

**PHYSIOTHERAPISTS REGISTRATION (AMENDMENT)
BILL, 1985**

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Physiotherapists Registration Act, 1945 ("the Act"), so as—

- (a) to clarify the qualifications required for registration as a physiotherapist and, in particular—
 - (i) to delete existing obsolete qualifications;
 - (ii) to enable the Physiotherapists Registration Board ("the Board") to require an applicant for registration who does not hold a degree, diploma or other award prescribed by the regulations to undertake further study and training in addition to passing any special examination; and
 - (iii) to provide that the minimum age for registration is such age as may be prescribed by the regulations instead of the age of 20 years,
(Schedule 1 (1), (3), (4), (6) and (9));
- (b) to empower the Minister, instead of the Governor-in-Council, to determine the remuneration payable to members of the Board (Schedule 1 (2));
- (c) to provide for the issue of a provisional certificate of registration to a graduand pending the conferring of the prescribed degree, diploma or other award (at present a graduand may only be granted provisional conditional registration but, with the enactment of section 21 (1B) of the Act, a graduand may be exempted from the requirement of initial conditional registration) (Schedule 1 (5));
- (d) to empower the Board to approve of a person practising physiotherapy (subject to such conditions and for such period as the Board may determine)—
 - (i) for the purpose of qualifying for registration; or
 - (ii) if the person is temporarily undertaking research, teaching or obtaining tuition in New South Wales,
(Schedule 1 (7) and (8)); and
- (e) to make other provisions of a minor, ancillary or consequential nature.

The Bill also amends the Act by way of statute law revision (Schedule 2).



**PHYSIOTHERAPISTS REGISTRATION (AMENDMENT)
BILL, 1985**

No. , 1985.

A BILL FOR

An Act to amend the Physiotherapists Registration Act, 1945, with respect to the qualifications for the registration of physiotherapists and the persons who may practise physiotherapy, and in other respects.

Physiotherapists Registration (Amendment) 1985

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:—

Short title.

5 **1.** This Act may be cited as the "Physiotherapists Registration (Amendment) Act, 1985".

Commencement.

2. **(1)** Sections 1 and 2 shall commence on the date of assent to this Act.

10 **(2)** Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Schedules.

3. This Act contains the following Schedules:—

15 SCHEDULE 1.—AMENDMENTS TO THE PHYSIOTHERAPISTS
REGISTRATION ACT, 1945.

SCHEDULE 2.—AMENDMENTS TO THE PHYSIOTHERAPISTS
REGISTRATION ACT, 1945, BY WAY OF STATUTE LAW REVISION.

Amendment of Act No. 9, 1945.

20 **4.** The Physiotherapists Registration Act, 1945, is amended in the manner set forth in Schedules 1 and 2.

SCHEDULE 1.

(Sec. 4.)

AMENDMENTS TO THE PHYSIOTHERAPISTS REGISTRATION ACT, 1945.

(1) Section 2, definition of "Australian Physiotherapy Association"—

25 Omit the definition.

Physiotherapists Registration (Amendment) 1985

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PHYSIOTHERAPISTS REGISTRATION ACT, 1945—
continued.

(2) Section 9—

5 Omit the section, insert instead:—

Remuneration of members.

9. Each member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.

10 (3) Section 19 (a), (b)—

Omit the paragraphs, insert instead:—

(a) to register physiotherapists;

15 (b) to approve of, or arrange the conduct of, examinations required to be undertaken by persons applying for registration pursuant to section 21 (1) (b);

(4) (a) Section 21 (1)—

Omit the subsection, insert instead:—

20 (1) A person who is, in the opinion of the Board, of good character and who has attained such age as may be prescribed by the regulations is entitled to be registered as a physiotherapist if—

(a) the person is the holder of a degree, diploma or other award prescribed by the regulations for the purposes of this paragraph;

25 (b) the Board is satisfied that the person has the requisite knowledge and skill to practise physiotherapy in New South Wales by reason that the person—

30 (i) has undertaken a course of study and training in, or practised, physiotherapy in any country (including Australia); and

(ii) has passed such examinations (if any), and undertaken such course of study and training (if any), as the Board may require in any particular case or class of cases; or

Physiotherapists Registration (Amendment) 1985

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PHYSIOTHERAPISTS REGISTRATION ACT, 1945—
continued.

5 (c) the person was registered under this Act as a
physiotherapist before the commencement of the
Physiotherapists Registration (Amendment) Act, 1985,
and ceased to be registered otherwise than by virtue of
section 23 (1) (b).

(b) Section 21 (1A)—

10 Omit “who after the commencement of paragraph (e) of section
2 of the Physiotherapists Registration (Amendment) Act, 1972,
passes, in the case of a person who is not a blind person, the
prescribed examinations or, in the case of a person who is a blind
15 person, the prescribed special examinations referred to in
paragraph (a) of subsection (1), or obtains a diploma or certificate
of competency referred to in paragraph (d) of that subsection,
following a course or special course of training or study
commenced by him after that commencement, or is the holder
20 of a recognised certificate, and passes the examination (if any),
referred to in paragraph (e) of that subsection,”.

(c) Section 21 (1B)—

Omit “by reason of the operation of section 21 (1) (a), (d) or (e)”.

(d) Section 21 (2), (3)—

Omit the subsections.

25 (5) Section 21A (1)—

Omit the subsection, insert instead:—

(1) Where a person applies to be registered, the prescribed person,
if satisfied that the applicant—

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

30 (b) has satisfied all the requirements for a degree, diploma or other
award referred to in section 21 (1) (a) and, but for the conferring
of the degree, diploma or award, would be entitled to be
registered under this Act,

35 may, upon payment of the prescribed fee, grant to the applicant a
certificate of provisional registration in or to the effect of the prescribed
form.

Physiotherapists Registration (Amendment) 1985

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PHYSIOTHERAPISTS REGISTRATION ACT, 1945—
continued.

(6) Section 21B (2) (b)—

5 Omit the paragraph, insert instead:—

- (b) has satisfied all the requirements for a degree, diploma or other award referred to in section 21 (1) (a) and, but for the conferring of the degree, diploma or award, would be entitled to a certificate of conditional registration under subsection (1),

10 (7) Section 21C—

After section 21B, insert:—

Approval to practise in certain cases.

15 21C. (1) In this section, “prescribed member” means a member of the Board who is a physiotherapist and who is authorised by the Board for the purposes of this section.

20 (2) Where a person proposes to practise physiotherapy for the purpose of qualifying for registration pursuant to section 21 (1) (b), the Board or a prescribed member may approve of the person practising physiotherapy for that purpose for such period and subject to such conditions as may be specified in the approval.

(3) Where a person—

- 25 (a) practises physiotherapy outside New South Wales or is undertaking a course of study and training in physiotherapy outside New South Wales; and
- (b) proposes to practise physiotherapy in New South Wales temporarily for the purpose of undertaking research, teaching or obtaining tuition,

30 the Board or a prescribed member may approve of the person practising physiotherapy for that purpose for such period and subject to such conditions as may be specified in the approval.

(4) An approval under subsection (2) or (3) may be revoked or varied by the Board or by a prescribed member.

*Physiotherapists Registration (Amendment) 1985*SCHEDULE 1—*continued.*AMENDMENTS TO THE PHYSIOTHERAPISTS REGISTRATION ACT, 1945—
continued.

(8) Section 26 (2) (c), (c1)—

5 Omit section 26 (2) (c), insert instead:—

(c) by a person who practises physiotherapy in connection with a course of study and training for a degree, diploma or other award referred to in section 21 (1) (a) and who so practises physiotherapy under the direct instructions and personal supervision of a medical practitioner, a dentist registered under the Dentists Act, 1934, or a physiotherapist;

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(c1) by a person who practises physiotherapy in accordance with an approval under section 21c;

(9) Section 33 (1) (e), (f)—

15 Omit the paragraphs.

SCHEDULE 2.

(Sec. 4.)

AMENDMENTS TO THE PHYSIOTHERAPISTS REGISTRATION ACT, 1945, BY WAY OF
STATUTE LAW REVISION.

20 (1) (a) Section 2, definition of "Medical practitioner"—

Omit the definition.

(b) Section 2, definition of "Prescribed"—

Omit the definition.

(2) Section 5 (1)—

25 Omit "On and from the first day of July, one thousand nine hundred and forty-seven, the", insert instead "The".

(3) (a) Section 8—

Omit "Public Service Act, 1902, or of any Act amending that Act,", insert instead "Public Service Act, 1979,".

30 (b) Section 8—

Omit "any such", insert instead "that".

(4) Section 18 (1)—

Omit "Public Service Act, 1902, as amended by subsequent Acts,", insert instead "Public Service Act, 1979,".

Physiotherapists Registration (Amendment) 1985

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PHYSIOTHERAPISTS REGISTRATION ACT, 1945, BY WAY OF
STATUTE LAW REVISION—*continued.*

- (5) Section 21B (8)—
- 5 Omit “paragraph (c) of subsection (1) of section 23 or paragraph (a) or (c) of subsection (1) of section 24”, insert instead “section 23 (1) (c) or 24 (1) (a) or (c)”.
- (6) Section 24 (1A) (e) (iii)—
Omit “, or any amendment thereof”.
- (7) Section 29—
- 10 Omit “All such penalties may be recovered before any stipendiary magistrate or two justices of the peace sitting in petty sessions.”.
- (8) Section 29A—
After section 29, insert:—
Proceedings for offences.
- 15 29A. Proceedings for an offence against this Act or the regulations shall be dealt with summarily before a Local Court constituted by a Magistrate sitting alone.
- (9) (a) Section 32 (2)—
Omit “Colonial”.
- (b) Section 32 (2)—
- 20 Omit “Revenue”.
- (10) Section 33 (2), (3)—
Omit the subsections, insert instead:—
(2) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.
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**PHYSIOTHERAPISTS REGISTRATION (AMENDMENT) ACT,
1985, No. 25**

New South Wales



ANNO TRICESIMO QUARTO

ELIZABETHÆ II REGINÆ

* * * * *

Act No. 25, 1985.

An Act to amend the Physiotherapists Registration Act, 1945, with respect to the qualification for the registration of physiotherapists and the persons who may practise physiotherapy, and in other respects. [Assented to, 22nd April, 1985.]

Physiotherapists Registration (Amendment) 1985

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:—

Short title.

1. This Act may be cited as the "Physiotherapists Registration (Amendment) Act, 1985".

Commencement.

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Schedules.

3. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE PHYSIOTHERAPISTS REGISTRATION ACT, 1945.

SCHEDULE 2.—AMENDMENTS TO THE PHYSIOTHERAPISTS REGISTRATION ACT, 1945, BY WAY OF STATUTE LAW REVISION.

Amendment of Act No. 9, 1945.

4. The Physiotherapists Registration Act, 1945, is amended in the manner set forth in Schedules 1 and 2.

SCHEDULE 1.

(Sec. 4.)

AMENDMENTS TO THE PHYSIOTHERAPISTS REGISTRATION ACT, 1945.

(1) Section 2, definition of "Australian Physiotherapy Association"—

Omit the definition.

Physiotherapists Registration (Amendment) 1985

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PHYSIOTHERAPISTS REGISTRATION ACT, 1945—
continued.

(2) Section 9—

Omit the section, insert instead:—

Remuneration of members.

9. Each member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.

(3) Section 19 (a), (b)—

Omit the paragraphs, insert instead:—

- (a) to register physiotherapists;
- (b) to approve of, or arrange the conduct of, examinations required to be undertaken by persons applying for registration pursuant to section 21 (1) (b);

(4) (a) Section 21 (1)—

Omit the subsection, insert instead:—

(1) A person who is, in the opinion of the Board, of good character and who has attained such age as may be prescribed by the regulations is entitled to be registered as a physiotherapist if—

- (a) the person is the holder of a degree, diploma or other award prescribed by the regulations for the purposes of this paragraph;
- (b) the Board is satisfied that the person has the requisite knowledge and skill to practise physiotherapy in New South Wales by reason that the person—
 - (i) has undertaken a course of study and training in, or practised, physiotherapy in any country (including Australia); and
 - (ii) has passed such examinations (if any), and undertaken such course of study and training (if any), as the Board may require in any particular case or class of cases; or

Physiotherapists Registration (Amendment) 1985

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PHYSIOTHERAPISTS REGISTRATION ACT, 1945—
continued.

- (c) the person was registered under this Act as a physiotherapist before the commencement of the Physiotherapists Registration (Amendment) Act, 1985, and ceased to be registered otherwise than by virtue of section 23 (1) (b).
- (b) Section 21 (1A)—
Omit “who after the commencement of paragraph (e) of section 2 of the Physiotherapists Registration (Amendment) Act, 1972, passes, in the case of a person who is not a blind person, the prescribed examinations or, in the case of a person who is a blind person, the prescribed special examinations referred to in paragraph (a) of subsection (1), or obtains a diploma or certificate of competency referred to in paragraph (d) of that subsection, following a course or special course of training or study commenced by him after that commencement, or is the holder of a recognised certificate, and passes the examination (if any), referred to in paragraph (e) of that subsection,”.
- (c) Section 21 (1B)—
Omit “by reason of the operation of section 21 (1) (a), (d) or (e)”.
- (d) Section 21 (2), (3)—
Omit the subsections.
- (5) Section 21A (1)—
Omit the subsection, insert instead:—
- (1) Where a person applies to be registered, the prescribed person, if satisfied that the applicant—
- (a) is entitled to be registered under this Act; or
- (b) has satisfied all the requirements for a degree, diploma or other award referred to in section 21 (1) (a) and, but for the conferring of the degree, diploma or award, would be entitled to be registered under this Act,
- may, upon payment of the prescribed fee, grant to the applicant a certificate of provisional registration in or to the effect of the prescribed form.

Physiotherapists Registration (Amendment) 1985

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PHYSIOTHERAPISTS REGISTRATION ACT, 1945—
continued.

(6) Section 21B (2) (b)—

Omit the paragraph, insert instead:—

- (b) has satisfied all the requirements for a degree, diploma or other award referred to in section 21 (1) (a) and, but for the conferring of the degree, diploma or award, would be entitled to a certificate of conditional registration under subsection (1),

(7) Section 21C—

After section 21B, insert:—

Approval to practise in certain cases.

21C. (1) In this section, “prescribed member” means a member of the Board who is a physiotherapist and who is authorised by the Board for the purposes of this section.

(2) Where a person proposes to practise physiotherapy for the purpose of qualifying for registration pursuant to section 21 (1) (b), the Board or a prescribed member may approve of the person practising physiotherapy for that purpose for such period and subject to such conditions as may be specified in the approval.

(3) Where a person—

- (a) practises physiotherapy outside New South Wales or is undertaking a course of study and training in physiotherapy outside New South Wales; and
- (b) proposes to practise physiotherapy in New South Wales temporarily for the purpose of undertaking research, teaching or obtaining tuition,

the Board or a prescribed member may approve of the person practising physiotherapy for that purpose for such period and subject to such conditions as may be specified in the approval.

(4) An approval under subsection (2) or (3) may be revoked or varied by the Board or by a prescribed member.

Physiotherapists Registration (Amendment) 1985

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PHYSIOTHERAPISTS REGISTRATION ACT, 1945—
continued.

(8) Section 26 (2) (c), (c1)—

Omit section 26 (2) (c), insert instead:—

(c) by a person who practises physiotherapy in connection with a course of study and training for a degree, diploma or other award referred to in section 21 (1) (a) and who so practises physiotherapy under the direct instructions and personal supervision of a medical practitioner, a dentist registered under the Dentists Act, 1934, or a physiotherapist;

(c1) by a person who practises physiotherapy in accordance with an approval under section 21C;

(9) Section 33 (1) (e), (f)—

Omit the paragraphs.

SCHEDULE 2.

(Sec. 4.)

AMENDMENTS TO THE PHYSIOTHERAPISTS REGISTRATION ACT, 1945, BY WAY OF
STATUTE LAW REVISION.

(1) (a) Section 2, definition of “Medical practitioner”—

Omit the definition.

(b) Section 2, definition of “Prescribed”—

Omit the definition.

(2) Section 5 (1)—

Omit “On and from the first day of July, one thousand nine hundred and forty-seven, the”, insert instead “The”.

(3) (a) Section 8—

Omit “Public Service Act, 1902, or of any Act amending that Act,”, insert instead “Public Service Act, 1979,”.

(b) Section 8—

Omit “any such”, insert instead “that”.

(4) Section 18 (1)—

Omit “Public Service Act, 1902, as amended by subsequent Acts,”, insert instead “Public Service Act, 1979,”.

Physiotherapists Registration (Amendment) 1985

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PHYSIOTHERAPISTS REGISTRATION ACT, 1945, BY WAY OF
STATUTE LAW REVISION—*continued.*

- (5) Section 21B (8)—
Omit “paragraph (c) of subsection (1) of section 23 or paragraph (a) or (c) of subsection (1) of section 24”, insert instead “section 23 (1) (c) or 24 (1) (a) or (c)”.
- (6) Section 24 (1A) (e) (iii)—
Omit “, or any amendment thereof”.
- (7) Section 29—
Omit “All such penalties may be recovered before any stipendiary magistrate or two justices of the peace sitting in petty sessions.”.
- (8) Section 29A—
After section 29, insert:—
Proceedings for offences.
29A. Proceedings for an offence against this Act or the regulations shall be dealt with summarily before a Local Court constituted by a Magistrate sitting alone.
- (9) (a) Section 32 (2)—
Omit “Colonial”.
- (b) Section 32 (2)—
Omit “Revenue”.
- (10) Section 33 (2), (3)—
Omit the subsections, insert instead:—
(2) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

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

J. A. ROWLAND,
Governor.

*Government House,
Sydney, 22nd April, 1985.*

