
Physiotherapists Registration (Amendment) Ordinance (No. 2) 1982

No. 72 of 1982

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 19 August 1982.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

J. J. CARLTON
Minister of State for Health

An Ordinance to amend the *Physiotherapists Registration Ordinance 1977*

Short title

1. This Ordinance may be cited as the *Physiotherapists Registration (Amendment) Ordinance (No. 2) 1982*.¹

Commencement

2. This Ordinance shall come into operation on such date as is fixed by the Minister of State for the Capital Territory by notice published in the *Gazette*.

Principal Ordinance

3. In this Ordinance, "Principal Ordinance" means the *Physiotherapists Registration Ordinance 1977*.²

Interpretation

4. Section 3 of the Principal Ordinance is amended—

(a) by adding at the end of sub-section (1) the following definitions:

“‘registration authority’ means a person or body empowered by or under a law of a State, Territory or place outside Australia to register or license physiotherapists or otherwise to authorize the practice of physiotherapy;

“‘Tribunal’ means the Administrative Appeals Tribunal established by the *Administrative Appeals Tribunal Act 1975*.”;

- (b) by omitting from sub-section (2) "chiropracist,";
- (c) by omitting from sub-section (2) "or osteopath" and substituting ", osteopath or podiatrist"; and
- (d) by omitting from paragraph 4 (a) "paragraph 14 (2) (b)" and substituting "paragraphs 14 (2) (b) and 14 (2) (c)".

Persons entitled to apply for registration

5. Section 14 of the Principal Ordinance is amended—

- (a) by omitting paragraph (2) (a);
- (b) by omitting from paragraph (2) (b) "that State or Territory" and substituting "that State or Territory and, if required to do so by the Board, completes to the satisfaction of the Board such additional course of study and training as the Board specifies;"; and
- (c) by omitting paragraph (2) (c) and substituting the following paragraph:
 - "(c) he holds a qualification in physiotherapy—
 - (i) that is granted in a place outside Australia and that would entitle him to be registered in that place under a law of that place providing for the registration of physiotherapists; and
 - (ii) that is a qualification declared by the Minister on the recommendation of the Board, by notice published in the *Gazette*, to be an acceptable qualification,and, if required to do so by the Board, completes to the satisfaction of the Board such additional course of study and training as the Board specifies; or".

Certificate of Registration

6. Section 17 of the Principal Ordinance is amended by omitting sub-sections (3) and (4) and substituting the following sub-sections:

"(3) Where a certificate issued under sub-section (1) has been destroyed or lost, the Board shall, on payment of the prescribed fee, cause to be issued to the registered physiotherapist a duplicate certificate.

"(4) Where—

- (a) the Board has given to a person notice in writing that his registration has been cancelled or that his name has been removed from the Register in pursuance of this Part; and
- (b) a period of 14 days has elapsed since the notice referred to in paragraph (a) was given,

the person shall deliver his certificate of registration to the Chairman.

"(5) A person who fails to comply with sub-section (4) is guilty of an offence punishable, on conviction, by a fine not exceeding \$100.

"(6) A notice for the purpose of paragraph (4) (a) may be given to a person by post addressed to him at his address last known to the Chairman.

“(7) It is a defence to a prosecution for an offence against sub-section (4) that—

- (a) the certificate has been destroyed; or
- (b) after diligent search, the defendant has been unable to find the certificate.”.

Physiotherapists to notify address and pay annual fee

7. Section 18 of the Principal Ordinance is amended by omitting from sub-section (5) “the Board shall re-register the physiotherapist” and substituting “within 12 months after the date on which his registration was so cancelled, the Board shall re-register the physiotherapist”.

Temporary registration

8. Section 22 of the Principal Ordinance is amended—

- (a) by inserting in sub-section (2) “, subject to this section, upon application by the person to whom temporary registration was granted, and on payment of the prescribed fee,” after “may”; and
- (b) by adding at the end thereof the following sub-section:

“(3) Temporary registration shall not be granted or renewed under this section where the applicant has been temporarily registered for a period of 6 months during the period of 24 months immediately preceding the date of his application for temporary registration or renewal, as the case may be.”.

Special registration

9. Section 23 of the Principal Ordinance is amended by inserting in paragraph 3 (b) “, on payment of the prescribed fee,” after “may”.

Persons who may practise physiotherapy

10. Section 31 of the Principal Ordinance is amended by omitting from sub-section (2) “\$100” and substituting “\$250”.

11. After section 33 of the Principal Ordinance the following sections are inserted:

Only registered physiotherapist may sue for fees, &c.

“33A. (1) A registered physiotherapist is not entitled to commence an action for the recovery of fees or remuneration for a physiotherapy service unless he was the registered physiotherapist who gave the physiotherapy service.

“(2) A registered physiotherapist who has given a physiotherapy service to a person is not entitled to commence an action for recovery from that person of fees or remuneration for that physiotherapy service unless—

- (a) he has served or caused to be served on that person by delivery to that person personally or by post addressed to that person at his last-known place of residence, an account for the fees or remuneration setting out

the account claimed, a brief statement of the nature of the physiotherapy service given, the date or dates on which it was given and the person for whom it was given; and

- (b) a period of 6 months has elapsed since that service of the account and the account is unpaid at the end of that period.

“(3) Notwithstanding sub-section (2), an action for the recovery of fees or remuneration for a physiotherapy service may be commenced without the service of an account for those fees or that remuneration in accordance with that sub-section or, if such an account has been so served, before the expiration of the period of 6 months from the service of the account, if the action is one in which an application could, but for that sub-section, be made for an order under Part II of the Arrest on Mesne Process Act, 1902 of the State of New South Wales in its application to the Territory.

Review of accounts for fees for physiotherapy services

“33B. (1) A person liable to pay fees or remuneration to a registered physiotherapist for a physiotherapy service may, within 6 months after service upon him of an account for the fees or remuneration in accordance with section 33A apply in writing to the Board to review the account.

“(2) The Board shall, on receipt of an application under sub-section (1), review the account and certify, under the hand of the Chairman or the Deputy Chairman, the amount which, in the Board’s opinion, is a reasonable amount of fees or remuneration for the physiotherapy service.

“(3) The Board shall, in a certificate referred to in sub-section (2), set out the facts on which the certificate is based.

“(4) The Board may request a person to furnish such information as it thinks necessary or desirable for the purpose of a review under this section and may fix a time within which the information should be furnished.

“(5) If a person does not furnish information requested by the Board under sub-section (4) within the time fixed by the Board under that sub-section, the Board may proceed to review the account for fees or remuneration without that information.

“(6) In reviewing an account for fees or remuneration under this section, the Board is not required to conduct a formal hearing, but the Board shall provide the parties to the application with any information furnished to the Board under sub-section (4).

“(7) In reviewing an account for fees or remuneration under this section, the Board shall have regard to the time occupied in giving, and the nature of, the physiotherapy service and any other circumstances submitted by the physiotherapist with respect to the provision of the physiotherapy service.

“(8) In proceedings for the recovery of fees or remuneration in respect of a physiotherapy service, a certificate of the Board under sub-section (2) in relation to that service is evidence that the amount certified in the certificate is a reasonable amount of fees or remuneration for the physiotherapy service.

“(9) The Board shall cause a copy of a certificate of the Board under sub-section (2) to be sent by post to the registered physiotherapist at his professional address, or at one of his professional addresses, as last recorded in the Register.”.

Appeal

12. Section 35 of the Principal Ordinance is amended—

(a) by inserting after paragraph 1 (c) the following paragraph:

“(ca) refusing to grant special registration to a person or to renew a special registration;”;

(b) by omitting from sub-section (2) “provisional or”; and

(c) by omitting sub-section (3).

13. After section 35 of the Principal Ordinance the following sections are inserted:

Publication of notice of decision of Board or Tribunal

“35A. (1) The Chairman may, if he thinks fit, cause a notice of a decision of the Board or of the Tribunal on application for review of a decision of the Board—

(a) ordering the cancellation of the registration of a person;

(b) reprimanding a person; or

(c) suspending, otherwise than under sub-section 29 (5), the registration of a person,

and the reasons for the decision, including the findings on material questions of fact, to be published in the *Gazette*.

“(2) A notice of a decision shall not be published under sub-section (1) until—

(a) the period within which an application may be made to the Tribunal for review of the decision has expired; and

(b) if an application for review of the decision is made, the Tribunal has given its decision on the application.

Publication of registered physiotherapists

“35B. The Board shall as soon as practicable after 1 September in each year cause to be published in the *Gazette* a notice containing the names of all physiotherapists registered under this Ordinance on that day and the professional address or professional addresses, if any, of those physiotherapists.”.

Inspection of Register

14. Section 36 of the Principal Ordinance is amended by adding at the end thereof the following sub-section:

“(2) The Board may, on request by the registration authority of a State, Territory or place outside Australia, and without payment by the registration authority of a fee, forward a certified copy of the Register to that registration authority.”.

Repeal of section 44

15. Section 44 of the Principal Ordinance is repealed.

Repeal of Part VI

16. Part VI of the Principal Ordinance is repealed.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 27 August 1982.
2. No. 60, 1977 as amended by Nos. 41 and 46, 1978; No. 51, 1980; No. 52, 1981; No. 45, 1982.