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1988, No. 150

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

[*16 November 1988*

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

1. Short Title and commencement—(1) This Act may be cited as the Dental Act 1988.

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

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

"Board" means the Dental Technicians Board referred to in section 72 of this Act:

"Body" means the Council or the Board:

"Chairperson" means the Chairperson of the Council or the Chairperson of the Board, as the case may require:

"Clinical dental technician" means a clinical dental technician registered under this Act:

"Complaints Assessment Committee" means a Complaints Assessment Committee appointed under section 45 of this Act:

"Council" means the Dental Council of New Zealand referred to in section 69 of this Act:

"Dental technician" means a dental technician registered under this Act:

"Dental technician's work" means the mechanical construction or maintenance of—

(a) Artificial dentures; or

(b) Restorative or corrective dental appliances:

"Dentist" means a dentist registered under this Act:

"Disciplinary Tribunal" or "Tribunal" means,—

(a) In relation to a dentist, the Dentists Disciplinary Tribunal constituted under section 46 (1) of this Act:

(b) In relation to a clinical dental technician, the Clinical Dental Technicians Disciplinary Tribunal constituted under section 47 (1) of this Act:

(c) In relation to a dental technician, the Dental Technicians Disciplinary Tribunal constituted under section 48 (1) of this Act:

"Hospital" means—

(a) Any institution within the meaning of the Area 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 Health Act 1969:

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

"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:

"Medical Superintendent", in relation to any hospital, means,—

(a) In the case of any institution within the meaning 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 manager of that hospital if that manager is a medical practitioner:

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

"Minister" means the Minister of Health:

"Practice of dentistry" includes—

(a) The treatment of any condition arising from disease, abnormality, or physical damage of the teeth, the jaws, or the soft tissue surrounding or supporting the teeth:

(b) The removal of tooth tissue or the placement of materials for the purpose of either the temporary or permanent restoration of tooth structure:

(c) The performance of any operation on the jaws or teeth, or the soft tissues surrounding or supporting the teeth:

(d) The extraction of teeth:

(e) The giving of any anaesthetic in connection with any operation on the teeth or jaws:

(f) The performance of any operation on any person preparatory to, or for the purpose of, the fitting, insertion, construction, adjustment, repair, or renewal of artificial dentures or restorative or corrective dental appliances:

(g) The carrying out of dental technician's work,—

and the expression "to practice", in relation to dentistry, has a corresponding meaning:

"Practitioner" means a dentist or a clinical dental technician or a dental technician registered under this Act:

"Provisional certificate" means a certificate issued under section 34 of this Act:

"Register" means,—

(a) In relation to dentists, the register of dentists maintained by the Dental Council:

(b) In relation to clinical dental technicians, the register of clinical dental technicians maintained by the Dental Technicians Board:

(c) In relation to dental technicians, the register of dental technicians maintained by the Dental Technicians Board:

"Registration",—

(a) In relation to a dentist, means registration as a dentist under this Act and includes additional registration as a specialist:

(b) In relation to a clinical dental technician, means registration as a clinical dental technician under this Act:

(c) In relation to a dental technician, means registration as a dental technician under this Act,—

and includes temporary registration and provisional registration; and "registered" has a corresponding meaning:

"Registered address" means the address of any person whose name for the time being appears on the register:

"Secretary" means,—

(a) In relation to the Dental Council, the Secretary to that Council appointed under clause 2 of the First Schedule to this Act:

(b) In relation to the Dental Technicians Board, the Secretary to that Board appointed under clause 2 of the First Schedule to this Act.

Cf. 1963, No. 13, s. 2

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

PART I

PRACTICE OF DENTISTRY

4. Prohibition of practice of dentistry by unregistered persons—(1) Except as otherwise expressly provided in this

Act, no person, unless he or she is registered as a dentist under this Act or is the holder of a provisional certificate, shall practise as a dentist or hold himself or herself out, whether directly or by implication, as practising or as being entitled to practise dentistry.

(2) Any person who acts in contravention of this section commits an offence and is liable, on summary conviction, in respect of each such offence, to a fine not exceeding $5,000.

Cf. 1963, No. 13, s. 30 (1), (2)

5. Exemption in respect of medical practitioners—Nothing in section 4 of this Act prevents the performance of any dental operation, or the doing of any other act that is within the practice of dentistry, by any medical practitioner—

(a) In the ordinary course of his or her practice as such; or

(b) In any case where the services of a dentist are not obtainable.

Cf. 1963, No. 13, s. 30 (3) (a)

6. Exemption in respect of certain extractions—Nothing in section 4 of this Act prevents the extraction of a tooth by any person where—

(a) The case is urgent; and

(b) No medical practitioner or dentist is available.

Cf. 1963, No. 13, s. 30 (3) (b)

7. Exemption in respect of dentistry carried on by persons employed by School Dental Service or hospital boards or area health boards—Nothing in section 4 of this Act prevents the carrying-on, in accordance with conditions approved by the Director-General of Health, of the practice of dentistry by any person employed by the School Dental Service or a hospital board or an area health board.

Cf. 1963, No. 13, s. 30 (3) (c), (d)

8. Exemption in respect of dental schools—Nothing in section 4 of this Act prevents the carrying-on of the practice of dentistry by dental students at any dental school that is approved for the purposes of this section by the Council of any university in New Zealand.

Cf. 1963, No. 13, s. 30 (3) (e)

9. Exemption in respect of clinical dental technicians—(1) Nothing in section 4 of this Act prevents any

clinical dental technician, or any person taking part in an approved course of training to become a clinical dental technician,—

(a) Supplying and fitting dentures to jaws in which—

(i) There are no natural teeth remaining; and

(ii) There is no diseased or unhealed, hard or soft tissue; or

(b) Supplying and fitting dentures to the jaws of any person who has natural teeth remaining but whose oral health is certified in writing by a dentist as being satisfactory for the fitting of dentures.

(2) Nothing in section 4 of this Act prevents any clinical dental technician undertaking dental technician's work in accordance with the prescription of a dentist.

10. Exemption in respect of dental technician's work—Nothing in section 4 of this Act prevents—

(a) Any dental technician undertaking dental technician's work in accordance with the prescription of—

(i) A dentist; or

(ii) A clinical dental technician; or

(b) Any person undertaking dental technician's work under the direction and supervision of—

(i) A dentist; or

(ii) A clinical dental technician; or

(iii) A dental technician.

Cf. 1963, No. 13, s. 30 (3) (h)

11. Exemption in respect of removing deposits from teeth and certain other work—Nothing in section 4 of this Act prevents any person—

(a) Removing deposits from teeth; or

(b) Applying materials to teeth for the purpose of preventing disease; or

(c) Giving advice on oral health; or

(d) Carrying out any other similar work,—

under the direction of a dentist who is present on the premises at which the work is carried out.

12. Liability of employer for practice of dentistry by unregistered employees—(1) Where an offence is committed against section 4 of this Act by any person acting as the employee or agent of any other person, that other person shall also be liable under that section in the same manner and to the

same extent as if that other person had personally committed the offence.

(2) It shall be a good defence to a charge brought under subsection (1) of this section if the defendant proves that the offence was committed without the defendant's knowledge and that the defendant took reasonable precautions and exercised due diligence to prevent the commission of the offence.

13. Offence to direct employee to practise dentistry in manner detrimental to welfare of patient—(1) Every person commits an offence, and is liable on summary conviction to a fine not exceeding $5,000, who, knowing that the practice of dentistry in a particular manner is or could be detrimental to the welfare of any patient, directs his or her employee or agent to practise dentistry in that manner.

(2) No person shall be convicted of an offence under this section unless—

(a) As a result of that person's direction, the employee or agent has practised dentistry in the manner directed; and

(b) The employee or agent has, in respect of that practice, been found guilty by a Disciplinary Tribunal under section 54 (1) (b) of this Act.

(3) Any certificate given by the chairperson of the Disciplinary Tribunal stating that the employee or agent has, in respect of any specified practice, been found guilty under section 54 (1) (b) of this Act shall, in any proceeding under this section, be sufficient evidence of the matters stated.

14. Restrictions on wrongful description as specialist—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 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.

15. Annual practising certificate—(1) In this section, the term "year" means,—

(a) In relation to dentists, the period 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:

(b) In relation to clinical dental technicians and dental technicians, the period of 12 months beginning on the 1st day of April in any year and ending on the 31st day of March in the following year.

(2) Except as provided in subsection (6) of this section, no dentist shall be entitled to practise as a dentist in any year, whether in the service of the Crown or otherwise, unless he or she is the holder of an annual practising certificate issued by the Council in respect of that year.

(3) Except as provided in subsection (6) of this section, no clinical dental technician shall be entitled to practise as a clinical dental technician in any year, whether in the service of the Crown or otherwise, unless he or she is the holder of an annual practising certificate issued by the Board in respect of that year.

(4) Except as provided in subsection (6) of this section, no dental technician shall be entitled to practise as a dental technician in any year, whether in the service of the Crown or otherwise, unless he or she is the holder of an annual practising certificate issued by the Board in respect of that year.

(5) Every dentist and every clinical dental technician and every dental technician commits an offence, and is liable on summary conviction to a fine not exceeding $1,000, and, in the case of a continuing offence, to a further fine not exceeding $100 for every day on which the offence has continued, who practises as a dentist or as a clinical dental technician or as a dental technician in contravention of subsection (2) or subsection (3) or subsection (4) of this section.

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

(a) Any person holding a provisional certificate for the time being in force under section 34 of this Act:

(b) Any person holding a certificate of temporary registration for the time being in force under section 35 of this Act.

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

16. Issue of annual practising certificate—(1) Each body, on application made to it for the purpose by any practitioner, and on payment of the prescribed fee, shall issue to that practitioner an annual practising certificate, which shall, subject

to subsection (3) of this section, be in force during the year in respect of which it is issued.

(2) If, at any time during the currency of any such certificate, its holder ceases to be registered under this Act in the capacity in respect of which the certificate was issued, the certificate shall be deemed to be cancelled.

(3) 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 and has paid the prescribed fee.

(4) No dentist shall be entitled to apply for the renewal of any annual practising certificate for any year earlier than the 1st day of May in the immediately preceding year.

(5) No person, being a clinical dental technician or a dental technician, shall be entitled to apply for the renewal of any annual practising certificate for any year earlier than the 1st day of March in the immediately preceding year.

PART II

REGISTRATION

Qualifications for Registration

17. Qualifications for registration as a dentist—(1) Except as provided in section 22 of this Act, every person shall be entitled to be registered under this Act as a dentist who satisfies 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 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 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)

18. Qualifications for registration as a clinical dental technician—(1) Except as provided in section 22 of this Act, every person shall be entitled to be registered under this Act as

a clinical dental technician who satisfies the Board that the person—

(a) Is registered as a dental technician under this Act; and

(b) Has, after completing at least 2 years' regular dental technician's work following registration as a dental technician,—

(i) Successfully completed a course of training approved by the Board; and

(ii) Passed examinations set or conducted or approved by the Board.

(2) Notwithstanding anything in subsection (1) of this section, but subject to section 22 of this Act, every person shall be entitled to be registered under this Act as a clinical dental technician—

(a) Who makes application for registration as a clinical dental technician within 2 years after the date of the commencement of this Act; and

(b) Who, at the time of application, has been registered as a dental technician under the Medical and Dental Auxiliaries Act 1966 or this Act for a period of not less than 5 years and has, as a dental technician so registered, been engaged in dental technician's work for a period of not less than 5 years; and

(c) Who satisfies the Board of his or her ability to practise as a clinical dental technician by passing, at the first, second, or third attempt, an examination conducted by or approved by the Board.

19. Qualifications for registration as a dental technician—Except as provided in section 22 of this Act, every person shall be entitled to be registered under this Act as a dental technician who satisfies the Board that the person—

(a) Has successfully completed a course of training approved by the Board; and

(b) Has passed examinations set or conducted or approved by the Board.

20. Overseas qualifications for registration—(1) Except as provided in section 22 of this Act, every person shall be entitled to be registered under this Act who satisfies the Council or the Board, as the case may require,—

(a) That he or she intends to reside and practise in New Zealand; and

(b) That, in the case of a person applying to be registered as a dentist, he or she—

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

(ii) 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

(iii) 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

(iv) Has a reasonable command of the English language; and

(c) That, in the case of a person applying to be registered as a clinical dental technician, he or she—

(i) Has completed not less than 2 years' work as a clinical dental technician or as a dental technician; and

(ii) Has successfully completed a course of training equivalent to that approved for the purposes of section 18 (1) (b) (i) of this Act; and

(iii) Has passed examinations equivalent to those set or conducted or approved for the purposes of section 18 (1) (b) (ii) of this Act; and

(d) That, in the case of a person applying to be registered as a dental technician, he or she—

(i) Has successfully completed a course of training equivalent to that approved for the purposes of section 19 (a) of this Act; and

(ii) Has passed examinations equivalent to those set or conducted or approved for the purposes of section 19 (b) of this Act.

(2) The Council or the Board 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 or the Board for the purpose of satisfying itself that the applicant has sufficient knowledge and experience to practise in New Zealand and that, in the case of an applicant for registration as a dentist, the applicant has a reasonable command of the English language; and, for the purposes of this subsection, the Council or the Board may set

and conduct or recognise such oral, written, and practical examinations as it thinks fit.

Cf. 1963, No. 13, s. 12 (b); S.R. 1968/238, reg. 5 (1); S.R. 1978/71, reg. 3

21. Qualifications for registration as specialist—(1) Except as provided in section 22 of this Act, every dentist shall be entitled to be registered as a specialist in respect of any branch of dentistry who satisfies the Council—

(a) 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

(b) 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.

(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 January 1991; and

(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 remain registered as a specialist if for any reason that person is not registered as a dentist.

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

22. Fitness to practise dentistry—(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 body responsible for maintaining the register is satisfied that the circumstances of the offence reflect

adversely on the person's fitness to practise dentistry; or

(b) If the body responsible for maintaining the register 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 body responsible for maintaining the register 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 body responsible for maintaining the register is otherwise satisfied that the person is not fit to practise as a dentist or as a clinical dental technician or as a dental technician, as the case may be.

(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.

Cf. 1963, No. 13, s. 16; 1966, No. 42, s. 17

Procedure for Registration

23. Applications for registration—Every application for registration under this Act shall be made to the Secretary of the Council or the Board, as the case may require, and shall—

(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 or the Board; and

(c) In the case of an applicant seeking registration by virtue of qualifications obtained outside New Zealand, include—

(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 or the Board may consult as to the professional competence of the applicant; and

(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.

Cf. 1963, No. 13, s. 13 (1); 1966, No. 42, s. 14 (1)

24. Applications for registration to be considered by Council or Board—As soon as practicable after the receipt of an application for registration or for registration as a specialist, the body to which the application is made shall consider the application, and shall give such directions to its Secretary in respect of it as it thinks fit and as are authorised by or under this Act.

Cf. 1963, No. 13, s. 14 (1); 1966, No. 42, s. 15 (1)

25. Procedure for considering applications—(1) Before giving any directions under section 24 of this Act, the Council or the Board 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.

(2) The Council or the Board 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 or the Board.

(3) Where the Council or the Board proposes to decline any application for registration or for registration as a specialist, the Council or the Board shall—

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

(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 (2), (3); 1966, No. 42, s. 15 (2), (3)

26. Registration—(1) If either body, after considering any application in accordance with sections 24 and 25 of this Act, considers that the applicant is entitled to be registered or to be registered as a specialist, it shall so direct, and the Secretary to that body shall thereupon register that person and notify him or her accordingly.

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

Cf. 1963, No. 13, s. 15; 1966, No. 42, s. 16

27. Registers—(1) The Council shall maintain a register of dentists.

(2) The Board shall maintain—

(a) A register of clinical dental technicians; and

(b) A register of dental technicians.

(3) The Secretary to the body by which the register is maintained shall enter in the register—

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

(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:

(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 body by which the register is maintained considers appropriate.

(4) The Secretary to the body by which the register is maintained shall keep the register open for public inspection during ordinary office hours at the office of that body.

(5) The Secretary to the body by which the register is maintained 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.

(6) The Secretary to the body by which the register is maintained shall, on payment of such reasonable fee (if any) as is determined from time to time by the body, supply a certified copy of any entry in the register to any person requesting it.

(7) Each body may from time to time cause any register maintained by it or part of any such register 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 any such register, or of any part of any such register, such reasonable fee as it determines from time to time.

Cf. 1963, No. 13, ss. 19 (1), (2), 29; 1966, No. 42, ss. 19, 24

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

(2) That body shall, if it is satisfied that the practitioner holds the qualification, and that the qualification is of sufficient standing and relevance to be included in the register, direct its Secretary to amend the register accordingly.

Cf. 1963, No. 13, s. 24

29. Practitioner to notify change of address—(1) Every practitioner who at any time changes his or her address appearing in a register shall, within 1 month thereafter, send notice of the new address to the Secretary to the body by which that register is maintained.

(2) The notice shall be sent by registered letter.

(3) The Secretary of the body shall, on receipt of the notice, amend the entry in the register relating to that person.

Cf. 1963, No. 13, s. 22 (1); 1966, No. 42, s. 20 (1)

30. Amendment of register on change of name and removal of name on request—(1) Where either body is satisfied that a practitioner has changed his or her name or that the name of any practitioner is incorrectly stated in a register maintained by that body, that body shall direct its Secretary to correct any entry in the register relating to that practitioner accordingly.

(2) Either body may at any time if it thinks fit, on the written application of any practitioner, direct its Secretary to remove

the name of that practitioner from any register maintained by that body.

(3) The Secretary to the Council 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 in the register as a dentist.

31. Revision of register—(1) The Secretary to either body may at any time, and shall if the body so directs, inquire, by registered letter addressed to any practitioner at that practitioner's last known address, whether or not that practitioner—

(a) Wishes to have his or her name retained in the register; or

(b) Has ceased to practise.

(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 body may direct its Secretary to remove from the register the name of the person to whom the letter was sent.

(3) Every Registrar of Births and Deaths, on registration of the death of any person who is registered under this Act, shall forthwith post to the Secretary to the body by which the register is maintained 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.

(4) If either body has reason to believe that any practitioner has died, it may direct its Secretary to remove the name of that practitioner from the register.

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

Cf. 1963, No. 13, ss. 21, 23; 1966, No. 42, s. 21

32. Removal of name from register for non-residence in New Zealand—(1) If either body believes on reasonable grounds—

(a) That—

(i) Any dentist who does not hold a degree in dentistry from a university in New Zealand; or

(ii) Any other practitioner who obtained his or her qualifications for registration elsewhere than 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 person intends to continue to reside overseas,—

it may direct its Secretary to remove the name of that person 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—

(a) Before the 1st day of January 1989; 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 body to have his or her name restored to the register; and the body shall, 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.

33. Removal of name from register of dentists after removal from register of medical practitioners—(1) If the name of any 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 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 entitled, on application, to have his or her name restored to the register of dentists if it has been restored to the register of medical practitioners.

Cf. 1963, No. 13, s. 26

34. Provisional certificates—(1) Notwithstanding anything to the contrary in this Act, but subject to subsection (2) of this section, the Secretary to either body shall, if so directed by the Chairperson of the body, issue a provisional certificate to a person who has applied for registration under this Act.

(2) A Chairperson shall not give a direction under subsection (1) of this section unless he or she is satisfied that the applicant appears to be qualified for registration.

(3) Every provisional certificate shall be deemed, pending the consideration of the application by the Council or the Board, to be a certificate of registration.

(4) 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.

(5) The holder of a provisional certificate shall, while the certificate remains in force, be deemed for all purposes to be registered as a dentist or as a clinical dental technician or as a dental technician, as the case may be.

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

(7) The Council or the Board may at any time direct its Secretary to cancel a provisional certificate.

Cf. 1963, No. 13, s. 27; 1966, No. 42, s. 23

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

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

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

(c) Is fit to practise dentistry; and

(d) Has, in the case of a person seeking temporary registration as a dentist, a reasonable command of the English language—

the Council or the Board 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 dentistry in that institution or place subject to such restrictions (if any), and for such period, as may be specified in the certificate.

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

(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 or as a

clinical dental technician or as a dental technician, as the case may be.

(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 or the Board may at any time direct its Secretary to cancel any certificate of temporary registration.

Cf. 1963, No. 13, s. 20 (1), (2), (5), (6), (7); S.R. 1968/238, reg. 6 (1), (2), (5), (6), (7)

36. 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 $5,000, 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 the Board or makes use of any document knowing it to contain any such declaration or representation; or

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

Cf. 1963, No. 13, s. 18

PART III

SUSPENSION AND DISCIPLINE

Suspension for Disability

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

(a) Any practitioner registered by it is unable to practise satisfactorily because of any mental or physical disability or condition that the practitioner has; and

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

the Council or the Board, as the case may require, may require the practitioner to submit himself or herself for a medical examination by a medical practitioner at its expense.

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

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

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

(3) Where a medical practitioner has examined a practitioner under this section, the medical practitioner shall, as soon as practicable after the examination, make a written report to the Secretary to the Council or the Board, as the case may require, as to the mental and physical disability or condition of the practitioner so far as it affects the capacity of the practitioner to perform professional duties satisfactorily.

(4) Where—

(a) A notice has been served on a practitioner 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

(c) The Council or the Board has considered any report made to its Secretary under subsection (3) of this section; and

(d) The Council or the Board has given the practitioner a reasonable opportunity to make submissions and be heard, either personally or by counsel or agent, on the matter; and

(e) The Council or the Board, as the case may require, is satisfied that—

(i) The practitioner is unable to perform professional duties satisfactorily because of any mental or physical disability or condition that the practitioner has; and

(ii) Because the practitioner may attempt to practise, it is necessary in the public interest to prevent the practitioner from doing so,—

the Council or the Board, as the case may require, may order that the practitioner be suspended from practice.

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

(6) Every such suspension, or revocation of a suspension, shall be communicated to the practitioner by notice in writing

served on the practitioner; and shall take effect on being served.

(7) While a practitioner is suspended under this section from practice, the practitioner 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)

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

(a) Paragraphs (a) to (d) of section 37 (4) of this Act have been complied with in respect of a practitioner; and

(b) The Council or the Board, as the case may require, is satisfied that the practitioner is unable to perform professional duties satisfactorily, but considers that it would nevertheless not be contrary to the public interest to allow that practitioner to practise under special conditions—

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

(2) The Council or the Board may, under subsection (1) of this section, permit a practitioner registered by it 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 amended or revoked at any time by the body by which it was imposed.

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

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

Notification of Disability

39. Notification by Medical Superintendent—In any case where a practitioner is a patient of a hospital of which there is a Medical Superintendent, if the Medical Superintendent considers that the practitioner is unable, because of any mental or physical disability or condition, to perform professional duties satisfactorily, and that, because the practitioner may attempt to perform those duties, it is necessary in the public interest to prevent the practitioner from doing so, the Medical Superintendent shall forthwith give

written notice of all the circumstances of the case to the body by which that practitioner is registered.

Cf. 1963, No. 13, s. 28 (2)

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

Cf. 1963, No. 13, s. 28 (3)

41. Notification by Medical Officer of Health—In any case where the Medical Officer of Health considers that any practitioner is unable, because of any mental or physical disability or condition, to perform professional duties satisfactorily, and that, because the practitioner may attempt to perform those duties, it is necessary in the public interest to prevent the practitioner from doing so, the Medical Officer of Health shall forthwith give written notice of all the circumstances of the case to the body by which that practitioner is registered.

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

43. Power to seek medical advice—(1) In any case where a Medical Superintendent, registered medical practitioner, or Medical Officer of Health contemplates giving written notice under section 39 or section 40 or section 41 or section 42 of this Act to the Council or the Board, 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.

(2) Any written notice given under section 39 or section 40 or section 41 or section 42 of this Act shall mention any difference between any such medical advice and the views of the Medical Superintendent, registered medical practitioner, or Medical Officer of Health, as set out in the notice.

44. Duty of Secretary—Upon receipt of a notice under section 39 or section 40 or section 41 or section 42 of this Act, the Secretary to the body to which it is given shall forthwith take all steps necessary to have it considered by that body.

Cf. 1963, No. 13, s. 28 (5)

Discipline

45. Complaints Assessment Committee—(1) The Chairperson of the Council shall, from time to time as required by section 52 of this Act, appoint in relation to a particular case or cases involving a dentist, 2 dentists and 1 person who is not a practitioner to be a Complaints Assessment Committee.

(2) The Chairperson of the Board shall, from time to time as required by section 52 of this Act, appoint in relation to a particular case or cases involving a clinical dental technician, 2 clinical dental technicians and 1 person who is not a practitioner to be a Complaints Assessment Committee.

(3) The Chairperson of the Board shall, from time to time as required by section 52 of this Act, appoint in relation to a particular case or cases involving a dental technician, 2 dental technicians and 1 person who is not a practitioner to be a Complaints Assessment Committee.

(4) The Chairperson of the Council or the Board may at any time revoke any appointment made by that Chairperson under this section or reconstitute any Committee appointed by that Chairperson under this section.

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

(6) Before making any such appointment, revocation, or reconstitution, the Chairperson shall consult with at least 3 members of the Council or the Board, as the case may require.

(7) The Chairperson shall ensure that the practitioner in respect of whom a complaint has been made under section 52 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.

(8) The practitioner, on being informed under subsection (7) 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.

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

Cf. 1963, No. 13, s. 34

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

(a) Three dentists appointed by the Council:

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

(2) 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.

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

47. Clinical Dental Technicians Disciplinary Tribunal—(1) There shall be a Clinical Dental Technicians Disciplinary Tribunal which shall consist of—

(a) Three clinical dental technicians appointed by the Board:

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

(2) 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.

(3) No person who is a member of the Board shall be eligible to hold office as a member of the Clinical Dental Technicians Disciplinary Tribunal.

48. Dental Technicians Disciplinary Tribunal—(1) There shall be a Dental Technicians Disciplinary Tribunal which shall consist of—

(a) Three dental technicians appointed by the Board:

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

(2) 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.

(3) No person who is a member of the Board shall be eligible to hold office as a member of the Dental Technicians Disciplinary Tribunal.

49. Term of office—Subject to section 50 (4) of this Act, every member of a Tribunal appointed under section 46 or section 47 or section 48 of this Act shall be appointed for a term of 3 years; but shall be eligible for reappointment from time to time.

50. Extraordinary vacancies—(1) Any member of a Tribunal appointed under section 46 or section 47 or section 48 of this Act 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.

(2) Every member of the Dentists Disciplinary 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 section 46 (1) of this Act under which the member was appointed,—

shall cease to be a member of the Tribunal.

(3) Every member of the Clinical Dental Technicians Disciplinary Tribunal or of the Dental Technicians Disciplinary Tribunal who—

(a) Becomes a member of the Board; or

(b) Would no longer be eligible for appointment as a member of the Tribunal under the paragraph of section 47 (1)

of this Act or of section 48 (1) of this Act under which the member was appointed,—

shall cease to be a member of the Tribunal.

(4) If a member of a Tribunal appointed under section 46 or section 47 or section 48 of this Act dies or resigns or is removed from office, or ceases to be a member in accordance with subsection (3) of this section,—

(a) The vacancy so created shall be filled in the manner in 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.

(5) If an extraordinary vacancy arises in the office of chairperson of a Tribunal appointed under section 46 or section 47 or section 48 of this Act during the year for which any member was elected, 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.

51. Quorum—The presence of at least 3 members of a Tribunal appointed under section 46 or section 47 or section 48 of this Act (including at least one of the persons who is not a practitioner) shall be necessary to constitute a sitting of the Tribunal.

52. Complaints against practitioners—(1) Every person who seeks to complain to either body of the conduct of any practitioner shall make the complaint to the Secretary to the body by which that practitioner is registered.

(2) Every such complaint shall be in writing.

(3) Where the Secretary to either body receives any complaint under this section, he or she shall refer the complaint to the Chairperson of the body who shall appoint a Complaints Assessment Committee in accordance with section 45 of this Act and refer the complaint to that Committee.

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

(a) A complaint to the Council may be made by the Minister in respect of any matter arising under Part II of the Social Security Act 1964 in relation to a dentist:

(b) A complaint to either body may be made by—

(i) Any member of the Council; or

(ii) Any member of the Board; or

(iii) Any member of a Disciplinary Tribunal; or

(iv) 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; 1966, No. 42, s. 26

53. 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.

(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.

(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 practitioner in accordance with section 61 (1) of this Act.

(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 or the Board, as the case may require, and the Council or the Board may, if it thinks fit, refer the matter to the Tribunal for determination under this Part of this Act.

Cf. 1963, No. 13, s. 36

54. Powers of Disciplinary Tribunal—(1) Subject to subsection (2) of this section, if a Tribunal, after conducting a hearing in accordance with this Part of this Act, is satisfied in respect of any practitioner that the practitioner—

(a) Has been convicted, whether before or after the practitioner 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 practitioner's fitness to practise as a dentist or as a clinical dental technician or as a dental technician; 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, without limiting the generality of the foregoing, professional negligence),—

the Tribunal may, except as provided in subsections (2) and (3) of section 55 of this Act, by way of penalty, do any one of the things authorised by subsection (1) of that section.

(2) A Tribunal shall not exercise any authority conferred by subsection (1) of 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 or the Board, as the case may be, was aware of the conviction in respect of the offence.

Cf. 1963, No. 13, s. 39 (1), (4) (a)

55. Penalties—(1) In any case to which section 54 (1) of this Act applies, a Tribunal may—

(a) Order that the name of the practitioner be removed from the register:

(b) Order that the registration of the practitioner be suspended for a period not exceeding 12 months:

(c) Order that the practitioner may, for a period not exceeding 3 years, practise only subject to such conditions as to employment, supervision, or otherwise as the Tribunal may specify in the order:

(d) Order the practitioner to pay a fine not exceeding $5,000:

(e) Order that the practitioner be censured.

(2) Where a Tribunal makes an order under paragraph (b) or paragraph (c) or paragraph (e) of subsection (1) of this section, it may in addition impose a fine under paragraph (d) of that subsection.

(3) Where a 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 (1) (d) of this section.

Cf. 1963, No. 13, s. 39 (2) (a)-(d)

56. Costs and expenses—In any case to which section 54 (1) of this Act applies, a Tribunal may order the practitioner to pay any costs and expenses of and incidental to the hearing by the Tribunal and any inquiry made by the Complaints Assessment Committee.

Cf. 1963, No. 13, s. 39 (2) (e)

57. Effect of order of suspension from practice—While any order of suspension from practice under section 55 of this Act remains in force in respect of any person, that 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 practitioner shall be revived as from the date of the expiry.

Cf. 1963, No. 13, s. 39 (9)

58. Power of Tribunal in relation to restoration of name to register—In any order under section 55 (1) (a) of this Act directing that the name of any person be removed from the register, or in any subsequent order of a 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.

Cf. 1963, No. 13, s. 39 (12)

59. Recovery of fines, costs, and expenses—Every fine imposed under section 55 of this Act, and all costs and expenses payable under an order made under section 56 of this Act, shall be recoverable as a debt due to the Tribunal and paid to the Council or the Board, as the case may require.

Cf. 1963, No. 13, s. 39 (8); 1971, No. 32, s. 7

60. 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.

(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.

61. Procedure of Council and Tribunal under this Part in disciplinary matters—(1) Before a Tribunal exercises its powers under section 54 of this Act or the Council exercises its powers under section 60 of this Act, the chairperson of the Tribunal or the Council, as the case may require, shall cause to be served on the practitioner concerned a notice—

(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 54 or section 60 of this Act; and

(b) Containing such particulars as will clearly inform the practitioner of the substance of the grounds believed to exist; and

(c) Specifying a date, being not less than 28 days after the date of service of the notice, on which the Council or the 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, 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 section 63 (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 or other educational establishment having granted to any person a qualification that may be entered on a 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 practitioner from any register of practitioners maintained by it, and in either case the university or other educational establishment or registering authority notifies the Council or the Board of the fact of the removal,—

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

(b) If the university or other educational establishment or registering authority notifies the Council or the Board 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 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.

(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 54 or section 60 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.

(8) A copy of every order of the Tribunal under section 54 of this Act, or a copy of every order of the Council under section 60 of this Act, shall be served by or on behalf of the Secretary on the practitioner 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.

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

(2) If the Council or the Board or a 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:

(c) Make an order prohibiting the publication of the whole or any part of any books, papers, or documents produced at any hearing:

(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 the Board or a Tribunal, in its discretion, revokes it on the application of any party to the proceedings in which the order was made.

(4) The Council or the Board or a 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 Board or a Tribunal under any of paragraphs (b) to (d) of subsection (2) of this section.

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

(a) Communications between the Council and the Dentists Disciplinary Tribunal; or

(b) Communications between the Board and the Clinical Dental Technicians Disciplinary Tribunal or the Dental Technicians Disciplinary Tribunal; or

(c) Communications between the Tribunals or any of them; or

(d) The publication under section 67 of this Act of the effect of any order.

63. 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 purposes of any hearing under section 61 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 Inquiry Act 1908 shall apply to all persons involved in any capacity in any hearing under section 61 of this Act as if it were an inquiry conducted by a Commission under that Act.

64. Appeals from decisions of Council, Board, and Tribunals—(1) Every person who is dissatisfied with the whole or any part of—

(a) Any decision of the Council or the Board relating to an application by that person for registration (including temporary registration and registration as a specialist) or for a provisional certificate; or

(b) Any direction of the Tribunal made under section 33 of this Act; or

(c) Any order made under section 37 or section 38 of this Act by the Council or the Board; or

(d) Any order of the Tribunal made under this Act relating to that person; or

(e) Any order of the Council made under section 60 of this Act relating to that person; or

(f) Any order affecting that person made under section 62 of this Act, or the refusal of the Council or the Board or a Tribunal to make any such order; or

(g) Any order of the Council or a Tribunal made under section 56 or section 61 (3) of this Act requiring him or her to pay any costs or expenses—

may, within 28 days after the 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.

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

(4) Nothing in this section shall give the Court power to review any part of the Council's or Board'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 the Board or a Tribunal against which an appeal is lodged shall continue in force and have effect pending the determination of the appeal.

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

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

Court or, if that leave is refused, with the leave of the Court of Appeal.

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

(a) The fact that any suspension has been imposed upon the practitioner 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 practitioner under section 38 or section 54 of this Act.

(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 Board, the Tribunal, the High Court, or the Court of Appeal.

66. 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 given to him or her, deliver to the Secretary to the body maintaining the register 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 $500 who wilfully fails to comply with subsection (1) of this section.

67. Publication of orders—(1) Where—

(a) The Council or the Dentists Disciplinary Tribunal has made an order under this Part of this Act in respect of any dentist and no appeal against that order has been brought within the time limited in that behalf; or

(b) Any Court has made an order under this Act in respect of any dentist,—

the Secretary to the Council shall, if the Council in its discretion so directs, but subject to any order made under section 62 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.

(2) Where—

(a) The Board or the Clinical Dental Technicians Disciplinary Tribunal or the Dental Technicians Disciplinary Tribunal has made an order under this Part of this Act in respect of any clinical dental technician or dental technician and no appeal against that order has been brought within the time limited in that behalf; or

(b) Any Court has made an order under this Act in respect of any clinical dental technician or dental technician,—

the Secretary to the Board shall, if the Board in its discretion so directs, but subject to any order made under section 62 of this Act, cause a notice stating the effect of the order to be published in the *Gazette* and such other publications as may be directed by the Board.

Cf. 1963, No. 13, s. 46

68. Legal assessors—(1) The Council, the Board, each 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 Board, a Tribunal, or the Committee under this Part of this Act, and may then or at any time previously or subsequently advise the Council, the Board, a Tribunal, or the Committee on matters of law, procedure, and evidence relating thereto.

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

Cf. 1963, No. 13, s. 42

PART IV

BODIES

Dental Council of New Zealand

69. Constitution of Dental Council of New Zealand—(1) There shall continue to be 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 shall be capable of acquiring, holding, and disposing of real and personal property, of entering into contracts, of suing and being sued,

and of doing and suffering all such other acts and things as bodies corporate may do and suffer.

Cf 1963, No. 13, s. 3 (1), (1A); 1971, No. 32, s. 2

70. Functions of Council—The functions of the Council shall be—

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

(b) To advise the Council of any university in New Zealand 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:

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

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

71. Membership—Notwithstanding anything in section 69 (1) of this Act but subject to section 88 (2) of this Act, the Council shall hereafter consist of—

(a) An officer of the Department of Health appointed by the Director-General of Health:

(b) Two persons (not being practitioners) appointed by the Minister:

(c) The Dean of the Faculty of Dentistry of the University of 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:

(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:

(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:

(g) One person appointed by the Minister on the nomination of the New Zealand Dental Association Incorporated.

Cf. 1963, No. 13, s. 3 (2); 1968, No. 76, s. 2

Dental Technicians Board

72. Constitution of Dental Technicians Board—(1) There shall continue to be a Board known as the Dental Technicians Board, which shall be the same board as the Board of that name constituted under regulation 3 of the Dental Technicians Regulations 1968.

(2) The Board shall be a body corporate with perpetual succession and a common seal, and shall be capable of acquiring, holding, and disposing of real and personal property, of entering into contracts, of suing and being sued, and of doing and suffering all such other acts and things as bodies corporate may do and suffer.

Cf. 1966, No. 42, s. 4 (1)

73. Functions of Board—The functions of the Board shall be—

(a) To advise and make recommendations to the Minister in respect of any matter relating to the work carried out by clinical dental technicians and dental technicians:

(b) To advise the governing body of any educational establishment in New Zealand on any matter relating to the education of clinical dental technicians and dental technicians:

(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 clinical dental technicians and dental technicians:

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

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

Cf. 1966, No. 42, s. 5

74. Membership—The Board shall consist of—

(a) An officer of the Department of Health appointed by the Director-General of Health:

(b) One person who is employed in dental education appointed by the Minister:

(c) Two persons (not being practitioners) appointed by the Minister:

(d) Three persons appointed by the Minister on the nomination of the New Zealand Institute of Dental Technologists, of whom at least one shall be a clinical dental technician and at least one shall be a dental technician:

(e) One clinical dental technician or dental technician appointed by the Minister:

(f) One dentist appointed by the Minister.

Cf. 1966, No. 42, s. 4 (1); S.R. 1968/238, reg. 3; S.R. 1987/71, reg. 2

General Provisions

75. Administration—The provisions set out in the First Schedule to this Act shall apply in respect of both the Council and the Board.

PART V

MISCELLANEOUS PROVISIONS

76. Protection of Council, Board, Tribunal, Complaints Assessment Committee, and other persons—Neither the Council, the Board, a Tribunal, the Complaints Assessment Committee 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 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

77. Certificates of Secretary to be evidence—A certificate under the hand of the Secretary to the Council or the Board to the effect that any person 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 the Board or a Tribunal, or of any committee of the Council or the Board, 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); 1966, No. 42, s. 37

78. Power of Council and Board to supply evidence for registration overseas—(1) Each body may supply to any person registered by it under this Act such documents as it thinks fit for the purpose of enabling him or her to seek registration outside New Zealand.

(2) Every person who requests any such document from either body shall pay to that body such reasonable fee (if any) for the document as is determined from time to time by that body.

79. 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 or the Board, as the case may require.

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

(3) Where a fee is payable in respect of any matter, the body or the Secretary to the body or any other officer or employee of the body may decline to do any act, or permit any act to be done, or to receive any document in respect of which that 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 clause 11 of the First Schedule to this Act of any fees, salaries or allowances and travelling allowances or travelling expenses payable in accordance with that clause to members of the body and its committees, and members of a Disciplinary Tribunal and members of the Complaints Assessment Committee:

(b) In payment of remuneration and travelling allowances and travelling expenses to officers and employees of the body:

(c) In payment of contributions to any superannuation scheme approved by the body for the purpose of

providing superannuation and allowances for its officers and employees:

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

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

(6) Each body may from time to time, if it thinks fit, invest 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 each body shall be audited annually by a chartered accountant appointed for the purpose by the body.

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

80. Inspection of dental premises—(1) If so requested by the Council in any case, the Director-General of Health may at any reasonable time by himself or herself, or by any person authorised by the Director-General of Health in that behalf, enter and inspect any premises used by a dentist for the practice of dentistry, and every part of any such premises.

(2) If so requested by the Board in any case, the Director-General of Health may at any reasonable time by himself or herself, or by any person authorised by the Director-General of Health in that behalf, enter and inspect any premises used by a clinical dental technician or a dental technician for the carrying on of the work of a clinical dental technician or a dental technician, and every part of any such premises.

(3) Every person who enters any premises under the authority of subsection (1) or subsection (2) of this section shall, on first entering those premises, and, if requested, at any subsequent time, produce to the practitioner or a representative of the practitioner evidence of—

(a) That person's identity; and

(b) The nature of that person's authority to enter the premises.

(4) Where any person enters any premises under the authority of subsection (1) or subsection (2) of this section and is unable, despite reasonable efforts, to find on those premises the practitioner or any representative of the practitioner, that person shall, after the entry and inspection and before leaving

those premises, leave on those premises a written notice addressed to the practitioner which shall state—

(a) The identity of the person who entered the premises; and

(b) The date and time of the entry; and

(c) The reasons for the entry.

(5) Every person commits an offence, and is liable on summary conviction to a fine not exceeding $1,000, who wilfully obstructs, hinders, or resists any person in the exercise of the powers conferred on that person by or under this section.

Cf. 1963, No. 13, s. 50

81. References to dental practitioners in other enactments—(1) 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 under this Act.

(2) All references in any enactment to a clinical dental technician or registered clinical dental technician or duly qualified clinical dental technician shall, unless a different intention appears, be deemed to be references to a clinical dental technician registered under this Act.

(3) All references in any enactment to a dental technician or registered dental technician or duly qualified dental technician shall, unless a different intention appears, be deemed to be references to a dental technician registered under this Act.

Cf. 1963, No. 13, s. 53

82. 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 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 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 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 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 with the service or giving of any such document.

83. Regulations—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 or the Board or both, as the case may require, make regulations for all or any of the following purposes:

(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 this Act:

(iii) Any examination conducted under section 20 of this Act:

(b) Exempting or providing for the exemption of any person or class of person from liability to pay any fees payable under this Act:

(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:

(d) Regulating the procedure of the Council, the Board, and the Tribunals:

(e) Providing for such matters as are contemplated by or necessary for giving full effect to this Act and for its due administration.

Cf. 1963, No. 13, s. 54

84. Consequential amendment to Public Bodies Contracts Act 1959—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 items:

"The Dental Council of New Zealand	1988, No. 150—The Dental Act 1988.
The Dental Technicians Board	1988, No. 150—The Dental Act 1988."

85. Consequential amendments to Medical and Dental Auxiliaries Act 1966—(1) The Act previously known as the Medical and Dental Auxiliaries Act 1966 may hereafter be cited as the Medical Auxiliaries Act 1966.

(2) The Short Title of the Medical and Dental Auxiliaries Act 1966 and of every other enactment specified in the Second Schedule to this Act are hereby consequentially amended, in each case, by omitting the words "and Dental".

(3) The Title of the Medical and Dental Auxiliaries Act 1966 is hereby amended by omitting the words "or dentistry".

(4) Every reference in any enactment or in any document whatsoever to any of the Acts referred to in subsection (3) of this section shall hereafter, unless the context otherwise requires, be read as if the words "and Dental" were omitted.

(5) 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 omitting the words "dental technician,".

(6) Section 39 (1) of the Medical and Dental Auxiliaries Act 1966 is hereby amended by repealing paragraph (b).

86. Repeals and revocations—(1) The enactments specified in the Third Schedule to this Act are hereby repealed.

(2) The regulations specified in the Fourth Schedule to this Act are hereby revoked.

Transitional Provisions

87. Persons entitled to retain registration—(1) Every person who was registered under the Dental Act 1963 immediately before the coming into force of this Act shall, notwithstanding sections 17, 20, and 21 of this Act but subject to the other provisions of this Act, be entitled to remain on the register, and shall be deemed to be registered as a dentist under this Act.

(2) Every person who was registered as a dental technician under the Medical and Dental Auxiliaries Act 1966 immediately before the coming into force of this Act shall,

notwithstanding section 19 of this Act, but subject to the other provisions of this Act, be entitled to remain on the register, and shall be deemed to be registered as a dental technician under this Act.

88. Transitional provisions relating to membership of Council—(1) Except as provided in subsection (2) 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 the commencement of this Act.

(2) 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 deemed to be members of the Council until members are elected under paragraphs (d), (e), and (f) of section 71 of this Act, or the 31st day of May 1989, whichever first occurs.

89. Transitional provisions relating to membership of Board—The persons holding office immediately before the commencement of this Act as members of the Board constituted under regulation 3 of the Dental Technicians Regulations 1968 shall cease to hold office as such on the commencement of this Act.

SCHEDULES

FIRST SCHEDULE

Section 75

PROVISIONS APPLYING IN RESPECT OF DENTAL COUNCIL OF NEW ZEALAND AND DENTAL TECHNICIANS BOARD

1. Chairperson and Deputy Chairperson—(1) At its first meeting in the year commencing with the 1st day of January 1989, and at its first meeting in every third subsequent year commencing with the 1st day of January, each body shall elect one of its members to be its Chairperson, and another to be its Deputy Chairperson.

(2) The Chairperson shall preside at all meetings of the body at which he or she is present.

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

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

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

(6) During every vacancy in the office of Chairperson, or while 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; 1966, No. 42, ss. 6, 7

2. Secretary and other officers, employees, and agents—Each body shall appoint and remunerate a Secretary to the body, and may appoint and remunerate such other officers and employees and agents as it thinks fit.

Cf. 1963, No. 13, s. 7; 1966, No. 42, s. 8; 1971, No. 32, s. 3

3. Term of office of appointed members—Every member appointed under section 71 or section 74 of this Act—

(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 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) Shall be eligible for reappointment from time to time.

Cf. 1963, No. 13, s. 3 (3); 1966, No. 42, s. 4 (2)

4. Terms of office of elected members—Every member elected under section 71 of this Act shall be elected for a term of 3 years and shall be eligible for re-election.

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

FIRST SCHEDULE—*continued*

PROVISIONS APPLYING IN RESPECT OF DENTAL COUNCIL OF NEW ZEALAND AND DENTAL TECHNICIANS BOARD—*continued*

5. Continuation in office after term expires—Notwithstanding clauses 3 and 4 of this Schedule, every elected or appointed member, unless sooner vacating office under clause 6 of this Schedule shall continue in office until the member's successor comes into office.

Cf. 1963, No. 13, s. 3 (7); 1966, No. 42, s. 4 (5)

6. Extraordinary vacancies—(1) Any member of either body 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.

(2) Every member of either body who becomes ineligible for appointment or election to the body under the provision of section 71 or section 74 of this Act under which the member was appointed or elected shall cease to be a member of the body.

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

(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

(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.

(4) The powers of either body shall not be affected by any vacancy in its membership.

Cf. 1963, No. 13, s. 3 (3)-(6), (8); 1966, No. 42, s. 4 (3), (4), (6)

7. Substitutes for certain members—(1) In the absence from any meeting of the Council of the person appointed under section 71 (a) of this Act or from any meeting of the Board of the person appointed under section 74 (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 or the Board, as the case may require.

(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 person 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.

(3) In the absence from any meeting of the Board of the Head of the Department of Health Sciences at the Central Institute of Technology, the Head may appoint a person who is a member of the teaching staff of the Department to attend the meeting and that person shall for all purposes be deemed to be a member of the Board.

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

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

FIRST SCHEDULE—*continued*

PROVISIONS APPLYING IN RESPECT OF DENTAL COUNCIL OF NEW ZEALAND AND DENTAL TECHNICIANS BOARD—*continued*

8. Committees—(1) Each body may from time to time appoint committees, consisting of 2 or more members of the body and such other persons (if any) as the body thinks fit, to inquire into and report to the body on such matters within the scope of its functions as are referred to them by the body, or to exercise on behalf of the body any of its functions or powers, and may from time to time delegate to any such committee any such function or power, other than the functions and powers conferred on the body by any of the provisions of sections 24, 25, 26, 32, 33, and 35 and of Part III of this Act.

(2) Every committee appointed under this clause shall be subject in all things to the control of the body by which it is appointed, and may at any time be discharged, altered, or reconstituted by that body.

(3) Subject to any general or special directions given or conditions imposed by the body by which a function or power is delegated under this clause, the committee to which any function or power is delegated may exercise that function or power in the same manner and with 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 clause shall be presumed to be acting in accordance with the terms of the delegation, in the absence of proof to the contrary.

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

(6) No delegation under this clause shall prevent the exercise of any function or power by either body.

Cf. 1963, No. 13, s. 11; 1966, No. 42, s. 12

9. Meetings—(1) The first meeting of each body after the 1st day of January 1989 shall be held at such time and place as the Minister shall appoint.

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

(3) At all meetings of either body the quorum necessary for the transaction of business shall be 4 members, of whom, in the case of the Council, at least one shall be a member who holds office under paragraph (d) or paragraph (e) or paragraph (f) of section 71 of this Act and, in the case of the Board, at least one shall be a member who holds office under paragraph (d) or paragraph (e) of section 74 of this Act.

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

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

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

Cf. 1963, No. 13, s. 8 (1), (3), (4), (5); 1966, No. 42, s. 9 (1), (3), (4), (5); 1971, No. 32, s. 4

FIRST SCHEDULE—*continued*

PROVISIONS APPLYING IN RESPECT OF DENTAL COUNCIL OF NEW ZEALAND AND DENTAL TECHNICIANS BOARD—*continued*

10. Procedure—Subject to the provisions of this Act, each body may regulate its procedure in such manner as it thinks fit.

Cf. 1963, No. 17, s. 9 (2); 1966, No. 42, s. 10 (2)

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

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

Cf. 1963, No. 13, s. 10; 1966, No. 42, s. 11; 1971, No. 32, s. 5

Section 85 (2)

SECOND SCHEDULE

SHORT TITLES AMENDED

1968, No. 93—The Medical and Dental Auxiliaries Amendment Act 1968. (R.S. Vol. 17, p. 351.)

1969, No. 96—The Medical and Dental Auxiliaries Amendment Act 1969. (R.S. Vol. 17, p. 351.)

1972, No. 81—The Medical and Dental Auxiliaries Amendment Act 1972. (R.S. Vol. 17, p. 351.)

1974, No. 104—The Medical and Dental Auxiliaries Amendment Act 1974. (R.S. Vol. 17, p. 352.)

1978, No. 111—The Medical and Dental Auxiliaries Amendment Act 1978. (R.S. Vol. 17, p. 352.)

1981, No. 76—The Medical and Dental Auxiliaries Amendment Act 1981. (R.S. Vol. 17, p. 353.)

Section 86 (1)

THIRD SCHEDULE

ENACTMENTS REPEALED

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.

FOURTH SCHEDULE

Section 86 (2)

REGULATIONS REVOKED

Title	Statutory Regulations Serial Number
The Dental Regulations 1964	1964/50
The Dental Technicians Regulations 1968	1968/238
The Dental Regulations 1964, Amendment No. 1	1969/7
The Dentists Advertising Regulations 1970	1970/32
The Dental Technicians Regulations 1968, Amendment No. 1	1971/141
The Dentists Advertising Regulations 1970, Amendment No. 1	1975/18
The Dental Regulations 1964, Amendment No. 3	1976/56
The Dental Technicians Regulations 1968, Amendment No. 2	1976/305
The Dental Technicians Regulations 1968, Amendment No. 3	1978/71
The Dental Technicians Regulations 1968, Amendment No. 5	1985/117
The Dental Regulations 1964, Amendment No. 5	1987/142

This Act is administered in the Department of Health.