

PHYSIOTHERAPISTS REGISTRATION (AMENDMENT) BILL.

*Schedule of the Amendment referred to in Legislative Council's
Message of 1 October, 1959.*

Page 6, clause 2, line 30. Omit "six" insert "**twelve**".

1914

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
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This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 17 September, 1959.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with an Amendment.

J. R. STEVENSON,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 1 October, 1959.*

New South Wales



ANNO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. , 1959.

An Act to prohibit, subject to certain exemptions the practice of physiotherapy by unregistered persons; for this and other purposes to amend the Physiotherapists Registration Act, 1945, as amended by subsequent Acts; and for purposes connected therewith.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Physiotherapists Registration (Amendment) Act, 1959".

Short title,
citation and
commence-
ment.

67387 21—A

(2)

NOTE.—The word to be omitted is ruled through; that to be inserted is printed in black letter.

Physiotherapists Registration (Amendment).

(2) The Physiotherapists Registration Act, 1945, as amended by subsequent Acts and by this Act, may be cited as the Physiotherapists Registration Act, 1945-1959.

(3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Physiotherapists Registration Act, 1945, as amended by subsequent Acts, is amended—

Amendment of Act No. 9, 1945.

(a) (i) by omitting from section two the definition of "Physiotherapy" and by inserting in lieu thereof the following definition—

Sec. 2. (Interpretation.)

"Physiotherapy" means the use by external application to the human body of massage, being the manipulation of the soft tissues of the human body, passive movements, remedial exercises, muscle re-education, electricity, heat, light, sound, water, ultrasonic therapy apparatus, or any proclaimed method, for the purpose of curing or alleviating any abnormal condition of the human body, and includes the application of any medical or surgical appliance so far as the application of such appliance is necessary in the use as aforesaid of massage, passive movements, remedial exercises, muscle re-education, electricity, heat, light, sound, water, or any proclaimed method.

(ii) by inserting at the end of the same section the following new definition :—

"Ultrasonic therapy apparatus" means any apparatus employing ultrasonic mechanical vibrations that is capable of being used for the treatment of the human body by way of physiotherapy.

(b)

Physiotherapists Registration (Amendment).

(b) by inserting at the end of section eighteen the following new subsection :—

Sec. 18.
(Appoint-
ments.)

(2) For the purpose of ascertaining—

cf. Act No.
10, 1934, s. 5
(2).

- 5 (a) whether any provision of this Act or the regulations has been or is being contravened by any physiotherapist; or
- (b) whether a physiotherapist is so conducting himself as to be guilty of misconduct in a professional respect,

10 an inspector duly appointed under this section may enter any premises of any physiotherapist in which such physiotherapist is carrying on the practice of physiotherapy and may make such inquiries therein as such inspector may think fit.

15 (c) by inserting next after section twenty-one the following new section :—

New sec.
21A.

20 21A. (1) When a person has applied to be registered, the President of the Board, or, in his absence from the City of Sydney, any other member of the Board authorised generally in that behalf by the Board, upon being satisfied that such person :—

Certificate
of
provisional
registration
may be
granted.

cf. Act No.
37, 1938,
s. 20.

(a) is entitled to be registered under this Act; or

25 (b) (i) is of good character;

(ii) has attained the age of twenty years;

30 (iii) is entitled to a diploma or a certificate of competency in physiotherapy obtained by examination after a course of study and training from any body in New South Wales recognised by the Board for the purpose of paragraph (d) of subsection one of section twenty-one of this Act; and

(iv)

Physiotherapists Registration (Amendment).

5 (iv) will have such diploma or certificate of competency conferred upon or granted to him in due course according to the practice in conferring diplomas or granting certificates of competency, as the case may be, of the body so recognised from which he is to obtain such diploma or certificate of competency,

10 may on payment of the fee to be paid for registration, prescribed under paragraph (g) of subsection one of section thirty-three of this Act, grant to such person a certificate of provisional registration in or to the effect of the prescribed form.

15 (2) Where a person has obtained a certificate of provisional registration he shall be deemed to be registered under this Act until—

(a) the date stated in such certificate as the date upon which the certificate expires, or
(b) such later date as is fixed by the Board,
20 the date so stated or fixed being not later than three months after the granting of such certificate :

25 Provided that if the Board, before the date so stated or fixed, has reason to believe that such person is not entitled to be registered under this Act, it may, without prejudice to his application to be registered under this Act, cancel such certificate; and such person shall thereupon cease to be deemed to be registered under this Act.

30 (3) If a person to whom a certificate of provisional registration has been granted becomes registered under this Act, his registration shall, unless otherwise decided by the Board, date from the granting of such certificate.

(d)

Physiotherapists Registration (Amendment).

(d) by inserting next after subsection one of section twenty-four the following new subsections :—

Sec. 24.
(Removal
of name on
account of
misconduct,
etc.)

5 (1A) Without limiting the meaning of the expression "misconduct in a professional respect" in subsection one of this section, a physiotherapist shall be guilty of such misconduct who—

- 10 (a) carries on the practice of physiotherapy under a name other than his own name except whilst he is acting as the duly appointed locum tenens of another physiotherapist; or
- 15 (b) allows the use of his name in connection with the practice of physiotherapy at premises at which he or his duly appointed locum tenens is not in regular attendance for the purpose of practice and supervision during the hours in which such premises are open for the practice of physiotherapy; or
- 20 (c) allows any person, not being a physiotherapist, to practise physiotherapy in contravention of the provisions of section twenty-six of this Act at premises used by him or his duly appointed locum tenens for the purpose of carrying on the practice
- 25 of physiotherapy; or
- (d) advertises otherwise than in accordance with the regulations or advertises in contravention of the regulations; or
- 30 (e) for fee, salary, or other reward is employed by or associates himself with a person, not being a physiotherapist or a medical practitioner, in carrying on the practice of physiotherapy. In this paragraph "person" includes a body or corporation, but does
- 35 not include—

(i) the Crown;

(ii)

Physiotherapists Registration (Amendment).

- (ii) a public hospital or charitable or philanthropic institution;
- 5 (iii) a society registered under the Friendly Societies Act, 1912, or any amendment thereof;
- (iv) any body or corporation which upon application made for the purpose has been approved by the Board.

10 The approval of the Board referred to in subparagraph (iv) of this paragraph shall not be granted unless the Board is satisfied that the interests of the public generally or any section of the public, other
15 than physiotherapists, warrant the granting of such approval. Any such approval may be granted subject to any terms and conditions the Board may think fit to impose, and may be revoked by the Board for any
20 cause which it deems reasonable.

(1B) For the purposes of this section, no person shall be deemed to be a duly appointed locum tenens unless—

- 25 (a) he is appointed in writing by a physiotherapist;
- (b) he is a physiotherapist at the time of taking up his duties; and
- 30 (c) he is employed only during the temporary absence of his employer and for a period not exceeding ~~six~~ **twelve** months or for such further period as the Board may in any particular case permit.

(e)

Physiotherapists Registration (Amendment).

(e) by omitting section twenty-six and by inserting in lieu thereof the following sections :—

Substituted sec. 26 and new sec. 26A.

26. (1) A person who is not registered under this Act shall not—

Unregistered person not to practise or hold himself out as physio-therapist.

5

(a) practise physiotherapy ;

10

(b) take or use the name or title of physio-therapist, physiotherapeutist, physical therapist or physical therapeutist or electro-therapist, hold himself out as being a physiotherapist or a physiotherapeutist or a physical therapist or physical therapeutist or electrotherapist or assume, take, or use, any name, initials, word, title, addition, symbol or description which, having regard to the circumstances in which it is assumed, 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 as a physio-therapist, or is qualified to be registered under this Act as a physiotherapist, or is competent or willing to practise physio-therapy in contravention of this section.

15

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25

(2) Nothing in this section shall operate to prevent the practice of physiotherapy—

30

(a) by a medical practitioner or a dentist registered under the Dentists Act, 1934, as amended by subsequent Acts, in the ordinary course of his practice as a medical practitioner or dentist, as the case may be ;

(b) by a nurse acting under instructions given to him or her by a medical practitioner, dentist registered as aforesaid, or physio-therapist ;

(c)

Physiotherapists Registration (Amendment).

- 5 (c) by a person who practises physiotherapy in the course of his undergoing a course of study and training in physiotherapy conducted by any body in New South Wales recognised by the Board for the purposes of subparagraph (d) of subsection one of section twenty-one of this Act and who does so acting under the direct instructions and personal supervision of a medical practitioner, dentist registered as aforesaid, or physiotherapist;
- 10
- 15 (d) being such part of the practice of physiotherapy as consists of the use by external application to the human body of ultrasonic therapy apparatus, by any person authorised by the Board to so use such apparatus;
- 20 (e) being such part of the practice of physiotherapy as consists of the use by external application to the human body of massage, being the manipulation of the soft tissues of the human body, passive movements, remedial exercises, muscle re-education, or heat—
- 25 (i) by any person in the course of the practice by him of chiropractic, osteopathy or chiropody;
- 30 (ii) by any person in conjunction with the practice by him of face or scalp massage where such part of the practice of physiotherapy as aforesaid is practised for cosmetic purposes only; or
- 35 (iii) by any person in the course of training persons engaged in or training for physical culture or any games, sports or athletics or
for

Physiotherapists Registration (Amendment).

5 for the purpose of curing or alleviating injuries received by persons in the course of their being engaged in or training for physical culture or any games, sports or athletics.

(3) In this section—

10 “Chiropractic” means the system of palpating and adjusting the articulations of the human spinal column by hand only, for the relief of nerve pressure.

15 “Osteopathy” means the adjustment by hand only of the bones or soft tissue of the human body for the purpose of curing or alleviating any disease or abnormal condition of the human body.

20 “Chiropody” means the care of the nails and the treatment of their disorders and the treatment of superficial excrescences of the feet.

(4) A person guilty of an offence against this section shall be liable to a penalty not exceeding one hundred pounds.

25 26A. (1) A physiotherapist shall not for fee or reward— Physio-therapists not to perform certain acts.

(a) diagnose or attempt to diagnose any abnormal condition of the human body;

(b) prescribe any diet for any person;

30 (c) prescribe any drug or medicine for internal use by any person.

Physiotherapists Registration (Amendment).

(2) Any person guilty of an offence against this section shall be liable to a penalty not exceeding one hundred pounds.

- 5 (f) by omitting from section twenty-nine the words “or police”;
- (g) by inserting at the end of subsection one of section thirty-three the following new paragraph :—
- 10 (h) specifying the manner in which and the extent to which a physiotherapist is authorised to advertise.
- Sec. 29.
(Informations to be laid by secretary, etc.)
- Sec. 33.
(Regulations.)

[1s.]

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 17 September, 1959.

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Clerk of the Parliaments.

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New South Wales



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Act No. , 1959.

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BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Physiotherapists Registration (Amendment) Act, 1959".

Short title, citation and commencement.

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(2)

NOTE.—The word to be omitted is ruled through; that to be inserted is printed in black letter.

Physiotherapists Registration (Amendment).

(2) The Physiotherapists Registration Act, 1945, as amended by subsequent Acts and by this Act, may be cited as the Physiotherapists Registration Act, 1945-1959.

(3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Physiotherapists Registration Act, 1945, as amended by subsequent Acts, is amended—

as Amendment of Act No. 9, 1945.

(a) (i) by omitting from section two the definition of "Physiotherapy" and by inserting in lieu thereof the following definition—

Sec. 2. (Interpretation.)

"Physiotherapy" means the use by external application to the human body of massage, being the manipulation of the soft tissues of the human body, passive movements, remedial exercises, muscle re-education, electricity, heat, light, sound, water, ultrasonic therapy apparatus, or any proclaimed method, for the purpose of curing or alleviating any abnormal condition of the human body, and includes the application of any medical or surgical appliance so far as the application of such appliance is necessary in the use as aforesaid of massage, passive movements, remedial exercises, muscle re-education, electricity, heat, light, sound, water, or any proclaimed method.

(ii) by inserting at the end of the same section the following new definition :—

"Ultrasonic therapy apparatus" means any apparatus employing ultrasonic mechanical vibrations that is capable of being used for the treatment of the human body by way of physiotherapy.

(b)

Physiotherapists Registration (Amendment).

- (b) by inserting at the end of section eighteen the following new subsection :—
- Sec. 18.
(Appoint-
ments.)
- (2) For the purpose of ascertaining—
- (a) whether any provision of this Act or the regulations has been or is being contravened by any physiotherapist; or
- (b) whether a physiotherapist is so conducting himself as to be guilty of misconduct in a professional respect,
- an inspector duly appointed under this section may enter any premises of any physiotherapist in which such physiotherapist is carrying on the practice of physiotherapy and may make such inquiries therein as such inspector may think fit.
- cf. Act No.
10, 1934, s. 5
(2).
- (c) by inserting next after section twenty-one the following new section :—
- New sec.
21A.
- 21A. (1) When a person has applied to be registered, the President of the Board, or, in his absence from the City of Sydney, any other member of the Board authorised generally in that behalf by the Board, upon being satisfied that such person :—
- Certificate
of
provisional
registration
may be
granted.
cf. Act No.
37, 1938,
s. 20.
- (a) is entitled to be registered under this Act; or
- (b) (i) is of good character ;
- (ii) has attained the age of twenty years ;
- (iii) is entitled to a diploma or a certificate of competency in physiotherapy obtained by examination after a course of study and training from any body in New South Wales recognised by the Board for the purpose of paragraph (d) of subsection one of section twenty-one of this Act; and
- (iv)

Physiotherapists Registration (Amendment).

5 (iv) will have such diploma or certificate of competency conferred upon or granted to him in due course according to the practice in conferring diplomas or granting certificates of competency, as the case may be, of the body so recognised from which he is to obtain such diploma or certificate of competency,

10 may on payment of the fee to be paid for registration, prescribed under paragraph (g) of subsection one of section thirty-three of this Act, grant to such person a certificate of provisional registration in or to the effect of the prescribed form.

15 (2) Where a person has obtained a certificate of provisional registration he shall be deemed to be registered under this Act until—

(a) the date stated in such certificate as the date upon which the certificate expires, or

(b) such later date as is fixed by the Board,

20 the date so stated or fixed being not later than three months after the granting of such certificate :

25 Provided that if the Board, before the date so stated or fixed, has reason to believe that such person is not entitled to be registered under this Act, it may, without prejudice to his application to be registered under this Act, cancel such certificate; and such person shall thereupon cease to be deemed to be registered under this Act.

30 (3) If a person to whom a certificate of provisional registration has been granted becomes registered under this Act, his registration shall, unless otherwise decided by the Board, date from the granting of such certificate.

(d)

Physiotherapists Registration (Amendment).

(d) by inserting next after subsection one of section twenty-four the following new subsections :—

Sec. 24.
(Removal
of name on
account of
misconduct.
etc.)

5 (1A) Without limiting the meaning of the expression “misconduct in a professional respect” in subsection one of this section, a physiotherapist shall be guilty of such misconduct who—

10 (a) carries on the practice of physiotherapy under a name other than his own name except whilst he is acting as the duly appointed locum tenens of another physiotherapist; or

15 (b) allows the use of his name in connection with the practice of physiotherapy at premises at which he or his duly appointed locum tenens is not in regular attendance for the purpose of practice and supervision during the hours in which such premises are open for the practice of physiotherapy; or

20 (c) allows any person, not being a physiotherapist, to practise physiotherapy in contravention of the provisions of section twenty-six of this Act at premises used by him or his duly appointed locum tenens for the purpose of carrying on the practice of physiotherapy; or

25 (d) advertises otherwise than in accordance with the regulations or advertises in contravention of the regulations; or

30 (e) for fee, salary, or other reward is employed by or associates himself with a person, not being a physiotherapist or a medical practitioner, in carrying on the practice of physiotherapy. In this paragraph “person” includes a body or corporation, but does not include—

35 (i) the Crown;

(ii)

Physiotherapists Registration (Amendment).

(ii) a public hospital or charitable or philanthropic institution;

(iii) a society registered under the Friendly Societies Act, 1912, or any amendment thereof;

(iv) any body or corporation which upon application made for the purpose has been approved by the Board.

The approval of the Board referred to in subparagraph (iv) of this paragraph shall not be granted unless the Board is satisfied that the interests of the public generally or any section of the public, other than physiotherapists, warrant the granting of such approval. Any such approval may be granted subject to any terms and conditions the Board may think fit to impose, and may be revoked by the Board for any cause which it deems reasonable.

(1B) For the purposes of this section, no person shall be deemed to be a duly appointed locum tenens unless—

(a) he is appointed in writing by a physiotherapist;

(b) he is a physiotherapist at the time of taking up his duties; and

(c) he is employed only during the temporary absence of his employer and for a period not exceeding ~~six~~ **twelve** months or for such further period as the Board may in any particular case permit.

(e)

Physiotherapists Registration (Amendment).

(e) by omitting section twenty-six and by inserting in lieu thereof the following sections :— Substituted
sec. 26 and
new sec. 26A.

26. (1) A person who is not registered under this Act shall not— Unregistered
person not
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therapist.

- 5 (a) practise physiotherapy ;
- (b) take or use the name or title of physio-
10 therapist, physiotherapeutist, physical
 therapist or physical therapeutist or electro-
15 therapist, hold himself out as being a
 physiotherapist or a physiotherapeutist or
 a physical therapist or physical therapeutist
 or electrotherapist or assume, take, or use,
20 any name, initials, word, title, addition,
 symbol or description which, having regard
 to the circumstances in which it is assumed,
 taken or used, indicates, or is capable of
 being understood to indicate, or is calcu-
 lated to lead persons to infer, that he is
 registered under this Act as a physio-
 therapist, or is qualified to be registered
 under this Act as a physiotherapist, or is
 competent or willing to practise physio-
 therapy in contravention of this section.

25 (2) Nothing in this section shall operate to
 prevent the practice of physiotherapy—

- 30 (a) by a medical practitioner or a dentist regis-
 tered under the Dentists Act, 1934, as
 amended by subsequent Acts, in the
 ordinary course of his practice as a medical
 practitioner or dentist, as the case may be ;
- (b) by a nurse acting under instructions given
 to him or her by a medical practitioner,
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 therapist ;

(c)

Physiotherapists Registration (Amendment).

- 5 (c) by a person who practises physiotherapy in the course of his undergoing a course of study and training in physiotherapy conducted by any body in New South Wales recognised by the Board for the purposes of subparagraph (d) of subsection one of section twenty-one of this Act and who does so acting under the direct instructions and personal supervision of a medical practitioner, dentist registered as aforesaid, or physiotherapist;
- 10
- 15 (d) being such part of the practice of physiotherapy as consists of the use by external application to the human body of ultrasonic therapy apparatus, by any person authorised by the Board to so use such apparatus;
- 20 (e) being such part of the practice of physiotherapy as consists of the use by external application to the human body of massage, being the manipulation of the soft tissues of the human body, passive movements, remedial exercises, muscle re-education, or heat—
- 25 (i) by any person in the course of the practice by him of chiropractic, osteopathy or chiropody;
- 30 (ii) by any person in conjunction with the practice by him of face or scalp massage where such part of the practice of physiotherapy as aforesaid is practised for cosmetic purposes only; or
- 35 (iii) by any person in the course of training persons engaged in or training for physical culture or any games, sports or athletics or
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Physiotherapists Registration (Amendment).

5 for the purpose of curing or alleviating injuries received by persons in the course of their being engaged in or training for physical culture or any games, sports or athletics.

(3) In this section—

10 “Chiropractic” means the system of palpating and adjusting the articulations of the human spinal column by hand only, for the relief of nerve pressure.

15 “Osteopathy” means the adjustment by hand only of the bones or soft tissue of the human body for the purpose of curing or alleviating any disease or abnormal condition of the human body.

20 “Chiropody” means the care of the nails and the treatment of their disorders and the treatment of superficial excrescences of the feet.

(4) A person guilty of an offence against this section shall be liable to a penalty not exceeding one hundred pounds.

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- (a) diagnose or attempt to diagnose any abnormal condition of the human body;
- (b) prescribe any diet for any person;
- (c) prescribe any drug or medicine for internal use by any person.

Physiotherapists Registration (Amendment).

(2) Any person guilty of an offence against this section shall be liable to a penalty not exceeding one hundred pounds.

- 5 (f) by omitting from section twenty-nine the words "or police"; Sec. 29.
(Informations to be laid by secretary, etc.)
- (g) by inserting at the end of subsection one of section thirty-three the following new paragraph:— Sec. 33.
(Regulations.)
- 10 (h) specifying the manner in which and the extent to which a physiotherapist is authorised to advertise.

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(ii) by inserting at the end of the same section the following new definition :—

"Ultrasonic therapy apparatus" means any apparatus employing ultrasonic mechanical vibrations that is capable of being used for the treatment of the human body by way of physiotherapy.

(b)

Physiotherapists Registration (Amendment).

(b) by inserting at the end of section eighteen the following new subsection :—

Sec. 18.
(Appoint-
ments.)

(2) For the purpose of ascertaining—

cf. Act No.
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(a) whether any provision of this Act or the regulations has been or is being contravened by any physiotherapist; or

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an inspector duly appointed under this section may enter any premises of any physiotherapist in which such physiotherapist is carrying on the practice of physiotherapy and may make such inquiries therein as such inspector may think fit.

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(c) by inserting next after section twenty-one the following new section :—

New sec.
21A.

20

21A. (1) When a person has applied to be registered, the President of the Board, or, in his absence from the City of Sydney, any other member of the Board authorised generally in that behalf by the Board, upon being satisfied that such person :—

Certificate
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(a) is entitled to be registered under this Act; or

(b) (i) is of good character;

25

(ii) has attained the age of twenty years;

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(iii) is entitled to a diploma or a certificate of competency in physiotherapy obtained by examination after a course of study and training from any body in New South Wales recognised by the Board for the purpose of paragraph (d) of subsection one of section twenty-one of this Act; and

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10 may on payment of the fee to be paid for registration, prescribed under paragraph (g) of subsection one of section thirty-three of this Act, grant to such person a certificate of provisional registration in or to the effect of the prescribed form.

15 (2) Where a person has obtained a certificate of provisional registration he shall be deemed to be registered under this Act until—

(a) the date stated in such certificate as the date upon which the certificate expires, or

(b) such later date as is fixed by the Board,

20 the date so stated or fixed being not later than three months after the granting of such certificate :

25 Provided that if the Board, before the date so stated or fixed, has reason to believe that such person is not entitled to be registered under this Act, it may, without prejudice to his application to be registered under this Act, cancel such certificate; and such person shall thereupon cease to be deemed to be registered under this Act.

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misconduct,
etc.)

5 (1A) Without limiting the meaning of the expression “misconduct in a professional respect” in subsection one of this section, a physiotherapist shall be guilty of such misconduct who—

10 (a) carries on the practice of physiotherapy under a name other than his own name except whilst he is acting as the duly appointed locum tenens of another physiotherapist; or

15 (b) allows the use of his name in connection with the practice of physiotherapy at premises at which he or his duly appointed locum tenens is not in regular attendance for the purpose of practice and supervision during the hours in which such premises are open for the practice of physiotherapy; or

20 (c) allows any person, not being a physiotherapist, to practise physiotherapy in contravention of the provisions of section twenty-six of this Act at premises used by him or his duly appointed locum tenens for the purpose of carrying on the practice of physiotherapy; or

(d) advertises otherwise than in accordance with the regulations or advertises in contravention of the regulations; or

30 (e) for fee, salary, or other reward is employed by or associates himself with a person, not being a physiotherapist or a medical practitioner, in carrying on the practice of physiotherapy. In this paragraph “person” includes a body or corporation, but does not include—

- 35 (i) the Crown;
- (ii)

Physiotherapists Registration (Amendment).

- (ii) a public hospital or charitable or philanthropic institution;
- 5 (iii) a society registered under the Friendly Societies Act, 1912, or any amendment thereof;
- (iv) any body or corporation which upon application made for the purpose has been approved by the Board.

10 The approval of the Board referred to in subparagraph (iv) of this paragraph shall not be granted unless the Board is satisfied that the interests of the public generally or any section of the public, other
15 than physiotherapists, warrant the granting of such approval. Any such approval may be granted subject to any terms and conditions the Board may think fit to impose, and may be revoked by the Board for any
20 cause which it deems reasonable.

(1B) For the purposes of this section, no person shall be deemed to be a duly appointed locum tenens unless—

- 25 (a) he is appointed in writing by a physiotherapist;
- (b) he is a physiotherapist at the time of taking up his duties; and
- 30 (c) he is employed only during the temporary absence of his employer and for a period not exceeding six months or for such further period as the Board may in any particular case permit.

(e)

Physiotherapists Registration (Amendment).

(e) by omitting section twenty-six and by inserting in lieu thereof the following sections :—

Substituted
sec. 26 and
new sec. 26A.

26. (1) A person who is not registered under this Act shall not—

Unregistered
person not
to practise
or hold
himself out
as physio-
therapist.

5

(a) practise physiotherapy ;

10

(b) take or use the name or title of physiotherapist, physiotherapeutist, physical therapist or physical therapeutist or electrotherapist, hold himself out as being a physiotherapist or a physiotherapeutist or a physical therapist or physical therapeutist or electrotherapist or assume, take, or use, any name, initials, word, title, addition, symbol or description which, having regard to the circumstances in which it is assumed, 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 as a physiotherapist, or is qualified to be registered under this Act as a physiotherapist, or is competent or willing to practise physiotherapy in contravention of this section.

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(2) Nothing in this section shall operate to prevent the practice of physiotherapy—

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(a) by a medical practitioner or a dentist registered under the Dentists Act, 1934, as amended by subsequent Acts, in the ordinary course of his practice as a medical practitioner or dentist, as the case may be ;

(b) by a nurse acting under instructions given to him or her by a medical practitioner, dentist registered as aforesaid, or physiotherapist ;

(c)

Physiotherapists Registration (Amendment).

- 5 (c) by a person who practises physiotherapy in the course of his undergoing a course of study and training in physiotherapy conducted by any body in New South Wales recognised by the Board for the purposes of subparagraph (d) of subsection one of section twenty-one of this Act and who does so acting under the direct instructions and personal supervision of a medical practitioner, dentist registered as aforesaid, or physiotherapist;
- 10
- 15 (d) being such part of the practice of physiotherapy as consists of the use by external application to the human body of ultrasonic therapy apparatus, by any person authorised by the Board to so use such apparatus;
- 20 (e) being such part of the practice of physiotherapy as consists of the use by external application to the human body of massage, being the manipulation of the soft tissues of the human body, passive movements, remedial exercises, muscle re-education, or heat—
- 25 (i) by any person in the course of the practice by him of chiropractic, osteopathy or chiropody;
- 30 (ii) by any person in conjunction with the practice by him of face or scalp massage where such part of the practice of physiotherapy as aforesaid is practised for cosmetic purposes only; or
- 35 (iii) by any person in the course of training persons engaged in or training for physical culture or any games, sports or athletics or
for

Physiotherapists Registration (Amendment).

5 for the purpose of curing or
alleviating injuries received by
persons in the course of their
being engaged in or training for
physical culture or any games,
sports or athletics.

(3) In this section—

10 “Chiropractic” means the system of palpating
and adjusting the articulations of the
human spinal column by hand only, for the
relief of nerve pressure.

15 “Osteopathy” means the adjustment by hand
only of the bones or soft tissue of the
human body for the purpose of curing or
alleviating any disease or abnormal condi-
tion of the human body.

20 “Chiropody” means the care of the nails and
the treatment of their disorders and the
treatment of superficial excrescences of the
feet.

(4) A person guilty of an offence against
this section shall be liable to a penalty not exceeding
one hundred pounds.

25 26A. (1) A physiotherapist shall not for fee or
reward— Physio-
therapists
not to
perform
certain acts.

- (a) diagnose or attempt to diagnose any
abnormal condition of the human body ;
- (b) prescribe any diet for any person ;
- 30 (c) prescribe any drug or medicine for internal
use by any person.

Physiotherapists Registration (Amendment).

(2) Any person guilty of an offence against this section shall be liable to a penalty not exceeding one hundred pounds.

- 5 (f) by omitting from section twenty-nine the words "or police"; Sec. 29.
(Informations to be laid by secretary, etc.)
- (g) by inserting at the end of subsection one of section thirty-three the following new paragraph : — Sec. 33.
(Regulations.)
- 10 (h) specifying the manner in which and the extent to which a physiotherapist is authorised to advertise.

No. , 1959.

A BILL

To prohibit, subject to certain exemptions the practice of physiotherapy by unregistered persons; for this and other purposes to amend the Physiotherapists Registration Act, 1945, as amended by subsequent Acts; and for purposes connected therewith.

[MR. SHEAHAN;—27 August, 1959.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Physiotherapists Registration (Amendment) Act, 1959".

Short title,
citation and
commence-
ment.

Physiotherapists Registration (Amendment).

(2) The Physiotherapists Registration Act, 1945, as amended by subsequent Acts and by this Act, may be cited as the Physiotherapists Registration Act, 1945-1959.

(3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Physiotherapists Registration Act, 1945, as amended by subsequent Acts, is amended—

Amendment of Act No. 9, 1945.

(a) (i) by omitting from section two the definition of "Physiotherapy" and by inserting in lieu thereof the following definition—

Sec. 2. (Interpretation.)

"Physiotherapy" means the use by external application to the human body of massage, being the manipulation of the soft tissues of the human body, passive movements, remedial exercises, muscle re-education, electricity, heat, light, sound, water, ultrasonic therapy apparatus, or any proclaimed method, for the purpose of curing or alleviating any abnormal condition of the human body, and includes the application of any medical or surgical appliance so far as the application of such appliance is necessary in the use as aforesaid of massage, passive movements, remedial exercises, muscle re-education, electricity, heat, light, sound, water, or any proclaimed method.

(ii) by inserting at the end of the same section the following new definition :—

"Ultrasonic therapy apparatus" means any apparatus employing ultrasonic mechanical vibrations that is capable of being used for the treatment of the human body by way of physiotherapy.

(b)

Physiotherapists Registration (Amendment).

(b) by inserting at the end of section eighteen the following new subsection : —

Sec. 18.
(Appoint-
ments.)

(2) For the purpose of ascertaining—

cf. Act No.
10, 1934, s. 5
(2).

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(a) whether any provision of this Act or the regulations has been or is being contravened by any physiotherapist ; or

(b) whether a physiotherapist is so conducting himself as to be guilty of misconduct in a professional respect,

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an inspector duly appointed under this section may enter any premises in which such physiotherapist is carrying on the practice of physiotherapy and may make such inquiries therein as such inspector may think fit.

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(c) by inserting next after section twenty-one the following new section : —

New sec.
21A.

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21A. (1) When a person has applied to be registered, the President of the Board, or, in his absence from the City of Sydney, any other member of the Board authorised generally in that behalf by the Board, upon being satisfied that such person : —

Certificate
of
provisional
registration
may be
granted.

(a) is entitled to be registered under this Act ;

cf. Act No.
37, 1938,
s. 20.

or

(b) (i) is of good character ;

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(ii) has attained the age of twenty years ;

(iii) is entitled to a diploma or a certificate of competency in physiotherapy obtained by examination after a course of study and training from any body in New South Wales recognised by the Board for the purpose of paragraph (d) of subsection one of section twenty-one of this Act ; and

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(iv)

Physiotherapists Registration (Amendment).

5 (iv) will have such diploma or certificate of competency conferred upon or granted to him in due course according to the practice in conferring diplomas or granting certificates of competency, as the case may be, of the body so recognised from which he is to obtain such diploma or certificate of competency,

10 may on payment of the fee to be paid for registration, prescribed under paragraph (g) of subsection one of section thirty-three of this Act, grant to such person a certificate of provisional registration in or to the effect of the prescribed form.

15 (2) Where a person has obtained a certificate of provisional registration he shall be deemed to be registered under this Act until—

(a) the date stated in such certificate as the date upon which the certificate expires, or

(b) such later date as is fixed by the Board,

20 the date so stated or fixed being not later than three months after the granting of such certificate :

25 Provided that if the Board, before the date so stated or fixed, has reason to believe that such person is not entitled to be registered under this Act, it may, without prejudice to his application to be registered under this Act, cancel such certificate; and such person shall thereupon cease to be deemed to be registered under this Act.

30 (3) If a person to whom a certificate of provisional registration has been granted becomes registered under this Act, his registration shall, unless otherwise decided by the Board, date from the granting of such certificate.

(d)

Physiotherapists Registration (Amendment).

(d) by inserting next after subsection one of section twenty-four the following new subsections :—

Sec. 24.
(Removal
of name on
account of
misconduct,
etc.)

5 (1A) Without limiting the meaning of the expression "misconduct in a professional respect" in subsection one of this section, a physiotherapist shall be guilty of such misconduct who—

10 (a) carries on the practice of physiotherapy under a name other than his own name except whilst he is acting as the duly appointed locum tenens of another physiotherapist; or

15 (b) allows the use of his name in connection with the practice of physiotherapy at premises at which he or his duly appointed locum tenens is not in regular attendance for the purpose of practice and supervision during the hours in which such premises are open for the practice of physiotherapy; or

20 (c) allows any person, not being a physiotherapist, to practise physiotherapy in contravention of the provisions of section twenty-six of this Act at premises used by him or his duly appointed locum tenens for the purpose of carrying on the practice of physiotherapy; or

25 (d) advertises otherwise than in accordance with the regulations or advertises in contravention of the regulations; or

30 (e) for fee, salary, or other reward is employed by or associates himself with a person, not being a physiotherapist, in carrying on the practice of physiotherapy. In this paragraph "person" includes a body or corporation, but does not include—

35

(i) the Crown;

(ii)

Physiotherapists Registration (Amendment).

- (ii) a public hospital or charitable or philanthropic institution;
- 5 (iii) a society registered under the Friendly Societies Act, 1912, or any amendment thereof;
- (iv) any body or corporation which upon application made for the purpose has been approved by the Board.

10 The approval of the Board referred to in subparagraph (iv) of this paragraph shall not be granted unless the Board is satisfied that the interests of the public generally or any section of the public, other than physiotherapists, warrant the granting of such approval. Any such approval may be granted subject to any terms and conditions the Board may think fit to impose, and may be revoked by the Board for any cause which it deems reasonable.

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(1B) For the purposes of this section, no person shall be deemed to be a duly appointed locum tenens unless—

- 25 (a) he is appointed in writing by a physiotherapist;
- (b) he is a physiotherapist at the time of taking up his duties; and
- 30 (c) he is employed only during the temporary absence of his employer and for a period not exceeding six months or for such further period as the Board may in any particular case permit.

(e)

Physiotherapists Registration (Amendment).

(e) by omitting section twenty-six and by inserting in lieu thereof the following sections :—

Substituted
sec. 26 and
new sec. 26A.

26. (1) A person who is not registered under this Act shall not—

Unregistered
person not
to practise
or hold
himself out
as physio-
therapist.

5 (a) practise physiotherapy ;

(b) take or use the name or title of physiotherapist, physiotherapist, physical therapist or physical therapist or electrotherapist, hold himself out as being a physiotherapist or a physiotherapist or a physical therapist or physical therapist or electrotherapist or assume, take, or use, any name, initials, word, title, addition, symbol or description which, having regard to the circumstances in which it is assumed, 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 as a physiotherapist, or is qualified to be registered under this Act as a physiotherapist, or is competent or willing to practise physiotherapy in contravention of this section.

25 (2) Nothing in this section shall operate to prevent the practice of physiotherapy—

30 (a) by a medical practitioner or a dentist registered under the Dentists Act, 1934, as amended by subsequent Acts, in the ordinary course of his practice as a medical practitioner or dentist, as the case may be ;

(b) by a nurse acting under instructions given to him or her by a medical practitioner, dentist registered as aforesaid, or physiotherapist ;

(c)

Physiotherapists Registration (Amendment).

- 5 (c) by a person who practises physiotherapy in the course of his undergoing a course of study and training in physiotherapy conducted by any body in New South Wales recognised by the Board for the purposes of subparagraph (d) of subsection one of section twenty-one of this Act and who does so acting under the direct instructions and personal supervision of a medical practitioner, dentist registered as aforesaid, or physiotherapist;
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- 15 (d) being such part of the practice of physiotherapy as consists of the use by external application to the human body of ultrasonic therapy apparatus, by any person authorised by the Board to so use such apparatus;
- 20 (e) being such part of the practice of physiotherapy as consists of the use by external application to the human body of massage, being the manipulation of the soft tissues of the human body, passive movements, remedial exercises, muscle re-education, or heat—
- 25 (i) by any person in the course of the practice by him of chiropractic, osteopathy or chiropody;
- 30 (ii) by any person in conjunction with the practice by him of face or scalp massage where such part of the practice of physiotherapy as aforesaid is practised for cosmetic purposes only; or
- 35 (iii) by any person in the course of training persons engaged in or training for physical culture or any games, sports or athletics or
for

Physiotherapists Registration (Amendment).

5 for the purpose of curing or alleviating injuries received by persons in the course of their being engaged in or training for physical culture or any games, sports or athletics.

(3) In this section—

10 “Chiropractic” means the system of palpating and adjusting the articulations of the human spinal column by hand only, for the relief of nerve pressure.

15 “Osteopathy” means the adjustment by hand only of the bones or soft tissue of the human body for the purpose of curing or alleviating any disease or abnormal condition of the human body.

20 “Chiropody” means the care of the nails and the treatment of their disorders and the treatment of superficial excrescences of the feet.

(4) A person guilty of an offence against this section shall be liable to a penalty not exceeding one hundred pounds.

25 26A. (1) A physiotherapist shall not for fee or reward—

(a) diagnose or attempt to diagnose any abnormal condition of the human body;

(b) prescribe any diet for any person;

30 (c) prescribe any drug or medicine for internal use by any person.

Physio-therapists not to perform certain acts.

Physiotherapists Registration (Amendment).

(2) Any person guilty of an offence against this section shall be liable to a penalty not exceeding one hundred pounds.

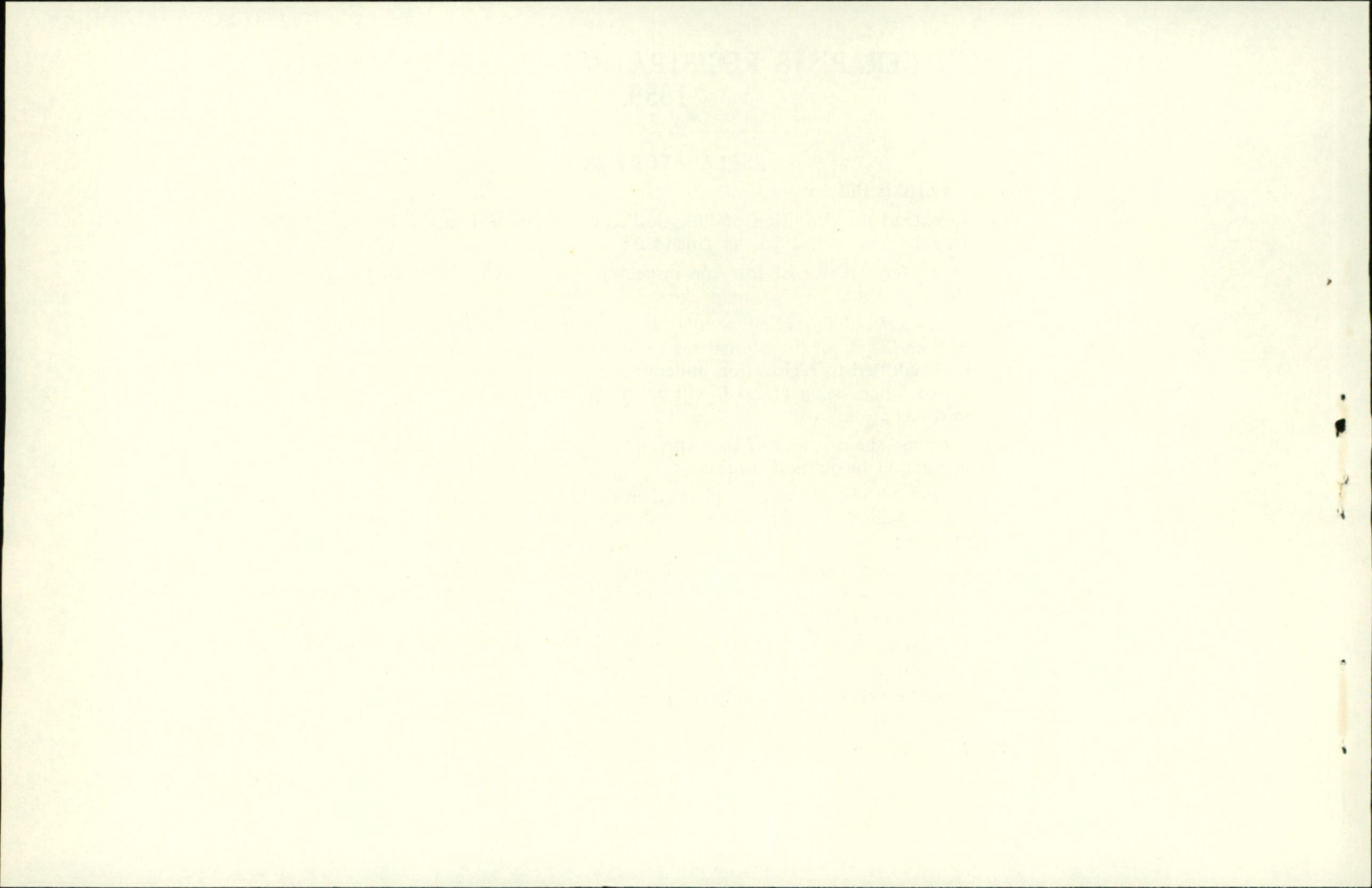
- 5 (f) by omitting from section twenty-nine the words "or police"; Sec. 29.
(Informations to be laid by secretary, etc.)
- (g) by inserting at the end of subsection one of section thirty-three the following new paragraph:— Sec. 33.
(Regulations.)
- 10 (h) specifying the manner in which and the extent to which a physiotherapist is authorised to advertise.

PHYSIOTHERAPISTS REGISTRATION (AMENDMENT) BILL, 1959.

EXPLANATORY NOTE.

THE objects of this Bill are—

- (a) to extend the definition of “Physiotherapy” contained in the Physiotherapists Registration Act, 1945, as amended ;
- (b) to confer a power of entry on inspectors appointed under section eighteen of the said Act ;
- (c) to authorise the granting, pending registration of a person as a physiotherapist, of a certificate of provisional registration as a physiotherapist to that person if he is entitled to registration under the said Act or to a certificate or diploma which, upon being granted, will entitle such person to registration under the said Act ;
- (d) to extend the meaning of the expression “misconduct in a professional respect” in relation to physiotherapists ;
- (e) to prohibit the practice of physiotherapy by persons not registered under the Act, other than medical practitioners, dentists and certain other specified persons ;
- (f) to impose a penalty on physiotherapists who, for fee or reward, diagnose abnormal conditions of the human body, or prescribe diets, or drugs or medicines for internal use ;
- (g) to authorise the making of regulations with respect to advertising by physiotherapists ;
- (h) to make other amendments of a minor or consequential character.



PROOF.

No. , 1959.

A BILL

To prohibit, subject to certain exemptions the practice of physiotherapy by unregistered persons; for this and other purposes to amend the Physiotherapists Registration Act, 1945, as amended by subsequent Acts; and for purposes connected therewith.

[MR. SHEAHAN;—27 August, 1959.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Physiotherapists Registration (Amendment) Act, 1959".

Short title,
citation and
commence-
ment.

Physiotherapists Registration (Amendment).

(2) The Physiotherapists Registration Act, 1945, as amended by subsequent Acts and by this Act, may be cited as the Physiotherapists Registration Act, 1945-1959.

(3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Physiotherapists Registration Act, 1945, as amended by subsequent Acts, is amended—

Amendment
of Act No.
9, 1945.

(a) (i) by omitting from section two the definition of “Physiotherapy” and by inserting in lieu thereof the following definition—

Sec. 2.
(Interpre-
tation.)

“Physiotherapy” means the use by external application to the human body of massage, being the manipulation of the soft tissues of the human body, passive movements, remedial exercises, muscle re-education, electricity, heat, light, sound, water, ultrasonic therapy apparatus, or any proclaimed method, for the purpose of curing or alleviating any abnormal condition of the human body, and includes the application of any medical or surgical appliance so far as the application of such appliance is necessary in the use as aforesaid of massage, passive movements, remedial exercises, muscle re-education, electricity, heat, light, sound, water, or any proclaimed method.

(ii) by inserting at the end of the same section the following new definition :—

“Ultrasonic therapy apparatus” means any apparatus employing ultrasonic mechanical vibrations that is capable of being used for the treatment of the human body by way of physiotherapy.

(b)

Physiotherapists Registration (Amendment).

(b) by inserting at the end of section eighteen the following new subsection :—

Sec. 18.
(Appoint-
ments.)

(2) For the purpose of ascertaining—

cf. Act No.
10, 1934, s. 5
(2).

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(a) whether any provision of this Act or the regulations has been or is being contravened by any physiotherapist ; or

(b) whether a physiotherapist is so conducting himself as to be guilty of misconduct in a professional respect,

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an inspector duly appointed under this section may enter any premises in which such physiotherapist is carrying on the practice of physiotherapy and may make such inquiries therein as such inspector may think fit.

15

(c) by inserting next after section twenty-one the following new section :—

New sec.
21A.

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21A. (1) When a person has applied to be registered, the President of the Board, or, in his absence from the City of Sydney, any other member of the Board authorised generally in that behalf by the Board, upon being satisfied that such person :—

Certificate
of
provisional
registration
may be
granted.

(a) is entitled to be registered under this Act ;
or

cf. Act No.
37, 1938,
s. 20.

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(b) (i) is of good character ;

(ii) has attained the age of twenty years ;

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(iii) is entitled to a diploma or a certificate of competency in physiotherapy obtained by examination after a course of study and training from any body in New South Wales recognised by the Board for the purpose of paragraph (d) of subsection one of section twenty-one of this Act ; and

(iv)

Physiotherapists Registration (Amendment).

5 (iv) will have such diploma or certificate of competency conferred upon or granted to him in due course according to the practice in conferring diplomas or granting certificates of competency, as the case may be, of the body so recognised from which he is to obtain such diploma or certificate of competency,

10 may on payment of the fee to be paid for registration, prescribed under paragraph (g) of subsection one of section thirty-three of this Act, grant to such person a certificate of provisional registration in or to the effect of the prescribed form.

15 (2) Where a person has obtained a certificate of provisional registration he shall be deemed to be registered under this Act until—

(a) the date stated in such certificate as the date upon which the certificate expires, or

(b) such later date as is fixed by the Board,
20 the date so stated or fixed being not later than three months after the granting of such certificate :

25 Provided that if the Board, before the date so stated or fixed, has reason to believe that such person is not entitled to be registered under this Act, it may, without prejudice to his application to be registered under this Act, cancel such certificate; and such person shall thereupon cease to be deemed to be registered under this Act.

30 (3) If a person to whom a certificate of provisional registration has been granted becomes registered under this Act, his registration shall, unless otherwise decided by the Board, date from the granting of such certificate.

(d)

Physiotherapists Registration (Amendment).

(d) by inserting next after subsection one of section twenty-four the following new subsections : —

Sec. 24.
(Removal
of name on
account of
misconduct,
etc.)

5 (1A) Without limiting the meaning of the expression "misconduct in a professional respect" in subsection one of this section, a physiotherapist shall be guilty of such misconduct who—

10 (a) carries on the practice of physiotherapy under a name other than his own name except whilst he is acting as the duly appointed locum tenens of another physiotherapist; or

15 (b) allows the use of his name in connection with the practice of physiotherapy at premises at which he or his duly appointed locum tenens is not in regular attendance for the purpose of practice and supervision during the hours in which such premises are open for the practice of physiotherapy; or

20 (c) allows any person, not being a physiotherapist, to practise physiotherapy in contravention of the provisions of section twenty-six of this Act at premises used by him or his duly appointed locum tenens for the purpose of carrying on the practice of physiotherapy; or

25 (d) advertises otherwise than in accordance with the regulations or advertises in contravention of the regulations; or

30 (e) for fee, salary, or other reward is employed by or associates himself with a person, not being a physiotherapist, in carrying on the practice of physiotherapy. In this paragraph "person" includes a body or corporation, but does not include—

35 (i) the Crown;

(ii)

Physiotherapists Registration (Amendment).

(ii) a public hospital or charitable or philanthropic institution;

5 (iii) a society registered under the Friendly Societies Act, 1912, or any amendment thereof;

(iv) any body or corporation which upon application made for the purpose has been approved by the Board.

10 The approval of the Board referred to in subparagraph (iv) of this paragraph shall not be granted unless the Board is satisfied that the interests of the public generally or any section of the public, other
15 than physiotherapists, warrant the granting of such approval. Any such approval may be granted subject to any terms and conditions the Board may think fit to impose, and may be revoked by the Board for any
20 cause which it deems reasonable.

(1B) For the purposes of this section, no person shall be deemed to be a duly appointed locum tenens unless—

25 (a) he is appointed in writing by a physiotherapist;

(b) he is a physiotherapist at the time of taking up his duties; and

30 (c) he is employed only during the temporary absence of his employer and for a period not exceeding six months or for such further period as the Board may in any particular case permit.

(e)

Physiotherapists Registration (Amendment).

(e) by omitting section twenty-six and by inserting in lieu thereof the following sections :—

Substituted
sec. 26 and
new sec. 26A.

26. (1) A person who is not registered under this Act shall not—

Unregistered
person not
to practise
or hold
himself out
as physio-
therapist.

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(a) practise physiotherapy ;

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(b) take or use the name or title of physiotherapist, physiotherapeutist, physical therapist or physical therapeutist or electrotherapist, hold himself out as being a physiotherapist or a physiotherapeutist or a physical therapist or physical therapeutist or electrotherapist or assume, take, or use, any name, initials, word, title, addition, symbol or description which, having regard to the circumstances in which it is assumed, 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 as a physiotherapist, or is qualified to be registered under this Act as a physiotherapist, or is competent or willing to practise physiotherapy in contravention of this section.

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(2) Nothing in this section shall operate to prevent the practice of physiotherapy—

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(a) by a medical practitioner or a dentist registered under the Dentists Act, 1934, as amended by subsequent Acts, in the ordinary course of his practice as a medical practitioner or dentist, as the case may be ;

(b) by a nurse acting under instructions given to him or her by a medical practitioner, dentist registered as aforesaid, or physiotherapist ;

(c)

Physiotherapists Registration (Amendment).

- 5 (c) by a person who practises physiotherapy in the course of his undergoing a course of study and training in physiotherapy conducted by any body in New South Wales recognised by the Board for the purposes of subparagraph (d) of subsection one of section twenty-one of this Act and who does so acting under the direct instructions and personal supervision of a medical practitioner, dentist registered as aforesaid, or physiotherapist;
- 10
- 15 (d) being such part of the practice of physiotherapy as consists of the use by external application to the human body of ultrasonic therapy apparatus, by any person authorised by the Board to so use such apparatus;
- 20 (e) being such part of the practice of physiotherapy as consists of the use by external application to the human body of massage, being the manipulation of the soft tissues of the human body, passive movements, remedial exercises, muscle re-education, or heat—
- 25 (i) by any person in the course of the practice by him of chiropractic, osteopathy or chiropody;
- 30 (ii) by any person in conjunction with the practice by him of face or scalp massage where such part of the practice of physiotherapy as aforesaid is practised for cosmetic purposes only; or
- 35 (iii) by any person in the course of training persons engaged in or training for physical culture or any games, sports or athletics or
for

Physiotherapists Registration (Amendment).

for the purpose of curing or alleviating injuries received by persons in the course of their being engaged in or training for physical culture or any games, sports or athletics.

5

(3) In this section—

“Chiropractic” means the system of palpating and adjusting the articulations of the human spinal column by hand only, for the relief of nerve pressure.

10

“Osteopathy” means the adjustment by hand only of the bones or soft tissue of the human body for the purpose of curing or alleviating any disease or abnormal condition of the human body.

15

“Chiropody” means the care of the nails and the treatment of their disorders and the treatment of superficial excrescences of the feet.

20

(4) A person guilty of an offence against this section shall be liable to a penalty not exceeding one hundred pounds.

26A. (1) A physiotherapist shall not for fee or reward—

25

Physio-therapists not to perform certain acts.

- (a) diagnose or attempt to diagnose any abnormal condition of the human body;
- (b) prescribe any diet for any person;
- (c) prescribe any drug or medicine for internal use by any person.

30

Physiotherapists Registration (Amendment).

(2) Any person guilty of an offence against this section shall be liable to a penalty not exceeding one hundred pounds.

- 5 (f) by omitting from section twenty-nine the words "or police"; Sec. 29.
(Informations to be laid by secretary, etc.)
- (g) by inserting at the end of subsection one of section thirty-three the following new paragraph :— Sec. 33.
(Regulations.)
- 10 (h) specifying the manner in which and the extent to which a physiotherapist is authorised to advertise.

New South Wales



ANNO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. 19, 1959.

An Act to prohibit, subject to certain exemptions the practice of physiotherapy by unregistered persons; for this and other purposes to amend the Physiotherapists Registration Act, 1945, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 14th October, 1959.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Physiotherapists Registration (Amendment) Act, 1959".

Short title, citation and commencement.

Physiotherapists Registration (Amendment).

(2) The Physiotherapists Registration Act, 1945, as amended by subsequent Acts and by this Act, may be cited as the Physiotherapists Registration Act, 1945-1959.

(3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment of Act No. 9, 1945.

Sec. 2. (Interpretation.)

2. The Physiotherapists Registration Act, 1945, as amended by subsequent Acts, is amended—

(a) (i) by omitting from section two the definition of “Physiotherapy” and by inserting in lieu thereof the following definition—

“Physiotherapy” means the use by external application to the human body of massage, being the manipulation of the soft tissues of the human body, passive movements, remedial exercises, muscle re-education, electricity, heat, light, sound, water, ultrasonic therapy apparatus, or any proclaimed method, for the purpose of curing or alleviating any abnormal condition of the human body, and includes the application of any medical or surgical appliance so far as the application of such appliance is necessary in the use as aforesaid of massage, passive movements, remedial exercises, muscle re-education, electricity, heat, light, sound, water, or any proclaimed method.

(ii) by inserting at the end of the same section the following new definition :—

“Ultrasonic therapy apparatus” means any apparatus employing ultrasonic mechanical vibrations that is capable of being used for the treatment of the human body by way of physiotherapy.

(b)

Physiotherapists Registration (Amendment).

- (b) by inserting at the end of section eighteen the following new subsection :— Sec. 18.
(Appoint-
ments.)
- (2) For the purpose of ascertaining— cf. Act No.
10, 1934, s. 5
(2).
- (a) whether any provision of this Act or the regulations has been or is being contravened by any physiotherapist; or
- (b) whether a physiotherapist is so conducting himself as to be guilty of misconduct in a professional respect,
- an inspector duly appointed under this section may enter any premises of any physiotherapist in which such physiotherapist is carrying on the practice of physiotherapy and may make such inquiries therein as such inspector may think fit.
- (c) by inserting next after section twenty-one the following new section :— New sec.
21A.
- 21A. (1) When a person has applied to be registered, the President of the Board, or, in his absence from the City of Sydney, any other member of the Board authorised generally in that behalf by the Board, upon being satisfied that such person :— Certificate
of
provisional
registration
may be
granted.
cf. Act No.
37, 1938,
s. 20.
- (a) is entitled to be registered under this Act; or
- (b) (i) is of good character;
- (ii) has attained the age of twenty years;
- (iii) is entitled to a diploma or a certificate of competency in physiotherapy obtained by examination after a course of study and training from any body in New South Wales recognised by the Board for the purpose of paragraph (d) of subsection one of section twenty-one of this Act; and
- (iv)

Physiotherapists Registration (Amendment).

- (iv) will have such diploma or certificate of competency conferred upon or granted to him in due course according to the practice in conferring diplomas or granting certificates of competency, as the case may be, of the body so recognised from which he is to obtain such diploma or certificate of competency,

may on payment of the fee to be paid for registration, prescribed under paragraph (g) of subsection one of section thirty-three of this Act, grant to such person a certificate of provisional registration in or to the effect of the prescribed form.

(2) Where a person has obtained a certificate of provisional registration he shall be deemed to be registered under this Act until—

- (a) the date stated in such certificate as the date upon which the certificate expires, or
(b) such later date as is fixed by the Board,

the date so stated or fixed being not later than three months after the granting of such certificate :

Provided that if the Board, before the date so stated or fixed, has reason to believe that such person is not entitled to be registered under this Act, it may, without prejudice to his application to be registered under this Act, cancel such certificate; and such person shall thereupon cease to be deemed to be registered under this Act.

(3) If a person to whom a certificate of provisional registration has been granted becomes registered under this Act, his registration shall, unless otherwise decided by the Board, date from the granting of such certificate.

(d)

Physiotherapists Registration (Amendment).

(d) by inserting next after subsection one of section twenty-four the following new subsections :—

Sec. 24.

(Removal of name on account of misconduct, etc.)

(1A) Without limiting the meaning of the expression "misconduct in a professional respect" in subsection one of this section, a physiotherapist shall be guilty of such misconduct who—

(a) carries on the practice of physiotherapy under a name other than his own name except whilst he is acting as the duly appointed locum tenens of another physiotherapist; or

(b) allows the use of his name in connection with the practice of physiotherapy at premises at which he or his duly appointed locum tenens is not in regular attendance for the purpose of practice and supervision during the hours in which such premises are open for the practice of physiotherapy; or

(c) allows any person, not being a physiotherapist, to practise physiotherapy in contravention of the provisions of section twenty-six of this Act at premises used by him or his duly appointed locum tenens for the purpose of carrying on the practice of physiotherapy; or

(d) advertises otherwise than in accordance with the regulations or advertises in contravention of the regulations; or

(e) for fee, salary, or other reward is employed by or associates himself with a person, not being a physiotherapist or a medical practitioner, in carrying on the practice of physiotherapy. In this paragraph "person" includes a body or corporation, but does not include—

(i) the Crown;

(ii)

Physiotherapists Registration (Amendment).

- (ii) a public hospital or charitable or philanthropic institution;
- (iii) a society registered under the Friendly Societies Act, 1912, or any amendment thereof;
- (iv) any body or corporation which upon application made for the purpose has been approved by the Board.

The approval of the Board referred to in subparagraph (iv) of this paragraph shall not be granted unless the Board is satisfied that the interests of the public generally or any section of the public, other than physiotherapists, warrant the granting of such approval. Any such approval may be granted subject to any terms and conditions the Board may think fit to impose, and may be revoked by the Board for any cause which it deems reasonable.

(1B) For the purposes of this section, no person shall be deemed to be a duly appointed locum tenens unless—

- (a) he is appointed in writing by a physiotherapist;
- (b) he is a physiotherapist at the time of taking up his duties; and
- (c) he is employed only during the temporary absence of his employer and for a period not exceeding twelve months or for such further period as the Board may in any particular case permit.

(e)

Physiotherapists Registration (Amendment).

(e) by omitting section twenty-six and by inserting in lieu thereof the following sections : — Substituted sec. 26 and new sec. 26A.

26. (1) A person who is not registered under this Act shall not— Unregistered person not to practise or hold himself out as physio-therapist.

(a) practise physiotherapy ;

(b) take or use the name or title of physio-therapist, physiotherapeutist, physical therapist or physical therapeutist or electro-therapist, hold himself out as being a physiotherapist or a physiotherapeutist or a physical therapist or physical therapeutist or electrotherapist or assume, take, or use, any name, initials, word, title, addition, symbol or description which, having regard to the circumstances in which it is assumed, 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 as a physio-therapist, or is qualified to be registered under this Act as a physiotherapist, or is competent or willing to practise physio-therapy in contravention of this section.

(2) Nothing in this section shall operate to prevent the practice of physiotherapy—

(a) by a medical practitioner or a dentist registered under the Dentists Act, 1934, as amended by subsequent Acts, in the ordinary course of his practice as a medical practitioner or dentist, as the case may be ;

(b) by a nurse acting under instructions given to him or her by a medical practitioner, dentist registered as aforesaid, or physio-therapist :

(c)

Physiotherapists Registration (Amendment).

- (c) by a person who practises physiotherapy in the course of his undergoing a course of study and training in physiotherapy conducted by any body in New South Wales recognised by the Board for the purposes of subparagraph (d) of subsection one of section twenty-one of this Act and who does so acting under the direct instructions and personal supervision of a medical practitioner, dentist registered as aforesaid, or physiotherapist;
- (d) being such part of the practice of physiotherapy as consists of the use by external application to the human body of ultra-sonic therapy apparatus, by any person authorised by the Board to so use such apparatus;
- (e) being such part of the practice of physiotherapy as consists of the use by external application to the human body of massage, being the manipulation of the soft tissues of the human body, passive movements, remedial exercises, muscle re-education, or heat—
 - (i) by any person in the course of the practice by him of chiropractic, osteopathy or chiropody;
 - (ii) by any person in conjunction with the practice by him of face or scalp massage where such part of the practice of physiotherapy as aforesaid is practised for cosmetic purposes only; or
 - (iii) by any person in the course of training persons engaged in or training for physical culture or any games, sports or athletics or
for

Physiotherapists Registration (Amendment).

for the purpose of curing or alleviating injuries received by persons in the course of their being engaged in or training for physical culture or any games, sports or athletics.

(3) In this section—

“Chiropractic” means the system of palpating and adjusting the articulations of the human spinal column by hand only, for the relief of nerve pressure.

“Osteopathy” means the adjustment by hand only of the bones or soft tissue of the human body for the purpose of curing or alleviating any disease or abnormal condition of the human body.

“Chiropody” means the care of the nails and the treatment of their disorders and the treatment of superficial excrescences of the feet.

(4) A person guilty of an offence against this section shall be liable to a penalty not exceeding one hundred pounds.

26A. (1) A physiotherapist shall not for fee or reward—

- (a) diagnose or attempt to diagnose any abnormal condition of the human body;
- (b) prescribe any diet for any person;
- (c) prescribe any drug or medicine for internal use by any person.

Physio-
therapists
not to
perform
certain acts.

(2)

Physiotherapists Registration (Amendment).

(2) Any person guilty of an offence against this section shall be liable to a penalty not exceeding one hundred pounds.

Sec. 29.
(Informations to be laid by secretary, etc.)

(f) by omitting from section twenty-nine the words "or police";

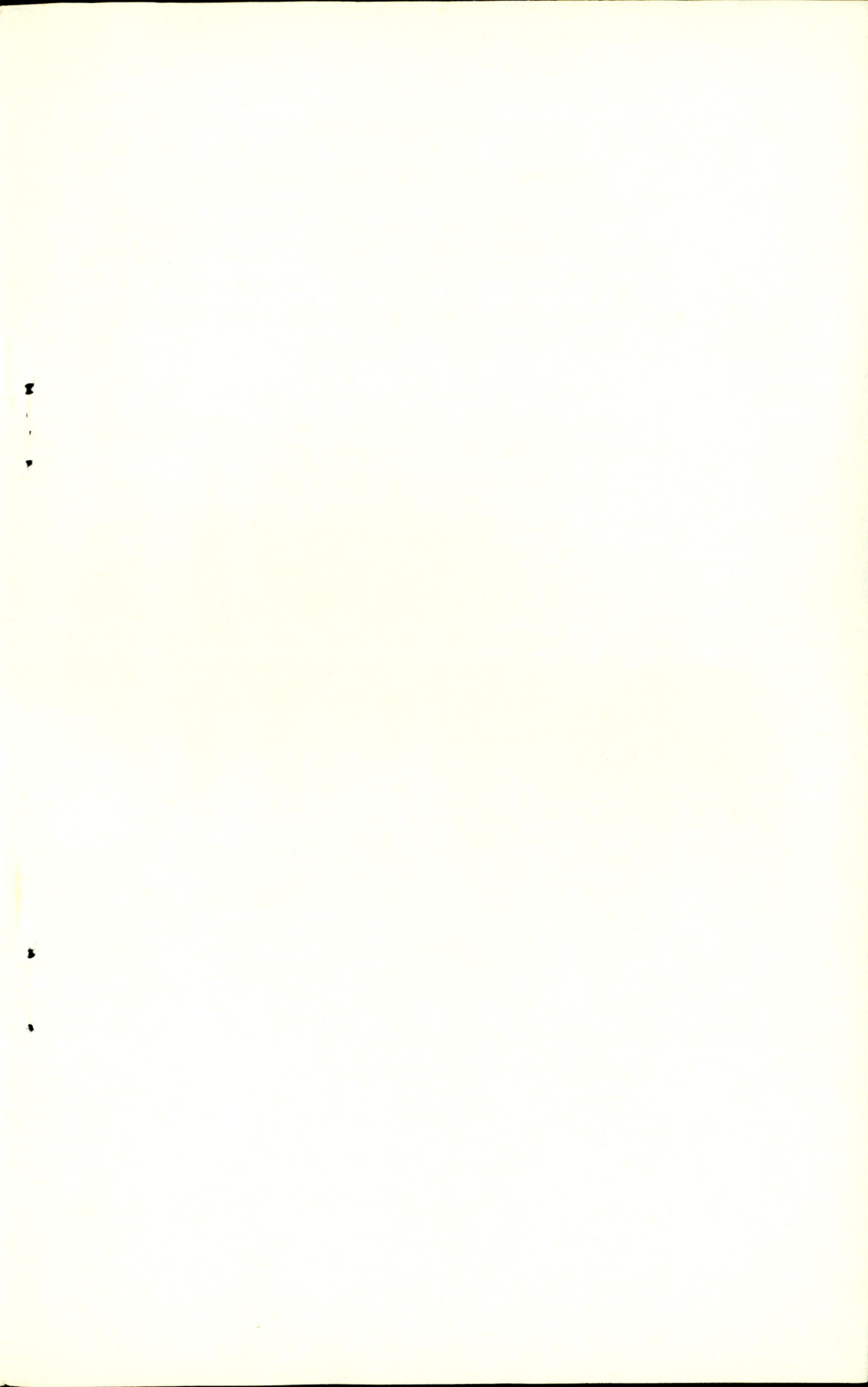
Sec. 33.
(Regulations.)

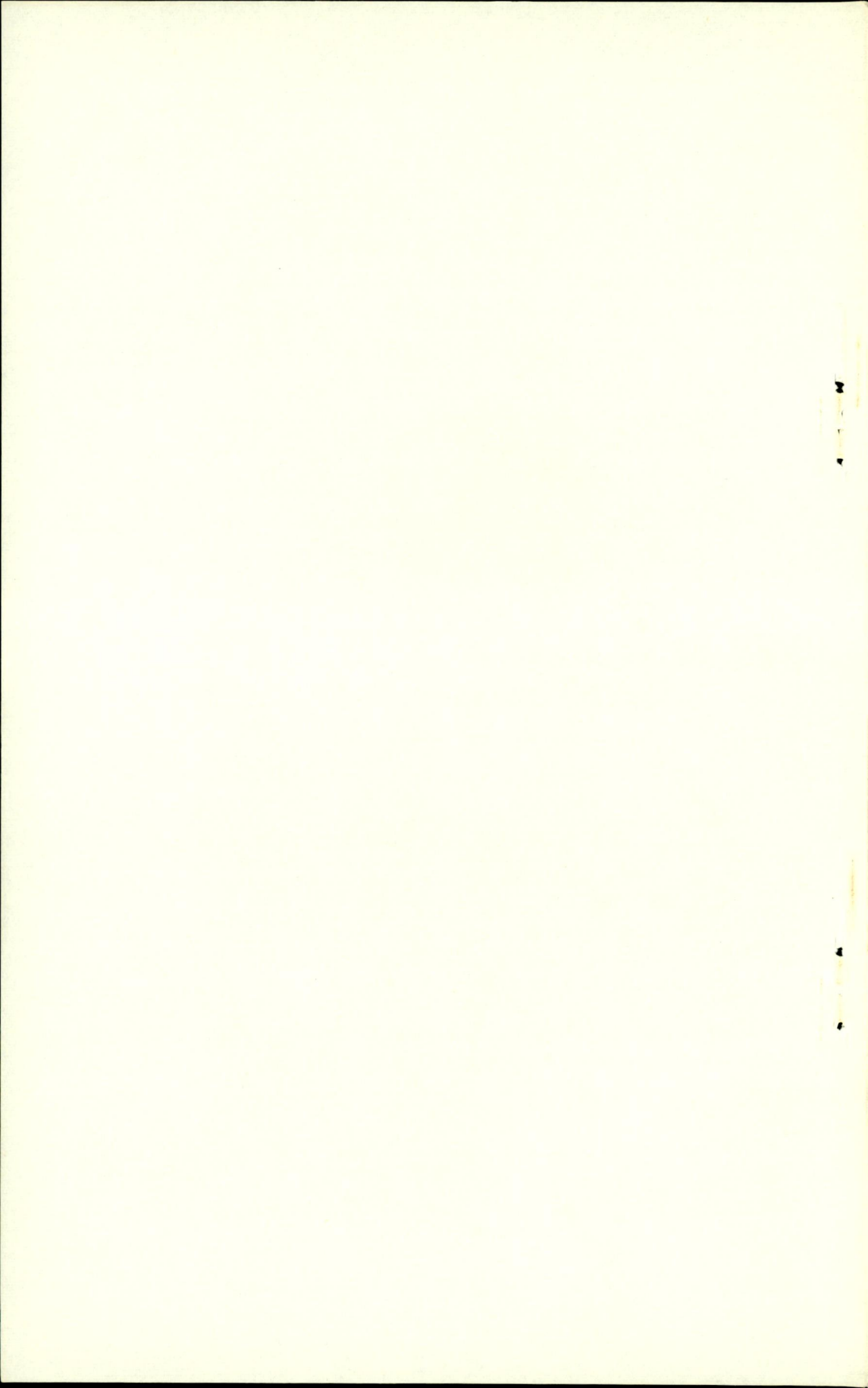
(g) by inserting at the end of subsection one of section thirty-three the following new paragraph :—

(h) specifying the manner in which and the extent to which a physiotherapist is authorised to advertise.

By Authority:

V. C. N. BLIGHT, Government Printer, Sydney, 1959





I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 7 October, 1959.*

New South Wales



ANNO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. 19, 1959.

An Act to prohibit, subject to certain exemptions the practice of physiotherapy by unregistered persons; for this and other purposes to amend the Physiotherapists Registration Act, 1945, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 14th October, 1959.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Physiotherapists Registration (Amendment) Act, 1959".
- (2)
- Short title, citation and commencement.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

HOWARD T. FOWLES,
Chairman of Committees of the Legislative Assembly.

Physiotherapists Registration (Amendment).

(2) The Physiotherapists Registration Act, 1945, as amended by subsequent Acts and by this Act, may be cited as the Physiotherapists Registration Act, 1945-1959.

(3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment
of Act No.
9, 1945.

Sec. 2.
(Interpre-
tation.)

2. The Physiotherapists Registration Act, 1945, as amended by subsequent Acts, is amended—

(a) (i) by omitting from section two the definition of “Physiotherapy” and by inserting in lieu thereof the following definition—

“Physiotherapy” means the use by external application to the human body of massage, being the manipulation of the soft tissues of the human body, passive movements, remedial exercises, muscle re-education, electricity, heat, light, sound, water, ultrasonic therapy apparatus, or any proclaimed method, for the purpose of curing or alleviating any abnormal condition of the human body, and includes the application of any medical or surgical appliance so far as the application of such appliance is necessary in the use as aforesaid of massage, passive movements, remedial exercises, muscle re-education, electricity, heat, light, sound, water, or any proclaimed method.

(ii) by inserting at the end of the same section the following new definition :—

“Ultrasonic therapy apparatus” means any apparatus employing ultrasonic mechanical vibrations that is capable of being used for the treatment of the human body by way of physiotherapy.

(b)

Physiotherapists Registration (Amendment).

- (b) by inserting at the end of section eighteen the following new subsection :—
- Sec. 18.
(Appoint-
ments.)
- (2) For the purpose of ascertaining—
- cf. Act No.
10, 1934, s. 5
(2).
- (a) whether any provision of this Act or the regulations has been or is being contravened by any physiotherapist; or
- (b) whether a physiotherapist is so conducting himself as to be guilty of misconduct in a professional respect,
- an inspector duly appointed under this section may enter any premises of any physiotherapist in which such physiotherapist is carrying on the practice of physiotherapy and may make such inquiries therein as such inspector may think fit.
- (c) by inserting next after section twenty-one the following new section :—
- New sec.
21A.
- 21A. (1) When a person has applied to be registered, the President of the Board, or, in his absence from the City of Sydney, any other member of the Board authorised generally in that behalf by the Board, upon being satisfied that such person :—
- Certificate
of
provisional
registration
may be
granted.
cf. Act No.
37, 1938,
s. 20.
- (a) is entitled to be registered under this Act;
or
- (b) (i) is of good character;
- (ii) has attained the age of twenty years;
- (iii) is entitled to a diploma or a certificate of competency in physiotherapy obtained by examination after a course of study and training from any body in New South Wales recognised by the Board for the purpose of paragraph (d) of subsection one of section twenty-one of this Act; and
- (iv)

Physiotherapists Registration (Amendment).

- (iv) will have such diploma or certificate of competency conferred upon or granted to him in due course according to the practice in conferring diplomas or granting certificates of competency, as the case may be, of the body so recognised from which he is to obtain such diploma or certificate of competency,

may on payment of the fee to be paid for registration, prescribed under paragraph (g) of subsection one of section thirty-three of this Act, grant to such person a certificate of provisional registration in or to the effect of the prescribed form.

(2) Where a person has obtained a certificate of provisional registration he shall be deemed to be registered under this Act until—

- (a) the date stated in such certificate as the date upon which the certificate expires, or
(b) such later date as is fixed by the Board,

the date so stated or fixed being not later than three months after the granting of such certificate :

Provided that if the Board, before the date so stated or fixed, has reason to believe that such person is not entitled to be registered under this Act, it may, without prejudice to his application to be registered under this Act, cancel such certificate; and such person shall thereupon cease to be deemed to be registered under this Act.

(3) If a person to whom a certificate of provisional registration has been granted becomes registered under this Act, his registration shall, unless otherwise decided by the Board, date from the granting of such certificate.

(d)

Physiotherapists Registration (Amendment).

- (d) by inserting next after subsection one of section twenty-four the following new subsections :—
- Sec. 24.
(Removal
of name on
account of
misconduct,
etc.)
- (1A) Without limiting the meaning of the expression “misconduct in a professional respect” in subsection one of this section, a physiotherapist shall be guilty of such misconduct who—
- (a) carries on the practice of physiotherapy under a name other than his own name except whilst he is acting as the duly appointed locum tenens of another physiotherapist; or
 - (b) allows the use of his name in connection with the practice of physiotherapy at premises at which he or his duly appointed locum tenens is not in regular attendance for the purpose of practice and supervision during the hours in which such premises are open for the practice of physiotherapy; or
 - (c) allows any person, not being a physiotherapist, to practise physiotherapy in contravention of the provisions of section twenty-six of this Act at premises used by him or his duly appointed locum tenens for the purpose of carrying on the practice of physiotherapy; or
 - (d) advertises otherwise than in accordance with the regulations or advertises in contravention of the regulations; or
 - (e) for fee, salary, or other reward is employed by or associates himself with a person, not being a physiotherapist or a medical practitioner, in carrying on the practice of physiotherapy. In this paragraph “person” includes a body or corporation, but does not include—
 - (i) the Crown;
 - (ii)

Physiotherapists Registration (Amendment)

- (ii) a public hospital or charitable or philanthropic institution;
- (iii) a society registered under the Friendly Societies Act, 1912, or any amendment thereof;
- (iv) any body or corporation which upon application made for the purpose has been approved by the Board.

The approval of the Board referred to in subparagraph (iv) of this paragraph shall not be granted unless the Board is satisfied that the interests of the public generally or any section of the public, other than physiotherapists, warrant the granting of such approval. Any such approval may be granted subject to any terms and conditions the Board may think fit to impose, and may be revoked by the Board for any cause which it deems reasonable.

(1B) For the purposes of this section, no person shall be deemed to be a duly appointed locum tenens unless—

- (a) he is appointed in writing by a physiotherapist;
- (b) he is a physiotherapist at the time of taking up his duties; and
- (c) he is employed only during the temporary absence of his employer and for a period not exceeding twelve months or for such further period as the Board may in any particular case permit.

(e)

Physiotherapists Registration (Amendment).

(e) by omitting section twenty-six and by inserting in lieu thereof the following sections :—

Substituted
sec. 26 and
new sec. 26A.

26. (1) A person who is not registered under this Act shall not—

Unregistered
person not
to practise
or hold
himself out
as physio-
therapist.

(a) practise physiotherapy ;

(b) take or use the name or title of physiotherapist, physiotherapeutist, physical therapist or physical therapeutist or electrotherapist, hold himself out as being a physiotherapist or a physiotherapeutist or a physical therapist or physical therapeutist or electrotherapist or assume, take, or use, any name, initials, word, title, addition, symbol or description which, having regard to the circumstances in which it is assumed, 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 as a physiotherapist, or is qualified to be registered under this Act as a physiotherapist, or is competent or willing to practise physiotherapy in contravention of this section.

(2) Nothing in this section shall operate to prevent the practice of physiotherapy—

(a) by a medical practitioner or a dentist registered under the Dentists Act, 1934, as amended by subsequent Acts, in the ordinary course of his practice as a medical practitioner or dentist, as the case may be ;

(b) by a nurse acting under instructions given to him or her by a medical practitioner, dentist registered as aforesaid, or physiotherapist ;

(c)

Physiotherapists Registration (Amendment).

- (c) by a person who practises physiotherapy in the course of his undergoing a course of study and training in physiotherapy conducted by any body in New South Wales recognised by the Board for the purposes of subparagraph (d) of subsection one of section twenty-one of this Act and who does so acting under the direct instructions and personal supervision of a medical practitioner, dentist registered as aforesaid, or physiotherapist;
- (d) being such part of the practice of physiotherapy as consists of the use by external application to the human body of ultrasonic therapy apparatus, by any person authorised by the Board to so use such apparatus;
- (e) being such part of the practice of physiotherapy as consists of the use by external application to the human body of massage, being the manipulation of the soft tissues of the human body, passive movements, remedial exercises, muscle re-education, or heat—
 - (i) by any person in the course of the practice by him of chiropractic, osteopathy or chiropody;
 - (ii) by any person in conjunction with the practice by him of face or scalp massage where such part of the practice of physiotherapy as aforesaid is practised for cosmetic purposes only; or
 - (iii) by any person in the course of training persons engaged in or training for physical culture or any games, sports or athletics or
for

Physiotherapists Registration (Amendment).

for the purpose of curing or alleviating injuries received by persons in the course of their being engaged in or training for physical culture or any games, sports or athletics.

(3) In this section—

“Chiropractic” means the system of palpating and adjusting the articulations of the human spinal column by hand only, for the relief of nerve pressure.

“Osteopathy” means the adjustment by hand only of the bones or soft tissue of the human body for the purpose of curing or alleviating any disease or abnormal condition of the human body.

“Chiropody” means the care of the nails and the treatment of their disorders and the treatment of superficial excrescences of the feet.

(4) A person guilty of an offence against this section shall be liable to a penalty not exceeding one hundred pounds.

26A. (1) A physiotherapist shall not for fee or reward—

- (a) diagnose or attempt to diagnose any abnormal condition of the human body;
- (b) prescribe any diet for any person;
- (c) prescribe any drug or medicine for internal use by any person.

Physio-
therapists
not to
perform
certain acts.

(2)

Physiotherapists Registration (Amendment).

(2) Any person guilty of an offence against this section shall be liable to a penalty not exceeding one hundred pounds.

Sec. 29.
(Informations to be laid by secretary, etc.)

(f) by omitting from section twenty-nine the words "or police";

Sec. 33.
(Regulations.)

(g) by inserting at the end of subsection one of section thirty-three the following new paragraph :—

(h) specifying the manner in which and the extent to which a physiotherapist is authorised to advertise.

In the name and on behalf of Her Majesty I assent to this Act.

E. W. WOODWARD,
Governor.

*Government House,
Sydney, 14th October, 1959.*