

**AUSTRALIAN CAPITAL TERRITORY
PHYSIOTHERAPISTS ACT 1977
DETERMINATION NO. 127 OF 1995**

EXPLANATORY STATEMENT

The *Physiotherapists Registration Act 1977* (the Act) provides for the registration of persons engaged in physiotherapy and for other purposes. Determined fees for the purposes of the Act were published in the Australian Capital Territory Gazette No. S217 on 6 October 1994. Prior to this fees were prescribed in Regulations.

The determination published at that time simply referred to the provisions for which the fees were determined. Reference to the section/subsections was not published because the renumbering of the Act as provided by *Physiotherapists (Amendment) Act 1994* had not been completed at that time.

Section 54 provides the Minister with the power to determine fees for the purposes of the Act. This instrument revokes all previously determined fees for the following provisions:

- Fee for full registration and registration at the discretion of the Board,
- Annual registration fee,
- Entitlement to re-registration subject to payment of fee,
- Registration fee under mutual recognition provisions,
- Fee for duplicate certificate,
- Fee for alteration of particulars in the register,
- Entitlement to interim registration subject to payment of fee,
- Fee to inspect an entry in the register,
- Fee to obtain a certified copy of an entry in the register, and

sets new fees for some provisions which reflect a move towards full cost recovery for services provided by the Board with a view to establishing a trust account associated with revenue generated by the Board. Other fees have remained unaltered as they are consistent with fees for similar provisions in other health registration legislation and appear at this time to be at cost recovery level.

The Schedule includes the provisions against the appropriate section numbers and in the interest of keeping all determined fees together for future reference. The following statement provides the necessary details:

1. Subsection 11(2), entitlement to interim registration.

Under section 11 of the Act, interim registration may be granted to a person where the applicant is entitled to full registration under the provisions of section 8 but where it is not practicable to wait until the Board can consider the application, or where the person would be entitled to registration under section 8 except for the fact that the degree or award to which the applicant is entitled has not yet been conferred or granted by the institution concerned.

A person authorised by the Board for the purposes of section 11, may grant an applicant for registration interim registration on payment of the fee determined under subsection 11(2)

Interim registration remains in force until such time as the Board grants the person registration, has notified the person that his or her application for registration has been refused or cancels the person's interim registration. A person who holds interim registration is for all purposes to be taken to be a registered physiotherapist

The determined fee for entitlement to interim registration as notified in the ACT Gazette No S217 on 6 October 1994 was \$20 00. For the purposes of subsection 11(2) the fee remains unaltered as it is consistent with the fee determined for the same provision in other health registration legislation and covers the administrative costs associated with granting interim registration

2. Paragraph 17(2)(b), fee for registration pursuant to section 8 and fee for registration at the discretion of the Board pursuant to section 10.

Registration under the provisions of sections 8 and 10 relate to persons who apply for initial registration with the ACT Physiotherapists Board, that means, applicants are not registered with a registration authority in another Australian State or Territory

Entitlement to registration under section 8 is not subject to any conditions, which means that the person meets all the requirements for full registration. Entitlement to registration at the discretion of the Board under section 10, however, is subject to such conditions as the Board considers appropriate

Section 17 of the Act requires that applications for registration other than applications by persons who are entitled to registration pursuant to the *Mutual Recognition Act* be accompanied by the determined fee under paragraph 17(2)(b)

The determined fee for full registration and registration at the discretion of the board as notified in the ACT Gazette No S217 on 6 October 1994 was \$56 00. The fee for the purposes of paragraph 17(2)(b), for registration pursuant to section 8 and fee for registration at the discretion of the Board pursuant to section 10, is now set at \$100 00. This fee reflects a move towards full cost recovery for services provided by the Board

3. Section 20, Registration fee under mutual recognition provisions.

Section 9 of the Act makes provision for a person who is registered as a physiotherapist under the law in force in a State or another Territory that is a participating jurisdiction within the meaning of the *Mutual Recognition Act* to registration under the *Physiotherapists Act 1977*

Persons seeking registration under the mutual recognition arrangements are required to pay the fee determined under section 20 of the Act

The registration fee under the mutual recognition provisions as notified in the ACT Gazette No S217 on 6 October 1994 was \$56 00. The fee for the purposes of section 20 registration under these provisions is set at \$100 00. This fee reflects a move towards full cost recovery for services provided by the Board.

4. Subsection 24(3), fee for alteration of particulars in the register.

Under the provisions of section 24 of the Act the Board may, from time to time, at the request of the person or of its own accord, make such alterations to particulars in the Register as are necessary. Such alterations allow for amendment of incorrect particulars, additions of relevant information, removal of names of people who have died or who have ceased to become registered or to alter particulars pursuant to disciplinary orders.

The Board is not entitled to make an alteration to particulars in the Register at the request of a person unless satisfied that the determined fee under subsection 24(3) has been paid. The determined fee for this provision as notified in the ACT Gazette No S217 on 6 October 1994 was \$10 00. For the purposes of subsection 24(3) the fee remains unaltered as it is consistent with the determined fee for this provision in other health registration legislation and appears at this time to reflect the cost associated with making such alterations.

5. Subsection 25(1), annual registration fee.

Subsection 25(1) of the Act requires a registered physiotherapist to pay the determined fee on or before 1 September in each year. The payment of this fee entitles the registered physiotherapist's name to remain on the Register of Physiotherapists kept by the Board in accordance with section 22.

Where a registered physiotherapist fails to pay the determined fee under subsection 25(1) the Board, under the provisions of subsection 26(2) of the Act, is required to cancel the registration of the person.

The determined annual fee as notified in the ACT Gazette No S217 on 6 October 1994 was \$56 00. The fee for registration under subsection 25(1) is set at \$100 00. This fee reflects a move towards full cost recovery for services provided by the Board and covers administrative costs associated with sending renewal notices to registered physiotherapists, processing and receipting procedures, maintenance of the Register, publication of names and addresses of persons registered under the Act etc.

6. Paragraph 27(1)(b), entitlement to re-registration.

A person whose registration has been cancelled for failure to pay the determined fee under subsection 26(1) is entitled to be re-registered under the provisions of section 27 if he or she makes application for registration in a form approved by the Board and pays the determined fee under paragraph 27(1)(b). Entitlement to re-registration under these provisions is on the same terms and conditions as applied to the person's registration immediately before the removal of his or her name from the Register.

The determined fee for entitlement to re registration as notified in the ACT Gazette No S217 on 6 October 1994 was \$56 00. The fee for the purposes of paragraph 27(1)(b) the determined fee is set at \$100 00 which is equivalent to the annual fee and fee for registration under the mutual recognition arrangements. This fee also reflects a move towards full cost recovery for services provided by the Board.

7. Subsection 28(4), fee for duplicate certificate.

Under the provisions of section 28 of the Act, the Board is required to issue to a person who is registered as a physiotherapist, a certificate of registration signed by the Chairperson or Deputy Chairperson. The certificate is to state the provision by virtue of which the person is entitled to be registered and set out any conditions to which the person's registration is subject.

Where a person's certificate of registration has been lost or destroyed the Board is required to issue a duplicate certificate to the person subject to the payment of the determined fee under subsection 28(4).

For this provision the determined fee as notified in the ACT Gazette No S217 on 6 October 1994 was \$30 00. The fee for the purposes of subsection 28(4) remains unaltered as it is consistent with the determined fee for this provision in other health registration legislation and appears at this time to reflect the cost associated with providing a duplicate certificate. This covers printing and administrative costs associated with providing this service.

8. Paragraph 52(1)(a), fee to inspect an entry in the register.

Under subsection 52(1) of the *Physiotherapists Act 1977* a person may on payment of the determined fee inspect an entry in the Register. The determined fee for this provision as notified in the ACT Gazette No. S217 on 6 October 1994 was \$5.00. The determined fee for the purposes of paragraph 52(1)(a) remains unaltered as it is consistent with the determined fee for this provision in other health registration legislation and appears at this time to reflect the cost associated with providing this service.

9. Paragraph 52(1)(b) fee to obtain a certified copy of an entry in the register.

Under subsection 52(1) of the *Physiotherapists Act 1977* a person may on payment of the determined fee obtain a certified copy of an entry in the Register. The determined fee for this provision as notified in the ACT Gazette No S217 on 6 October 1994 was \$10 00. The determined fee for the purposes of paragraph 52(1)(b) remains unaltered as it is consistent with the determined fee for this provision in other health registration legislation and appears at this time to reflect the cost associated with providing this service.

A comparative chart for ease of reference is attached.

Physiotherapists Act 1977 Provisions	Old Fee	Physiotherapists Act 1977	New Fee
Entitlement to interim registration subject to payment of fee	\$20 00	Subsection 11(2) entitlement to interim registration subject to the payment of fee	\$20 00
Application fee for full registration and registration at the discretion of the Board	\$56 00	Paragraph 17(2)(b) application for registration pursuant to sections 8 &10	\$100 00
Registration fee under the mutual recognition provisions	\$56.00	Section 20 fee for registration pursuant to Mutual Recognition Act	\$100 00
Fee for alterations to register	\$10.00	Subsection 24(3) fee for alterations to register	\$10 00
Annual registration fee	\$56 00	Subsection 25(1) annual registration fee	\$100 00
Entitlement to re-registration subject to payment of fee	\$56 00	Paragraph 27(1)(b) entitlement to re-registration subject to payment of fee	\$100 00
Fee for a duplicate certificate	\$30.00	Subsection 28(4) fee for a duplicate certificate	\$30 00
Fee inspect an entry in the register	\$5.00 per entry	Paragraph 52(1)(a) inspect an entry in the register	\$5.00
Paragraph 36(1)(b) obtain a certified copy of an entry in the register	\$10.00	Paragraph 52(1)(b) obtain a certified copy of an entry in the register	\$10.00