

**PHYSIOTHERAPISTS REGISTRATION (AMENDMENT)
BILL 1987**

NEW SOUTH WALES



EXPLANATORY NOTE

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

The following Bills are cognate with this Bill:

Health Legislation (Reasons for Decisions) Amendment Bill 1987;

Optical Dispensers (Amendment) Bill 1987.

The object of this Bill is to amend the Physiotherapists Registration Act 1945—

- (a) to vary the composition of the Physiotherapists Registration Board;
- (b) to extend the categories of professional misconduct by physiotherapists and to provide alternative disciplinary measures in relation to any such misconduct;
- (c) to provide for the constitution of Professional Standards Committees; and
- (d) to provide money for education and research relating to physiotherapy,

and for other purposes.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Clause 3 gives effect to the Schedule of amendments to the Principal Act.

Clause 4 gives effect to the Schedule of savings and transitional provisions.

Schedule 1 (1) amends section 2 of the Principal Act—

- (a) as a consequence of the amendments made by Schedule 1 (2) (Schedule 1 (1) (a) and (b));
- (b) in relation to the meaning of “physiotherapy” (Schedule 1 (1) (c)); and
- (c) to define “public hospital” so as to include an area health service (Schedule 1 (1) (d)).

Physiotherapists Registration (Amendment) 1987

Schedule 1 (2) substitutes section 5 of the Principal Act. The new section increases the size and varies the composition of the Physiotherapists Registration Board.

Schedule 1 (3) substitutes section 10 of the Principal Act. The new section provides for the appointment of a Deputy President of the Board to act as President during any illness or absence of the President.

Schedule 1 (4) amends section 14 of the Principal Act to increase the number required for a quorum at any meeting of the Board (as a consequence of its increased membership).

Schedule 1 (5) inserts a new section 17A into the Principal Act. The new section provides for the establishment by the Board of committees (whether or not wholly or partly consisting of Board members) to assist the Board.

Schedule 1 (6) (a) amends section 24 (1) of the Principal Act to provide for additional measures that may be taken against a physiotherapist found guilty of an offence or of professional misconduct. At present the only measures available are cancellation or suspension of registration. One of the new measures is the imposition of a fine not exceeding 40 penalty units (\$4,000).

Schedule 1 (6) (b) amends section 24 (1A) of the Principal Act to provide, as an additional recognised category of professional misconduct, a category of behaviour in the nature of professional incompetence.

Schedule 1 (6) (c) omits section 24 (6)–(8) of the Principal Act as a consequence of the insertion, by Schedule 1 (7), of a new section 24E.

Schedule 1 (7) inserts new sections 24A–24E into the Principal Act, the provisions of which may be explained as follows:

Proposed section 24A provides for the establishment of Professional Standards Committees, consisting of persons appointed by the Board, to investigate certain matters referred to them by the Board.

Proposed section 24B provides that proceedings before a Professional Standards Committee are to be conducted in accordance with the regulations.

Proposed section 24C provides for the making and reporting of decisions by a Professional Standards Committee.

Proposed section 24D sets out the kinds of matters that may be referred to a Professional Standards Committee.

Proposed section 24E provides a right of appeal (to the District Court) to persons aggrieved by decisions of the Board in relation to misconduct inquiries or registration applications.

Schedule 1 (8) amends section 26 of the Principal Act—

- (a) to provide that the nurses who are allowed to practise physiotherapy under the instructions of a suitably qualified person are only those nurses who are registered under the Nurses Registration Act 1953; and
- (b) to increase the penalty for unqualified practice of physiotherapy from \$100 to 10 penalty units (\$1,000).

Schedule 1 (9) omits section 26A of the Principal Act as a consequence of the amendment made by Schedule 1 (13).

Schedule 1 (10) amends section 29 of the Principal Act to increase the general penalty for offences against the Principal Act from \$100 to 5 penalty units (\$500).

Physiotherapists Registration (Amendment) 1987

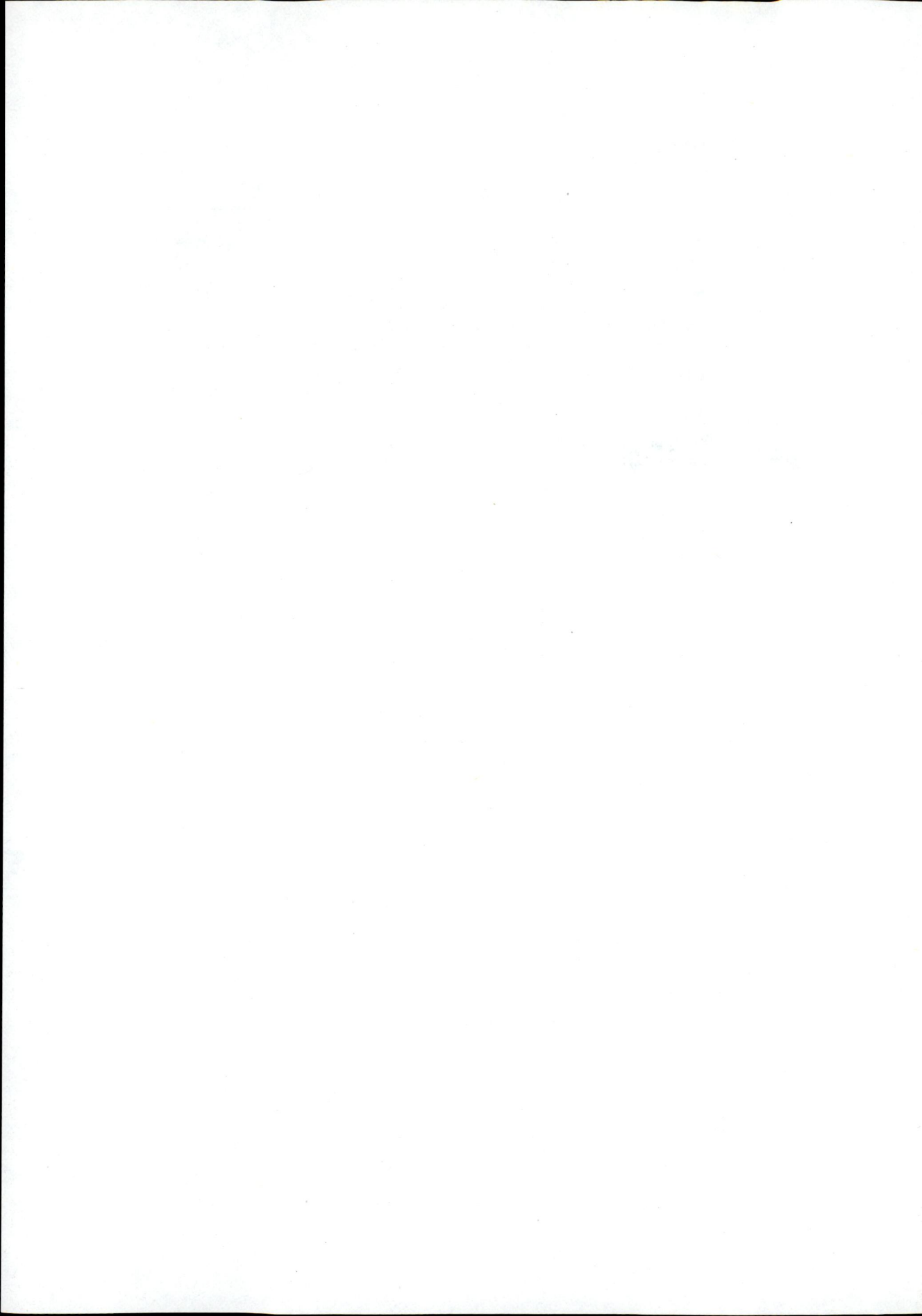
Schedule 1 (11) amends section 32 of the Principal Act as a consequence of the amendment made by Schedule 1 (12).

Schedule 1 (12) inserts a new section 32A into the Principal Act which provides for the establishment of a Physiotherapy Education and Research Account. The Account is to be funded from part of the proceeds of fees payable under the Principal Act and is to be applied for research and educational purposes relating to physiotherapy.

Schedule 1 (13) (a) amends section 33 of the Principal Act to enable the making of regulations in respect of the performance by physiotherapists of functions previously prohibited by section 26A of that Act.

Schedule 1 (13) (b) enables the making of regulations concerning advertising by corporations engaged or associated in the practice of physiotherapy.

Schedule 2 contains savings in relation to the members of the existing Board and transitional provisions in relation to the appointment of members of the Board as reconstituted and its first meeting after reconstitution.



PHYSIOTHERAPISTS REGISTRATION (AMENDMENT) BILL 1987

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act No. 9, 1945
4. Savings and transitional provisions

SCHEDULE 1—AMENDMENTS

SCHEDULE 2—SAVINGS AND TRANSITIONAL PROVISIONS



**PHYSIOTHERAPISTS REGISTRATION (AMENDMENT)
BILL 1987**

NEW SOUTH WALES



No. , 1987

A BILL FOR

An Act to amend the Physiotherapists Registration Act 1945 with respect to the membership of the Physiotherapists Registration Board and in certain other respects.

See also Health Legislation (Reasons for Decisions) Amendment Bill 1987; Optical Dispensers (Amendment) Bill 1987.

Physiotherapists Registration (Amendment) 1987

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Physiotherapists Registration (Amendment) Act 1987.

5 Commencement

2. (1) Except as provided by subsection (2), this Act shall commence on a day to be appointed by proclamation.

(2) Section 4 and Schedule 2 shall commence on the date of assent to
10 this Act.

Amendment of Act No. 9, 1945

3. The Physiotherapists Registration Act 1945 is amended as set out in Schedule 1.

Savings and transitional provisions

15 4. Schedule 2 has effect.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 2 (**Definitions**)—

(a) Before the definition of “Board”, insert:

20 “Appointed member” means a member referred to in section 5
(2) (b).

(b) After the definition of “Board”, insert:

“Elected member” means a member referred to in section 5 (2)
(a).

25 (c) Definition of “Physiotherapy”—

Omit “or alleviating”, insert instead “, alleviating or
preventing”.

(d) After the definition of “Proclaimed method”, insert:

30 “Public hospital” includes an area health service established in
accordance with the Area Health Services Act 1986.

(2) Section 5—

Omit the section, insert instead:

SCHEDULE 1—AMENDMENTS—*continued***Membership of the Board**

5. (1) The Board shall consist of 12 members.

(2) Of the members—

(a) 3 shall be physiotherapists elected by physiotherapists; and

5 (b) 9 shall be appointed by the Governor and shall comprise—

(i) 2 physiotherapists nominated by the Australian Physiotherapists Association, New South Wales Branch;

10 (ii) a physiotherapist engaged in physiotherapy nominated by the Cumberland College of Health Sciences;

(iii) a barrister or solicitor nominated by the Minister;

(iv) an officer of the Department of Health nominated by the Minister; and

15 (v) 4 persons nominated by the Minister.

(3) Section 10—

Omit the section, insert instead:

President and Deputy President

20 10. (1) Of the members of the Board, one member (being a physiotherapist) shall, in and by any relevant instrument of appointment as such a member, or by another instrument executed by the Governor, be appointed as President of the Board and one member shall be so appointed as Deputy President of the Board.

25 (2) The Deputy President, during the absence or illness of the President, shall act in the office of the President and, while so acting, has (except as provided by sections 21A and 21B (2)) all the powers, authorities, duties and functions of the President.

30 (3) The President or, in the absence of the President, the Deputy President or, in the absence of both the President and the Deputy President, another member elected to chair the meeting by the members present shall preside at a meeting of the Board.

35 (4) The person presiding at any meeting of the Board has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

(5) The Governor may remove a member from the office of President or Deputy President at any time.

(6) A person vacates office as President or Deputy President if the person—

*Physiotherapists Registration (Amendment) 1987*SCHEDULE 1—AMENDMENTS—*continued*

- (a) is removed from that office by the Governor;
- (b) resigns that office by instrument in writing addressed to the Minister; or
- (c) ceases to be a member.

5 (4) Section 14 (**Quorum etc.**)—

Section 14 (1)—

Omit “four”, insert instead “7”.

(5) Section 17A—

After section 17, insert:

10 **Committees**

17A. (1) The Board may establish advisory committees to make recommendations to it in connection with the exercise and discharge of any of its powers, authorities, duties and functions.

15 (2) It does not matter that any or all of the members of a committee are not members of the Board.

(3) The procedure for the calling of meetings of a committee and for the conduct of business at those meetings shall be as determined by the Board or (subject to any determination of the Board) by the committee.

20 (6) Section 24 (**Removal of name on account of misconduct etc.**)—

(a) Section 24 (1)—

Omit “the Board may remove his name from the register or suspend his registration for such period as the Board shall think fit.”, insert instead:

25 the Board may—

- (d) caution or reprimand the person;
- (e) order that the person seek medical or psychiatric treatment or counselling;
- 30 (f) direct that such conditions, relating to the person’s practising physiotherapy, as it considers appropriate be imposed on the person’s registration;
- (g) order that the person complete such educational courses as are specified by the Board;
- 35 (h) order that the person report on his or her physiotherapy practice at the times, in the manner and to the persons specified by the Board;

Physiotherapists Registration (Amendment) 1987

SCHEDULE 1—AMENDMENTS—*continued*

- (i) order that the person seek and take advice, in relation to the management of his or her physiotherapy practice, from such persons as are specified by the Board;
- 5 (j) by its order impose a fine on the person of an amount, not exceeding 40 penalty units, specified in the order;
- (k) suspend the person's registration for such period as the Board thinks fit; or
- (l) remove the person's name from the register,
- 10 or exercise any combination of the powers conferred on it by paragraphs (d)–(l).
- (b) Section 24 (1A)—
- Omit section 24 (1A) (e) and (f), insert instead:
- 15 (e) by any act or omission, demonstrates a lack of adequate knowledge, experience, skill, judgment or care in the practice of physiotherapy; or
- (f) has been guilty of habitual drunkenness or of addiction to any deleterious drug,
- or engages in any other improper or unethical conduct relating to the practice of physiotherapy.
- 20 (c) Section 24 (6)–(8)—
- Omit the subsections.
- (7) Sections 24A–24E—
- After section 24, insert:
- Professional Standards Committees**
- 25 24A. (1) There shall be Professional Standards Committees.
- (2) The Committees shall have and may exercise and perform, in accordance with such terms of reference as are determined generally or in any particular case by the Board, the jurisdiction and the powers, authorities, duties and functions conferred or
- 30 imposed on them by or under this Act.
- (3) When the Board decides to refer a matter to a Committee, the Board shall appoint 3 persons to sit as the Committee for the purpose of investigating the matter.
- (4) For the purposes of investigating a matter, a Committee shall consist of—
- 35 (a) 2 physiotherapists; and

*Physiotherapists Registration (Amendment) 1987*SCHEDULE 1—AMENDMENTS—*continued*

(b) one lay person (that is, a person who is neither a physiotherapist nor qualified to apply to be registered as a physiotherapist) appointed from among a panel of lay persons for the time being nominated by the Minister,

5 one of whom shall be appointed by the Board as chairperson of that Committee.

(5) A person may be appointed to sit on a Committee whether or not the person is a member of the Board.

10 (6) One or more Committees may investigate more than one matter at the same time.

(7) A member of a Committee, while sitting on the Committee, is entitled to be paid by the Board at the same rate as a witness who gives expert evidence in the Supreme Court.

Proceedings before Professional Standards Committees

15 24B. Proceedings before a Professional Standards Committee shall be conducted in accordance with the regulations.

Decisions of Professional Standards Committees

20 24C. (1) A decision supported by at least 2 members of a Professional Standards Committee on any question arising during its investigation of a matter is the decision of the Committee.

(2) A Professional Standards Committee shall, as soon as practicable after concluding an investigation, furnish its report to the Board.

Reference of matters to Professional Standards Committees

25 24D. The Board may, despite the other provisions of this Act, refer to a Professional Standards Committee for investigation and report—

- 30 (a) an application to be registered as a physiotherapist or for the grant of a certificate of conditional registration;
- (b) an application, under section 21C, to practise physiotherapy;
- (c) the question of whether the Board should, on the grounds set out in section 23 (1) (b) or (c), cause the name of a physiotherapist to be removed from the register; or
- 35 (d) the question of whether a physiotherapist is guilty of misconduct in a professional respect.

*Physiotherapists Registration (Amendment) 1987*SCHEDULE 1—AMENDMENTS—*continued***Appeals**

5 24E. (1) Any person aggrieved by a decision of the Board under section 24 (1) concerning the person may, within 3 months after the date on which notice of the decision is given to the person by the secretary, appeal against the decision to the District Court.

(2) Any person aggrieved by the failure of the Board or other authorised person—

- 10 (a) to register the person as a physiotherapist;
 (b) to grant the person a certificate of conditional registration;
 or
 (c) to approve, under section 21c, of the person practising physiotherapy,

may, within 6 months after the date of the relevant application, appeal against the failure to the District Court.

15 (3) An appeal shall be made in accordance with the rules of court and shall be in the nature of a new hearing.

(4) The District Court may make such order as it thinks fit which shall be final and without appeal.

(5) The Board shall give effect to the District Court's order.

20 (8) Section 26 (**Unregistered person not to practise as or hold out to be a physiotherapist**)—

(a) Section 26 (2) (b)—

After "nurse", insert "(being a nurse whose name is entered in the Register of Nurses kept under the Nurses Registration Act 1953)".

25 (b) Section 26 (4)—

Omit "two hundred dollars", insert instead "10 penalty units".

(9) Section 26A (**Physiotherapists and holders of certificates of conditional registration not to perform certain acts**)—

Omit the section.

30 (10) Section 29 (**Penalty for offences etc.**)—

Omit "one hundred dollars", insert instead "5 penalty units".

(11) Section 32 (**Fees and penalties**)—

Section 32 (2)—

35 After "shall" where firstly occurring, insert ", except as provided by section 32A,".

(12) Section 32A—

After section 32, insert:

*Physiotherapists Registration (Amendment) 1987*SCHEDULE 1—AMENDMENTS—*continued***Physiotherapy Education and Research Account**

32A. (1) The Board shall establish a Physiotherapy Education and Research Account.

5 (2) Such amounts as are determined by the Minister from time to time shall be paid by the secretary from fees payable under this Act or the regulations into the Physiotherapy Education and Research Account.

10 (3) The Board may appropriate amounts from the Physiotherapy Education and Research Account for or towards any one or more of—

- (a) physiotherapy education;
- (b) education or research for any public purpose connected with the practice of physiotherapy;
- 15 (c) the publication and distribution of information concerning this Act and the regulations; or
- (d) meeting administrative expenditure incurred with respect to the Account and the purposes for which it is used,

or any related purpose.

20 (4) An appropriation under subsection (3) shall not be made unless it is authorised by a resolution supported by at least 8 members.

(13) Section 33 (Regulations)—**(a) Section 33 (1) (e)—**

After section 33 (1) (d), insert:

25 (e) regulating the circumstances in which a physiotherapist or the holder of a certificate of conditional registration, for fee or reward, may or shall not—

- (i) diagnose or attempt to diagnose any abnormal condition of the human body;
- 30 (ii) prescribe any diet for any person; or
- (iii) prescribe any drug or medicine for internal use by any person;

(b) Section 33 (1) (h)—

35 After “physiotherapist”, insert “or a corporation engaged or associated in the practice of physiotherapy”.

*Physiotherapists Registration (Amendment) 1987***SCHEDULE 2—SAVINGS AND TRANSITIONAL PROVISIONS**

(Sec. 4)

Definitions

1. In this Schedule—

- 5 “new Board” means the Physiotherapists Registration Board under the Physiotherapists Registration Act 1945 on the commencement of this Act;
 “old Board” means the Physiotherapists Registration Board under the Physiotherapists Registration Act 1945 before the commencement of this Act.

Members of old Board

- 10 2. (1) A person who, immediately before the commencement of this Act, held office as an elected member of the old Board under section 5 (1) (b) of the Physiotherapists Registration Act 1945 shall (without further election) be deemed to have been duly elected as a member of the new Board under section 5 (2) (a) of the Physiotherapists Registration Act 1945, as amended by this Act, and—

- 15 (a) shall be deemed to have been so elected—

(i) on the same terms and conditions as those applicable to the person immediately before the commencement of this Act; and

(ii) for the residue of the term of office for which the person so held office; and

- 20 (b) is eligible (if otherwise qualified) for election or appointment or re-election or re-appointment under the Physiotherapists Registration Act 1945, as so amended, with effect from the expiration of that term of office or from any subsequent time.

(2) Except as provided by subclause (1), a person who, immediately before the commencement of this Act, held office as a member of the old Board—

- 25 (a) shall cease to hold office as such on that commencement; and
 (b) is eligible (if otherwise qualified) to be appointed as a member of the new Board.

Appointments etc. before commencement

- 30 3. For the purpose only of enabling the new Board to be constituted on or after (but not before) the commencement of this Act, appointments may be made under the Physiotherapists Registration Act 1945, as amended by this Act, and anything else may be done, before that commencement, as if this Act commenced on the date of assent to this Act, but so that no appointment as a member of the new Board as so constituted takes effect before that commencement.

First meeting of new Board

- 35 4. The Minister for Health shall call the first meeting of the new Board in such manner as the Minister thinks fit.



**PHYSIOTHERAPISTS' REGISTRATION (AMENDMENT)
ACT 1987 No. 274**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act No. 9, 1945
4. Savings and transitional provisions

SCHEDULE 1—AMENDMENTS

SCHEDULE 2—SAVINGS AND TRANSITIONAL PROVISIONS



PHYSIOTHERAPISTS REGISTRATION (AMENDMENT) ACT 1987
No. 274

NEW SOUTH WALES



Act No. 274, 1987

An Act to amend the Physiotherapists Registration Act 1945 with respect to the membership of the Physiotherapists Registration Board and in certain other respects. [Assented to 16 December 1987]

See also Health Legislation (Reasons for Decisions) Amendment Act 1987; Optical Dispensers (Amendment) Act 1987.

Physiotherapists Registration (Amendment) 1987

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Physiotherapists Registration (Amendment) Act 1987.

Commencement

2. (1) Except as provided by subsection (2), this Act shall commence on a day to be appointed by proclamation.

(2) Section 4 and Schedule 2 shall commence on the date of assent to this Act.

Amendment of Act No. 9, 1945

3. The Physiotherapists Registration Act 1945 is amended as set out in Schedule 1.

Savings and transitional provisions

4. Schedule 2 has effect.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 2 (**Definitions**)—

(a) Before the definition of “Board”, insert:

“Appointed member” means a member referred to in section 5 (2) (b).

(b) After the definition of “Board”, insert:

“Elected member” means a member referred to in section 5 (2) (a).

(c) Definition of “Physiotherapy”—

Omit “or alleviating”, insert instead “, alleviating or preventing”.

(d) After the definition of “Proclaimed method”, insert:

“Public hospital” includes an area health service established in accordance with the Area Health Services Act 1986.

(2) Section 5—

Omit the section, insert instead:

*Physiotherapists Registration (Amendment) 1987*SCHEDULE 1—AMENDMENTS—*continued***Membership of the Board**

5. (1) The Board shall consist of 12 members.
- (2) Of the members—
- (a) 3 shall be physiotherapists elected by physiotherapists; and
 - (b) 9 shall be appointed by the Governor and shall comprise—
 - (i) 2 physiotherapists nominated by the Australian Physiotherapists Association, New South Wales Branch;
 - (ii) a physiotherapist engaged in physiotherapy nominated by the Cumberland College of Health Sciences;
 - (iii) a barrister or solicitor nominated by the Minister;
 - (iv) an officer of the Department of Health nominated by the Minister; and
 - (v) 4 persons nominated by the Minister.

(3) Section 10—

Omit the section, insert instead:

President and Deputy President

10. (1) Of the members of the Board, one member (being a physiotherapist) shall, in and by any relevant instrument of appointment as such a member, or by another instrument executed by the Governor, be appointed as President of the Board and one member shall be so appointed as Deputy President of the Board.

(2) The Deputy President, during the absence or illness of the President, shall act in the office of the President and, while so acting, has (except as provided by sections 21A and 21B (2)) all the powers, authorities, duties and functions of the President.

(3) The President or, in the absence of the President, the Deputy President or, in the absence of both the President and the Deputy President, another member elected to chair the meeting by the members present shall preside at a meeting of the Board.

(4) The person presiding at any meeting of the Board has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

(5) The Governor may remove a member from the office of President or Deputy President at any time.

(6) A person vacates office as President or Deputy President if the person—

*Physiotherapists Registration (Amendment) 1987*SCHEDULE 1—AMENDMENTS—*continued*

- (a) is removed from that office by the Governor;
 - (b) resigns that office by instrument in writing addressed to the Minister; or
 - (c) ceases to be a member.
- (4) Section 14 (**Quorum etc.**)—
 Section 14 (1)—
 Omit “four”, insert instead “7”.
- (5) Section 17A—
 After section 17, insert:
Committees
 17A. (1) The Board may establish advisory committees to make recommendations to it in connection with the exercise and discharge of any of its powers, authorities, duties and functions.
 (2) It does not matter that any or all of the members of a committee are not members of the Board.
 (3) The procedure for the calling of meetings of a committee and for the conduct of business at those meetings shall be as determined by the Board or (subject to any determination of the Board) by the committee.
- (6) Section 24 (**Removal of name on account of misconduct etc.**)—
 (a) Section 24 (1)—
 Omit “the Board may remove his name from the register or suspend his registration for such period as the Board shall think fit.”, insert instead:
 the Board may—
 (d) caution or reprimand the person;
 (e) order that the person seek medical or psychiatric treatment or counselling;
 (f) direct that such conditions, relating to the person’s practising physiotherapy, as it considers appropriate be imposed on the person’s registration;
 (g) order that the person complete such educational courses as are specified by the Board;
 (h) order that the person report on his or her physiotherapy practice at the times, in the manner and to the persons specified by the Board;

*Physiotherapists Registration (Amendment) 1987*SCHEDULE 1—AMENDMENTS—*continued*

- (i) order that the person seek and take advice, in relation to the management of his or her physiotherapy practice, from such persons as are specified by the Board;
- (j) by its order impose a fine on the person of an amount, not exceeding 40 penalty units, specified in the order;
- (k) suspend the person's registration for such period as the Board thinks fit; or
- (l) remove the person's name from the register,

or exercise any combination of the powers conferred on it by paragraphs (d)–(l).

(b) Section 24 (1A)—

Omit section 24 (1A) (e) and (f), insert instead:

- (e) by any act or omission, demonstrates a lack of adequate knowledge, experience, skill, judgment or care in the practice of physiotherapy; or
- (f) has been guilty of habitual drunkenness or of addiction to any deleterious drug,

or engages in any other improper or unethical conduct relating to the practice of physiotherapy.

(c) Section 24 (6)–(8)—

Omit the subsections.

(7) Sections 24A–24E—

After section 24, insert:

Professional Standards Committees

24A. (1) There shall be Professional Standards Committees.

(2) The Committees shall have and may exercise and perform, in accordance with such terms of reference as are determined generally or in any particular case by the Board, the jurisdiction and the powers, authorities, duties and functions conferred or imposed on them by or under this Act.

(3) When the Board decides to refer a matter to a Committee, the Board shall appoint 3 persons to sit as the Committee for the purpose of investigating the matter.

(4) For the purposes of investigating a matter, a Committee shall consist of—

- (a) 2 physiotherapists; and

Physiotherapists Registration (Amendment) 1987

SCHEDULE 1—AMENDMENTS—*continued*

- (b) one lay person (that is, a person who is neither a physiotherapist nor qualified to apply to be registered as a physiotherapist) appointed from among a panel of lay persons for the time being nominated by the Minister,

one of whom shall be appointed by the Board as chairperson of that Committee.

(5) A person may be appointed to sit on a Committee whether or not the person is a member of the Board.

(6) One or more Committees may investigate more than one matter at the same time.

(7) A member of a Committee, while sitting on the Committee, is entitled to be paid by the Board at the same rate as a witness who gives expert evidence in the Supreme Court.

Proceedings before Professional Standards Committees

24B. Proceedings before a Professional Standards Committee shall be conducted in accordance with the regulations.

Decisions of Professional Standards Committees

24C. (1) A decision supported by at least 2 members of a Professional Standards Committee on any question arising during its investigation of a matter is the decision of the Committee.

(2) A Professional Standards Committee shall, as soon as practicable after concluding an investigation, furnish its report to the Board.

Reference of matters to Professional Standards Committees

24D. The Board may, despite the other provisions of this Act, refer to a Professional Standards Committee for investigation and report—

- (a) an application to be registered as a physiotherapist or for the grant of a certificate of conditional registration;
- (b) an application, under section 21C, to practise physiotherapy;
- (c) the question of whether the Board should, on the grounds set out in section 23 (1) (b) or (c), cause the name of a physiotherapist to be removed from the register; or

Physiotherapists Registration (Amendment) 1987

SCHEDULE 1—AMENDMENTS—*continued*

- (d) the question of whether a physiotherapist is guilty of misconduct in a professional respect.

Appeals

24E. (1) Any person aggrieved by a decision of the Board under section 24 (1) concerning the person may, within 3 months after the date on which notice of the decision is given to the person by the secretary, appeal against the decision to the District Court.

(2) Any person aggrieved by the failure of the Board or other authorised person—

- (a) to register the person as a physiotherapist;
- (b) to grant the person a certificate of conditional registration; or
- (c) to approve, under section 21C, of the person practising physiotherapy,

may, within 6 months after the date of the relevant application, appeal against the failure to the District Court.

(3) An appeal shall be made in accordance with the rules of court and shall be in the nature of a new hearing.

(4) The District Court may make such order as it thinks fit which shall be final and without appeal.

(5) The Board shall give effect to the District Court's order.

(8) Section 26 (**Unregistered person not to practise as or hold out to be a physiotherapist**)—

(a) Section 26 (2) (b)—

After “nurse”, insert “(being a nurse whose name is entered in the Register of Nurses kept under the Nurses Registration Act 1953)”.

(b) Section 26 (4)—

Omit “two hundred dollars”, insert instead “10 penalty units”.

(9) Section 26A (**Physiotherapists and holders of certificates of conditional registration not to perform certain acts**)—

Omit the section.

(10) Section 29 (**Penalty for offences etc.**)—

Omit “one hundred dollars”, insert instead “5 penalty units”.

Physiotherapists Registration (Amendment) 1987

SCHEDULE 1—AMENDMENTS—*continued*

(11) Section 32 (**Fees and penalties**)—

Section 32 (2)—

After “shall” where firstly occurring, insert “, except as provided by section 32A,”.

(12) Section 32A—

After section 32, insert:

Physiotherapy Education and Research Account

32A. (1) The Board shall establish a Physiotherapy Education and Research Account.

(2) Such amounts as are determined by the Minister from time to time shall be paid by the secretary from fees payable under this Act or the regulations into the Physiotherapy Education and Research Account.

(3) The Board may appropriate amounts from the Physiotherapy Education and Research Account for or towards any one or more of—

- (a) physiotherapy education;
- (b) education or research for any public purpose connected with the practice of physiotherapy;
- (c) the publication and distribution of information concerning this Act and the regulations; or
- (d) meeting administrative expenditure incurred with respect to the Account and the purposes for which it is used,

or any related purpose.

(4) An appropriation under subsection (3) shall not be made unless it is authorised by a resolution supported by at least 8 members.

(13) Section 33 (**Regulations**)—

(a) Section 33 (1) (e)—

After section 33 (1) (d), insert:

- (e) regulating the circumstances in which a physiotherapist or the holder of a certificate of conditional registration, for fee or reward, may or shall not—
 - (i) diagnose or attempt to diagnose any abnormal condition of the human body;
 - (ii) prescribe any diet for any person; or
 - (iii) prescribe any drug or medicine for internal use by any person;

Physiotherapists Registration (Amendment) 1987

SCHEDULE 1—AMENDMENTS—*continued*

(b) Section 33 (1) (h)—

After “physiotherapist”, insert “or a corporation engaged or associated in the practice of physiotherapy”.

SCHEDULE 2—SAVINGS AND TRANSITIONAL PROVISIONS

(Sec. 4)

Definitions

1. In this Schedule—

“new Board” means the Physiotherapists Registration Board under the Physiotherapists Registration Act 1945 on the commencement of this Act;

“old Board” means the Physiotherapists Registration Board under the Physiotherapists Registration Act 1945 before the commencement of this Act.

Members of old Board

2. (1) A person who, immediately before the commencement of this Act, held office as an elected member of the old Board under section 5 (1) (b) of the Physiotherapists Registration Act 1945 shall (without further election) be deemed to have been duly elected as a member of the new Board under section 5 (2) (a) of the Physiotherapists Registration Act 1945, as amended by this Act, and—

(a) shall be deemed to have been so elected—

(i) on the same terms and conditions as those applicable to the person immediately before the commencement of this Act; and

(ii) for the residue of the term of office for which the person so held office; and

(b) is eligible (if otherwise qualified) for election or appointment or re-election or re-appointment under the Physiotherapists Registration Act 1945, as so amended, with effect from the expiration of that term of office or from any subsequent time.

(2) Except as provided by subclause (1), a person who, immediately before the commencement of this Act, held office as a member of the old Board—

(a) shall cease to hold office as such on that commencement; and

(b) is eligible (if otherwise qualified) to be appointed as a member of the new Board.

Appointments etc. before commencement

3. For the purpose only of enabling the new Board to be constituted on or after (but not before) the commencement of this Act, appointments may be made under the Physiotherapists Registration Act 1945, as amended by this Act, and anything else may be done, before that commencement, as if this Act commenced on the date of assent to this Act, but so that no appointment as a member of the new Board as so constituted takes effect before that commencement.

Physiotherapists Registration (Amendment) 1987

SCHEDULE 2—SAVINGS AND TRANSITIONAL PROVISIONS—*continued*

First meeting of new Board

4. The Minister for Health shall call the first meeting of the new Board in such manner as the Minister thinks fit.