of any hospital of which the dentist is a patient or in which the dentist is employed, or by any registered medical practitioner in attendance on the dentist, or by any Medical Officer of Health.

Discipline

Clause 42 provides for the appointment of a Complaints Assessment Committee, comprising 2 dentists and 1 non-dentist, in relation to particular cases of alleged misconduct by dentists. Council members may not be members of the Committee or the Disciplinary Tribunal. The dentist in respect of whom a complaint has been made is entitled to be told of the intended membership of the Committee and may ask the Chairperson not to appoint any intended member of the Committee.

Clause 43 provides for the appointment of a Disciplinary Tribunal comprising 3 dentists and 2 non-dentists.

Clause 44 provides that any person, including a member of the Council or the Tribunal and an officer of the Crown acting in an official capacity, may lodge a written complaint with the Secretary relating to the conduct of any dentist.

The Secretary is required to refer any complaint to the Chairperson who must in turn refer the complaint to a Complaints Assessment Committee.

Clause 45 requires the Complaints Assessment Committee to determine whether or not the complaint should be considered by the Tribunal. Where it finds that the complaint should be so considered the chairperson of the Tribunal must commence the procedure for a disciplinary hearing by the Tribunal. Where the Committee finds that the complaint should go no further the Council may nevertheless refer the matter to the Tribunal if it thinks fit.

Clause 46 sets out the disciplinary powers of the Tribunal.

Subclause (1) provides that the Tribunal may exercise certain disciplinary powers contained in *subclause (2)* of the clause if the Tribunal, after conducting a hearing in accordance with this Part of the Bill, is satisfied that a dentist—

- (a) Has been convicted by any Court of any offence punishable by imprisonment for not less than 3 months and that the circumstances of the offence reflect adversely on the dentist's fitness to practise as a dentist; or
- (b) Has been guilty of any act or omission in the course of or associated with the practice of dentistry that was or could have been detrimental to the welfare of any patient or other person; or
- (c) Has been guilty of professional misconduct (including professional negligence).

Subclause (2) provides that the Tribunal may—

- (a) Order removal of the name of the dentist from the register; or
- (b) Suspend the registration of the dentist for not longer than 12 months; or
- (c) Impose conditions on the dentist's practice; or
- (d) Order the dentist to pay a fine not exceeding \$1,000; or
- (e) Censure the dentist.

Subclause (3) provides that where a dentist is suspended or censured, or where conditions are imposed on the dentist's practice, he or she may also be fined.

Subclause (4) provides that where the Tribunal is inquiring into a matter in respect of which the dentist has been convicted, the Tribunal is not permitted to impose a fine.

Subclause (5) empowers the Tribunal to order the dentist to pay costs.

Subclause (6) prevents the Tribunal from exercising its powers in respect of any offence for which a dentist was convicted before registration if at the time of registration the Council was aware of the conviction.

Subclause (7) provides for the deregistration of a suspended dentist and the revival of registration at the conclusion of the suspension.

Subclause (8) allows the Tribunal to fix a time after which a person whose name has been removed from the register may apply to have his or her name restored to the register.

Subclause (9) provides that all fines, costs, and expenses payable under this clause shall be recoverable as a debt due to the Tribunal and paid to the Council.

Clause 47 empowers the Council, after conducting a hearing, to order the removal of the name of the dentist from the register as a specialist if it is satisfied that the dentist is not fit to be registered as a specialist in respect of a particular branch of dentistry.

Clause 48 sets out the procedure to be followed by the Council and the Tribunal. Notice must be given to the dentist concerned specifying the grounds of any charge and giving the dentist an opportunity to appear before the Council or Tribunal.

Where the name of any dentist is removed from any register of qualifications or register of dentists, the Council or Tribunal may treat the relevant findings of fact as sufficient evidence of the facts found in the absence of proof to the contrary.

The Council and the Tribunal are required to observe the rules of natural justice. The decision of a majority of its members is the decision of the Council or Tribunal.

Council and Tribunal decisions under this Part of the Bill must state reasons and the right of appeal, and can take effect only after they have been served on the dentist concerned.

Clause 49 provides that proceedings of the Council and the Tribunal under this Part of the Bill are generally to be held in public.

Clause 50: Subclause (1) confers upon the Council and the Tribunal the powers of a Commission of Inquiry in relation to its disciplinary proceedings.

Subclause (2) confers upon persons involved in disciplinary proceedings the rights, powers, privileges, and responsibilities that they would have if the proceedings were a Commission of Inquiry.

Clause 51 provides for appeals to the High Court against decisions of the Council or the Tribunal relating to—

- (a) Any application for registration:
- (b) Suspension or limited practice on grounds of disability:
- (c) Any disciplinary matter:
- (d) Removal from a register:
- (e) Hearings in private and suppression of publication of evidence.

There is a further right of appeal on a question of law to the Court of Appeal.

Clause 52 provides that any suspension or conditions of practice are to be noted in the register and removed on its or their expiry or when lifted by the Council, the Tribunal, or the Court.

Clause 53 provides for the surrender of certificates to the Secretary where a person's name is removed from the register or the person is suspended. The maximum penalty for wilful failure to comply with this provision is a fine of \$200.

Clause 54 provides for the publication in the *New Zealand Dental Journal* and other publications, at the Council's discretion, of the details of any disciplinary order, suspension, or conditions of practice imposed on a dentist.

Clause 55 empowers the Council, the Tribunal, and the Complaints Assessment Committee to appoint a legal assessor to advise on matters of law, procedure, and evidence.

PART V

MISCELLANEOUS PROVISIONS

Clause 56 confers protection upon the Council, the Tribunal, and the Complaints Assessment Committee, and their members and employees, unless acting in bad faith.

Clause 57 provides that a certificate of the Secretary as to the registration of any person or as to any proceedings of the Council or Tribunal is sufficient evidence of the matters certified, in the absence of proof to the contrary.

Clause 58 empowers the Council to provide dentists with documentation to enable them to apply for registration overseas.

Clause 59 deals with the payment and application of money under the Bill.

All money payable under the Bill is payable to the Council, which may use it for specified purposes or invest it in accordance with its powers. The Council has an unauthorised expenditure limit of \$500 per year.

Clause 60 provides that all references in other Acts to dentists are deemed to be references to dentists registered under the Bill.

Clause 61 relates to the service of documents.

Clause 62 sets out the matters in respect of which regulations may be made. These include the setting of fees and the manner of election of members of the Council.

Clause 63 revokes the Dentists Advertising Regulations 1970 (S.R. 1970/32) and their amendment (S.R. 1975/18).

Clause 64 makes consequential amendments.

Clause 65 deals with consequential repeals and revocations.

DENTISTS

ANALYSIS

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A BILL INTITULED

An Act to make provision for the registration and discipline of dentists and the control of the practice of dentistry and to consolidate and amend the law relating to dentistry

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BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Dentists Act 1987.

(2) This Act shall come into force on the **1st day of July 1988**.

2. Interpretation—In this Act, unless the context otherwise requires,—

“Chairperson” means the Chairperson of the Council elected under **section 6** of this Act:

“Complaints Assessment Committee” means a Complaints Assessment Committee appointed under **section 42** of this Act:

“Council” means the Dental Council of New Zealand referred to in **section 4** of this Act:

“Dentist” means a dentist registered under this Act:

“Disciplinary Tribunal” or “Tribunal” means the Disciplinary Tribunal constituted under **section 43** of this Act:

“Medical Officer of Health” has the same meaning as in the Health Act 1956:

“Medical practitioner” means a medical practitioner registered or conditionally registered under the Medical Practitioners Act 1968:

“Minister” means the Minister of Health:

“Provisional certificate” means a certificate issued under **section 28** of this Act:

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“Register” means the register of dentists referred to in **section 13** of this Act:

- “Registration”, in relation to any person, means registration as a dentist under this Act including temporary registration, provisional registration, and additional registration as a specialist; and “registered”
- 5 has a corresponding meaning:
- “Registered address” means the address of any dentist for the time being appearing on the register:
- “Secretary” means the Secretary to the Council appointed under **section 7** of this Act:
- 10 Cf. 1963, No. 13, s. 2

3. Act to bind Crown—This Act shall bind the Crown.

PART I

DENTAL COUNCIL

4. Constitution of Council—(1) There shall continue to be

15 a Council known as the Dental Council of New Zealand which shall be the same Council as the Council of that name constituted under section 3 of the Dental Act 1963.

(2) The Council shall continue to be a body corporate with perpetual succession and a common seal, and may hold real

20 and personal property, and sue and be sued, and do and suffer all that bodies corporate may do and suffer.

(3) Notwithstanding anything in **subsection (1)** of this section but subject to **subsection (8)** of this section, the Council shall hereafter consist of—

- 25 (a) An officer of the Department of Health appointed by the Director-General of Health:
- (b) Two persons who are not dentists appointed by the Minister:
- (c) The Dean of the Faculty of Dentistry of the University of
- 30 Otago:
- (d) One dentist elected in the prescribed manner by postal vote of those dentists whose registered addresses are in the land registration districts of North Auckland or South Auckland:
- 35 (e) One dentist elected in the prescribed manner by postal vote of those dentists whose registered addresses are in the land registration districts of Gisborne, Hawke Bay, Taranaki, Wellington, Nelson, or Marlborough:
- 40 (f) One dentist elected in the prescribed manner by postal vote of those dentists whose registered addresses are in the land registration districts of Canterbury, Westland, Otago, or Southland.

(4) The members of the Council appointed under **subsection (3) (b)** of this section—

(a) Shall be appointed by notice published in the *Gazette*:

(b) Shall be appointed for a term of 3 years or such lesser term as may be specified in the notice of 5 appointment:

(c) Shall take office from the date of the notice of appointment or such later date as may be specified in the notice:

(d) May be reappointed from time to time.

(5) The members of the Council elected under **paragraphs (d), 10 (e), and (f) of subsection (3)** of this section shall be elected for a term of 3 years and shall be eligible for re-election.

(6) Notwithstanding **subsections (4) and (5)** of this section, every elected or appointed member shall, unless sooner vacating office under **section 8** of this Act, continue in office until the 15 member's successor comes into office.

(7) Except as provided in **subsection (8)** of this section, the persons holding office immediately before the commencement of this Act as members of the Council constituted under section 3 of the Dental Act 1963 shall cease to hold office as such on 20 the commencement of this Act.

(8) The members of the Council constituted under section 3 of the Dental Act 1963 who were elected under paragraph (d) or paragraph (e) of subsection (2) of that section are hereby 25 deemed to be members of the Council until members are elected under **paragraphs (d), (e), and (f) of subsection (3)** of this section, or the **30th day of November 1988**, whichever first occurs.

Cf. 1963, No. 13, s. 3; 1968, No. 76, s. 2; 1971, No. 32, s. 2

5. Functions of Council—The functions of the Council shall 30 be—

(a) To advise and make recommendations to the Minister in respect of any matter relating to dentists and the practice of dentistry:

(b) To advise the council of any university in New Zealand 35 on any matter relating to the education of dentists:

(c) To receive applications for registration under this Act, and to authorise registration in proper cases:

(d) To promote and encourage high standards of professional education and professional conduct among dentists: 40

(e) To provide administrative and related services for the Disciplinary Tribunal:

(f) Generally, within the scope of its authority, to do whatever may in its opinion be necessary for the effective administration of this Act:

5 (g) To perform such other functions and exercise such powers as may be conferred on it by this Act or any other enactment.

6. Chairperson and Deputy Chairperson—(1) At its first meeting in the year commencing with the 1st day of July 1988, and at its first meeting in every third subsequent year
10 commencing with the 1st day of July, the Council shall elect 1 of its members to be its Chairperson, and another to be its Deputy Chairperson.

(2) Every person elected as Chairperson or Deputy
15 Chairperson, unless he or she sooner resigns or vacates office as a member of the Council, shall hold office until his or her successor is elected under this section, and shall be eligible for re-election.

(3) If any person who is for the time being holding office as
20 Chairperson or Deputy Chairperson vacates office as a member of the Council, an election to fill the vacancy in the office of Chairperson or Deputy Chairperson shall be held at the first meeting of the Council held after the vacancy on the Council has been filled.

(4) Where the office of Chairperson or Deputy Chairperson
25 becomes vacant in any other case, the Council shall elect 1 of its members to fill that vacancy as soon as practicable after its occurrence.

(5) During every vacancy in the office of Chairperson, or while
30 the Chairperson is for any reason unable to perform the functions, powers, and duties of the Chairperson, the Deputy Chairperson shall perform the functions, powers, and duties of the Chairperson.

Cf. 1963, No. 13, ss. 5, 6

7. Secretary and other officers, employees, and agents—
35 The Council shall appoint and remunerate a Secretary to the Council, and may appoint and remunerate such other officers and employees and agents as it thinks fit.

Cf. 1963, No. 13, s. 7; 1971, No. 32, s. 3

8. Extraordinary vacancies—(1) Any member of the Council may at any time be removed from office by the Minister for disability, bankruptcy, neglect of duty, or misconduct proved to the satisfaction of the Minister, or may resign by writing addressed to the Secretary. 5

(2) Every member of the Council who becomes ineligible for appointment or election to the Council under the provisions of **section 4** of this Act under which the member was appointed or elected shall cease to be a member of the Council.

(3) If a member dies, resigns, is removed from office, or ceases to be a member in accordance with **subsection (2)** of this section,— 10

- (a) The vacancy so created shall be filled in the manner in which the appointment or election to the vacant office was originally made; and 15
- (b) The person appointed or elected to fill the vacancy shall be appointed or elected for the residue of the term for which the person's predecessor was appointed or elected.

Cf. 1963, No. 13, s. 3 (3)–(6) 20

9. Substitutes for certain members—(1) In the absence from any meeting of the Council of the person appointed under **section 4 (3) (a)** of this Act, the Director-General may appoint any other officer of the Department of Health to attend the meeting and that person shall for all purposes be deemed to be a member of the Council. 25

(2) In the absence from any meeting of the Council of the Dean of the Faculty of Dentistry of the University of Otago, the Dean may appoint a dentist who is a member of the teaching staff of the Faculty to attend the meeting and that person shall for all purposes be deemed to be a member of the Council. 30

(3) The fact that any person appointed under this section acts as a member of the Council shall, in the absence of proof to the contrary, be sufficient evidence of the person's authority to do so. 35

Cf. 1963, No. 13, s. 8 (6)

10. Committees—(1) The Council may from time to time appoint committees, consisting of 2 or more members of the Council and such other persons (if any) as the Council thinks 40

fit, to inquire into and report to the Council on such matters within the scope of its functions as are referred to them by the Council, or to exercise on behalf of the Council any of its functions or powers, and may from time to time delegate to
5 any such committee any such function or power, other than the functions and powers conferred on the Council by **sections 20, 21, 26, 27, 29, and Part IV** of this Act.

(2) Every committee appointed under this section shall be subject in all things to the control of the Council, and may at
10 any time be discharged, altered, or reconstituted by the Council.

(3) Subject to any general or special directions given or conditions imposed by the Council, any committee to which any function or power is delegated under this section may exercise that function or power in the same manner and with
15 the same effect as if it had been conferred directly by this Act and not by delegation.

(4) Every committee purporting to act pursuant to any delegation under this section shall be presumed to be acting in accordance with the terms of the delegation, in the absence
20 of proof to the contrary.

(5) Any delegation under this section may be revoked at any time.

(6) No delegation under this section shall prevent the exercise of any function or power by the Council.

25 Cf. 1963, No. 13, s. 11

11. Meetings—(1) The first meeting of the Council after the **1st day of July 1988** shall be held at such time and place as the Minister shall appoint.

(2) Subsequent meetings of the Council shall be held at such
30 times and places as the Chairperson or the Council from time to time appoints.

(3) At every meeting of the Council the quorum necessary for the transaction of business shall be 4 members, of whom at least 1 shall be an elected member and at least 2 shall be
35 members who are not elected.

(4) Every question before the Council shall be determined by a majority of the votes of the members present at the meeting of the Council.

(5) The Chairperson shall have a deliberative vote, and, in
40 the case of an equality of votes, shall also have a casting vote.

(6) No member of the Council shall be entitled to be present or vote or otherwise participate in the capacity of a member of the Council at any part of a meeting of the Council where any matter relating to the member's registration, suspension, or discipline under this Act is being considered. 5

Cf. 1963, No. 13, s. 8; 1971, No. 32, s. 4

12. Fees and allowances—(1) The Council, the Disciplinary Tribunal, the Complaints Assessment Committee, and every committee appointed by the Council are hereby declared to be statutory Boards within the meaning of the Fees and Travelling Allowances Act 1951. 10

(2) There may be paid to members of the Council, the Disciplinary Tribunal, the Complaints Assessment Committee, and any committee appointed by the Council, out of the funds of the Council, remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly. 15

Cf. 1963, No. 13, s. 10; 1971, No. 32, s. 5

PART II

20

REGISTRATION

13. Register of dentists—(1) The Council shall continue to maintain a register of dentists.

(2) The Secretary shall enter in the register—

(a) The name and residential or professional address of the person registered: 25

(b) Particulars of the qualification or qualifications by virtue of which the person is registered and any other relevant qualifications held by the person:

(c) The date of the person's registration: 30

(d) Particulars of any registration of that person as a specialist dentist, and the date of such registration:

(e) Such other particulars as may be prescribed or as may be entered under this Act or as the Council considers appropriate. 35

(3) The Secretary shall keep the register open for public inspection during ordinary office hours at the office of the Council.

(4) The Secretary shall, on the application of any person who is registered under this Act and on payment of the prescribed fee (if any), issue to that person a certificate of registration. 40

(5) The Secretary shall, on payment of the prescribed fee (if any), supply a certified copy of any entry in the register to any person requesting it.

(6) The Council may from time to time cause the register or any part of it to be published in such form, whether abbreviated or otherwise, as it thinks fit, and may charge any person who wishes to purchase a copy of the register or part of the register such reasonable fee as it determines.

Cf. 1963, No. 13, s. 19 (1), (2)

10 **14. Persons registered under Dental Act 1963 to be entitled to retain registration**—Every person who was registered under the Dental Act 1963 immediately before the coming into force of this Act shall, notwithstanding **sections 15, 16, and 18** of this Act but subject to the other provisions of this
15 Act, be entitled to remain on the register, and shall be deemed to be registered under this Act.

15. New Zealand qualifications for registration—

(1) Except as provided in **section 18** of this Act, every person shall be entitled to be registered under this Act who satisfies
20 the Council that the person is the holder of the degree of Bachelor of Dental Surgery from a university in New Zealand or is qualified to graduate with that degree from such a university.

(2) For the purposes of **subsection (1)** of this section, a
25 certificate signed by a Registrar, Deputy Registrar, or Assistant Registrar of a university in New Zealand that the person named in the certificate is a graduate in dental surgery or is qualified to graduate in dental surgery at the university, by reason of
30 having passed or having been credited with passing the examinations and having undergone the period of training (if any) required for such graduation, shall be sufficient evidence that the person named is a graduate of the university or is qualified to graduate at the university, as the case may require.

Cf. 1963, No. 13, s. 12 (a)

35 **16. Overseas qualifications for registration**—(1) Except as provided in **section 18** of this Act, every person shall be entitled to be registered under this Act who satisfies the Council that he or she intends to reside and practise in New Zealand, and that he or she—

40 (a) Is the holder of a degree in dentistry granted by a university elsewhere than in New Zealand; and

- (b) Has, in the course of obtaining that degree, successfully completed a course of study that is equivalent to the course of study set down for admission to the degree of Bachelor of Dental Surgery of a university in New Zealand; and 5
- (c) Is registered in the dental register kept in the country in which the degree was granted, or that there is a good and sufficient reason why he or she is not so registered; and
- (d) Has a reasonable command of the English language. 10

(2) The Council may, before authorising the registration of any applicant pursuant to this section, require the applicant to undertake and pass an examination set or recognised by the Council for the purpose of satisfying itself that the applicant has sufficient knowledge and experience to practise dentistry in New Zealand and that the applicant's command of the English language in relation to the practice of dentistry is reasonable; and for the purposes of this subsection, the Council may set and conduct or recognise such oral, written, and practical examinations as it thinks fit. 15 20

Cf. 1963, No. 13, s. 12 (b)

17. Qualifications for registration as a specialist—

- (1) Except as provided in **section 18** of this Act, every person shall be entitled to be registered as a specialist in respect of any branch of dentistry who satisfies the Council— 25
 - (a) That he or she has been registered, or entitled to be registered, as a dentist for at least 7 years immediately preceding the application; and
 - (b) That he or she is the holder of a qualification approved by the Council as appropriate for registration in respect of the branch of dentistry in relation to which the application is made; and 30
 - (c) That he or she has had sufficient training and experience in that branch of dentistry to justify registration as a specialist in respect of that branch of dentistry. 35
- (2) Notwithstanding **subsection (1)** of this section, every person shall be entitled to be registered as a specialist in respect of any branch of dentistry—
 - (a) Who makes the application for such registration before the **1st day of July 1990**; and 40
 - (b) Who was, immediately before the coming into force of this Act, registered as a dentist; and

(c) Who satisfies the Council that he or she is recognised within the dental profession as having such ability in the branch of dentistry to which the application relates by virtue of training and experience in that branch of dentistry that registration as a specialist would be appropriate.

(3) No person shall be registered as a specialist unless that person is also registered as a dentist.

(4) No person shall remain registered as a specialist if for any reason that person is not registered as a dentist.

(5) Where the name of any person who was registered as a specialist has been restored to the register it shall also be restored to the register as a specialist, unless the Court has ordered otherwise under **Part IV** of this Act.

18. Fitness to practise as dentist—(1) No person shall be registered under this Act—

(a) If the person has been convicted by any Court in New Zealand or overseas of any offence punishable by imprisonment for not less than 3 months and the Council is satisfied that the circumstances of the offence reflect adversely on the person's fitness to practise as a dentist; or

(b) If the Council is satisfied that registration would be inappropriate because the person is liable to face professional disciplinary proceedings in another country or is under investigation by any dental professional organisation in another country; or

(c) If the Council is satisfied that the person is unable to perform professional duties satisfactorily by reason of any mental or physical disability or condition; or

(d) If the Council is otherwise satisfied that the person is not fit to practise as a dentist.

(2) If, at the time of the graduation with the degree of Bachelor of Dental Surgery from a university in New Zealand of any person, the Dean of the Faculty of Dentistry at that university considers that the person would be unable, because of any mental or physical disability or condition, to perform professional duties satisfactorily, the Dean shall forthwith give written notice to the Council of all the circumstances.

(3) In any case where a Dean contemplates giving any such notice to the Secretary to the Council, the Dean may seek whatever medical advice, whether psychiatric or otherwise, he or she considers appropriate to assist in forming his or her opinion.

(4) Any such notice shall mention any difference between any such advice and the views of the Dean as set out in the notice.

(5) Upon receipt of any such notice, the Secretary shall forthwith take all necessary steps to have it considered by the Council. 5

Cf. 1963, No. 13, s. 16

19. Applications for registration—Every application for registration under this Act shall be made to the Secretary and shall— 10

- (a) Specify the full name, date and place of birth, residential or intended professional address, and qualifications of the applicant; and
- (b) Be accompanied by the prescribed application fee (if any) and such evidence as to the fitness of the applicant to practise dentistry as may be required by the Council; and 15
- (c) In the case of an applicant seeking registration by virtue of qualifications obtained outside New Zealand, include— 20
 - (i) Details of any registration or loss of registration in any other country; and
 - (ii) Details of any relevant practice in any other country; and
 - (iii) The names and addresses of 3 persons whom the Council may consult as to the professional competence of the applicant; and 25
- (d) In the case of any application for registration as a specialist, include details of any relevant training and practice in the branch of dentistry. 30

Cf. 1963, No. 13, s. 13

20. Applications to be considered by Council—(1) As soon as practicable after the receipt of an application for registration or registration as a specialist, the Council shall consider the application, and shall give such directions to the Secretary in respect of it as it thinks fit and as are authorised by or under this Act. 35

(2) Before giving any such directions, the Council may, if it thinks fit, examine on oath or otherwise the person making the application, or any person objecting to it, or any other person, in respect of the application; and for the purposes of any such examination the Chairperson may administer an oath to any person. 40

(3) The Council may also, if it thinks fit, require any person to verify by statutory declaration any statement made by the person in respect of any application before the Council.

5 (4) Where the Council proposes to decline any application for registration or registration as a specialist the Council shall—

(a) Give the applicant the information on which the proposed decision is based; and

10 (b) Give the applicant a reasonable opportunity to make submissions and be heard, either personally or by counsel or agent, in respect of the matter.

Cf. 1963, No. 13, s. 14

21. Registration—(1) If the Council, after considering any application in accordance with **section 20** of this Act, considers that the applicant is entitled to be registered or registered as a specialist, it shall so direct, and the Secretary shall thereupon register that person and notify him or her accordingly.

15 (2) If the Council, after considering any such application, considers that the applicant is not entitled to be registered or registered as a specialist, it shall direct accordingly and shall 20 direct the Secretary to notify the applicant in writing of the reasons for its direction.

Cf. 1963, No. 13, s. 15

22. Additional qualifications may be entered in register—(1) Any dentist who obtains any qualification other than that by virtue of which he or she is registered may apply 25 to the Council to have the register amended by the inclusion of reference to that qualification.

(2) The Council shall, if it is satisfied that the dentist holds the qualification, and that the qualification is of sufficient 30 standing and relevance to be included on the register, direct the Secretary to amend the register accordingly.

Cf. 1963, No. 13, s. 24

23. Dentist to notify change of address—Every dentist who at any time changes his or her address appearing in the register 35 shall, within 1 month thereafter, send to the Secretary by registered letter a notice of the new address, and the Secretary shall accordingly amend the entry in the register relating to that person.

Cf. 1963, No. 13, s. 22

24. Amendment of register on change of name and removal of name on request—(1) Where the Council is satisfied that a dentist has changed his or her name or that the name of any dentist is incorrectly stated in the register, the Council shall direct the Secretary to correct any entry in the register relating to that dentist accordingly. 5

(2) The Council may at any time if it thinks fit, on the written application of any dentist, direct the Secretary to remove the name of that dentist from the register.

(3) The Secretary shall, on the written application of any dentist who is registered as a specialist, remove from the register the particulars of the registration of that person as a specialist, but shall retain the dentist's name on the register as a dentist. 10

25. Revision of register—(1) The Secretary may at any time, and shall if the Council so directs, send to any dentist, by registered letter addressed to the dentist at the dentist's last known address, an enquiry as to whether or not the dentist desires to have his or her name retained in the register, or has ceased to practise. 15 20

(2) If no reply is received to the letter within 6 months after it has been posted, or if the letter is not delivered and is returned to the Secretary, the Council may direct the Secretary to remove from the register the name of the dentist to whom the letter was sent. 25

(3) Every Registrar of Births and Deaths, on registration of the death of any person who is registered as a dentist under this Act, shall forthwith post to the Secretary a notification in writing of that death, with the particulars of the date and place of death; and on the receipt of that notification the Secretary shall remove the name of the deceased person from the register. 30

(4) If the Council has reason to believe that any dentist has died, it may direct the Secretary to remove the name of that dentist from the register. 35

(5) Any person whose name has been removed from the register under this section may apply to the Council to have his or her name restored to the register; and the Council shall direct the Secretary to restore to the register the name of that person. 40

Cf. 1963, No. 13, ss. 21, 23

26. Removal of name from register for non-residence in New Zealand—(1) If the Council believes on reasonable grounds—

5 (a) That any dentist who does not hold a degree in dentistry from a university in New Zealand has failed in any period of 3 consecutive years to reside in New Zealand for a period of 6 consecutive months; and

(b) That the dentist intends to continue to reside overseas,—
10 it may direct the Secretary to remove the name of that dentist from the register, and the Secretary shall remove that name accordingly.

(2) This section shall not apply to any period of absence from New Zealand—

15 (a) Before the **1st day of July 1988**; or
(b) Of not more than 3 years for the purpose of postgraduate study.

(3) Any person whose name has been removed from the register under this section may apply to the Council to have his or her name restored to the register; and the Council shall,
20 if it is satisfied that the person intends to reside in New Zealand, direct the Secretary to restore to the register the name of that person.

27. Removal of name from register after removal from register of medical practitioners—(1) If the name of any
25 medical practitioner who is also registered as a dentist under this Act is removed from the register of medical practitioners kept under the Medical Practitioners Act 1968 following disciplinary proceedings or the suspension of the registration of that person under that Act, the Tribunal may direct that
30 the name of the dentist be removed from the register maintained under this Act.

(2) Any person whose name is removed from the register under the authority of **subsection (1)** of this section shall be
35 entitled, on application, to have his or her name restored to the register if it has been restored to the register of medical practitioners.

Cf. 1963, No. 13, s. 26

28. Provisional certificates—(1) Notwithstanding anything to the contrary in this Act, the Secretary to the Council shall, if so directed by the Chairperson of the Council, if the Chairperson is satisfied that the applicant appears to be qualified for registration, issue to a person who has applied for registration as a dentist under this Act a provisional certificate which shall be deemed to be a certificate of registration, pending the consideration of the application by the Council. 5

(2) Every such certificate shall, unless it has been cancelled or has lapsed, remain in force for such period not exceeding 6 months as shall be stated in the certificate, and any such certificate may be renewed for further periods each not exceeding 6 months. 10

(3) The holder of a provisional certificate shall, while the certificate remains in force, be deemed for all purposes to be registered as a dentist. 15

(4) The names of persons to whom provisional certificates are issued shall be entered in a separate part of the register.

(5) The Council may at any time direct the Secretary to cancel a provisional certificate. 20

Cf. 1963, No. 13, s. 27

29. Temporary registration—(1) Notwithstanding anything to the contrary in this Act, if the Council is satisfied that any person— 25

(a) Is or will be temporarily visiting New Zealand and proposes to practise as a dentist at any institution or place in New Zealand; and

(b) Has sufficient knowledge and experience to practise as a dentist in that institution or place subject to such restrictions (if any) as the Council may specify; and 30

(c) Is fit to practise as a dentist; and

(d) Has a reasonable command of the English language— the Council may, if it thinks fit, issue to the person, on payment of the prescribed fee (if any), a certificate of temporary registration entitling the person to practise as a dentist in that institution or place subject to such restrictions (if any), and for such period, as may be specified in the certificate. 35

(2) The Council may from time to time, if it thinks fit, extend the period specified in any certificate of temporary registration. 40

(3) The holder of any certificate of temporary registration shall, while the certificate is in force, be deemed for all purposes to be registered under this Act as a dentist.

(4) The names of persons to whom certificates of temporary registration are issued shall be entered in a separate part of the register.

(5) The Council may at any time direct the Secretary to cancel any certificate of temporary registration.

Cf. 1963, No. 13, s. 20

30. Offences relating to registration—Every person commits an offence and is liable on summary conviction to imprisonment for a term not exceeding 12 months or a fine not exceeding \$1,000 who, for the purpose of obtaining any certificate under this Part of this Act (either for himself or herself or for any other person),—

(a) Either orally or in writing, makes any declaration or representation that, to his or her knowledge, is false or misleading in a material particular; or

(b) Produces to the Council or makes use of any document knowing it to contain any such declaration or representation; or

(c) Produces to the Council or makes use of any document knowing that it is not genuine.

Cf. 1963, No. 13, s. 18

PART III

PRACTICE OF DENTISTRY

31. Restrictions on wrongful use of title and descriptions as dentist—Subject to sections 33 to 37 of this Act, every person commits an offence and is liable on summary conviction to a fine not exceeding \$5,000 who, not being registered under this Act as a dentist, uses or causes or permits to be used in connection with his or her business, trade, calling, employment, or profession—

(a) The title “dentist” or any words, initials, or abbreviations intended to cause, or that may reasonably cause, any person to believe that the person using that title or any such words, initials, or abbreviations is a dentist or is registered under this Act; or

(b) Any name or other description intended to cause, or that may reasonably cause, any person to believe that the person using the name or other description holds any diploma or degree in dentistry or is otherwise specially qualified to practise dentistry or any branch of dentistry.

Cf. 1963, No. 13, s. 31

32. Restrictions on wrongful description as specialist— Subject to sections 33 to 37 of this Act, every person commits an offence and is liable on summary conviction to a fine not exceeding \$5,000 who, not being registered under this Act as a specialist in respect of any particular branch of dentistry, uses or causes or permits to be used in connection with his or her business, trade, calling, employment, or profession— 5

(a) Any words, initials, or abbreviations intended to cause, or that may reasonably cause, any person to believe that the person using any such words, initials, or abbreviations is a specialist, or is registered as a specialist under this Act, in respect of that branch of dentistry; or 10

(b) Any name or other description intended to cause, or that may reasonably cause, any person to believe that the person using the name or other description holds any diploma or degree in that branch of dentistry or is otherwise specially qualified to practise that branch of dentistry. 15

33. Exemption in respect of words indicating qualifications— Nothing in section 31 or section 32 of this Act shall apply to the use of any words, initials, or abbreviations indicating a qualification to practise dentistry, or any branch of dentistry, if— 20

(a) The words, initials, or abbreviations are an accurate indication of the qualifications held by the person; or 25

(b) Where the words, initials, or abbreviations indicate a qualification obtained outside New Zealand, equal prominence is given to the description of the country or state where the qualification was obtained. 30

34. Exemption in respect of dental nurses— Nothing in section 31 (b) or section 32 (b) of this Act shall apply to the use of the title “dental nurse” or other similar description, by any person who holds a certificate in dental nursing issued by the Department of Health or any similar qualification approved by the Director-General of Health, in connection with the practice of dentistry in accordance with conditions approved by the Director-General of Health. 35

35. Exemption in respect of clinical dental technicians—

Nothing in **section 31 (b) or section 32 (b)** of this Act shall apply to the use of the title “clinical dental technician” or other similar description, by any person registered in respect of that
5 occupation under the Medical and Dental Auxiliaries Act 1966, in connection with clinical dental technicians work (as that term is defined in regulations made under that Act).

36. Exemption in respect of dental technicians—

Nothing in **section 31 (b) or section 32 (b)** of this Act shall apply to the use
10 of the title “dental technician” or other similar description, by any person registered in respect of that occupation under the Medical and Dental Auxiliaries Act 1966, in connection with dental technicians work (as that term is defined in regulations made under that Act).

37. Exemption in respect of dental hygienists—

Nothing in **section 31 (b) or section 32 (b)** of this Act shall apply to the use
15 of the title “dental hygienist” or other similar description, by any person who has obtained a qualification as a dental hygienist, in connection with the removal of deposits from
20 teeth, the application of materials to teeth for the purpose of preventing disease, the giving of advice on oral health, and other similar work.

38. Annual practising certificates for registered dentists—

(1) In this section, the term “year” means the period
25 of 12 months beginning on the 1st day of June in any year and ending on the 31st day of May in the following year.

(2) Except as provided in **subsection (7)** of this section, no registered dentist shall be entitled to practise as a dentist in any year, whether in the service of the Crown or otherwise,
30 unless he or she is the holder of an annual practising certificate issued in respect of that year.

(3) Every registered dentist commits an offence and is liable on summary conviction to a fine not exceeding \$200 who practises as a dentist in contravention of **subsection (2)** of this
35 section.

(4) The Council, on application made to it for the purpose by any registered dentist, and on payment of the prescribed fee, shall issue to the dentist an annual practising certificate, which shall, subject to **subsection (5)** of this section, be in force
40 during the year in respect of which it is issued.

(5) If at any time during the currency of any such certificate its holder ceases to be registered under this Act, the certificate shall be deemed to be cancelled.

(6) Every person who is entitled to receive an annual practising certificate under this section shall be deemed to hold the certificate when he or she has duly applied for it to the Council and has paid the prescribed fee. 5

(7) Nothing in this section shall apply with respect to—

(a) Any person holding a provisional certificate for the time being in force under **section 28** of this Act: 10

(b) Any person holding a certificate of temporary registration for the time being in force under **section 29** of this Act.

Cf. 1963, No. 13, s. 49; 1971, No. 32, s. 11

PART IV 15

SUSPENSION AND DISCIPLINE

Suspension for Disability

39. Suspension from practice for disability—(1) Where it appears to the Council that—

(a) Any dentist is unable to practise satisfactorily because of any mental or physical disability or condition that the dentist has; and 20

(b) Because the dentist may attempt to practise, it is desirable in the public interest to prevent the dentist from doing so,— 25

the Council may require the dentist to submit himself or herself for a medical examination by a medical practitioner at the expense of the Council.

(2) The requirement to submit to a medical examination shall be communicated to the dentist by notice in writing signed by the Chairperson and served on the dentist; and the notice shall specify— 30

(a) The name and address of the medical practitioner by whom the Council has arranged to have the examination conducted; and 35

(b) The date before which the examination is to take place (being not less than 7 days after the notice is served on the dentist).

(3) Where a medical practitioner has examined a dentist under this section, the medical practitioner shall, as soon as practicable after the examination, make a written report to 40

the Secretary as to the mental and physical disability or condition of the dentist so far as it affects the capacity of the dentist to perform professional duties satisfactorily.

(4) Where—

- 5 (a) A notice has been served on a dentist in accordance with **subsection (2)** of this section; and
- (b) An examination has been carried out in accordance with **subsection (3)** of this section, or the date before which the examination was to take place has expired; and
- 10 (c) The Council has considered any report made to the Secretary under **subsection (3)** of this section; and
- (d) The Council has given the dentist a reasonable opportunity to make submissions and be heard, either personally or by counsel or agent, on the matter; and
- 15 (e) The Council is satisfied that—
- (i) The dentist is unable to perform professional duties satisfactorily because of any mental or physical disability or condition that the dentist has; and
- (ii) Because the dentist may attempt to practise, it
- 20 is necessary in the public interest to prevent the dentist from doing so,—

the Council may order that the dentist be suspended from practice.

- (5) Any suspension imposed under this section may be
- 25 revoked at any time by the Council if it is satisfied that the dentist is again able to perform professional duties satisfactorily.

(6) Every such suspension, or revocation of a suspension, shall be communicated to the dentist by notice in writing served on the dentist; and shall take effect on being served.

- 30 (7) While a registered dentist is suspended under this section from practice, the dentist shall be deemed for the purposes of this Act, other than this Part of this Act, not to be registered.

Cf. 1963, No. 13, s. 28 (6), (7) (a), (8)

40. Limited practice in cases of disability—(1) Where—

- 35 (a) **Paragraphs (a) to (d) of section 39 (4)** of this Act have been complied with in respect of a registered dentist; and
- (b) The Council is satisfied that the dentist is unable to perform professional duties satisfactorily, but considers that it would nevertheless not be contrary
- 40 to the public interest to allow that dentist to practise under special conditions—

the Council may order that the dentist be suspended from all practice except practice in accordance with **subsection (2)** of this section.

(2) The Council may, under **subsection (1)** of this section, permit a dentist to practise for such period and subject to such conditions as to employment, supervision, and otherwise as it considers proper to permit or impose.

(3) Any suspension imposed under this section may be 5 amended or revoked at any time by the Council.

(4) Every suspension or permission under this section shall be communicated to the dentist by notice in writing served on the dentist; and shall take effect on being served.

(5) A dentist on whom notice is served under **subsection (4)** 10 of this section may practise only to the extent permitted under this section.

41. Notification of disability—(1) In this section—

“Hospital” means—

(a) Any institution within the meaning of the Area 15 Health Boards Act 1983 or the Hospitals Act 1957:

(b) Any licensed hospital within the meaning of Part V of the Hospitals Act 1957:

(c) Any hospital within the meaning of the Mental 20 Health Act 1969:

(d) Any institution within the meaning of the Alcoholism and Drug Addiction Act 1966:

“Medical Superintendent”, in relation to any hospital, means,—

(a) In the case of any institution within the meaning 25 of the Area Health Boards Act 1983 or the Hospitals Act 1957, the medical practitioner (if any) who is in charge of that hospital:

(b) In the case of any licensed hospital within the meaning of Part V of the Hospitals Act 1957, the 30 manager of that hospital if that manager is a registered medical practitioner:

(c) In the case of any hospital within the meaning of the Mental Health Act 1969, the Medical 35 Superintendent of that institution:

(d) In the case of any institution within the meaning of the Alcoholism and Drug Addiction Act 1966, the manager of that institution if that manager is a medical practitioner.

(2) In any case where a dentist is a patient of a hospital of 40 which there is a Medical Superintendent, if the Medical Superintendent considers that the dentist is unable, because of

any mental or physical disability or condition, to perform professional duties satisfactorily, and that, because the dentist may attempt to perform those duties, it is necessary in the public interest to prevent the dentist from doing so, the Medical Superintendent shall forthwith give written notice to the Council of all the circumstances of the case.

(3) In any case where a registered medical practitioner is in attendance on a dentist and considers that the dentist is unable, because of any mental or physical disability or condition, to perform professional duties satisfactorily, and that, because the dentist may attempt to perform those duties, it is necessary in the public interest to prevent the dentist from doing so, the medical practitioner in attendance on that dentist shall forthwith give written notice to the Council of all the circumstances of the case.

(4) In any case where the Medical Officer of Health considers that any dentist is unable, because of any mental or physical disability or condition, to perform professional duties satisfactorily, and that, because the dentist may attempt to perform those duties, it is necessary in the public interest to prevent the dentist from doing so, the Medical Officer of Health shall forthwith give written notice to the Council of all the circumstances of the case.

(5) In any case where the Medical Superintendent or other medical practitioner in charge of any hospital in which a dentist is employed has reason to believe that the dentist is unable, because of any mental or physical disability or condition, to perform professional duties satisfactorily, and that, because the dentist may attempt to perform those duties, it is necessary in the public interest to prevent the dentist from doing so, the Medical Superintendent or other person shall forthwith give written notice to the Council of all the circumstances of the case.

(6) In any case where any Medical Superintendent, registered medical practitioner, or Medical Officer of Health contemplates giving any such written notice to the Council, he or she may seek whatever medical advice, whether psychiatric or otherwise, he or she considers appropriate to assist him or her in forming his or her opinion.

(7) Any written notice given under any of subsections (2) to (5) of this section shall mention any difference between any such advice and the views of the Medical Superintendent, or registered medical practitioner, or Medical Officer of Health, as set out in the notice.

(8) Upon receipt of any such notice, the Secretary shall forthwith take all steps necessary to have it considered by the Council.

Cf. 1963, No. 13, s. 28 (1)-(5); 1969, No. 16, s. 129; 1983, No. 134, s. 98

5

Discipline

42. Complaints Assessment Committee—(1) The Chairperson shall, from time to time as required by **section 44** of this Act, appoint in relation to a particular case or particular cases, 2 dentists and 1 person who is not a dentist to be a Complaints Assessment Committee, and may at any time revoke any such appointment or reconstitute any such Committee.

(2) The Chairperson shall appoint one of the members of each Complaints Assessment Committee to be the chairperson of that committee.

(3) Before making any such appointment, revocation, or reconstitution, the Chairperson shall consult with at least 3 members of the Council.

(4) The Chairperson shall ensure that the dentist in respect of whom a complaint has been made under **section 44** of this Act is informed of the general nature of the complaint and the intended membership of the Complaints Assessment Committee that is to consider the complaint.

(5) The dentist, on being informed under **subsection (4)** of this section of the intended membership of the Complaints Assessment Committee, may request, giving reasons for the request, that the Chairperson do not appoint one or more of the intended members as members of the Complaints Assessment Committee.

30

(6) No member of the Council or the Disciplinary Tribunal shall be appointed to be a member of the Complaints Assessment Committee.

Cf. 1963, No. 13, s. 34

43. Disciplinary Tribunal—(1) There shall be a Disciplinary Tribunal which shall consist of—

(a) Three dentists appointed by the Council:

(b) Two persons not being dentists, who shall be appointed by the Governor-General on the recommendation of the Minister made after consultation with the Council.

40

(2) No person who is a member of the Council shall be eligible to hold office as a member of the Disciplinary Tribunal.

(3) The members of the Tribunal shall be appointed for a term of 3 years, and shall be eligible for reappointment.

5 (4) Any member of the Tribunal may at any time be removed from office by the Minister for disability, bankruptcy, neglect of duty, or misconduct proved to the satisfaction of the Minister, or may resign by writing addressed to the Secretary.

(5) Every member of the Tribunal shall cease to be a member
10 of the Tribunal who—

(a) Becomes a member of the Council; or

(b) Would no longer be eligible for appointment as a member
of the Tribunal under the paragraph of **subsection (1)**
of this section under which the member was
15 appointed.

(6) If a member of the Tribunal dies, resigns, is removed from office, or ceases to be a member in accordance with
subsection (5) of this section,—

(a) The vacancy so created shall be filled in the manner in
20 which the appointment to the vacant office was originally made; and

(b) The person appointed to fill the vacancy shall be appointed for the residue of the term for which the person's predecessor was appointed.

25 (7) The members of the Tribunal shall, at its first meeting in each year, elect one of their number to be the chairperson of the Tribunal for that year.

(8) If an extraordinary vacancy arises in the office of chairperson during the year for which any member was elected,
30 the members of the Tribunal shall, at its first meeting thereafter, elect one of their number to be the chairperson of the Tribunal for the remainder of that year.

(9) Three members of the Tribunal, including at least 1 of the members appointed under **subsection (1) (b)** of this section,
35 shall form a quorum.

44. Complaints against dentists—(1) Every person who seeks to complain to the Council of the conduct of any dentist shall make the complaint to the Secretary.

(2) Every such complaint shall be in writing.

40 (3) Where the Secretary has received any complaint under this section, he or she shall refer the complaint to the Chairperson who shall appoint a Complaints Assessment Committee in accordance with **section 42** of this Act and refer the complaint to that Committee.

(4) Without limiting the right of any person to make a complaint to the Council,—

- (a) A complaint may be made by the Minister in respect of any matter arising under Part II of the Social Security Act 1964: 5
- (b) A complaint may be made by any member of the Council, the Disciplinary Tribunal, or any person in the service of the Crown acting in an official capacity.

Cf. 1963, No. 13, ss. 35, 41A; 1973, No. 34, s. 29

45. Investigation by Complaints Assessment Committee—(1) The Complaints Assessment Committee may require that the complaint be supported by such statutory declarations as it thinks fit. 10

(2) The Complaints Assessment Committee shall determine whether or not in its opinion the matter should be considered by the Tribunal and shall report its finding to the chairperson of the Tribunal. 15

(3) Where the Complaints Assessment Committee has reported that in its opinion the matter should be considered by the Tribunal, the chairperson of the Tribunal shall forthwith cause a notice to be served on the dentist in accordance with **section 48 (1)** of this Act. 20

(4) Where the Complaints Assessment Committee has reported that in its opinion the matter should not be considered by the Disciplinary Tribunal, the Committee shall also inform the Council and the Council may, if it thinks fit, refer the matter to the Tribunal for determination under this Part of this Act. 25

Cf. 1963, No. 13, s. 36

46. Powers of Disciplinary Tribunal—(1) Subject to **subsection (6)** of this section, if the Tribunal, after conducting a hearing in accordance with this Part of this Act, is satisfied in respect of any dentist that the dentist— 30

- (a) Has been convicted, whether before or after the dentist became registered, by any Court in New Zealand or overseas of any offence punishable by imprisonment for not less than 3 months and that the circumstances of the offence reflect adversely on the dentist's fitness to practise as a dentist; or 35

- (b) Has been guilty of any act or omission in the course of or associated with the practice of dentistry that was or could have been detrimental to the welfare of any patient or other person; or
- 5 (c) Has been guilty of professional misconduct (including, without limiting the generality of the foregoing, professional negligence),—
- the Tribunal may, except as provided in **subsections (3) and (4)** of this section, by way of penalty, do any one of the things
- 10 authorised by **subsection (2)** of this section.
- (2) In any case to which **subsection (1)** of this section applies, the Tribunal may—
- (a) Order that the name of the dentist be removed from the register:
- 15 (b) Order that the registration of the dentist be suspended for a period not exceeding 12 months:
- (c) Order that the dentist may, for a period not exceeding 3 years, practise only subject to such conditions as to employment, supervision, or otherwise as the
- 20 Tribunal may specify in the order:
- (d) Order the dentist to pay a fine not exceeding \$1,000:
- (e) Order that the dentist be censured.
- (3) Where the Tribunal makes an order under **paragraph (b) or paragraph (c) or paragraph (e) of subsection (2)** of this section, it may
- 25 in addition impose a fine under **paragraph (d)** of that subsection.
- (4) Where the Tribunal is dealing with any matter that constitutes an offence for which the person has been convicted by a Court, the Tribunal shall not impose a fine pursuant to **subsection (2) (d)** of this section.
- 30 (5) In any case to which **subsection (1)** of this section applies, the Tribunal may order any such dentist to pay any costs and expenses of and incidental to the hearing by the Tribunal and any inquiry made by the Complaints Assessment Committee.
- (6) The Tribunal shall not exercise any authority conferred
- 35 by this section in respect of any offence for which a person has been convicted before the date of the person's registration if at that date the Council was aware of the conviction in respect of the offence.
- (7) While any order of suspension from practice under this
- 40 section remains in force, the person shall be deemed for the purposes of this Act not to be registered; but forthwith on the expiry of the order his or her rights and privileges as a dentist shall be revived as from the date of the expiry.

(8) In any order under this section directing the name of any person to be removed from the register, or in any subsequent order of the Tribunal, the Tribunal may fix a time after which the person whose name is so removed may apply to have his or her name restored to the register; and all the provisions of this Act relating to an application for registration shall apply in respect of that person. 5

(9) Every fine imposed, and all costs and expenses payable under this section, shall be recoverable as a debt due to the Tribunal and paid to the Council. 10

Cf. 1963, No. 13, s. 39 (1), (2), (4), (8), (9), (12); 1971, No. 32, s. 7

47. Removal of name from register as specialist—(1) If the Council, after conducting a hearing in accordance with this Part of this Act, is at any time satisfied in respect of any dentist who is registered as a specialist that the dentist is not fit to be registered as a specialist in respect of a particular branch of dentistry, the Council may order that the name of that dentist be removed from the register as a specialist in respect of that branch of dentistry. 15 20

(2) Nothing in any order under **subsection (1)** of this section shall have effect in respect of the registration of the dentist as a dentist.

48. Procedure of Council and Tribunal under this Part in disciplinary matters—(1) Before the Tribunal exercises its powers under **section 46** of this Act or the Council exercises its powers under **section 47** of this Act the chairperson of the appropriate body shall cause to be served on the dentist concerned a notice— 25

- (a) Stating that the Council, or the Complaints Assessment Committee, has reason to believe that a ground exists entitling the Council or the Tribunal to exercise its powers under **section 46** or **section 47** of this Act; and 30
- (b) Containing such particulars as will clearly inform the dentist of the substance of the grounds believed to exist; and 35
- (c) Specifying a date, being not less than 28 days after the date of service of the notice, on which the Council or Tribunal intends to hear the matter.

(2) The notice under **subsection (1)** of this section may require the person to whom the notice is addressed to notify the Council or the Tribunal in writing, not later than a specified date before the date proposed for the hearing of the matter,
5 as to whether or not the person intends to appear and wishes to be heard, either personally or by counsel or agent, before the Council or Tribunal at the hearing of the matter.

(3) If the person fails to so notify his or her intention, the person shall, notwithstanding **subsection (5)** of this section and
10 **section 50 (2)** of this Act, be entitled to appear and be heard only on such conditions as to the payment of costs and expenses or otherwise as the Council or the Tribunal thinks fit.

(4) If any university having granted to any person a
15 qualification that may be entered on the register under this Act, exercises any power conferred by law of removing the name of that person from the register in which the qualification is recorded, or any registering authority in any other country has removed the name of any dentist from any register of
20 dentists maintained by it, and in either case the university or registering authority has notified the Council of the fact of the removal,—

(a) The Secretary shall make a note of the fact in the register;
and

25 (b) If the university or registering authority notifies the Council of the findings of fact on which the decision to remove the name was based, the findings may, if the Council or the Tribunal thinks fit and, subject to
30 **subsection (5)** of this section, be treated for the purposes of any inquiry or proceedings under this section as sufficient evidence of the facts found in the absence of proof to the contrary.

(5) In all proceedings under this section, the Council and the Tribunal shall observe the rules of natural justice.

35 (6) Where the Council or the Tribunal is not unanimous, the decision of a majority of the members present at any proceedings held under this section shall be the decision of the Council or Tribunal.

(7) Every order of the Council or the Tribunal under **section**
40 **46 or section 47** of this Act or under **subsection (3)** of this section shall—

(a) Be committed to writing; and

(b) Contain a statement of the reasons on which it is based;
and

- (c) Contain a clear statement of the person's right to appeal against the order, and the time within which notice of such appeal must be given; and
- (d) Be signed by the chairperson of the Council or Tribunal, as appropriate. 5

(8) A copy of every order of the Tribunal under **section 46** of this Act, or a copy of every order of the Council under **section 47** of this Act, shall be served by or on behalf of the Secretary on the dentist in respect of whom it was made; and shall take effect from the day on which such service was effected, or such later date as may be specified in the order. 10

49. Hearings to be in public—(1) Except as provided in this section, every hearing of the Council or the Disciplinary Tribunal shall be held in public. 15

(2) If the Council or Tribunal is of the opinion that it is proper to do so, having regard to the interests of any person and to the public interest, it may—

- (a) Hold a hearing or any part of a hearing in private;
- (b) Make an order prohibiting the publication of any report or account of any part of any proceedings before it, whether held in public or in private: 20
- (c) Make an order prohibiting the publication of the whole or any part of any books, papers, or documents produced at any hearing: 25
- (d) Make an order prohibiting the publication of the name or any particulars of the affairs of the person charged or any other person.

(3) Unless it is reversed or modified in respect of its currency by a Court on an appeal, an order made under **subsection (2)** of this section shall continue in force until such time as may be specified in the order, or, if no time is specified, until the Council or Tribunal, in its discretion, revokes it on the application of any party to the proceedings in which the order was made. 30 35

(4) The Council or the Tribunal may in any case deliberate in private as to its decision or as to any question arising in the course of the hearing.

(5) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$1,000 who, without lawful excuse, acts in contravention of any order made by the Council or the Tribunal under any of **paragraphs (b) to (d) of subsection (2)** of this section. 40

(6) **Subsection (2) (d)** of this section shall not apply to or in respect of—

- (a) Communications between the Council and the Tribunal;
or
- 5 (b) The publication under **section 54** of this Act of the effect of any order.

50. Powers and rights of Council and Tribunal and persons involved in proceedings of Council and Tribunal—(1) The Council and the Tribunal shall, for the
10 purposes of any hearing under **section 48** of this Act, have the same powers as are conferred on Commissions of Inquiry by section 4 and sections 4B to 9 of the Commissions of Inquiry Act 1908.

(2) Section 4 and sections 4B to 9 of the Commissions of
15 Inquiry Act 1908 shall apply to all persons involved in any capacity in any hearing under **section 48** of this Act as if it were an inquiry conducted by a Commission under that Act.

51. Appeals from decisions of Council and Tribunal—

(1) Every person who is dissatisfied with the whole or any part
20 of—

- (a) Any decision of the Council relating to an application by that person for registration (including temporary registration and registration as a specialist) or for a provisional certificate; or
- 25 (b) Any direction of the Tribunal made under **section 27** of this Act; or
- (c) Any order of the Council made under **section 39** or **section 40** of this Act; or
- (d) Any order of the Tribunal made under this Act relating
30 to that person; or
- (e) Any order of the Council made under **section 47** of this Act relating to that person; or
- (f) Any order affecting that person made under **section 49** of this Act, or the refusal of the Council or Tribunal to
35 make any such order; or
- (g) Any order of the Council or the Tribunal made under **section 46 (5)** or **section 48 (3)** of this Act requiring him or her to pay any costs or expenses—

40 may, within 28 days after notice of the decision, direction, or order has been served on him or her by the Secretary or within such further time as the High Court may allow on application

made before or after the expiration of that period, appeal to the High Court against the decision, direction, or order, as the case may be.

(2) Every appeal under this section shall be heard and determined by the Administrative Division of the High Court in accordance with rules of Court and this section. 5

(3) The Court shall, as soon as practicable, hear the appeal, and may confirm, reverse, or modify the decision of the Council or Tribunal, or may refer the matter back to the Council or Tribunal in accordance with rules of Court, or may give any decision that the Council or Tribunal could have given. 10

(4) Nothing in this section shall give the Court power to review any part of the Council's or Tribunal's decision other than the part against which the appellant has appealed.

(5) Subject to any order of the Court, every decision, direction, or order of the Council or Tribunal against which an appeal is lodged shall continue in force and have effect pending the determination of the appeal. 15

(6) On any appeal under this section, the Court may make an order for the payment by the Council, the Tribunal, or by the appellant, of the costs incurred in respect of the appeal by the other party to the appeal. 20

(7) The Council, the Tribunal, or the appellant may appeal to the Court of Appeal against any decision on a question of law of the Administrative Division of the High Court with the leave of the Administrative Division of the High Court or, if that leave is refused, with the leave of the Court of Appeal. 25

52. Suspension and conditions of practice to be entered in register—(1) The Secretary shall enter in the register at the entry for the appropriate dentist— 30

(a) The fact that any suspension has been imposed upon the dentist under this Part of this Act and the conditions (if any) relating to the suspension; or

(b) Details of any conditions of practice that have been imposed upon the dentist under **section 40** or **section 46** of this Act. 35

(2) Every entry made in the register under **subsection (1)** of this section shall be removed on the expiry of the period of suspension or the conditions or the lifting of the suspension or conditions by the Council, the Tribunal, the High Court, or the Court of Appeal. 40

53. Surrender of certificates—(1) Any person whose name is removed from the register or whose registration is suspended under this Part of this Act shall, within 14 days after the date on which written notice of the removal or suspension has been
5 given to him or her, deliver to the Secretary every current certificate in respect of that person that has been issued under this Act and has not been so delivered before that date.

(2) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$200 who wilfully
10 fails to comply with **subsection (1)** of this section.

54. Publication of orders—Where—

(a) An order has been made by the Council or the Tribunal under this Part of this Act in respect of any dentist, or where the Council has, under **section 40** of this Act,
15 suspended any dentist from practice, and no appeal therefrom has been brought within the time limited in that behalf; or

(b) An order has been made under this Act by any Court in respect of any dentist,—
20 the Secretary shall, if the Council in its discretion so directs, but subject to any order made under **section 49** of this Act, cause a notice stating the effect of the order to be published in the *New Zealand Dental Journal* and such other publications as may be directed by the Council.

25 Cf. 1963, No. 13, s. 46

55. Legal assessors—(1) The Council, the Tribunal, and the Complaints Assessment Committee may each appoint a legal assessor, who, subject to **subsection (2)** of this section, may be present at any proceedings of the Council, the Tribunal, or
30 the Committee under this Part of this Act, and may then or at any time previously or subsequently advise the Council, the Tribunal, or the Committee on matters of law, procedure, and evidence relating thereto.

(2) No legal assessor shall be entitled to be present during
35 the deliberations of the Council, the Tribunal, or the Complaints Assessment Committee.

Cf. 1963, No. 13, s. 42

PART V

MISCELLANEOUS PROVISIONS

56. Protection of Council, Tribunal, Complaints Assessment Committee, and other persons—Neither the Council, the Tribunal, the Complaints Assessment Committee 5
nor any member or employee of any of them, shall be under any criminal or civil liability whatever in respect of anything done or omitted to be done or of any words spoken or written at or for the purposes of the hearing of any inquiry or other proceedings under this Act unless it is proved to the satisfaction 10
of the Court before which any proceedings are taken that the defendant in the proceedings has acted in bad faith.

Cf. 1963, No. 13, s. 47

57. Certificates of Secretary to be evidence—A certificate under the hand of the Secretary to the effect that any person 15
was or was not registered, or was or was not the holder of a provisional certificate, certificate of temporary registration, or annual practising certificate at any particular time or during any period specified in the certificate, or as to any entry in the register, or as to any act or proceeding of the Council or 20
the Tribunal or of any committee of the Council, shall for all purposes be sufficient evidence of the matters specified in the certificate, in the absence of proof to the contrary.

Cf. 1963, No. 13, s. 19 (3)

58. Council may supply evidence for registration overseas—(1) The Council may supply to any dentist such documents as it thinks fit for the purpose of enabling him or her to seek registration as a dentist outside New Zealand.

(2) Every dentist who requests any such document from the Council shall pay to the Council such fee (if any) as may be 30
prescribed for the document.

59. Payment and application of fees, fines, and other money—(1) All fees, fines, and other money payable under this Act shall be payable to the Council.

(2) All such fees, fines, and other money shall be paid to the 35
Secretary who shall forthwith pay it into such bank account as the Council shall determine.

(3) Where a fee is payable in respect of any matter, the Council or the Secretary or any other officer or employee of the Council may decline to do any act, or permit any act to be done, or to receive any document in respect of which that
5 fee is payable, unless the fee is paid.

(4) The fees, fines, and other money referred to in **subsection (1)** of this section may be applied only—

(a) In payment under **section 12** of this Act of any fees, salaries
10 or allowances, travelling allowances, or expenses payable in accordance with that section to members of the Council and its committees, and members of the Disciplinary Tribunal and Complaints Assessment Committee:

(b) In payment of remuneration and travelling allowances
15 and expenses to its officers and employees:

(c) In payment of contributions to any superannuation
scheme approved by the Council for the purpose of providing superannuation and allowances for its officers and employees:

(d) For the payment of any other expenditure incurred by
20 the Council or the Disciplinary Tribunal in the performance of its functions and duties or the exercise of its powers.

(5) The Council may, in any financial year, expend for
25 purposes not authorised by any Act or law any sum or sums not amounting in total to more than \$500.

(6) The Council may from time to time, if it thinks fit, invest
30 any money not for the time being required for any of the purposes mentioned in **subsection (4)** of this section in accordance with the provisions of the Trustee Act 1956 as to the investment of trust funds.

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

35 Cf. 1963, No. 13, s. 48; 1971, No. 32, s. 10

60. References to dentists in other enactments—All references in any enactment to a dentist or registered dentist or duly qualified dentist shall, unless a different intention appears, be deemed to be references to a dentist registered
40 under this Act.

Cf. 1963, No. 13, s. 53

61. Service of documents—(1) Any document required or authorised under this Act, or under any regulations made under this Act, to be served on or given to any person, may be served or given by delivering it to that person, or by leaving it at the person's last known place of residence or business, or by 5 posting it by ordinary letter addressed to the person at the person's last known place of residence or business.

(2) Every such notice posted in accordance with **subsection (1)** of this section shall be deemed, in the absence of proof to the contrary, to have been served or given on the 4th day after 10 the day on which it was posted.

(3) If the person is absent from New Zealand, the document may be served or given, in any manner referred to in **subsection (1)** of this section, on or to the person's agent in New Zealand.

(4) If the person is deceased, the document may be served 15 or given, in any manner referred to in **subsection (1)** of this section, on or to the person's personal representative.

(5) If the person's place of residence or business is not known, or if the person is absent from New Zealand and has no known agent in New Zealand, or is deceased and has no personal 20 representative, the document may be served or given in such manner as may be directed by a District Court Judge.

(6) Notwithstanding anything in this section, a District Court Judge may in any case make an order directing the manner in which any document is to be served or given or dispensing 25 with the service or giving of any such document.

62. Regulations—(1) The Governor-General may from time to time, by Order in Council made on the advice of the Minister given after consultation with the Council, make regulations for all or any of the following purposes: 30

(a) Prescribing the fees payable in respect of—

- (i) Any application for registration under this Act:
- (ii) The issue of certificates of registration, certificates of temporary registration, provisional certificates, and annual practising certificates under 35 this Act:
- (iii) The issue of copies of those certificates:
- (iv) The issue of certified copies of any entry in the register:
- (v) Supplying to dentists any documents obtained 40 by them from the Council for the purpose of seeking registration overseas:
- (vi) Any examination conducted under **section 16 (2)** of this Act:

- (b) Exempting or providing for the exemption of any dentist or class of dentist from liability to pay any such fees:
- (c) Prescribing the manner of holding elections of members to be elected to the Council, and providing for the term and coming into office of such members:
- 5 (d) Regulating the procedure of the Council and the Tribunal:
- (e) Providing for such matters as are contemplated by or necessary for giving full effect to this Act and for its due administration.
- 10 (2) Regulations made under this section prescribing fees may prescribe fees in respect of specialists that differ from the fees payable in respect of dentists who are not specialists.

Cf. 1963, No. 13, s. 54

- 63. Dentists Advertising Regulations revoked**—The Dentists Advertising Regulations 1970 (S.R. 1970/32), and the Dentists Advertising Regulations 1970, Amendment No. 1 (S.R. 1975/18) are hereby revoked.

- 64. Consequential amendments**—(1) Part II of the First Schedule to the Public Bodies Contracts Act 1959 is hereby amended by omitting the item relating to the Dental Council of New Zealand (as inserted by section 10 (3) of the Dental Amendment Act 1971), and substituting the following item:

The Dental Council of | **1987, No. 00—The Dentists Act 1987**
New Zealand

- 25 (2) Section 3 of the Medical and Dental Auxiliaries Act 1966 (as substituted by section 2 (1) of the Medical and Dental Auxiliaries Amendment Act 1981) is hereby amended by inserting, before the words “dental technician”, the words “clinical dental technician,”.
- 30 (3) Section 39 of the Medical and Dental Auxiliaries Act 1966 is hereby amended by repealing paragraph (b), and substituting the following paragraph:
“(b) **The Dentists Act 1987**; or”.

- 65. Consequential repeals and revocations**—(1) The enactments specified in Part I of the Schedule to this Act are hereby consequentially repealed.

(2) The regulations specified in Part II of the Schedule to this Act are hereby consequentially revoked.

Section 65**SCHEDULE****Part I****ENACTMENTS REPEALED**

- 1911, No. 30—The Dentists Amendment Act 1911.
1926, No. 44—The Dentists Amendment Act 1926.
1963, No. 13—The Dental Act 1963 (R.S. Vol. 16, p. 91).
1966, No. 58—The Dental Amendment Act 1966 (R.S. Vol. 16, p. 127).
1968, No. 76—The Dental Amendment Act 1968 (R.S. Vol. 16, p. 127).
1971, No. 32—The Dental Amendment Act 1971 (R.S. Vol. 16, p. 127).
1973, No. 34—The Social Security Amendment Act 1973: Section 29
(R.S. Vol. 13, p. 573).
1983, No. 134—The Area Health Boards Act 1983: So much of the Schedule
as relates to the Dental Act 1963.

Part II**REGULATIONS REVOKED**

- The Dental Regulations 1964 (S.R. 1964/50).
The Dental Regulations 1964, Amendment No. 1 (S.R. 1969/7).
The Dental Regulations 1964, Amendment No. 3 (S.R. 1976/56).
The Dental Regulations 1964, Amendment No. 5 (S.R. 1987/142).