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## SCHEDULE

New Schedule 1 of Dental Act 1988

1999, No. 129

**An Act to amend the Dental Act 1988**

[14 October 1999]

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 Amendment Act 1999, and is part of the Dental Act 1988 (“the principal Act”).

(2) This Act comes into force on the 7th day after the date on which it receives the Royal assent.

**2. Interpretation**—(1) Section 2 of the principal Act is amended by inserting, after the definition of the term “Disciplinary Tribunal”, the following definitions:

“‘Document’ has the same meaning as it has in the Official Information Act 1982:

“‘Electronic transmission’ includes facsimile, electronic mail, or other similar means of communication.”

(2) Section 2 of the principal Act is amended by omitting from the definition of the term “Secretary” the expression “clause 2” in both places where it appears, and substituting in each case the expression “clause 12”.

**3. Prohibition of practice of dentistry by unregistered persons**—Section 4(1) of the principal Act is amended by omitting the words “shall practise as a dentist”, and substituting the words “may practise dentistry”.

**4. Exempted persons may hold themselves out as doing exempted work**—The principal Act is amended by inserting, after section 11, the following section:

“11A. To avoid any doubt, nothing in section 4 prevents persons who may perform any work under an exemption conferred by any of sections 5, 7, 9, 10, and 11 from holding themselves out as being able to perform the work concerned.”

**5. Dentists Disciplinary Tribunal**—Section 46(1)(b) of the principal Act is amended by omitting the words “the Governor-General on the recommendation of the Minister made”, and substituting the words “the Minister”.

**6. Clinical Dental Technicians Disciplinary Tribunal**—Section 47(1)(b) of the principal Act is amended by omitting the words “the Governor-General on the recommendation of the Minister made”, and substituting the words “the Minister”.

**7. Dental Technicians Disciplinary Tribunal**—Section 48(1)(b) of the principal Act is amended by omitting the words “the Governor-General on the recommendation of the Minister made”, and substituting the words “the Minister”.

**8. Penalties**—Section 55(1)(d) of the principal Act is amended by omitting the expression “\$5,000”, and substituting the expression “\$10,000”.

**9. Constitution of Dental Council of New Zealand**—The principal Act is amended by repealing section 69, and substituting the following section:

“69. (1) There continues to be a Council known as the Dental Council of New Zealand.

“(2) The Council is a body corporate with perpetual succession and a common seal, and has and may exercise all the rights, powers, and privileges, and may incur all the liabilities and obligations, of a natural person of full age and capacity.”

**10. Membership of Council**—The principal Act is amended by repealing section 71, and substituting the following section:

“71. (1) The Council consists of—

“(a) 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:

“(b) 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’s Bay, Taranaki, Wellington, Nelson, or Marlborough:

“(c) 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:

“(d) Five other persons appointed by the Minister by notice published in the *Gazette*.

“(2) The persons appointed under subsection (1)(d) may include—

“(a) Two (but not more than 2) dentists; and

“(b) One (but not more than 1) person involved in teaching dentistry.

“(3) For the purpose of applying the limit specified in paragraph (a) of subsection (2), a member of the description specified in paragraph (b) of subsection (2) is not to be counted.”

**11. Constitution of Dental Technicians Board**—The principal Act is amended by repealing section 72, and substituting the following section:

“72. (1) There continues to be a Board known as the Dental Technicians Board.

“(2) The Board is a body corporate with perpetual succession and a common seal, and has and may exercise all the rights, powers, and privileges, and may incur all the liabilities and obligations, of a natural person of full age and capacity.”

**12. Membership of Board**—The principal Act is amended by repealing section 74, and substituting the following section:

“74. (1) The Board consists of—

“(a) Two clinical dental technicians; and

“(b) Two dental technicians; and

“(c) Five other persons.

“(2) The persons appointed under subsection (1)(c) may include—

“(a) One (but not more than 1) person who is a clinical dental technician or a dental technician or both a clinical dental technician and a dental technician; and

“(b) One (but not more than 1) dentist; and

“(c) One (but not more than 1) person who is involved in teaching dentistry.

“(3) For the purpose of applying the limit specified in paragraph (a) or paragraph (b) of subsection (2), a member of the description specified in paragraph (c) of subsection (2) is not to be counted.

“(4) All members are appointed by the Minister by notice published in the *Gazette*.”

**13. New heading and sections relating to Council and Board substituted**—The principal Act is amended by repealing section 75 and the heading above that section, and substituting the following heading and sections:

*“General Provisions Relating to Membership and Administration of Council and Board”*

“75. **Term of office of members**—(1) Each member of the Council appointed under paragraph (d) of section 71 (1) and each member of the Board takes office from a date specified for that purpose in the notice appointing the member or, if no date is specified in the notice, from the date on which the notice is published in the *Gazette*.

“(2) Each member of the Council appointed under section 71 (1) (d) and each member of the Board is appointed for a term of 3 years or such shorter term as is specified in the notice of appointment, and may be reappointed from time to time, but no person is eligible to be a member for more than 9 consecutive years.

“(3) Each member of the Council elected under paragraph (a), paragraph (b), or paragraph (c) of section 71 is elected for a term of 3 years, and may be re-elected, but no person is eligible to be a member for more than 9 consecutive years.

“75A. **Vacation of office**—(1) Any member of the Council or the Board may at any time resign his or her office by giving a notice to that effect to the Minister.

“(2) A member of the Council or the Board is to be taken to have vacated his or her office if—

“(a) He or she dies; or

“(b) He or she is adjudged bankrupt under the Insolvency Act 1967.

“(3) Any member of the Council or the Board may be removed from office by the Minister, by notice given to the member, on the grounds of a mental or physical condition affecting performance of duty, or for neglect of duty, or misconduct, proved to the satisfaction of the Minister.

“(4) An appointed member of the Council and a member of the Board may be removed from office by the Minister, with the concurrence of the Council or the Board, as the case may require, by notice given to the member, on the ground that the member’s performance on the Council or the Board is inadequate.

“(5) If an elected member of the Council dies, resigns, or is removed from office, the vacancy so created must be filled by electing another dentist in the manner in which that member was elected.

“(6) A dentist who is elected under subsection (5) holds office for the residue of the term of his or her predecessor.

“(7) The powers of the Council or Board are not affected by any vacancy in its membership.

“75B. **Further provisions relating to Council and Board in Schedule 1**—The provisions set out in Schedule 1 apply in respect of both the Council and the Board and their proceedings.”

**14. Exclusion of liability**—The principal Act is amended by repealing section 76, and substituting the following section:

“76. (1) Neither the Council, nor the Board, nor a Tribunal, nor a Complaints Assessment Committee, nor a committee appointed under clause 13 of Schedule 1, nor any member, officer, agent, or employee of any of those bodies, is under any criminal or civil liability in respect of—

“(a) Any act done or omitted to be done in the course of the exercise or intended exercise of any of their functions, duties, or powers under this Act; or

“(b) Any words spoken or written at, or for the purposes of, the hearing of any inquiry or other proceedings under this Act; or

“(c) Anything contained in any notice given under this Act.

“(2) Subsection (1) does not exclude the liability of any body or person for anything done or omitted in bad faith or without reasonable care.

“(3) Subsection (1) does not exclude the liability of the Council or the Board in respect of a power that is conferred solely by section 69 (2) or section 72 (2) or clause 12 of Schedule 1.

“(4) No person is under any civil liability or subject to any disciplinary jurisdiction in respect of any notice given under any of sections 39, 40, 41, and 42.

“(5) Subsection (4) does not protect any person from civil liability or disciplinary jurisdiction for anything done or omitted in bad faith or without reasonable care.

“(6) To avoid any doubt, this section does not affect the right of any person to apply, in accordance with law, for judicial review.”

**15. Payment and application of fees, fines, and other money**—Section 79 of the principal Act is amended by inserting, after subsection (6), the following subsection:

“(6A) Each body may borrow money for its operations, and may use any of its assets as security for any money it borrows.”

**16. New sections inserted**—The principal Act is amended by inserting, after section 79, the following sections:

**“79A. Council and Board may prescribe fees**—(1) The Council and the Board may each, from time to time, by notice in the *Gazette*, prescribe the fees payable in respect of the following matters:

“(a) An application for registration under this Act:

“(b) An addition or alteration to the register kept by the appropriate body:

“(c) The issue of a practising certificate:

“(d) The issue of any other certificate, or a copy of any certificate:

“(e) The supply of a copy of any entry in the appropriate register:

- “(f) Inspection of the appropriate register, or of any other documents kept by the Council or the Board that are open for inspection:
  - “(g) The supply to any practitioner of any documents, other than certificates of registration, required by him or her for the purpose of seeking registration overseas:
  - “(h) Examinations set or approved by each body:
  - “(i) Any other matter that relates to anything the body is required to do in order to carry out its functions.
- “(2) Different fees may be prescribed under this section for different classes of practitioner.
- “(3) Any notice prescribing any fee under this section may exempt any class or classes of person from liability to pay any such fee, and may provide for the waiver or refund of any such fee.

Cf. 1995, No. 95, s. 126

- “79B. **Disciplinary levy**—(1) The Council and the Board may each, from time to time, by notice in the *Gazette*, impose on every relevant practitioner a disciplinary levy of such amount as the Council or the Board, as the case may require, thinks fit for the purpose of funding the costs arising out of—
- “(a) The appointment of, and any investigation by, any Complaints Assessment Committee; and
  - “(b) Proceedings concerning discipline under this Act.
- “(2) Any notice imposing any levy under this section may exempt from liability to pay such levy any class or classes of practitioner, and may provide for the waiver or refund of any such levy.

Cf. 1995, No. 95, s. 127

- “79C. **Further provisions relating to fees and levy**—
- (1) Any notice under section 79A or section 79B may, by notice in the *Gazette*, be amended or revoked by the relevant body at any time.
- “(2) Every notice under section 79A or section 79B comes into force on a date specified in the notice, being not less than 28 days after the date of publication of the notice in the *Gazette*.
- “(3) Every notice under section 79A or section 79B is a regulation for the purposes of the Regulations (Disallowance) Act 1989, but is not a regulation for the purposes of the Acts and Regulations Publication Act 1989.

“(4) Every fee set under section 79A, and every levy imposed under section 79B, is payable, and recoverable as a debt due, to the relevant body.”

Cf. 1995, No. 95, s. 128

**17. New Schedule 1 substituted**—The principal Act is amended by repealing the First Schedule, and substituting Schedule 1 set out in the Schedule.

**18. Consequential repeals**—(1) The following provisions of the principal Act are repealed:

(a) Paragraphs (a) and (b) of section 83:

(b) Sections 88 and 89.

(2) The Dental Amendment Act 1989 is consequentially repealed.

(3) The Fourth Schedule of the Health Reforms (Transitional Provisions) Act 1993 is consequentially amended—

(a) By repealing so much as relates to sections 71 and 74 of the principal Act; and

(b) By repealing so much as relates to the First Schedule of the principal Act.

**19. Revocation and saving**—(1) Regulations 12 to 14 and the Schedule of the Dental Regulations 1988 (S.R. 1988/289) are revoked.

(2) Despite subsection (1), the fees specified in Part I of the Schedule of the Dental Regulations 1988, as in force before the commencement of subsection (1), continue to be payable in respect of the matters specified in that Part until the close of the day before the date on which the first notice of fees prescribed by the Council under section 79A of the principal Act comes into force.

(3) Despite subsection (1), the fees specified in Part II of the Schedule of the Dental Regulations 1988, as in force before the commencement of subsection (1), continue to be payable in respect of the matters specified in that Part until the close of the day before the date on which the first notice of fees prescribed by the Board under section 79A of the principal Act comes into force.

**20. Transitional provisions relating to membership of Council**—(1) Despite section 10, the persons holding office immediately before the commencement of this Act as members of the Council constituted under section 69 of the



principal Act (as in force immediately before the commencement of this Act)—

- (a) Continue to hold office in accordance with this section; and
- (b) Are to be regarded as members of the Council continued by section 69 of the principal Act (as enacted by this Act).

(2) An elected member of the Council who holds office at the commencement of this Act continues in office until the expiry of the term for which the member has been elected.

(3) A member of the Council who holds office immediately before the commencement of this Act and who has not been elected to that office ceases to be a member of the Council—

- (a) When the first persons take office, by virtue of appointments made under section 71 (1) (d) of the principal Act (as enacted by this Act); or
- (b) If no appointments are made under section 71 (1) (d) of the principal Act (as enacted by this Act) before the expiry of the period of 1 year beginning on the commencement of this Act, on the expiry of that period.

(4) The prohibition contained in section 75 (2) of the principal Act against being a member of the Council for more than 9 consecutive years does not apply to an appointed member holding office immediately before the commencement of this section, but only for as long as that member—

- (a) Continues to hold office under this section; or
- (b) Holds office under an appointment made within 1 year beginning on that commencement.

(5) The prohibition contained in section 75 (3) of the principal Act against being a member of the Council for more than 9 consecutive years does not apply to an elected member holding office immediately before the commencement of this section, but only for as long as that member—

- (a) Continues to hold office under this section; or
- (b) Holds office as a result of the first election held after that commencement.

(6) Subsection (1) is subject to section 75A of the principal Act.

(7) Subsection (1) does not apply to the officer of the Ministry of Health appointed under section 71 (a) of the principal Act (as in force immediately before the commencement of this Act), and that officer ceases to be a member of the Council on the commencement of this Act.

**21. Transitional provisions relating to membership of Board**—(1) Despite section 12, the persons holding office immediately before the commencement of this Act as members of the Board constituted under section 72 of the principal Act (as in force immediately before the commencement of this Act)—

- (a) Continue to hold office; and
- (b) Are to be regarded as members of the Board continued by section 72 of the principal Act (as enacted by this Act); but
- (c) Cease to be members of the Board—
  - (i) When the first persons take office under section 74 of the principal Act (as enacted by this Act); or
  - (ii) If no appointments are made under section 74 of the principal Act (as enacted by this Act) before the expiry of the period of 1 year beginning on the commencement of this Act, on the expiry of that period.

(2) The prohibition contained in section 75 (2) of the principal Act against being a member of the Board for more than 9 consecutive years does not apply to a member holding office immediately before the commencement of this section, but only for as long as that member—

- (a) Continues to hold office under this section; or
- (b) Holds office under an appointment made within 1 year beginning on that commencement.

(3) Subsection (1) is subject to section 75A of the principal Act.

(4) Subsection (1) does not apply to the officer of the Ministry of Health appointed under section 74 (a) of the principal Act (as in force immediately before the commencement of this Act), and that officer ceases to be a member of the Board on the commencement of this Act.

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Section 17

## SCHEDULE

## NEW SCHEDULE 1 OF DENTAL ACT 1988

Section 75B

## "SCHEDULE 1

"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 each year, each body must elect 1 of its members to be its Chairperson, and another to be its Deputy Chairperson.

(2) A member who holds the office of Chairperson or Deputy Chairperson continues in office until his or her successor is elected, and is eligible for re-election (subject to section 75A).

(3) A member who holds the office of Chairperson or Deputy Chairperson may—

(a) At any time be removed from the office of Chairperson or Deputy Chairperson by the relevant body; or

(b) At any time resign his or her office by giving a notice to that effect to the Secretary.

(4) If a person who holds the office of Chairperson or Deputy Chairperson ceases to be a member of the relevant body, the body must elect 1 of its members to fill that vacancy in the office of Chairperson or Deputy Chairperson as soon as reasonably practicable.

Cf. 1995, No. 95, Second Schedule, cl. 1

**2. Deputy Chairperson may act for Chairperson**—(1) The Deputy Chairperson of each body has and may exercise or perform all the functions, duties, and powers of the Chairperson if—

(a) The Chairperson of the body is at any time incapable of acting as Chairperson because of illness, absence, or any other reason; or

(b) There is a vacancy in the office of Chairperson.

(2) The Deputy Chairperson is, while acting for the Chairperson, to be regarded as the Chairperson of the body.

(3) No act done by the Deputy Chairperson while acting for the Chairperson and no act done by the relevant body while the Deputy Chairperson is acting for the Chairperson, may in any proceedings be questioned on the ground that the occasion entitling the Deputy Chairperson to act had not arisen or had ceased.

Cf. 1995, No. 95, Second Schedule, cl. 2

**3. Meetings**—(1) Meetings of each body are held at—

(a) Times appointed by the relevant body; and

(b) Subject to clause 8, places appointed by the relevant body.

(2) The Secretary of the relevant body must give each member of the body notice of a meeting of the body, but the Secretary is not required to give notice to a member who is absent from New Zealand.

(3) At any meeting of a body, the quorum necessary for the transaction of business is 4 members, of whom, in the case of the Council, at least 1 must be an elected member and, in the case of the Board, at least 1 must be a clinical dental technician or a dental technician.

(4) For the purposes of determining the quorum, a member who is a representative under clause 4 may be counted only once.

SCHEDULE—*continued*NEW SCHEDULE 1 OF DENTAL ACT 1988—*continued*“SCHEDULE 1—*continued*”“PROVISIONS APPLYING IN RESPECT OF DENTAL COUNCIL OF NEW ZEALAND  
AND DENTAL TECHNICIANS BOARD—*continued*”

(5) A meeting of a body at which the quorum is present is competent to perform or exercise any of the functions, duties, and powers exercisable by the body.

Cf. 1995, No. 95, Second Schedule, cl. 8

**4. Members representing other members**—(1) A member of a body may be represented by another member of that body (that other member is in this clause referred to as “a representative”).

(2) A member of a body may, by written notice to the Secretary, appoint a representative to represent the member on the body, for 1 or more specific meetings that have been called or are proposed to be called, whenever the member is absent or unable to act as a member of the body.

(3) The appointment of a representative ceases if—

(a) The person who appointed the representative revokes, by written notice, the appointment; or

(b) The person who appointed the representative ceases to be a member of the body; or

(c) The representative ceases to be a member of the body.

(4) A notice referred to in subclauses (2) or (3) may be delivered by hand or sent by mail or electronic transmission.

(5) Subject to subclause (6), a representative may vote on behalf of the member whom he or she represents, and has and may exercise all the powers, rights, privileges, and duties of that member.

(6) A representative may not, in his or her capacity as representative,—

(a) Act as Chairperson or Deputy Chairperson of a body; or

(b) Vote on any matter arising under Part III; or

(c) Witness the affixing of the seal of the body.

(7) The voting and other powers that a person has as a representative are in addition to the powers that the person has as a member of a body.

Cf. 1993, No. 22, Second Schedule, cl. 5

**5. Chairperson to preside at meetings**—(1) The Chairperson of each body presides at each meeting of the body if he or she is present and willing to preside.

(2) If the Chairperson of a body is not present or willing to preside at a meeting of the body, the Deputy Chairperson, if present and willing to preside, presides.

(3) If neither the Chairperson nor the Deputy Chairperson of a body is present and willing to preside at a meeting of the body, the members present must elect a member who is present to preside at that meeting.

Cf. 1995, No. 95, cl. 9

**6. Voting at meetings**—(1) All questions arising at any meeting of each body are decided by a majority of the votes cast by the members present.

(2) The person presiding at the meeting has a deliberative vote, and, in the case of an equality of votes, also has a casting vote.

SCHEDULE—*continued*NEW SCHEDULE 1 OF DENTAL ACT 1988—*continued*“SCHEDULE 1—*continued*”“PROVISIONS APPLYING IN RESPECT OF DENTAL COUNCIL OF NEW ZEALAND  
AND DENTAL TECHNICIANS BOARD—*continued*”

(3) No member of a body is 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, competence, fitness to practise, or discipline under this Act is being considered.

Cf. 1995, No. 95, cl. 10

**7. Resolution assented to by members**—(1) The chairperson of each body may circulate, by letter or electronic transmission, to each member of the body a document setting out a draft resolution and requesting each member to assent to the resolution within a specified period of at least 3 clear days.

(2) If a majority of the members of the body, by letter or electronic transmission, signs or assents to a resolution circulated under subclause (1), the resolution is as valid and effective as if it had been passed at a meeting of the body duly called and constituted.

(3) Any such resolution may consist of several documents that are similar in form, each signed or appearing to have been sent by 1 or more members.

(4) Every such resolution must be tabled at the next meeting of the body held after the date on which the resolution takes effect.

Cf. 1995, No. 95, Second Schedule, cl. 11

**8. Teleconference meetings**—(1) The contemporaneous linking together by telephone or videolink or other means of communication of a number of members of either body, being not less than the quorum stated under clause 3 (3), whether or not 1 or more of those members are out of New Zealand, is to be taken as constituting a meeting of the body to which the provisions of this Act apply, if the following conditions are met:

(a) Notice must have been given, by letter or telephone or electronic transmission, to every member of the body entitled to receive notice of a meeting of the body; and

(b) Each member taking part in the meeting must—

(i) Be linked by telephone or videolink or other means of communication for the purposes of the meeting; and

(ii) At the commencement of the meeting acknowledge, to all the other members taking part, the member's presence for the purpose of a meeting of the body; and

(iii) Be able throughout the meeting to hear each of the other members taking part; and

(iv) On any vote, individually express his or her vote to the meeting.

(2) A member may not stop participating in a meeting held under this clause by disconnecting the member's telephone or videolink or other means of communication without the express consent of the person presiding at the meeting.

(3) A minute of the proceedings at a meeting held under this clause is sufficient evidence of those proceedings, and the observance of all necessary

SCHEDULE—*continued*NEW SCHEDULE 1 OF DENTAL ACT 1988—*continued*“SCHEDULE 1—*continued*”“PROVISIONS APPLYING IN RESPECT OF DENTAL COUNCIL OF NEW ZEALAND  
AND DENTAL TECHNICIANS BOARD—*continued*”

formalities, if certified as a correct minute by the person presiding at the meeting.

Cf. 1995, No. 95, Second Schedule, cl. 12

**9. Procedure**—(1) Each body must observe the rules of natural justice but, subject to that requirement, may receive as evidence any statement, document, information, or matter, whether or not it would be admissible in a court of law.

(2) Subject to this Act and any regulations made under this Act, each body may regulate its procedure in such manner as it thinks fit.

Cf. 1995, No. 95, Second Schedule, cl. 13

**10. Seal**—(1) Each body must provide for the safe custody of its common seal, which must be in such form as each body decides.

(2) The common seal may be used only by the authority of a resolution of the body, or of a committee of the body, and every document to which the seal is affixed must be signed by 2 persons, each of whom is—

(a) A member of the body; or

(b) A person authorised to sign that document or documents of that kind.

(3) The seal of the body must be judicially noticed in all courts and for all purposes.

Cf. 1995, No. 95, Second Schedule, cl. 19

**11. Fees and allowances**—There may be paid to members of each body, any Disciplinary Tribunal, Complaints Assessment Committee, and committee appointed by either body, out of the funds of the body, such remuneration (by way of fees, salary, or otherwise) and allowances and expenses as the body from time to time determines.

Cf. 1995, No. 95, Second Schedule, cl. 11

**12. Secretary and other officers, employees, and agents**—(1) Each body must appoint a Secretary, and may from time to time appoint such other officers, employees, and agents as it considers necessary for the efficient carrying out of its functions, duties, and powers.

(2) An officer, employee, or agent appointed under subclause (1) is appointed on such terms and conditions as the body agrees with the officer, employee, or agent.

**13. Appointment of committees**—Each body may from time to time appoint 1 or more committees of the body, and—

(a) Any such committee may include or consist of persons who are not members of the body; and

(b) Each body must regulate the procedure of each committee that it appoints in such manner as it thinks fit; and

(c) Each body may at any time discharge, alter, or reconstitute any committee that it has appointed.

SCHEDULE—*continued*NEW SCHEDULE 1 OF DENTAL ACT 1988—*continued*“SCHEDULE 1—*continued*”“PROVISIONS APPLYING IN RESPECT OF DENTAL COUNCIL OF NEW ZEALAND  
AND DENTAL TECHNICIANS BOARD—*continued*”

**14. Delegation**—(1) Each body may from time to time, by written notice, delegate any of its functions, duties, or powers (other than powers of decision concerning discipline under this Act) to any committee appointed under clause 13.

(2) Unless otherwise provided in the delegation, a delegate may exercise a function, duty, or power of the body delegated to it under this clause in the same manner and with the same effect as if the delegate were the body, but may not further delegate the function, duty, or power.

(3) Any delegation under this clause may be revoked at any time, and the delegation of a function, duty, or power does not prevent either body from exercising the function, duty, or power itself.

(4) Every delegate purporting to act under any delegation under this clause is, until the contrary is proved, presumed to be acting in accordance with the terms of the delegation.

Cf. 1995, No. 95, Second Schedule, cl. 15

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This Act is administered in the Ministry of Health.

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