

## EXPLANATORY STATEMENT

### PHYSIOTHERAPISTS REGISTRATION (AMENDMENT) ORDINANCE

(NO. 2) 1982

No. 72 of 1982

The Physiotherapists Registration Ordinance 1977 of the Australian Capital Territory has been amended to alter the conditions under which persons are entitled to be registered and to make a number of other amendments.

The amending Ordinance has omitted paragraph 14(2)(a) of the Physiotherapists Registration Ordinance 1977 which entitled a person to apply for registration as a physiotherapist if, amongst other things, he was registered in a State or another Territory of Australia as a physiotherapist. Paragraphs 14(2)(b) and (c), which also set out conditions under which a person is entitled to apply for registration, have been altered to enable the Physiotherapists Board to require persons applying for registration under those paragraphs to complete to the satisfaction of the Board such additional course of study and training as the Board specifies.

Section 17 of the Physiotherapists Registration Ordinance 1977 has been amended to provide for the issue of duplicate certificates of registration and to introduce a defence to a prosecution for a failure by a person who has ceased to be registered to return a certificate of registration.

Section 18 of the Ordinance currently requires the Board to re-register a physiotherapist, whose registration has been cancelled for failure to notify his address and pay the annual fee, when the address is notified and the fee is paid. The amendment to this section introduces a time limit of 12 months for notification and payment which commences from the date registration is cancelled.

Section 22 of the Ordinance has been amended to introduce a limit of 6 months during any 24 month period for temporary registration and to introduce a fee for renewal of temporary registration. Section 23 has been amended to introduce a fee for renewal of special registration. Sub-section 31(2) has been amended to increase the penalty from \$100 to \$250 where a physiotherapist practises under a name other than the name under which he is registered.

New sections 33A, 33B, 35A and 35B have been inserted into the Ordinance. Section 33A provides that a registered physiotherapist may not recover fees or remuneration for a physiotherapy service unless he gave that service and also provides that a registered physiotherapist may only commence an action for recovery if he has served accounts in the manner required.

Section 33B requires the Board, on application by a person liable to pay for a physiotherapy service, to review an account for fees for that physiotherapy service. A certificate given by the Board as the result of a review is evidence that the amount certified is a reasonable amount for the service.

Section 35A permits the Chairman of the Board to publish in the Gazette notices of decisions of the Board or the Administrative Appeals Tribunal on appeal from the Board in relation to reprimands or suspensions or cancellations of registration.

Section 35B requires the Board to publish annually in the Gazette a notice listing physiotherapists registered under the Ordinance.

Section 35 of the Ordinance has been amended to introduce an appeal against a refusal to grant or renew special registration and to remove the right of appeal against a refusal to grant provisional registration.

Section 36 of the Ordinance has been amended to exclude other registration authorities in Australia and elsewhere from the payment of a fee for a certified copy of the Register of Physiotherapists.

Section 44 of the Ordinance which amended the Seat of Government (Administration) Ordinance 1930 has been repealed as that amendment has been superseded by a later amendment to that Ordinance.

Part VI of the Ordinance, which contained transitional provisions, has been repealed as these are no longer required.

Ord. No. 29/81