

Offences and  
penalty.

**21** No person shall—

- (a) make, or cause to be made, or produce or cause to be produced, for the purposes of or in connection with the procuring of any certificate of registration or interim certificate of registration under this Act, any false or fraudulent declaration, certificate, representation, or information, either in writing or otherwise;
- (b) fail or refuse to comply with any lawful direction or requirement of the Board under this Act; or
- (c) contravene or fail to comply with any provision of this Act which is applicable to him.

Penalty: Fifty pounds.

Regulations.

**22** The Governor may make regulations prescribing all matters which are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to the provisions of this Act, and the regulations may impose penalties (not exceeding twenty pounds) for any breaches thereof.

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## PHYSIOTHERAPISTS' REGISTRATION.

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No. 75 of 1951.

AN ACT to make provision for the registration of Physiotherapists; for the constitution of a Physiotherapists Registration Board; and for matters incidental thereto. [18 December, 1951.]

**B**E it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title  
and com-  
mencement.

**1**—(1) This Act may be cited as the *Physiotherapists' Registration Act 1951*.

(2) This Act shall commence on a date to be fixed by proclamation.

**2—(1)** In this Act, unless the contrary intention appears—

“Association” means the body of persons known as Australian Physiotherapy Association (being the body of persons formerly known as the Australian Massage Association);

Interpretation.  
Cf. No. 9,  
1945 N.S.W.  
s. 2, No. 38 of  
1945 S.A.,  
s. 4.

“Board” means the Physiotherapists' Registration Board constituted under this Act;

“physiotherapy” means the external application to the human body, for the purpose of curing or alleviating any abnormal condition thereof, of manipulation, electricity, heat, light, or any proclaimed treatment, but does not include the application of any medical or surgical appliance, except so far as the application of that appliance is necessary in the use, for the said purpose, of manipulation, electricity, heat, light, or any proclaimed treatment;

“proclaimed treatment” means any treatment or method of practising physiotherapy declared by the Governor, by proclamation, to be a proclaimed treatment for the purposes of this Act;

“register” means the register of physiotherapists under this Act;

“Secretary” means the Secretary to the Board.

**3—(1)** For the purposes of this Act there shall be a Board, to be known as the Physiotherapists' Registration Board, constituted as provided by this section.

Physiotherapists' Registration Board.  
N.S.W. ss. 4,  
6, 7. S.A. s.  
9, 12.

(2) The Board shall consist of five members appointed by the Governor, one of whom shall be appointed as the President of the Board.

(3) Of the members of the Board—

(a) two shall be duly qualified medical practitioners, nominated by the Tasmanian Branch of the British Medical Association, of whom one at least shall be a person practising as a surgeon;

(b) two shall be persons (not being duly qualified medical practitioners) actively engaged in this State in the practice or teaching of physiotherapy and nominated by the Tasmanian Branch of the Association; and

(c) one shall be a person nominated by the Minister.

(4) If any nomination required by this section is not made within six weeks after notice, in writing, to nominate a person for appointment to the Board is given by the Minister to the body of persons entitled to make the nomination the Governor may, without any nomination, appoint as and to be a member of the Board any person possessing the necessary qualifications.

(5) The members of the Board shall not, as such, be subject to the provisions of the *Public Service Act 1923\**, or be employees for the purposes of the *Superannuation Act 1938†*.

(6) Subject to this Act, the members of the Board shall hold office for the term of three years.

(7) Where any member has completed two successive terms of office he shall not be eligible for reappointment until the expiration of three years after the date on which he completed the second of those terms of office.

Incorporation of Board.

**4**—(1) The Board shall be a body corporate, having perpetual succession and a common seal, and may sue and be sued in its corporate name and do and suffer all such acts and things as bodies corporate may by law do and suffer.

(2) The seal of the Board shall not be affixed to any document except by resolution of the Board, and every sealing shall be authenticated by the signatures of any two members of the Board and the Secretary.

Remuneration of members of Board.  
N.S.W., s. 9.  
S.A., s. 20.

**5** Each member of the Board shall be entitled to be paid such fees (if any), and such travelling and out of pocket expenses, as the Governor may approve.

Vacation of office.  
N.S.W., s. 11.  
S.A., s. 16.

**6**—(1) The office of a member of the Board shall become vacant—

(a) upon—

- (i) the expiration of his term of office; or
- (ii) his attaining the age of sixty-five years;

or

(b) if he—

- (i) dies;
- (ii) resigns his office by writing under his / hand addressed to the Minister;
- (iii) becomes of unsound mind;
- (iv) is absent, without the leave of the Board, from three consecutive meetings of the Board;

\* 13 Geo. V. No. 25. For this Act, as amended to 1947, see Appendix C to the Annual Volume of the Statutes for 1948 (12 & 13 Geo. VI.). Subsequently amended by No. 36 of 1949.

† 2 Geo. VI. No. 41, as amended by 3 Geo. VI. Nos. 5 and 18, 4 Geo. VI. Nos. 17 and 43, 6 Geo. VI. Nos. 12 and 71, 7 Geo. VI. No. 35, 8 & 9 Geo. VI. No. 39, 10 Geo. VI. No. 7, 11 Geo. VI. No. 65, No. 24 of 1948, and No. 72 of 1950.

- (v) being a member appointed under paragraph (b) of subsection (3) of section three, has his registration under this Act suspended or his name, for any reason, removed from the register;
- (vi) becomes bankrupt or applies to take or takes the benefit of any law relating to bankrupt or insolvent debtors;
- (vii) is convicted of any crime, or, upon being convicted of any offence which is not a crime, is sentenced to any term of imprisonment without the option of a fine; or
- (viii) is removed from office by the Governor for incapacity or misconduct.

(2) Where any vacancy occurs in the office of any member of the Board, otherwise than by reason of the effluxion of time, the Governor may appoint a person to fill the vacancy, and the person so appointed shall, subject to this Act, hold office for the remainder of the term of office of the member in whose place he is appointed.

**7**—(1) The first meeting of the Board shall be held at such time and place as the Minister directs, and thereafter the Board shall meet as and when the Board determines.

Proceedings  
of Board.  
N.S.W., s. 14,  
S.A., ss. 18,  
23.

(2) The President, when present, shall preside at all meetings of the Board.

(3) In the absence of the President from any meeting of the Board, another member, chosen for the purpose by the majority of members present at that meeting, shall preside.

(4) The President, or as the case may be, the other member presiding at any meeting of the Board, shall have a deliberative vote.

(5) Any question arising at any meeting of the Board shall be determined by a majority of the votes of the members present and voting on that question and, in the event of an equality of voting on any question, the President, or, as the case may be, the other member presiding at the meeting, shall have a second or casting vote.

(6) Any three members shall constitute a quorum for the transaction of the business of any meeting of the Board, and the Board may function, notwithstanding any vacancy in its membership, so long as a quorum remains.

(7) Subject to this section, the Board may regulate its own procedure.

**8**—(1) The Board may, with the approval of the Minister, appoint a person as the Secretary to the Board and such other officers as the Board may consider necessary for the

Secretary and  
officers.  
N.S.W., s. 18.  
S.A., s. 24.

administration of this Act, and may pay to the Secretary and other officers such remuneration as the Board may, with the approval of the Minister, determine.

(2) The Board may, in lieu of itself appointing a person as the Secretary to the Board, request the Minister to arrange for the appointment of an officer of the Public Service as the Secretary to the Board, and, if any officer of the Public Service is so appointed, he may hold office as Secretary in conjunction with his office as an officer of the Public Service; but no person who is subject to the provisions of the *Public Service Act 1923\** shall be so appointed except upon the recommendation of the Public Service Commissioner.

(3) For the purposes of this Act, the Board may, with the approval of the Governor upon the recommendation of the Public Service Commissioner, make use of the services of any officers of the Public Service.

Obligation to register.  
N.S.W., s. 26,  
S.A., s. 35.

**9**—(1) After the expiration of three months after the commencement of this Act, no person who is not registered under this Act shall—

- (a) carry on the practice of physiotherapy at any place in this State, or take or use the name or title of physiotherapist;
- (b) take or use any name, initials, word, title, addition, symbol, or description which, having regard to the circumstances in which it is taken or used, indicates, or is capable of being understood to indicate, or is calculated to lead persons to infer, that he is registered under this Act; or
- (c) except in such cases, and upon and subject to such conditions, if any, as are prescribed by or under this Act, administer to any person any physiotherapeutic treatment (whether or not the administration of that treatment, in the circumstances of any particular case, constitutes the carrying on of the practice of physiotherapy).

(2) Any person who contravenes any of the provisions of this section shall be liable to a penalty of fifty pounds, together with a daily penalty of one pound, in the case of a continuing offence.

Qualifications for registration.  
N.S.W., s. 21,  
S.A., s. 38.

**10**—(1) Any person who proves to the satisfaction of the Board that he is of good character and has attained the age of twenty years, shall be entitled, after applying to the Board in that behalf, to be registered under this Act if—

- (a) he has completed the prescribed course of training and passed the prescribed examination, or, in the case of a blind person, he has completed the prescribed special course of training and passed the prescribed special examination;

\* 13 Geo. V. No. 25. For this Act, as amended to 1947, see Appendix C to the Annual Volume of the Statutes for 1948 (12 & 13 Geo. VI.). Subsequently amended by No. 35 of 1949.

- (b) at the date of the commencement of this Act, he has completed the course of training conducted by, and received the Diploma of, the Association;
- (c) prior to the date of the commencement of this Act, he had entered upon the course of training conducted by the Association and subsequent to such commencement received the Diploma of the Association;
- (d) he is the holder of a recognised certificate and has passed such examination as the Board may, in any particular case, require;
- (e) he establishes to the satisfaction of the Board that, prior to the commencement of this Act, he has been engaged in good faith in the practice of physiotherapy in this State, for at least two years during the period of three years immediately preceding such commencement.

(2) In this section "recognised certificate" means any certificate, diploma, membership, degree, licence, letters, testimonial, or other title, status, or document granted by any association or institution in the United Kingdom or in any country, whether a British possession or not, other than this State, which is declared by the Board, by resolution, to be recognised by it as furnishing sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of physiotherapy.

(3) An application for registration under this Act shall be in writing in the prescribed form and shall be accompanied by the prescribed fee.

(4) If any application under this section is refused by the Board, the Secretary shall, forthwith after the refusal thereof, notify the applicant, in writing, of the refusal of the application and of the reasons therefor.

**11**—(1) Every person registered under this Act shall, on or before the thirty-first day of January in each year, pay to the Secretary an annual fee of such amount as may be prescribed. Annual fee. N.S.W., s. 22. S.A., s. 42.

(2) If any person registered under this Act fails to pay the annual fee mentioned in subsection (1) of this section on or before the thirty-first day of January in any year, the Board shall forthwith notify him by registered letter, addressed to him at his address as shown in the register, that if the fee is not paid before the first day of April next following, his name will be removed from the register, and if any person who has been so notified fails to pay the fee before the first day of April in that year the Board shall remove his name from the register.

(3) Where the name of any person is removed from the register pursuant to this section, the Board shall, upon application in the prescribed form, restore that person's name to the register upon the payment by him of such fee as is prescribed in that behalf.

(4) Every person required by this section to pay to the Secretary an annual fee shall, at the time of paying every such fee, furnish to the Secretary, for entry in the register, particulars of that person's address.

(5) Where the name of any person has been removed from the register pursuant to this section that person shall, until his name has been restored thereto, be deemed to be a person not registered under this Act.

Register of  
Physio-  
therapists.

N.S.W., s. 20,  
S.A., s. 26.

**12**—(1) The Board shall keep a register, to be called the "Register of Pyhsiotherapists."

(2) A person shall be registered by the entering in the register of—

- (a) his full name and address;
- (b) the date upon which he is registered; and
- (c) particulars of the qualification or qualifications in respect of which his registration is granted.

(3) In addition to the matters specified in subsection (2) of this section, there may, subject to the payment of any fee which may be prescribed in relation thereto, be entered in the register in respect of any person registered under this Act—

- (a) particulars of such additional qualifications possessed by that person as the Board may direct to be so entered;
- (b) particulars of any certificate, diploma, membership, degree, licence, letters, testimonial, or other title, status, document, or description which that person is authorised by the Board to use in relation to himself as a physiotherapist or in the practice of his calling as a physiotherapist; and
- (c) such other particulars and matters as are directed by the Board, or are authorised or required by or under this Act, to be so entered.

(4) The register shall, at all reasonable times, be open to inspection at the office of the Board by any person on payment of the prescribed fee.

(5) The Secretary shall, in the month of January in each year, transmit a certified copy of the register to the Minister, and, if the Minister so directs, that copy shall, as soon as practicable after the receipt thereof by the Minister, be published in the *Gazette*.

(6) The register shall be revised and corrected as prescribed or as the Board may direct.

Removal of  
names of  
deceased  
physio-  
therapists,  
&c.

N.S.W., s. 23,  
S.A., s. 29.

**13** The Board shall cause to be removed from the register the name of—

- (a) every deceased physiotherapist;
- (b) every physiotherapist who has ceased to possess, or who, in the opinion of the Board, does not possess, the qualifications in respect of which he was registered;

- (c) every physiotherapist who has become of unsound mind; and
- (d) any person who has not been resident in this State for three years and who has not paid the annual fee payable under section eleven in respect of the year then current.

**14—(1)** Where a person registered under this Act—

- (a) has been convicted, either in this State or elsewhere, of any offence which, if committed in this State, would have been a crime;
- (b) has been guilty of habitual drunkenness or of addiction to any deleterious drug; or
- (c) has been adjudged by the Board, after an inquiry, to have been guilty of misconduct in a professional respect,

Removal of name on account of misconduct, &c.  
N.S.W. ss. 24, 28.  
S.A., s. 32.

the Board may remove his name from the register or may suspend his registration for such period as the Board may think fit.

(2) Notwithstanding the provisions of subsection (1) of this section, where a person has been convicted of any offence, his name shall not be removed from the register and his registration shall not be suspended on account thereof if the offence does not, either from its trivial nature or from the circumstances under which it was committed, render that person unfit, in the public interest, to engage in the practice of physiotherapy.

(3) In the case of a charge of misconduct in a professional respect, the Board shall inquire fully into the charge and, for the purposes of any such inquiry, shall sit as in open court, and the person charged shall be afforded an opportunity of defence, either in person or by a legal practitioner.

(4) For the purposes of any inquiry under this section, the Board shall have and may exercise all the powers and authority conferred or imposed upon persons holding inquiries on commission by Division II. of Part II. of the *Evidence Act 1910\** but no person called as a witness upon any such inquiry shall be compelled to answer any question criminating or tending to criminate him.

(5) Every person, other than a police officer, who makes a complaint to the Board alleging misconduct in a professional respect against any person, shall deposit with the Board the sum of five pounds at the time of lodging his complaint.

(6) If, after considering any such complaint, the Board is of opinion that the complaint is vexatious or frivolous in its nature, it shall so declare, and thereupon the sum deposited

\* 1 Geo. V. No. 20. For this Act, as amended to 1936, see Reprint of Statutes, Vol. III., p. 751. Subsequently amended by 6 Geo. VI. No. 64, 7 Geo. VI. No. 40, and 10 Geo. VI. No. 11.



with the Board pursuant to subsection (4) of this section shall be forfeited to the Board; but in the absence of such a declaration the sum so deposited shall be refunded to the complainant.

(7) Where the name of any person is removed from the register, or the registration of any person is suspended, under the provisions of this section, the Secretary shall enter in the register a memorandum of that fact and of the date and cause thereof; and shall forthwith after entering that memorandum in the register, notify that person, in writing, of the removal of his name from the register or, as the case may be, the suspension of his registration.

**Appeals.**

**15**—(1) Any person aggrieved by the removal of his name from the register or, as the case may be, by the suspension of his registration, or by any refusal or failure to register him, may, within three months after the date on which notice is given to him by the Secretary that his name has been so removed or his registration suspended, or within six months after the date on which he applied to be registered, as the case may be, whichever is the later, appeal against the removal or suspension, or the refusal or failure, as the case may be, to the Supreme Court, which shall have jurisdiction to hear and determine the appeal.

(2) Every appeal under this section shall be instituted, heard, and determined in accordance with the provisions of the rules of court relating to appeals from statutory tribunals (other than courts).

**Restoration of  
name to  
register.  
N.S.W., s. 25.**

**16**—(1) Where the Board directs the removal from the register of the name of any person, the name of that person shall not be again entered on the register, except by direction of the Board or by order of the Supreme Court.

(2) The Board may, if it thinks fit in any case, direct the Secretary to restore to the register any name removed therefrom without fee, or on payment of the prescribed fee, and the Secretary shall restore the name accordingly.

**False entries  
in Register,  
misrepresent-  
ation, &c.  
N.S.W., s. 27.  
S.A. 43.**

**17** No person shall—

- (a) wilfully make or cause to be made any false entry in, or falsification of, the register;
- (b) wilfully procure the registration under this Act, either of himself or of any other person, by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either verbally or in writing.

**Penalty:** One hundred pounds or twelve months' imprisonment.

**18** All complaints in respect of offences against this Act shall be laid by the Secretary or by some other person appointed by the Board for the purpose, either generally or in any particular case, or by a police officer.

Complaints:  
By whom to  
be laid.  
N.S.W., s. 29.

**19**—(1) A document purporting to be a certificate under the hand of the Secretary and stating that—

Evidentiary  
provisions.  
N.S.W., ss. 30,  
31.

- (a) any person was or was not, on any date or during any period mentioned in the certificate, registered under this Act; or
- (b) on any date or during any period mentioned in the certificate, the registration under this Act of any person was suspended,

shall in all courts and before all persons and tribunals acting judicially, be *prima facie* evidence of the facts therein stated.

(2) *Prima facie* evidence of any entry in the register may be given in all courts and before all such persons and tribunals by the production of a—

- (a) document purporting to be a true copy of that entry, and purporting to be certified as such by the Secretary; or
- (b) copy of the register purporting to be printed by the Government Printer which is, for the time being, the latest copy so printed.

(3) Any entry in the register shall be *prima facie* evidence in all courts and before all such persons and tribunals of the truth of all matters contained in it.

**20** Any person who contravenes any of the provisions of this Act for which no penalty is provided elsewhere in this Act shall be liable to a penalty of fifty pounds.

General  
penalty.  
N.S.W., s. 29.

**21**—(1) All fees payable and penalties recovered under this Act shall be paid to the Secretary,

Appropriation  
of fees and  
penalties.

(2) The amount of all such fees and penalties shall be paid by the Secretary into the Consolidated Revenue.

N.S.W., s. 32.

**22** All costs and expenses incurred by the Board in the administration of this Act shall be defrayed out of moneys to be provided by Parliament for the purpose.

Expenses of  
Adminis-  
tration.

**23** No matter or thing done or suffered, in good faith, by the Board, or by any member or officer of the Board, or by the Secretary, in the execution, or intended execution, of this Act, or the exercise or discharge, or intended exercise or discharge, of any of its or his powers, functions, or duties under this Act, shall subject the Board or that member or officer or the Secretary, as the case may be, to any liability in respect thereof.

Indemnity.  
N.S.W., s. 17.

Non-applica-  
tion of act  
to certain  
persons.

Cf. S.A., s. 6.

**24**—(1) This Act shall not apply to or in respect of any duly qualified medical practitioner.

(2) No person shall be required to be registered under this Act, by reason only of the fact that he—

- (a) practices face massage or scalp massage for cosmetic purposes only;
- (b) applies massage to persons engaged in playing or training for any game, sport, or athletics, for the purpose of training those persons; or
- (c) being a person registered under the *Nurses' Registration Act 1927\**, applies any physiotherapeutic treatment to any person—
  - (i) in pursuance of, and in conformity with, any instructions or directions given by any duly qualified medical practitioner; or
  - (ii) under the personal supervision of a duly qualified medical practitioner or of a person registered under this Act.

Regulations.  
N.S.W., s. 33.

**25**—(1) The Governor may make regulations prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to the provisions of this Act, and in particular—

- (a) prescribing the manner in which a complaint or charge of misconduct in a professional respect may be preferred to the Board;
- (b) prescribing the procedure to be followed at, and any matters incidental to, the holding of any inquiry by the Board in respect of any such complaint or charge;
- (c) prescribing the course of training for all persons desiring to be registered under this Act, including any special courses required for the training of blind persons;
- (d) regulating the supervision and conduct, and prescribing the standard, of examinations (including special examinations for blind persons) and the remuneration of examiners;
- (e) regulating, controlling, supervising, and restricting the practice of persons registered under this Act; and
- (f) providing for the custody of the common seal of the Board.

(2) The regulations may impose penalties (not exceeding twenty pounds) for any breaches thereof.

\* 18 Geo. V. No. 8. For this Act as amended to 1936, see Reprint of Statutes, Vol. V., p. 401. Subsequently amended by 9 Geo. VI. No. 29, 11 Geo. VI. Nos. 26 and 55, No. 19 of 1948, Nos. 8 and 42 of 1949, and No. 39 of 1950.