



THE DENTAL REGULATIONS 1988

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 28th day of November 1988

Present:

THE RIGHT HON. DAVID LANGE PRESIDING IN COUNCIL

PURSUANT to section 83 of the Dental Act 1988, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council and on the advice of the Minister of Health given after consultation by the Minister with the Dental Council and the Dental Technicians Board, hereby makes the following regulations.

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Dental Regulations 1988.

(2) These regulations shall come into force on the 1st day of January 1989.

2. Interpretation—In these regulations, unless the context otherwise requires,—

“The Act” means the Dental Act 1988:

“Land district”—

(a) In relation to the election of a member of the Dental Council under paragraph (d) of section 71 of the Act, means the district comprising the land registration districts of North Auckland and South Auckland:

(b) In relation to the election of a member of the Dental Council under paragraph (e) of section 71 of the Act, means the district comprising the land registration districts of Gisborne, Hawke Bay, Taranaki, Wellington, Nelson, and Marlborough:

(c) In relation to the election of a member of the Dental Council under paragraph (f) of section 71 of the Act, means the district comprising the land registration districts of Canterbury, Westland, Otago, and Southland.

3. Dates on which election of members of Dental Council to be held—The election of 3 members of the Dental Council under paragraphs (d), (e), and (f) of section 71 of the Act shall be carried out at elections to be held—

(a) During the month of April 1989; and

(b) During the month of April in every third year after that year,—
on dates in that month to be fixed by the Chairperson of the Dental Council.

4. Returning Officer for elections—The Secretary to the Dental Council shall be the Returning Officer for any such election.

5. Notice of election to be sent to registered dentists—At least 60 clear days before the date on which an election is to be held, the Returning Officer shall send to each registered dentist a notice setting out—

(a) The date of the election; and

(b) The date upon which the nomination of candidates is to close.

6. Candidates for election—(1) Every candidate for election must be nominated in writing by at least 2 registered dentists.

(2) The nomination shall—

(a) Contain the full name and residential address of the dentist nominated and the written consent of the nominee; and

(b) Be forwarded to the Returning Officer so as to reach him or her not later than 30 clear days before the date of the election. Any nomination not received within that time shall be invalid and shall be disregarded.

7. Position where only one nominee—(1) If at any election only one candidate is nominated for election for each or any land district, the Returning Officer shall declare the candidates or candidate so nominated to be duly elected.

(2) Every such declaration shall be made by notice in the *Gazette* as soon as practicable after the date upon which the nominations close.

8. Position where more than one nominee—(1) If at any election more than one candidate is nominated for election for each or any land district, an election shall be conducted by postal ballot in accordance with the following provisions:

- (a) The register of dentists as it stands on the day on which nominations close shall be used as the electoral roll, and each name in the register shall be distinctively numbered for the purposes of the election:
- (b) The Returning Officer shall, immediately after the day on which nominations close, prepare ballot papers, setting out the names of the candidates in the alphabetical order of their surnames, and stating that to be a valid vote it must reach the Returning Officer by noon on the date fixed for holding the election:
- (c) The Returning Officer shall as soon as possible after the ballot papers have been prepared, and not less than 15 days before the date fixed for the election, send one ballot paper, together with an envelope addressed to the Returning Officer, Dental Council, Wellington, marked “ballot paper”, by post to every registered dentist whose registered address is in the relevant land district:
- (d) No ballot paper shall be valid unless it is received by the Returning Officer in the envelope issued with the ballot paper before noon on the date fixed for the election:
- (e) The person voting shall vote for one candidate only by marking the ballot paper with a tick after the name of the person for whom he or she wishes to vote:
- (f) If the person voting fails to comply with paragraph (e) of this subclause, his or her vote shall be rejected as informal, unless he or she has completed the ballot paper in such other manner as to make his or her intention clear to the Returning Officer:
- (g) Each candidate may, by notice in writing to the Returning Officer, appoint one scrutineer to be present when the envelopes containing the voting papers of the election in which he or she is a candidate are opened and the votes counted:
- (h) The Returning Officer shall count the votes recorded in the ballot papers received by him or her after rejecting informal ballot papers, and the candidate receiving the greatest number of votes shall be elected. In the event of the number of votes being equal for any 2 or more candidates, the Returning Officer shall, if it is necessary so to do, determine by lot which of those candidates shall be elected.

(2) The Returning Officer shall cause to be published in the *Gazette*, as soon as practicable after the date upon which the election is held, the number of votes recorded for each candidate, and the candidate who has been elected for each or any land district.

9. Commencement of office—Every person elected to be a member of the Dental Council shall come into office on the day after the date on which he or she is so elected.

10. Returning Officer to be sole judge of regularity of election—(1) The Returning Officer shall be the sole and absolute judge of the regularity and propriety of all matters connected with any election, and no election shall be called in question on the ground that—

- (a) A ballot paper or an addressed envelope was not forwarded to any voter; or
- (b) A ballot paper from any voter was not received by the Returning Officer; or
- (c) A ballot paper prepared by the Returning Officer was irregular in form; or
- (d) Any vote was irregularly cast; or
- (e) Any other irregularity occurred in connection with any election,—

unless in the opinion of the Returning Officer any such irregularity materially affected the result of the election and occurred otherwise than in good faith.

(2) If any election is called in question under subclause (1) of this clause, the Returning Officer shall either—

- (a) Recount the votes after—
 - (i) Including any vote that was not previously counted due to the irregularity; and
 - (ii) Rejecting any vote that was irregularly cast; and
 - (iii) Rejecting informal ballot papers; or
- (b) If the Returning Officer considers it necessary, arrange for another election to be held.

(3) The Returning Officer shall, as soon as practicable after recounting the votes or after another election is held, cause to be published in the *Gazette*, the number of votes recorded for each candidate, and the candidate who has been elected for each or any land district.

(4) Any person who is elected to be a member of the Dental Council as a result of an irregular election, but who is not the candidate who is finally elected for the land district, shall vacate office.

(5) If the irregularity occurred by reason of any registered dentist acting otherwise than in good faith, the Returning Officer may report the matter to the Chairperson of the Dental Council.

11. Notices to be sent to address in register—Every notice required to be sent to a registered dentist pursuant to regulation 5 of these regulations, and every ballot paper required to be sent to a registered dentist pursuant to regulation 8 (1) (c) of these regulations, shall be sent to that dentist at his or her address set out in the register.

12. Fees payable to Dental Council—There shall be paid to the Secretary to the Dental Council for each matter specified in Part I of the Schedule to these regulations the fee specified for it in that Part of the Schedule.

13. Fees payable to Dental Technicians Board—There shall be paid to the Secretary to the Dental Technicians Board for each matter specified in Part II of the Schedule to these regulations the fee specified for it in that Part of the Schedule.

14. Goods and services tax included—The fees prescribed by these regulations are inclusive of goods and services tax under the Goods and Services Tax Act 1985.

15. Revocation—The Dental Regulations 1964, Amendment No. 6* are hereby consequentially revoked.

*S.R. 1988/99

SCHEDULE

Regs. 12, 13

PART I

Fees Payable to Dental Council

	\$
On application for registration as a dentist	66
For certificate of registration as a dentist	22
For provisional certificate	22
For annual practising certificate for a dentist	110
On application for registration as a specialist dentist	55
For certificate of temporary registration	88

PART II

Fees Payable to Dental Technicians Board

	\$
On application for registration as a dental technician or clinical dental technician	66
For certificate of registration as a dental technician or clinical dental technician	22
For provisional certificate	22
For annual practising certificate as a dental technician or clinical dental technician	88
For certificate of temporary registration	66

MARIE SHROFF,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 January 1989,—

- (a) Prescribe the manner of holding elections of members to be elected to the Dental Council, and provide for the coming into office of such members; and
- (b) Prescribe the fees payable to the Dental Council and the Dental Technicians Board in respect of applications for registration and the issue of certain certificates.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 1 December 1988.

These regulations are administered in the Department of Health.