

**NON-GOVERNMENTAL ORGANIZATION
NOTICE 864 OF 2016**

SOUTH AFRICAN DENTAL TECHNICIANS COUNCIL

**INVITATION TO COMMENT ON THE DENTAL TECHNOLOGY
PROFESSIONS DRAFT BILL: DEADLINE FOR COMMENT 15 APRIL
2017**

1. . The draft Dental Technology Professions Bill (hereinafter referred to as “the Bill”) aims to-

- provide a legislative framework for the transformation and restructuring of the dental technology profession into a profession which is broadly representative of the Republic's demographics;
- ensure that the values underpinning the Constitution are embraced and that the rule of law is upheld;
- ensure that dental technology services are accessible by inter alia introducing the practice of clinical dental technology;
- regulate the dental technology profession;
- regulate the import and export manufacturing, sale or distribution of goods or dental technology specific equipment required, used, manufactured and repaired for use in the practice of dental technology and to regulate persons possessing, trading in, exporting, importing or carrying of unmounted artificial teeth or any dental or oral prosthesis or part or component thereof;
- to repeal the South African Dental Technicians Act, 1979; and
- provide for matters connected therewith.

2. . The Bill is available for download on the website of the South African Dental Technicians Council at the following address: <http://www.sadtc.org.za>, alternatively, a copy of the Bill will be made available on request, which request should be directed to the person referred to in paragraph 4 below.

3. . Any person wishing to comment on the Bill is invited to submit written comments to the South African Dental Technicians Council on or before **15 April 2017**.

Comments should be marked for the attention of The Registrar: Ms P Nkuna:

(a) if they are forwarded by post, be addressed to -

**The South African Dental Technicians Council
P.O. Box 14617,
Hatfield,
PRETORIA
0028;**

(b) if delivered by hand, be delivered at –

South African Dental Technicians Council
954 Cnr Hill & Arcadia Street, Arcadia, Pretoria;

(c) if they are delivered by e-mail, they can be sent to registrar@sadtc.org.za; or

(d) if it is faxed, they can be faxed to **012 342 4134/4469**.

4. . For further information, please contact Ms P Nkuna at **012 342 4134**.

DRAFT BILL

To repeal the South African Dental Technicians Act, 1979 and to provide for the control and regulation of the dental technology profession within the Republic of South Africa, to provide for the establishment of the South African Dental Technology Professions Council as a juristic person, to provide for the registration of members of the dental technology profession, to create a new oral health category of clinical dental technologist, to provide for the recognition and accreditation of certain persons by the Council, to provide for specialist dental technology training, the control over education and training and accreditation of educational institutions where dental technology training and education is provided, to provide for measures designed to protect the public from unethical practices, to provide for the control over training and conduct of dental technology practitioners, to regulate dental technology laboratories, dental traders and the import, export and carrying of any unmounted artificial teeth, any dental and oral prostheses and any custom made components used in dental technology practice or a dental laboratory, to provide for the inspection and monitoring of dental technologists, dental laboratories, dental traders and training and accreditation of educational institutions where dental technology training and education is provided, to provide for measures in order to maintain a high standard of professional conduct and integrity by members of the dental technology profession, to provide for the establishment of independent disciplinary mechanisms by the establishment of a disciplinary and appeal committees, and to provide for matters connected therewith.

PREAMBLE

WHEREAS section 22 of the Bill of Rights of the Constitution establishes the right to freedom of trade, occupation and profession, and provides that the practice of a trade, occupation or profession may be regulated by law;

AND WHEREAS

- provide a legislative framework for the transformation and restructuring of the dental technology profession into a profession which is broadly representative of the Republic's demographics;

- ensure that the values underpinning the Constitution are embraced and that the rule of law is upheld;
- ensure that dental technology services are accessible;
- regulate the dental technology profession in the public interest;

~~BE IT ENACTED~~ by the Parliament of the Republic of South Africa as follows:-

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South African Dental Technology Professions Council

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issue of certificates and annual fees

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circumstances, penalty for false evidence at inquiry and administrative work of disciplinary committee

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In this Act, unless the context otherwise indicates-

administrative non-compliance penalty 'penalty' means a penalty imposed by the Council under section 146 of this Act; 'appeal committee' means an appeal committee established under section 129;

approved means approved by the Council under this Act; 'approved institution' means a training institution approved by the Council under section 74;

authorisation means a person or juristic person to whom an authorisation has been issued under section 99 of this Act; 'authorisation' means any authorisation issued under Part 1 of Chapter 8 of this Act;

Beneficial interest when used in relation to a dental laboratory or denture clinic, means the right or entitlement of a person, through ownership, agreement, relationship or otherwise, alone or together with another person to receive or participate in any distribution in respect of the shareholding, membership or as beneficiary in such dental laboratory or denture clinic's business;

business name means a name under which a registered practitioner carries on a practice or under which the business of a dental laboratory or denture clinic is carried on;

business rescue practitioner means a person appointed, or two or more persons appointed jointly, in terms of Chapter 6 of the Companies Act, 2008 (Act 71 of 2008) to oversee a company during business rescue proceedings in terms of that Act;

clinical dental technologist means a person who is registered clinical dental technologist under section 89 of this Act;

'Code of Conduct' means the Code of Conduct contemplated in Schedule 1 which is applicable to members of the Council;

'code of ethics' means a written code, setting out rules and standards relating to ethics, ethical conduct and practice which will be applicable to the dental technology profession and its enforcement through the Council and its structures as determined by rule;

company means a juristic person incorporated in terms of the Companies Act, 2008 (Act 71 of 2008), or a juristic person that, immediately before 1 May 2011-

- (a) was registered in terms of the-
 - (i) Companies Act, 1973 (Act 61 of 1973); or
 - (ii) Close Corporations Act, 1984 (Act 69 of 1984), if it has subsequently been converted in terms of Schedule 2 of the Companies Act, 2008 (Act 71 of 2008);
- (b) was in existence and recognised as an existing company in terms of the Companies Act, 1973 (Act 61 of 1973); or
- (c) was deregistered in terms of the Companies Act, 1973 (Act 61 of 1973), and has subsequently been re-registered in terms of Companies Act, 2008 (Act 71 of 2008);

Constitution means the Constitution of the Republic of South Africa;

controlled item means controlled items specified in a notice published by the Council in the Gazette in terms of section 149(3) of this Act;

'Council' means the South African Dental Technology Professions Council;

'dental laboratory' means any place where artificial dentures or other dental appliances are made, repaired, altered or worked upon, or

where any apparatus or milling device for the creation, making, repair or alteration of or the working upon such dentures or appliances has been installed or where the design, milling or making in full or in part of dental and oral prostheses or related appliance are undertaken;

'dental laboratory assistant' means any person regulated under section 85;

'dental technician' means a person who is registered as dental technician under section 57 of this Act;

'dental technology' means the discipline which is concerned with the design or creation of dental and oral prostheses and includes the make, repair or alteration of artificial dentures or other dental appliances;

'dental technology profession' means the collective of practitioners registered under section 57 of this Act;

'dental technologist' means a person who is registered as a dental technologist under section 57 of this Act;

'dental technology services' means the services rendered by the dental technology profession as contemplated in paragraph (a), (b) or (c) of subsection (1) of section 68 of this Act;

'dental technologist with restricted registration' means a person registered under section 59 of this Act;

'dental vendor' means a person, company, juristic person or intermediary registered under section 108 of this Act;

'dentist' means a person registered as such under the Health Professions Act, 1974 (Act 56 of 1974);

'denture clinic' means the practice facility of a clinical dental technologist including the area in which clinical work and laboratory work are performed by such clinical dental technologist;

'Department' means the national Department of Health;

'Director-General' means the Director-General: Department of Health;

'disciplinary committee' means the committee established under section 118;

'export' means transporting, taking, sending or removing goods out of the Republic or to take or send goods required, used, or repaired in full or in part for use in the practice of dental technology from the Republic to a state or territory outside the Republic or to cause such goods to be so taken or sent out of the Republic;

'exporter' means in relation to goods required, used or repaired in full or in part for use in the practice of dental technology exported or

to be exported from the Republic, the person or juristic person who exported, is in the process of exporting or intends to export those goods from the Republic and includes-

- (a) a person who at the time when the goods are exported or in the process of being exported from or to the Republic-
 - (i) is the owner of the goods;

(ii) carries the risk in respect of the goods; or
(iii) is beneficially interested in the goods in any way whatsoever;

(b) a person who actually transports or attempts to transport the goods out of the Republic;

'first or second incidence' means a first or second incidence of non-compliance under section 146(2), (3) or (4) in a period of 36 months;

'foreigner' means a person who is not a South African citizen; 'goods'

'goods' means any wares, supplies, merchandise, articles, products, commodities, substances required, used, manufactured or repaired for use in the practice of dental technology in the Republic but does not include any medical device as defined in the Medicines and Related Substances Amendment Act, 2015; 'information system' means a system for generating, sending, receiving, storing, displaying or otherwise processing of data messages;

'import' means transporting, sending or bringing goods required, used or repaired in full or in part for use in the practice of dental technology from outside the Republic into the Republic or to cause such goods to be brought into the Republic;

'importer' in relation to any particular goods required, used or repaired in full or in part for use in the practice of dental technology, means a person or juristic person who brings those goods, or causes them to be brought, from outside the Republic into the Republic, with the intention of making them available for supply in the ordinary course of business to the dental technology profession;

'import and export tax' means-

(a) an export or import duty imposed in terms of the Customs Duty Act, 2014 (Act 30 of 214) on goods exported or imported from or to the Republic; or

(b) any other tax, levy or duty on goods exported or imported from or to the Republic in terms of any legislation;

'inquiry' means an inquiry as contemplated under section 118 of this Act;

'inspector' means an inspector appointed under section 113 of this Act ;

intermediary means a person or juristic person who, in the ordinary course of business and for remuneration or gain, engages in the business of-

- (a) representing another person or juristic person with respect to the actual or potential supply of any goods or services

required, used, manufactured, repaired for use in the practice of dental technology;

(b) accepting possession of any goods from a person or juristic person for the purpose of offering the goods for sale to the dental technology profession; or

(c) offering to sell to a consumer, soliciting offers for or selling to a consumer any goods required, used, manufactured, repaired for use in the practice of dental technology that belongs to a third person, or service to be supplied by a third person, but does not include a person whose activities as an intermediary are regulated in terms of any other national legislation;

juridical person includes-

(a) a company or close corporation registered in terms of legislation whether in the Republic or elsewhere;

(b) a partnership or an association; or

(c) a trust as defined in the Trust Property Control Act, 1988 (Act 57 of 1988);

manufacture includes produce, assemble, alter, modify, adapt, convert or process for use in the practice of dental technology in the Republic;

millage means the machining process used in the making or creation of any artificial denture or other dental appliance, dental or oral prostheses or any workpiece used in dental technology whether manually, by automated machine tools or by computer numerical control;

Minister means the Minister of Health;

'police officer' means a member of the South African Police Service established in terms of the South African Police Service Act, 1995 (Act 68 of 1995);

practise means full time practise as a member of the dental technology profession and includes-

(a) any person attached to a university or educational institution at which students are educated and trained in dental technology and who is employed in the education and training of such students at such university or educational institution; or

(b) a consultant who from time to time furnishes advice to other

practitioners or acts as locum tenens for such practitioners from time to time;

practitioner means a person who practises as a member of the dental technology profession and who is registered under section 57 in a particular category and a 'member of the dental technology profession' shall have a corresponding meaning;

practitioner in community service means a person registered as a practitioner under community service under section 57 of this Act;

premises means any site, property, building, structure or any part of a site, property, building or structure;

private dwelling means any part of a structure that is occupied partly as a residence or used wholly for the purposes of a residence;

prescribed means prescribed by regulation; 'president'

president means the president of the Council;

qualification means any degree, diploma, certificate or any other qualification approved by Council, awarded after examination of a person's proficiency in a particular subject;

re-export means to export imported goods as contemplated under section 104 of this Act;

records means any information contained in a register kept in accordance with the provisions of this Act-

- (a) regardless of form or medium, including any of the following:
 - (i) information produced, recorded or stored by means of any computer equipment, whether hardware or software or both, or other device, and any material subsequently derived from information so produced, recorded or stored; or
 - (ii) information recorded in any file, book or register;
- (b) in the possession or under the control of the Council; and
- (c) regardless of when it came into existence;

register, when used as a verb, means to enter in a register, the words 'registered', 'registerable', 'registration' and all other words formed with or derived from the word 'register' having a corresponding meaning;

register, when used as a noun, means a register kept in accordance with the provisions of this Act, and when used in relation to any registration category or a member of any such category of persons in respect of which a register is kept, means the register kept for that category;

Registrar means the Registrar appointed under section 28 of this Act;

regulation means a regulation made under section 150 of this Act;

rule means a rule made under section 149 of this Act;

specialist dental technologist means a person registered as a specialist dental technologist under section 57 of this Act; 'spouse', shall mean a person who is-

- (a) a lawful husband or wife; or

- (b) a life partner (including same sex life partner); or
- (c) a husband or wife in terms of the Recognition of Customary Marriages Act, 1998 or the tenets of any religion;

student clinical dental technologist means any person who is studying advanced specialist clinical dental technology at an approved training or educational institution or is undergoing theoretical, practical training or Work Integrated Learning in one form or another in an approved dental laboratory or denture clinic and who has been registered as such under section 57 of this Act;

student dental technologist means any person who is studying dental technology at an approved university or training or educational institution or is undergoing theoretical, practical training or Work Integrated Learning in one form or another in an approved dental laboratory and who has been registered as such under section 57 of this Act;

student dental technologist means any person who is studying dental technology at an approved training or educational institution or is undergoing theoretical, practical training or Work Integrated Learning in one form or another in an approved dental laboratory and who has been registered as such under section 57 of this Act;

student specialist dental technologist means any person who is studying advanced specialist dental technology at an approved training or educational institution or is undergoing theoretical, practical training or Work Integrated Learning in one form or another in an approved dental laboratory, and who has been registered as such under section 57 of this Act;

supplementary course means specialized or advanced training in any aspect of the work of a dental technologist or clinical dental technologist;

this Act includes the regulations;

training institution means an institution approved by Council where persons are educated and trained for the dental technology profession;

transfer means the conveyance of goods required, used or repaired in full or in part for use in the practice of dental technology in the

Republic;

~~Unnounced artificial teeth~~ means artificial teeth which have not been fitted in any denture or dental appliance for the use of a particular person, or artificial teeth which were so fitted but have thereafter again been removed from any such denture or dental appliance and includes any sample of such teeth, denture or

dental appliance supplied or issued to a registered practitioner or dentist;
 'vice-president' means the vice-president of the Council.

2. Application of Act

This Act is applicable to-

- (a) all members of the dental technology profession registered in terms of this Act;
- (b) the operation and ownership of dental laboratories and denture clinics registered in terms of this Act;
- (c) persons possessing, trading in, exporting, importing or carrying of unmounted artificial teeth or any dental or oral prostheses or part or component thereof;
- (d) dental traders involved in the import, export, manufacturing, sale or distribution of goods or dental technology-specific equipment required, used, manufactured and repaired for use in the practice of dental technology; and
- (e) education and training institutions where dental technology education and training is provided for by such institutions.

3. Objects of Act

The object of this Act is to provide a legislative framework for the dental technology profession that embraces the values underpinning the Constitution in order to broaden access to the dental technology profession and to protect and promote the public interest.

CHAPTER 2

Part 1

Establishment, objects, powers, functions and responsibilities of the South African Dental Technology Professions Council

African Dental Technology Professions Council

4. Continued existence and change of name of the South African Dental Technicians Council

- (1) The South African Dental Technicians Council established by section 2 of the Dental Technicians Act, 1979 (Act 19 of 1979), continues to exist as a juristic person under the name of the South African Dental Technology Professions Council, notwithstanding the repeal of that Act by this Act.
- (2) The head office of the Council shall be situated in Pretoria.

5. **Objects of the Council**

The objects of the Council shall be-

- (a) to regulate the practice and continued professional development of the dental technology profession, the operation of dental laboratories, denture clinics and the operation of the business of dental traders registered in terms of this Act;
- (b) to facilitate the realisation of the goal of a transformed and restructured dental technology profession that is accountable, efficient and independent;
- (c) to exercise oversight over the dental technology profession in the Republic;
- (d) to enhance and maintain the integrity and future of the dental technology profession in the Republic;
- (e) to determine, enhance and maintain appropriate standards of professional practise and ethical conduct of the members of the dental technology profession in the Republic;
- (f) to control and promote high standards of education and training of professional practise in the dental technology profession and the approval of training institutions;
- (g) to promote access to the dental technology profession;
- (h) to promote and pursue a dental technology profession that broadly reflects the demographics of the Republic;
- (i) to control all matters relating to the education and training of the members of the dental technology profession;
- (j) to promote good relations between members of the dental technology profession and other oral healthcare services personnel;
- (k) to exercise effective control over the dental technology profession, dental laboratories, denture clinics, dental traders and all such persons who are registered or regulated in terms of this Act;
- (l) to determine the norms of professional conduct and ethics in respect of persons practising the dental technology profession;
- (m) to advise the Minister on any matter falling within the scope of this Act; and
- (n) to communicate to the Minister information on matters of

public importance acquired by the Council in the course of the performance of its functions under this Act.

6. ~~Powassonville~~ Council

(1) The Council may, in order to achieve its objects,-

-
- (a) open and maintain at least one bank account in the name of the Council;
 - (b) acquire or hire movable or immovable property;
 - (c) develop, mortgage, let, sell or otherwise dispose of or burden movable or immovable property of the Council;
 - (d) accept, draw, endorse, issue, make, pay or perform any other act in respect of negotiable instruments;
 - (e) make donations and grants in support of projects related to its objects;
 - (f) institute or defend legal proceedings on behalf of the Council;
 - (g) spend and invest funds of the Council;
 - (h) enter into contracts in the furtherance of the objects of the Council;
 - (i) impose administrative non-compliance penalties;
 - (j) invest Council funds;
 - (k) borrow or raise money;
 - (l) accept any donation or grant;
 - (m) insure against any risk;
 - (n) exercise or perform any power or function conferred or imposed upon it by or under this Act or any other law;
 - (o) consider any matter affecting the dental technology profession and make representations or take such action in connection therewith as the Council may deem necessary;
 - (p) conduct, arrange or oversee courses for the supplementary training of members of the dental technology profession and render financial assistance in respect of such courses;
 - (q) conduct, arrange or oversee courses for the continuing professional development of members of the dental technology profession and accredit any service provider to conduct such courses;
 - (r) establish and administer a bursary scheme to provide equal opportunities for all aspirant entrants to the dental technology profession in order to have a profession that broadly reflects the demographics of the Republic;
 - (s) take steps in the furtherance of the dental technology profession

which is consistent with national health policy as determined by the Minister;

(t) make rules on all matters provided for in this Act or which the Council considers necessary or expedient in order that the objects of this Act may be achieved;

(u) perform such other functions as may be prescribed, and do all such things as the Council deems necessary or expedient to

achieve the objects of this Act within the framework of national health policy determined by the Minister; and

(v) to perform such other functions as may be prescribed, and may generally do all such things as it may deem necessary or expedient for the purpose of achieving the objects of this Act and in the furtherance of the dental technology profession.

(2) The Council may, with regard to education in the dental technology profession-

(a) conduct accreditation visits to any educational institution which conducts training and education in dental technology;

(b) either conditionally or unconditionally grant, refuse or withdraw accreditation in respect of any educational institution and their educational programmes with regard to dental technology;

(c) consult with the Council on Higher Education established in terms of the Higher Education Act, 1997 (Act 101 of 1997) regarding matters relevant to education in dental technology;

(d) consult with the South African Qualifications Authority established by the South African Qualifications Authority Act, 1995 (Act 58 of 1995), or any body established by it and any association accredited in terms of this Act to determine competency standards for the purpose of registration related to the education and training of members of the dental technology profession;

(e) establish mechanisms for registered persons to gain recognition of their qualifications and professional status in other countries;

(f) enter into an agreement with any person or body of persons, within or outside the Republic, with regard to the recognition of any examination or qualification for the purposes of this Act;

(g) enter into an agreement with any professional body outside the Republic with regard to the reciprocal recognition of any other council or professional body regulating the dental technology profession in that country;

(h) give advice or render assistance to any educational institution, accredited association or examining body with regard to educational facilities for and the training and education of registered persons and prospective entrants to the dental

technology profession;

(i) determine, after consultation with registered persons, accredited associations and other stakeholders in the dental technology profession or oral healthcare profession, conditions relating to and the nature and extent of continuous

professional development and training of members of the dental technology profession;

(3) (a) The Council may establish such juristic person as it deems necessary in order to acquire or hire movable or immovable property;

(b) designate such members of Council to act as members, directors or trustees in respect of any juristic person or trust established by the Council or established by any other person or accredited association in order to further enhance, promote and pursue the objects of the Council in respect of the dental technology profession.

7.

Functions of Council

The functions of the Council are to-

(a) regulate the dental technology profession so as to promote and protect the interests of the public;

(b) register practitioners, dental laboratories, denture clinics, authorised holders and dental traders in terms of this Act;

(c) institute and enforce disciplinary action against registered persons contravening the provisions of this Act or the code of conduct and the code of ethics applicable to the dental technology profession;

(d) take appropriate steps to prohibit persons or juristic persons from unregistered practice, unregistered operation of dental laboratories, denture clinics, dental traders or authorised holders in the Republic;

(e) support the functioning of disciplinary and appeal structures established under this Act;

(f) ensure and promote a high standard of education and training in the dental technology profession;

(g) to provide strategic direction on corporate governance of the Council in order to attain the objects referred to in section 5 of this Act;

(h) advise the Minister on any matter referred to it by the

Minister or on any matter it considers necessary to achieve the objects of this Act;

- (i) to exercise its powers and discharge its responsibilities in the best interest of the public and in accordance with the national health policy as determined by the Minister;
- (j) to be transparent and accountable to the dental technology profession and the public in achieving its objectives when performing its functions and exercising its powers;

- (k) to uphold and maintain professional and ethical standards within the dental technology profession;
- (l) to ensure that persons registered in terms of this Act behave towards users of dental health services in a manner that respects their constitutional rights to equality and dignity in accordance with the Constitution; and
- (m) to submit to the Minister an annual report within three months after the approval of the financial statements of the Council which report must include details as to how the Council has fulfilled its objectives under this Act.

8.**THE RESPONSIBILITIES OF COUNCIL**

- (1) The Council has the following responsibilities-
 - (a) to determine, oversee and revise the corporate governance structures within the Council;
 - (b) to determine, oversee and revise the human resources policies and human resources strategies of the Council;
 - (c) to oversee the determination and compilation of the corporate governance plan in respect of the Council;
 - (d) to determine the policy for conditions of employment and remuneration, allowances, subsidies and other service benefits of employees of the Council.
- (2) The Council must, within six months from the close of each financial year or such other period as may be agreed to by the Minister, after a request by the Council, submit the audited financial statements to the Minister.
- (3) The Council must apply due care and diligence when investing any money or incurring any expenditure from the funds of the Council.
- (4) The Council must determine its financial year.

9.**RESTRICTIONS ON USE OF NAME**

No person may under a name containing the words 'South African Dental Technicians Council', or 'South African Dental Technology

Professions Council' or the acronyms 'SADTC', 'SADTPC', 'DTPCSA' or the translation thereof in any other official language-

- (a) conduct his, her or its affairs or business or carry on his, her or its occupation or trade;
- (b) be registered or licensed under any law; or
- (c) falsely claim to be acting on behalf of the Council.

CHAPTER 2**Part 2****Composition of Council, disqualification, vacation, termination and removal of office of members of Council****10. Composition of Council**

(1) From the date referred to in subsection (10) of section 151 the Council shall consist of the following members, namely-

(a) a representative of the Department appointed by the Minister;

(b) three persons appointed by the Minister, of whom-

(i) one shall be attached to an approved academic institution at which students are educated and trained in dental technology;

(ii) one shall be a member of the public who shall be appointed after calling through the media for nominations by the public and who is not registered in terms of this Act or the Health Professions Act, 1974 (Act 56 of 1974); and

(iii) one shall be a member of the public who shall be appointed after calling through the media for nominations by the public and who are not registered in terms of this Act or the Health Professions Act, 1974 (Act 56 of 1974), and who shall be appointed on account of his or her knowledge of the law, who is in good standing and enrolled on the roll of legal practitioners under section 30 of the Legal Practice Act, 2014 (Act 28 of 2014); and

(c) five practitioners of which two must be dental technicians, two dental technologists and one a clinical dental technologist who are nominated and elected by the respective members of the dental technology profession of that particular category.

(2) Subject to the provisions of section 13 a member of the Council shall hold office for a period of five years and shall be eligible for re-appointment or re-election, as the case may be, for one further period of five years.

(3) A member may only be re-appointed or re-elected as a member of

the Council after the expiry of a further period of five years after such members' re-appointment or re-election as contemplated under in subsection (2).

(4) If the persons referred to in paragraph (c) of subsection (1), as the case may be, fail to elect a member under those paragraphs, the Minister must appoint a person from such category as set out in paragraph (c) of subsection (1) as a member of the Council, and a person or persons so appointed

shall be deemed to have been elected in terms of the paragraph in question.

(5) The procedure for the nomination and election of members of the Council are as prescribed.

(6) The Minister shall notify the Registrar in writing of the names of the members appointed in terms of subsection (1) or (3) of this section.

(7) The Registrar shall make known by notice in the Gazette the appointment or election of any member of the Council, the date of such appointment or election and the period for which the member has been appointed or elected.

11. **President and Vice-president of Council**

(1) At the first meeting of the newly constituted Council, the members of the Council must elect and appoint a president and vice-president from their number.

(2) The president and vice-president hold office for a period of five years from the date of their election and may be re-elected and re-appointed for one further term, unless such president or vice-president resigns or ceases to be a member of the Council.

(3) The vice-president must, if the president is absent or is for any reason unable to act as president, perform all the functions and exercise all the powers of the president.

(4) If both the president and vice-president are absent from any meeting, the members present must elect a person from among themselves to preside at that meeting and the person so presiding must, during that meeting and until the president and vice-president resumes duty, perform all the functions and exercise all the powers of the president.

(5) If both the president and vice-president have been given leave of absence, the members of the Council must elect a person from among themselves to act as president until the president and vice-president resumes duty or is removed from office in terms of section 13.

(6) If the office of president or vice-president becomes vacant, the

members of the Council must, at the first meeting or as soon as possible thereafter, elect from among themselves a new president and vice-president and such president or vice-president shall hold office for the remainder of the term of the Council.

(7) The president or vice-president may vacate his or her office as such, without relinquishing his or her membership of the

Council, unless his or her membership has been terminated in accordance with section 13.

(8) The member appointed under subparagraph (a) of subsection (1) of section 10 may not be appointed as president or vice-president of the Council.

12. **Disqualification and vacation of office**

(1) No person shall be elected or appointed as a member of the Council if he or she-

- (a) is an unrehabilitated insolvent;
- (b) has not acquired South African citizenship in terms of Chapter 2 of the South African Citizenship Act, 1995 (Act 88 of 1995);
- (c) who is not in good standing with the Council;
- (d) has been removed from any office of trust on account of misconduct;
- (e) has been convicted of-
 - (i) an offence for which he or she was sentenced to imprisonment without the option of a fine; or
 - (ii) theft, fraud, forgery or uttering a forged document, perjury, an offence under the Prevention and Combating of Corrupt Activities Act, 2004 (Act 12 of 2004), an offence under the Prevention of Organised Crime Act, 1998 (Act 121 of 1998) or any other offence involving dishonesty;
- (f) holds any office as a political office bearer or is a member of the executive of an accredited association or any dental technology stakeholder association; or
- (g) has been permanently admitted to a health establishment for care, treatment and rehabilitation services as a mental health care user as defined in section 1 of the Mental Health Care Act, 2002 (Act 17 of 2002), or is a State patient as defined in section 1 of the Mental Health Care Act, 2002 (Act 17 of 2002);

(2) A member of the Council shall forthwith vacate his or her office if-

- (a) he or she becomes subject to any disqualification referred to in

subsection (1);

(b) he or she ceases to hold any qualification necessary for his or her appointment;

(c) (i) being an elected member, he or she tenders his or her resignation in writing to the president; or

- (ii) being a member appointed by the Minister, he or she tenders his or her resignation in writing to the Minister and the Minister accepts his or her resignation;
- (d) he or she, having been elected under section 10 is no longer in full time practice as a member of the dental technology profession;
- (e) becomes a political office bearer or is elected to the executive of any accredited association or dental technology stakeholder association during his or her term of office; or
- (f) the Minister in the public interest terminates his or her membership.

13.**Removal of members of Council**

- (1) The Minister may remove a member of the Council so appointed by the Minister from office on account of-
 - (a) an adverse finding by the Council in respect of any transgression of the Code of Conduct applicable to Council members on the part of such Council member;
 - (b) incapacity or incompetency which, in the opinion of the Minister, debars such member from serving as a member of the Council;
 - (c) absence from three consecutive meetings of the Council without the permission of the president and approval by the Council, except on good cause shown;
- (2) The Minister may suspend a member of the Council so appointed by the Minister from office in anticipation of the institution of proceedings for the removal of a member which proceedings have to be instituted within 30 days following such suspension.
- (3) A member so appointed by the Minister who is suspended from office may not perform or exercise any of the powers or functions of that office or receive any allowances.
- (4) The Minister must follow due process of law if he or she intends to remove or suspend a member from office.
- (5) The Council may remove an elected member of the Council from office on account of-
 - (a) an adverse finding by a disciplinary committee in respect of

any transgression of the code of conduct and code of ethics applicable to the members elected under paragraph (c) of subsection (1) of section 10;

(b) an adverse finding by the Council in respect of any transgression of the Code of Conduct applicable to Council members on the part of such Council member; or

(c) a request by the body who elected that member in terms of paragraph (c) of subsection (1) of section 10, on good cause shown by the body in question.

14. **VACANCIES IN COUNCIL**

(1) A vacancy in the Council occurs when-

(a) the term of office of a member expires or terminates as contemplated in section 10 or 12;

(b) a member dies;

(c) a member is removed from office as contemplated in section 13; or

(d) the resignation of a member takes effect.

(2) A vacancy must be filled as soon as practicably possible.

(3) Any vacancy on the Council arising from a circumstance referred to in subsection (1) shall be filled by appointment or election, as the case may be, by the Minister or body by whom and in the manner in which the vacating member was required to be appointed or elected, and every member so appointed or elected shall hold office for the unexpired portion of the period of office of the vacating member.

15. **LOSS OF CONFIDENCE**

(1) If the Minister loses confidence in the ability of the Council to perform its functions effectively and efficiently, the Minister must-

(a) provide the Council with his or her reasons for holding such view;

(b) give the Council a reasonable opportunity to respond to those reasons; and

(c) afford the Council a hearing prior to any decision to be taken by the Minister.

(2) If, after taking the steps provided for in subsection (1), the Minister still does not have confidence in the ability of the Council to perform its functions effectively and efficiently, he or she must institute

an independent investigation into the ability of the Council to perform its functions effectively and efficiently in order to make recommendations to him or her.

(3) The Department may recover from the Council the reasonable and necessary costs incurred as a result of an investigation as contemplated in subsection (2).

(4) If, after receiving the recommendations such investigation as contemplated in subsection (2), the Minister still has concerns in

the ability of the Council to perform its functions effectively and efficiently, and the Minister is of the view that it is in the best interests of the administration of justice that the Council be dissolved, he or she must, in order to do so, approach the High Court with an application for an order dissolving the Council, together with any terms or conditions that the court deems appropriate.

(5) (a) If the Council is dissolved pursuant to a court order contemplated in subsection (4), the Minister must, having regard to the provisions of section 10, appoint at least seven persons as members of the interim Council and give effect to any conditions or terms contained in the court order.

(b) The interim Council must be appointed within 21 days after the dissolution of the Council and must be appointed for a period determined by the Minister or the court, which period may not exceed twelve months.

(6) (a) The Minister must from among the members of the interim Council designate a president of the interim Council who holds office as president for such period as the Minister may determine.

(b) The interim Council must elect a vice-president from among its members and the vice-president holds office as vice-president for such period as the interim Council may determine at the time of his or her appointment.

(7) The president of the interim Council may, at any time of his or her own accord, or must, at the written request of not fewer than four members, convene a special meeting of the interim Council.

(8) Four members of the interim Council form a quorum for a meeting of the interim Council.

(9) Sections 10, 11, 12 and 13 apply with the necessary changes required by the context in respect of the interim Council.

CHAPTER 3

Part 3

Conflict of interest, stability of Council members, validation of irregular acts by Minister and annual report

16. Constitution of members of Council

(1) A member of the Council may not be present during, or take part in, the discussion of, or the taking of a decision on, any matter before the Council in which that member or his or her

spouse, family member, business partner or associate or employer has a direct or indirect financial interest.

(2) Upon appointment or election of a person as a member of the Council, that person must submit to the president of the Council a written statement in which he or she declares whether or not he or she has any interest as contemplated in subsection (1).

(3) If any of the Council members acquires or contemplates acquiring an interest which could possibly be an interest contemplated in subsection (1), he or she must immediately in writing declare that fact to the president.

(4) If an organisation or enterprise in which the Council member has an interest contemplated in section (1) is requested to offer its services to the Council, the Council member must immediately, in writing, declare his or her interest to the president.

(5) Subsections (1), (2), (3) and (4) apply in respect to any interim Council as contemplated in paragraph (a) of subsection (5) of section 15.

17. Code of Conduct

The Code of Conduct contained in Schedule 1 applies to every member of the Council.

18. Liability of Council member

(1) A member of Council is not personally liable in respect of anything reflected in any report submitted by the Council to the Minister.

(2) A member of Council is not personally liable in respect of anything done or omitted in good faith in the exercise or the performance of a duty in terms of or by virtue of this Act, or in respect of anything that may result therefrom.

19. Remuneration of Members of Council

A member of the Council or interim Council is paid the remuneration and allowances approved by the Minister, after consultation with the Council or interim Council, as the case may be, as well as all the necessary and reasonable expenditure incurred in the performance of the functions of the Council of such member.

20. Validation of irregular acts by Minister

If anything required to be done under this Act in connection with the appointment or election of any member of the Council is omitted or is not done within the time or in the manner required by this Act or the rules the Minister may order the taking of steps required to be taken in order to rectify the omission or error, or may validate anything done in an irregular manner, in order to give effect to the objects of this Act.

21. Annual report

(1) The Council must submit an annual report on its activities to the Minister within three months after the financial statements of the Council has been approved by the Council.

(2) The Council shall cause the annual report referred to in subsection (1) to be published on the website of the Council.

CHAPTER 2**Part 4****Members of Council, committees of Council, delegation of powers and dissolution of Council****22. Meetings of Council**

(1) The Registrar must convene the first meeting of the newly constituted Council within 30 days after the appointment and election of its members.

(2) The Council must hold at least three meetings a year at venues which may be determined by the Council from time to time.

(3) The Council may, in addition to the meetings contemplated in subsection (2), hold further meetings at any venue as the Council may determine from time to time.

(4) Decisions of the Council may be taken on a round-robin basis as and when necessary.

- (5) The president may, at any time of his or her own accord, or must, at the written request of not fewer than five members, convene a special meeting of the Council.
- (6) The Registrar must attend all meetings of the Council.
- (7) The Registrar is responsible for the administrative and secretarial work incidental to the performance of the functions of the Council.

23. Quorum and procedure in meetings of Council

- (1) The majority of the members of the Council constitute a quorum at any meeting of the Council.
- (2) The Council must in the rules determine a procedure for convening meetings and the procedure for the conduct of meetings.
- (3) The Council must keep a record of its proceedings and decisions.
- (4) A decision of the majority of the members present of the Council constitutes a decision of the Council.
- (5) In the event of a deadlock in the voting the president has a casting vote in addition to a deliberative vote.

24. Establishment of executive committee and other committees of Council

- (1) The Council must at its first meeting establish an executive committee and all such permanent committees as contemplated under section 24 and determine such committees' powers and functions.
- (2) The executive committee consists of-
 - (a) the president and vice-president; and
 - (b) two other members of the Council appointed by the Council.
- (3) The Registrar shall ex officio be a member of the executive committee.
- (4) The member appointed under subparagraph (a) of subsection (1) of section 10 may not be appointed as a member of the executive committee.
- (5) The executive committee is responsible for the day to day performance of the powers, functions and responsibilities of the Council in between meetings of the Council.
- (6) The executive committee shall not have the power to set aside or amend any decision of the Council, and any act performed or decision taken by the executive committee shall be of force and effect unless it is set aside or amended by the Council at its next

ensuing meeting.

(7) The Council may direct the executive committee to perform such tasks as the Council considers appropriate.

(8) A member of the executive committee holds office for so long as he or she is a member of the Council, unless he or she is removed as a member of the executive committee by the Council,

or until his or her membership of the Council terminates in terms of this Act.

(9) (a) The president is ex officio chairperson of the executive committee for his or her term as member of Council.

(b) The vice-president is ex officio deputy chairperson of the executive committee for his or her term as member of the Council.

(10) A member appointed under paragraph (b) of subsection (2) shall serve as member of the executive committee for one year whereafter he or she may be re-appointed for a further term of one year.

(11) The executive committee may meet as often as it deems necessary and dispose of its business in the manner it considers appropriate.

(12) (a) The majority of the members appointed in terms of paragraph (a) or (b) of subsection (2) constitutes a quorum at any of its meetings.

(b) The executive committee must determine a procedure for convening meetings and the procedure for the conduct of meetings.

(c) The executive committee must keep a record of its proceedings and decisions.

(d) A decision of the majority of the members present at a meeting constitutes the decision of the executive committee.

(e) In the event of a deadlock in the voting the chairperson has a casting vote in addition to a deliberative vote.

(f) The Registrar shall not have any voting rights in respect to decisions taken by the executive committee.

25.

Committees of Council

(1) The Council must establish the following permanent committees each consisting of so many persons, appointed by the Council-

- (a) an audit, quality and risk committee;
- (b) an education and training committee;
- (c) a continuous professional development committee;
- (d) a legal and professional conduct committee; and
- (e) a fees and coding committee.

(2) Subject to subsection (3), a member of any committee established under subsection (1) shall serve as a member of such committee and such appointment may be renewed annually.

(3) Save for a committee established under paragraph (a) of subsection (1) the member of Council appointed to a committee

established under subsection (1) is the chairperson of such committee for the term appointed as member of Council.

(4) The committee established under paragraph (b) of subsection (1) must include at least one member of each approved training institution.

(5) The Council may establish any other ad hoc committee as it may deem necessary, each consisting of so many persons, appointed by the Council from the dental technology profession or such other persons as the Council may decide from time to time.

(6) The Council-

(a) must determine the terms of reference, powers and functions and constitution of a committee established in terms of subsection (1) or (5);

(b) must appoint a member of a committee as chairperson of such committee;

(c) may, on good cause shown and after complying with due process of law, remove a member of such committee at any time; and

(d) may determine such committees' procedure; and

(e) may at any time dissolve and reconstitute any such committee.

(7) The Council must, in the rules, determine the procedure for the conduct of meetings of such committee established under subsection (1) or (5).

(8) When constituting any committee of the Council the following factors must, as far as practicable, be taken into account-

(a) the racial and gender composition of South Africa;

(b) the objects of the committee in question; and

(c) representation of persons with disabilities.

26.

Delegation of Powers of Council

(1) The Council may resolve to delegate any of its powers to the executive committee.

(2) A delegation in terms of subsection (1)-

(a) is subject to any conditions and directions as the Council may

impose; and

(b) does not divest the Council of the responsibility for the exercise of the power or the performance of the power.

- (3) The Council may confirm, vary or revoke any decision taken in consequence of a delegation, but no variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.

27. **Dissolution of Council and attachment of records or information system of Council**

- (1) The Council may only be dissolved in terms of an Act of Parliament.
- (2) The records or information system of the Council may not be attached in execution by any judgement creditor pursuant to any judgment against the Council.

CHAPTER 3

Part 1

Appointment of Registrar and staff of Council

28. **Appointment of Registrar**

- (1) The Council must, after consultation with the Minister, appoint a Registrar.
- (2) The Registrar may be appointed only after-
 - (a) the Council has by notice in the Gazette and the media invited interested parties to apply, or be nominated for appointment;
 - (b) the Council has compiled a shortlist of suitable persons nominated or who have applied, in terms of subparagraph (a), who are eligible to be appointed as Registrar, and published such list in the Gazette for public comment for a period of not less than 30 days.
- (3) After receipt of the comments referred to in paragraph of subsection (2), and the evaluation of the persons referred to in that subsection, and subject to subsection (1), the Council must appoint the Registrar.
- (4) When appointing the Registrar in terms of subsection (1) the Council must take into account the following factors:
 - (a) such person's management experience;
 - (b) such person's relevant technical knowledge or experience of the dental technician profession; and
 - (c) such person's suitability and competence for the efficient

discharge of the Registrar's powers and duties under this Act.

(5) The Registrar is appointed on such conditions as may be agreed upon by the Council and the Registrar, including conditions providing for remuneration and allowances as the Council may determine.

(6) A person may not be appointed as Registrar if he or she-

(a) is an unrehabilitated insolvent;

(b) has not acquired South African citizenship in terms of Chapter 2 of the South African Citizenship Act, 1995 (Act 88 of 1995);

(c) has been removed from an office of trust on account of misconduct;

(d) has been convicted of-

(i) an offence for which he or she was sentenced to imprisonment without the option of a fine; or

(ii) theft, fraud, forgery or uttering a forged document, perjury, an offence under the Prevention and Combating of Corrupt Activities Act, 2004 (Act 12 of 2004), an offence under the Prevention of Organised Crime Act, 1998 (Act 121 of 1998) or any other offence involving dishonesty;

(e) has previously been a member of the Council;

(f) is a member of the current Council;

(g) is a political office bearer or appointed to the executive of any accredited association or dental technology stakeholder association;

(h) has been dismissed for misconduct from any employment or office of trust.

(7) The Registrar holds office on a full-time basis.

(8) The Registrar may not engage in any other paid employment and may not participate in any activity in respect of which he or she is in any way remunerated or receives any benefits or allowances without prior written approval of the Council.

(9) The Council may, in consultation with the Minister, at any time, discharge the Registrar from office-

(a) if he or she repeatedly fails to perform the duties of office efficiently;

(b) if he or she materially fails to comply with the conditions of the performance agreement entered into as contemplated in section 35;

(c) if, he or she, due to any physical illness, mental illness or any other cause becomes incapable of performing the functions of the office of Registrar or performs them inefficiently; or

(d) for misconduct; or

(e) becomes a political office bearer; or

- (f) becomes a member of the executive of any accredited association or stakeholder group in the dental technology profession.
- (10) The Registrar vacates his or her office immediately if he or she-
- (a) is convicted-

(i) whether in the Republic or elsewhere of murder, robbery, theft, fraud, forgery or uttering a forged document, perjury or any offence involving dishonesty; or

(ii) of any offence in terms of the Prevention and Combating of Corrupt Activities Act, 2004 (Act 12 of 2004), the Companies Act, 1973 (Act 61 of 1973), Prevention of Organised Crime Act, 1998 (Act 121 of 1998), or is convicted of contravening this Act;

(b) is convicted of an offence during his or her term of office and sentenced to a period of imprisonment without the option of a fine;

(c) becomes a political office bearer;

(d) becomes a member of the executive of any accredited association or stakeholder group in the dental technology profession; or

(e) has been permanently admitted in a health establishment for care, treatment and rehabilitation services as a mental health care user as defined in section 1 of the Mental Health Care Act, 2002 (Act 17 of 2002), or is a State patient as defined in section 1 of the Mental Health Care Act, 2002 (Act 17 of 2002).

(11) The Registrar may not delegate to any member of the Council or any committee of the Council any power, duty or responsibility assigned to him or her in terms of this Act.

29.

Duties of Registrar

(1) The Registrar is the head of the Council's administration and manages the day to day functioning and management of the Council.

(2) The Registrar must perform the powers, duties and responsibilities conferred or imposed upon him or her by this Act and such powers that may be delegated to him or her by the Council.

(3) In the exercise of the powers and performance of duties referred to in this Act, the Registrar is accountable solely and directly to the Council.

30.

Responsibilities of Registrar

(1) The Registrar-

- (a) may take any decision in the exercise of his or her powers;
- (b) is responsible for the submission to the Council of an annual report concerning the activities of the Council; and
- (c) is responsible to exercise all powers granted to and duties imposed on the Registrar in terms of this Act.

(2) The Registrar, subject to the directions of the Council, is responsible for-

- (a) the appointment of staff of the Council;
- (b) the organisation and management of the staff of the Council;
- (c) the formation and development of an efficient administration;
- (d) the establishment and maintenance of a register of all persons and institutions who are subject to registration under this Act;
- (e) the maintenance of discipline in respect of staff of the Council;
- (f) the effective utilisation of staff of the Council to achieve maximum operational results; and
- (g) such other responsibilities assigned by Council from time to time.

31.

(1) The Registrar must appoint inspectors in order to monitor and enforce regulatory compliance with the Act.

(2) The Registrar may on behalf of the Council, in the prescribed manner, issue any certificate, registration or authorisation required in terms of this Act.

32.

(1) The Registrar may-

- (a) delegate in writing management or other duties to employees with appropriate skills to assist the Registrar in the management and the control over the functioning of the Council;
- (b) delegate in writing any of the Registrar's powers or responsibilities in terms of this Act to an employee of the Council; or
- (c) instruct in writing an employee of the Council to perform any of the Registrar's duties or responsibilities in terms of this Act.

(2) A delegation under subsection (1)-

- (a) may be issued subject to any conditions the Registrar may impose; and
- (b) does not divest the Registrar of the power to exercise the

powers and perform the duties and responsibilities personally.

33. Appointments of acting Registrar

(1) When the Registrar is absent from the Republic or otherwise unable to fulfil the duties of the Registrar, he or she must, appoint a suitably experienced member of the staff of the Council to act as Registrar.

(2) The period of appointment of an acting Registrar in subsection (1) may not exceed 30 days.

(3) The Council must appoint an acting Registrar-

(a) during a vacancy in the office of Registrar;

(b) during any period of absence of the Registrar exceeding 30 days in terms of subsection (1); or

(c) for any other reason when the Registrar is unable to perform the functions of the office of Registrar.

(4) A person appointed in subsection (3) must not continue to act as Registrar for more than 12 months.

(5) A person appointed as acting Registrar as contemplated in subsection (1) or (3) has the responsibilities, powers and functions of the Registrar.

(6) A person appointed as acting Registrar as contemplated in subsection (3) for a period longer than 30 consecutive days must be paid such remuneration and allowances as the Council determines.

34. Consultation

The Registrar must in the performance of his or her functions and responsibilities consult with registered accredited associations, registered persons, bodies, forums or stakeholder organisations or committees engaged in the dental technology profession to attain the objects contemplated in section 5 of this Act.

35. Performance

During the term of office of the Registrar, he or she must not carry on any activity inconsistent with the performance of the Registrar's

duties and obligations under this Act.

36. Council and Registrar must enter into agreement about the performance by the Registrar of his or her functions, duties and responsibilities

- (1) The Council and the Registrar must in consultation enter into an agreement or agreements about the performance of the Registrar's functions in terms of this Act.
- (2) The agreements contemplated in subsection (1) must be in writing and relate to-
 - (a) the Council's requirements in respect of the Council's scope of business, efficiency and financial performance, and achievement of objectives;
 - (b) the principles to be followed by the Council for the purposes of business planning;
 - (c) such measures as may be necessary to protect the financial soundness of the Council;
 - (d) the principles to be followed at the end of a financial year in respect of any surplus in the accounts of the Council; and
 - (e) any other matter relating to the review of his or her duties and responsibilities and the attainment of the objectives as agreed to in the performance agreement.
- (3) A copy of the performance agreement must be open to inspection by the public at the head office of the Council during business hours.

37.

- (1) The Registrar, or a member of staff of the Council, must-
 - (a) perform his or her or their duties with honesty, care and diligence; and
 - (b) disclose any conflict of interest.
- (2) The Registrar, or a member of staff of the Council, must not-
 - (a) engage in any activity that may undermine the integrity of the Council;
 - (b) make private use of, or profit from, any confidential information obtained as a result of his or her appointment as Registrar or member of staff of the Council; or
 - (c) divulge any information referred to in paragraph (b) to any third party, except as required as part of his or her official functions within the Council as contemplated in the Act.

(3) The Registrar, or a member of staff of the Council must, on appointment, submit to the Council a written statement in which it is declared whether or not that member has any direct or indirect interest, financially or otherwise, which-

(a) may constitute a conflict of interest in respect of his or her functions as a member of staff of the Council; or

(b) could reasonably be expected to compromise the Council in the performance of its functions.

- (4) If the Registrar or any member of staff of the Council acquires an interest contemplated in subsection (3), he or she must immediately in writing declare that fact to the Registrar in the case of any staff member of Council and to the Council in the case of the Registrar.
- (5) The Registrar or a member of staff of the Council may not be present at, or take part in, the discussion of or the taking of a decision on any matter in which the Registrar or that member has an interest contemplated in subsection (3).
- (6) The Registrar must keep a register of the interests of members of staff disclosed in terms of subsection (3) and must update that register from time to time.
- (7) The register contemplated in subsection (6) must be open to inspection by the public at the head office of the Council during business hours.

38.**Correction of errors by Registrar**

- (1) The Registrar may authorize-
- (a) the correction of any clerical error or error in translation appearing in any document submitted or issued in terms of this Act, or in a register kept in terms of this Act;
 - (b) the amendment of any document for the amendment of which no express provision is made in this Act;
 - (c) the condonation or correction of any irregularity in procedure in any proceedings before him or her, if such condonation or correction is not detrimental to the interests of any person or the functioning of its office.
- (2) The Registrar may exercise the authority under subsection (1) of his or her own accord or upon request in writing.
- (3) Where the Registrar intends exercising his or her authority under subsection (1) of his or her own accord, he or she shall give notice of his or her intention to any person who in his or her opinion has an interest in the matter, and shall give such person an opportunity of being heard before exercising his or her authority.
- (4) The Registrar must keep a register of such corrections made

under subsection (1) and must report such corrections to the executive committee.

39. **Staff of Council**

(1) The Registrar in consultation with the Council may appoint such other employees as are necessary to enable the Council to properly carry out its functions.

(2) The Council pays its employees out of its funds such remuneration, allowances, subsidies and other benefits as determined and directed by the Council's remuneration policy.

40. Limitation of liability

No employee of the Council is liable in respect of anything done or omitted in good faith in the exercise of a power or the performance of a duty in terms of or by virtue of this Act, or in respect of anything that may result therefrom.

41. Duty of confidentiality

A person acting on behalf or under the direction of the Council, must, both during or after his or her term of office or employment, treat as confidential the personal information of members of the dental technology profession which comes to his or her knowledge in the course of the performance of his or her official duties, except if the communication of such information is required by law or in the proper performance of his or her duties.

42. Security of confidential information held by Council

(1) Subject to the Promotion of Access to Information Act, 2000 (Act 2 of 2000) and the Protection of Personal Information Act, 2013 (Act 4 of 2013) and other relevant legislation, no employee of the Council may disclose information submitted to the Council in connection with any registered person, registered laboratory or denture clinic, unless-

- (a) he or she is ordered to do so by a court of law; or
- (b) the person who made such application or give such instruction consents thereto in writing;
- (c) such person of necessity requires it for the performance of his or

her functions in terms of this Act;

(d) he or she is a person who of necessity supplies it in the performance of his or her functions in terms of this Act;

(e) such disclosure is made for purposes of monitoring, evaluating, investigating or considering activity relating to the Council, or a member of staff of the Council; or

(f) such information is disclosed to a competent authority which requires it for the institution, or an investigation with a view to the institution, of any criminal prosecution.

(2) No person may disclose information kept in any register in terms of this Act unless such disclosure is made in accordance with paragraph (a)-(f) of subsection (1).

(3) Where a disclosure contemplated in subsection (2) is to be made, the person concerned must be informed thereof timeously.

CHAPTER 4

Part 2

Funding and finances of Council and powers and responsibilities of
accounting officer of Council
43. Funding of Council
43. Funding of Council

- (1) The Council is funded from-
- (a) fees, including fees in respect of-
 - (i) continuous professional development;
 - (ii) special projects;
 - (iii) registration fees for all categories which requires registration in terms of the Act;
 - (iv) inspection fees;
 - (v) annual fees;
 - (vi) penalty fees;
 - (vii) exit level examination fees;
 - (viii) accreditation fees;
 - (ix) fees payable by authorised holders, dental traders, any person or juristic person required to register in terms of this Act; and
 - (x) regulatory monitoring and compliance fees; or
 - (xi) any other fees prescribed from time to time which is payable by any person or juristic person under this Act;
 - (b) interest on invested cash balances;
 - (c) loans granted in terms of subsection (2);
 - (d) money lawfully accruing from any other source;

- (e) any cost orders made in respect of disciplinary proceedings under Chapter 10 of this Act;
 - (f) fines paid or recovered in respect of an offence under this Act;
 - (g) administrative non-compliance penalty; and
 - (h) monies appropriated by Parliament.
- (2) The Council may raise money by way of loans.
- (3) (a) The Council may accept money or other goods donated or bequeathed to the Council, provided that no donation or bequest

may be accepted if such donation or bequest is in conflict with any of the functions, powers, duties and responsibilities of Council, conflicts with the fundamental values as enshrined in the Constitution or require the Council to render a countervailing performance as a requirement for the granting of such donation or bequest.

(b) Subject to the provisions of paragraph (a) of subsection (4) the Council must utilize any donations or bequests contemplated in paragraph (a) subsection (3) in accordance with the conditions (if any) imposed by the donor, testator or contributor in question.

(c) Details of any such donation or bequest shall be specified in the relevant annual report of the Council.

(5) All fees payable under this Act, shall be paid to the Council and shall constitute its funds, and the Council shall utilize its funds for defraying expenses incurred in connection with the performance of its functions.

(6) The Minister may, with the concurrence of the Minister of Finance, grant to the Council, out of money appropriated by Parliament, such amounts as he or she considers necessary in order to enable the Council to carry out its functions.

(7) The Council may invest any moneys not required for immediate use and may establish such reserve funds, and deposit therein such amounts, as it may deem necessary or expedient.

44.

Registrar-accounting officer of Council

(1) The Registrar is the accounting officer of the Council.

(2) As accounting officer the Registrar is responsible to administer –

- (a) all income and expenditure of the Council;
- (b) all revenue collected by the Council;
- (c) all assets and the discharge of all liabilities of the Council; and
- (d) oversee the proper and diligent implementation and adherence to sound financial management principles.

45.

Powers of accounting officer for funds of Council

(1) The Registrar-

(a) must deposit all monies received by the Council with a bank approved by the Council;

(b) may invest any monies of the Council which are not required for immediate use with a bank approved by the Council

or in such other manner as the Council may determine in the rules;

(c) is charged with the responsibility of accounting for money received or paid out for or on account of the Council; and

(d) must cause the necessary accounting and other related records to be kept, including proper records of all the assets and liabilities of the Council.

46. **Responsibilities of accounting officer**

(1) The Registrar as accounting officer must-

(a) keep full and proper records of all moneys received and expenses incurred by, and of all assets, liabilities and financial transactions of, the Council; and

(b) ensure that the Council has and maintains-

(i) effective, efficient and transparent systems of financial and risk management and internal control;

(ii) an appropriate procurement and provisioning system which is fair, equitable, transparent, competitive and cost-effective;

(iii) a system for properly evaluating all projects involving expenditure of capital prior to a final decision on the project;

(c) take effective and appropriate steps to-

(i) collect all moneys due to the Council;

(ii) prevent unauthorised, irregular or fruitless and wasteful expenditure and losses resulting from criminal conduct; and

(iii) manage available working capital efficiently and economically;

(d) take into account all relevant financial considerations, including issues of propriety, regularity and value for money, when policy proposals affecting the Registrar's responsibilities are considered and, when necessary, bring those considerations to the attention of the Council;

(e) be responsible for the management, including the safeguarding and the maintenance, of the assets and for the management of the liabilities of the Council;

(f) settle all contractual obligations and pay all moneys owing by the Council within 30 days of the due date or within a period to which the relevant creditor has agreed;

(g) ensure that expenditure of the Council is in accordance with the budget and decisions of the Council;

(h) keep full and proper records of the financial affairs of the Council in accordance with any prescribed norms and standards;

- (i) submit the financial statements of the Council within two months after the end of the financial year to an auditor for auditing;
- (j) submit within four months after the end of a financial year to the Council-
 - (i) an annual report on the activities of the Council during that financial year;
 - (ii) the financial statements for that financial year after those financial statements have been audited; and
 - (iii) an independent auditor's report on those financial statements.

47.

Accounting officer responsibilities relating to budgetary control

- (1) The accounting officer is responsible for ensuring that-
 - (a) expenditure of the Council is in accordance with the budget of the Council; and
 - (b) effective and appropriate steps are taken to prevent unauthorised expenditure.
- (2) The accounting officer, for the purposes of subsection (1), must-
 - (a) take effective and appropriate steps to prevent any overspending of the budget of the Council;
 - (b) report to the Council any impending-
 - (i) under collection of revenue due;
 - (ii) shortfalls in budgeted revenue; and
 - (iii) overspending of the Council's budget; and
 - (c) comply with any remedial measures imposed by the Council to prevent overspending of the budget.
- (3) The accounting officer of the Council may utilise a saving in the amount appropriated under one budget item towards the defrayment of excess expenditure under another budget, unless the Council directs otherwise.

48.

Duties of accounting officer in relation to bookkeeping and auditing of funds of Council

(1) The accounting officer shall cause proper records to be kept of all moneys received or expended by it, of all its assets and liabilities and of all financial transactions entered into by it, and shall as soon as possible after the end of each financial year cause statements of account and a balance sheet to be prepared showing, with all appropriate particulars, the moneys received

and the expenditure incurred by it during, and its assets and liabilities at the end of, that financial year.

(2) (a) The records, statements of account and balance sheet of the Council shall be audited by a person registered as an accountant and auditor under the Auditing Profession Act, 2005 (Act 26 of 2005), and appointed by the Council.

(b) Copies of such documents so audited shall be open for inspection at the office of the Council during office hours by persons who are registered in terms of this Act.

49.

Fidelity responsibilities of accounting officer

(1) The accounting officer and other officials with responsibility under this Chapter must-

(a) act with fidelity, honesty, integrity and in the best interests of the Council in managing its financial affairs;

(b) disclose all material facts which are available to that person or reasonably discoverable, and which in any way might influence any decision or action in terms of this Act; and

(c) seek to prevent any prejudice to the financial interests and good reputation of the Council.

(2) For the purposes of paragraph (b) of subsection (1), any disclosure must be made-

(a) in the case of the accounting officer to the Council; and

(b) in the case of any other person, to the accounting officer.

(3) No person having any responsibility under this Act-

(a) may act in a way that is inconsistent with the Act; or

(b) may use their position or any confidential information obtained in the exercise of their responsibilities for personal gain or to benefit improperly themselves or any other person.

50.

Delegation of powers by accounting officer

(1) The accounting officer may-

(a) in writing delegate any of his or her powers as accounting

officer to a suitably experienced member of staff of the Council; or

(b) instruct any member of staff of the Council to perform any of the duties assigned to the accounting officer in terms of this Act.

(2) A delegation or instruction to a member of staff of the Council in terms of subsection (1)-

(a) is subject to any limitations and conditions prescribed in terms of this Act or as the Council may impose;

(b) is subject to any limitations and conditions the accounting officer may impose;

(c) may either be to a specific individual or to the holder of a specific post in the relevant department of the Council; and

(d) does not divest the accounting officer of the responsibility concerning the exercise of the delegated power or the performance of the assigned duty.

(3) The accounting officer may confirm, vary or revoke any decision taken by a member of staff of the Council as a result of a delegation or instruction in terms of subsection (1), subject to any rights that may have become vested as a consequence of the decision.

51. **Acting accounting officer**

If the post of Registrar is vacant, or if the Registrar is unable to perform the functions of the post, the acting Registrar shall be the accounting officer of the Council for the period of his or her appointment as acting Registrar.

CHAPTER 3

Part 3

Unauthorised, irregular or fruitless and wasteful expenditure, procurement management policy, prohibition on contracts and interference with members of Council and staff

52. **Unauthorised, irregular or fruitless and wasteful expenditure**

(1) Without limiting liability in terms of common law or other legislation-

(a) a member of the Council is liable for unauthorised expenditure if that member knowingly or after having been advised by the Registrar that the expenditure is likely to result in unauthorised expenditure instructed an official of the Council to incur such expenditure;

(b) the Registrar is liable for unauthorised expenditure deliberately

or negligently incurred by him or her, subject to subsection (3);

(c) any member of the Council who deliberately or negligently made or authorised an irregular expenditure is liable for that expenditure;

or

(d) any member of the Council who deliberately or negligently made or authorised a fruitless and wasteful expenditure is liable for that expenditure.

(2) The Council must recover unauthorised, irregular or fruitless and wasteful expenditure from the person liable for that expenditure, unless the expenditure-

(a) in the case of unauthorised expenditure, is-

(i) authorised in an adjustments budget; or

(ii) certified by the Council, after investigation by a Council committee, as irrecoverable and written off by the Council; and

(b) in the case of irregular or fruitless and wasteful expenditure, is, after investigation by a Council committee, certified by the Council as irrecoverable and written off by the Council.

(3) If the Registrar becomes aware that the Council, or the executive committee, as the case may be, has taken a decision which, if implemented, is likely to result in unauthorised, irregular or fruitless and wasteful expenditure, the Registrar is not liable for any ensuing unauthorised, irregular or fruitless and wasteful expenditure, provided that the Registrar has informed the Council or the executive committee, in writing, that the expenditure is likely to be unauthorised, irregular or fruitless and wasteful expenditure.

(4) The Registrar must promptly inform the president in writing-

(a) of any unauthorised, irregular or fruitless and wasteful expenditure incurred by the Council;

(b) whether any person is responsible or under investigation for such unauthorised, irregular or fruitless and wasteful expenditure; and

(c) of the steps that have been taken-

(i) to recover or rectify such expenditure; and (ii) to prevent a recurrence of such expenditure.

(5) Disciplinary proceedings must be instituted against a person charged with the commission of an offence relating to unauthorised, irregular or fruitless and wasteful expenditure whether or not it is written off in terms of subsection (2).

(6) The Registrar must report to the South African Police Service all cases of alleged-

(a) irregular expenditure that constitute a criminal offence; and

(b) theft and fraud that occur in the Council.

(7) The Council must take all reasonable steps to ensure that all

cases referred to in subsection (6) are reported to the South African Police Service if-

- (a) the charge is against the Registrar; or
- (b) the Registrar fails to comply with subsection (6).