



ANNO VICESIMO SECUNDO

ELIZABETHAE II REGINAE

A.D. 1973

No. 35 of 1973

An Act to amend the Physiotherapists Act, 1945-1972.

[Assented to 11th October, 1973]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Physiotherapists Act Amendment Act, 1973". Short titles.

(2) The Physiotherapists Act, 1945-1972, as amended by this Act, may be cited as the "Physiotherapists Act, 1945-1973".

(3) The Physiotherapists Act, 1945-1972, is hereinafter referred to as "the principal Act".

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

3. Section 3 of the principal Act is amended by striking out the word "Registration" and inserting in lieu thereof the passage "Registration and Licensing". Amendment of principal Act, s. 3—
Arrangement of Act.

4. Section 4 of the principal Act is amended by inserting after the definition of "legal practitioner" the following definition:— Amendment of principal Act, s. 4—
Interpretation.

"licensed physiotherapist" means a person licensed under this Act:.

Amendment of
principal Act,
s. 6—
Exemption.

5. Section 6 of the principal Act is amended—

- (a) by inserting in subsection (1) after the passage “to be registered” the passage “or licensed”;
 - (b) by inserting in subsection (2) after the passage “to be registered” the passage “or licensed”;
 - (c) by inserting in subsection (3) after the passage “to be registered” the passage “or licensed”;
- and
- (d) by inserting in subsection (4) after the passage “to be registered” the passage “or licensed”.

Amendment of
principal Act,
s. 7—
Patients of
registered or
licensed
physiotherapist.

6. Section 7 of the principal Act is amended by inserting after the passage “for a registered” the passage “or licensed”.

Amendment of
principal Act,
s. 8—
Treatment at
clinics and
hospitals.

7. Section 8 of the principal Act is amended—

- (a) by striking out the passage “unregistered person” and inserting in lieu thereof the passage “unregistered or unlicensed person”;
- and
- (b) by striking out the passage “the personal supervision of a registered physiotherapist” and inserting in lieu thereof the passage “the personal supervision of a registered or licensed physiotherapist”.

Amendment of
principal Act,
s. 8a—
Exemption of
osteopaths.

8. Section 8a of the principal Act is amended by striking out the passage “without being registered under this Act” and inserting in lieu thereof the passage “without being registered or licensed under this Act”.

Amendment of
principal Act,
s. 11—
Subsequent
members of
the Board.

9. Section 11 of the principal Act is amended by striking out from subsection (3) the passage “the University of Adelaide” and inserting in lieu thereof the passage “the South Australian Institute of Technology”.

Amendment of
heading to
principal Act.

10. The heading preceding section 26 of the principal Act is amended by striking out the word “REGISTRATION” and inserting in lieu thereof the passage “REGISTRATION AND LICENSING”.

Repeal of
s. 26 of
principal Act
and enactment
of section in
its place—

11. Section 26 of the principal Act is repealed and the following section is enacted and inserted in its place:—

The Register of
Physio-
therapists.

26. (1) The registrar shall keep a register to be called the “Register of Physiotherapists” in which shall be entered the names of all persons for the time being registered or licensed under this Act.

(2) The registrar shall enter in the register such other particulars relating to persons registered or licensed under this Act as are required by this Act, prescribed by regulation, or directed by the board.

12. Section 27 of the principal Act is amended by inserting in subsection (1) after the passage "mentioned in the register" the passage "(except licensed physiotherapists)".

Amendment of principal Act, s. 27—
Publication of register.

13. Section 28 of the principal Act is amended—

(a) by striking out subsection (1) and inserting in lieu thereof the following subsections:—

Amendment of principal Act, s. 28—
Manner of keeping register.

(1) The registrar shall keep the register so that it shows in alphabetical order, according to surnames, the names of all registered and licensed physiotherapists, their addresses, the dates upon which they were registered or licensed, a description of the qualifications in respect of which they were registered or licensed, and such other particulars as may be prescribed, or as the board may direct.

(1a) The register shall be kept in two separate parts, one part being allocated to registered physiotherapists and the other to licensed physiotherapists.;

and

(b) by striking out from subsection (2) the passage "registered physiotherapist" and inserting in lieu thereof the passage "registered or licensed physiotherapist".

14. Section 29 of the principal Act is amended—

(a) by striking out from paragraph (a) the passage "registered therein" and inserting in lieu thereof the passage "who is registered or licensed under this Act";

Amendment of principal Act, s. 29—
Alterations in register.

and

(b) by striking out paragraph (c) and inserting in lieu thereof the following paragraph:—

(c) erase from the register the name of any person who has ceased to be registered or licensed under this Act.;

15. Section 30 of the principal Act is amended by striking out the passage "registered physiotherapist" and inserting in lieu thereof the passage "registered or licensed physiotherapist".

Amendment of principal Act, s. 30—
Additional qualifications.

Repeal of
s. 31 of
principal Act
and enactment
of section in
its place—

Certificate of
registration,
etc.

16. Section 31 of the principal Act is repealed and the following section is enacted and inserted in its place:—

31. (1) Where a person has been registered under this Act, the registrar shall deliver to him a certificate of registration in the form prescribed by regulation.

(2) Where a person has been licensed under this Act, the registrar shall notify him of that fact, and of the conditions upon which he has been licensed by the board.

Amendment of
principal Act,
s. 32—
De-registration
and other
orders.

17. Section 32 of the principal Act is amended by striking out from paragraph (d) of subsection (2) the word “twelve” and inserting in lieu thereof the word “six”.

Repeal of
heading to
principal Act
and enactment
of heading in
its place.

18. The heading immediately preceding section 35 of the principal Act is repealed and the following heading is enacted and inserted in its place:—

Registration and Licensing of Physiotherapists.

Amendment of
principal Act,
s. 35—

Obligation to
be registered
or licensed.

19. Section 35 of the principal Act is amended—

(a) by inserting in subsection (1) after the passage “who is not registered” the passage “or licensed”;

and

(b) by inserting in subsection (3) after the passage “though unregistered” the passage “or unlicensed”.

Amendment of
principal Act,
s. 36—

Applications for
registration or
licensing.

20. Section 36 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “as a physiotherapist” and inserting in lieu thereof the passage “or a licence under this Act”;

and

(b) by inserting in subsection (2) after the passage “applicant for registration” the passage “or a licence under this Act”.

Repeal of
s. 37 of
principal Act
and enactment
of section in
its place—

Fees upon
application.

21. Section 37 of the principal Act is repealed and the following section is enacted and inserted in its place:—

37. (1) Every applicant for registration or a licence under this Act shall, upon lodging his application, pay to the board the prescribed fee in respect of his application, and the prescribed fee in respect of registration or a licence under this Act.

(2) Where the application is refused by the board, the prescribed fee in respect of registration, or the licence for which the applicant applied, shall be returned to the applicant.

22. Section 39 of the principal Act is amended by inserting after the present contents thereof (which are hereby designated subsection (1) thereof) the following subsections:—

Amendment of
principal Act,
s. 39—
Registration.

(2) A person shall be entitled to be registered as a physiotherapist if he proves to the satisfaction of the board that—

- (a) he is of good character;
- (b) he has an adequate command of the English language;
- (c) he holds a degree, diploma or other qualification in physiotherapy obtained outside this State;
- and
- (d) he is competent to practise physiotherapy in this State.

(3) The board may require an applicant for registration under subsection (2) of this section to submit to such examinations in the theory and practice of physiotherapy as it thinks fit.

(4) The board may charge and recover such fees as it thinks fit for any examination conducted by it under this section.

23. Section 39a of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of
s. 39a of
principal Act
and enactment
of section in
its place—
Licences.

39a. (1) Where a person proves to the satisfaction of the board that—

- (a) he is of good character;
- (b) he holds a degree, diploma or other qualification in physiotherapy obtained outside this State;
- and
- (c) he is competent to practise physiotherapy under supervision or under such other conditions as may be stipulated by the board,

the board may license him as a physiotherapist.

(2) The board may license a person under subsection (1) of this section upon conditions—

- (a) providing that he must not practise physiotherapy otherwise than under the supervision of a registered physiotherapist or under such other conditions as the board may stipulate;
- (b) requiring him to undergo such training in the theory and practice of physiotherapy as the board may stipulate;

- (c) requiring him to submit to such examinations in the theory and practice of physiotherapy as the board may stipulate,

and such other conditions as the board thinks fit.

(3) Where a person who has been licensed as a physiotherapist under subsection (1) of this section proves to the satisfaction of the board that—

- (a) he has fulfilled all the conditions upon which the licence was granted;

and

(b) he is competent to practise physiotherapy in this State, the board may register him as a physiotherapist.

(4) Upon application—

- (a) by a university, college of advanced education, or other educational institution;

or

- (b) by a professional association whose objects include the promotion of research into, or the dissemination of knowledge of, the theory and practice of physiotherapy,

the board may, upon such conditions as it thinks fit license as a physiotherapist any person who is visiting the State in connection with research into, or the dissemination of knowledge of, the theory or practice of physiotherapy.

(5) A person shall not contravene, or fail to comply with, any condition upon which a licence is granted under this section. Penalty: Two hundred dollars.

(6) The board may, in its absolute discretion, cancel any licence granted under this section for any reason that it considers sufficient.

(7) Subject to this section, a licence shall remain in force for a term of one year from the date on which it was granted and may be renewed from time to time for a further term of one year but no person shall be entitled to hold a licence for a term in excess of three years.

(8) The board may require an applicant for a licence under subsection (1) of this section, or for registration under subsection (3) of this section to submit to such examinations in the theory and practice of physiotherapy as it thinks fit.

(9) The board may charge and recover such fees as it thinks fit for any examination conducted by it under this section.

24. Section 40 of the principal Act is amended by inserting after the passage "for registration" the passage "or licences".

Amendment of principal Act, s. 40—
Consideration of applications.

25. Section 41 of the principal Act is amended by inserting after the present contents thereof (which are hereby designated subsection (1) thereof) the following subsection:—

Amendment of principal Act, s. 41—
Appeals.

(2) The decision of the board on any application for a licence under this Act shall not be subject to appeal.

26. Section 41a of the principal Act is amended by striking out the passage "registered physiotherapist" and inserting in lieu thereof the passage "registered or licensed physiotherapist".

Amendment of principal Act, s. 41a—
Physiotherapists not to practice outside their specialty.

27. Section 42 of the principal Act is amended—

Amendment of principal Act, s. 42—

(a) by striking out from subsection (1) the passage "registered physiotherapist" where it first occurs and inserting in lieu thereof the passage "registered or licensed physiotherapist";

Annual subscriptions.

and

(b) by striking out from subsection (3) the passage "registered physiotherapist" and inserting in lieu thereof the passage "registered or licensed physiotherapist".

28. Section 43 of the principal Act is amended by striking out from paragraph (c) the passage "is registered under this Act" and inserting in lieu thereof the passage "is registered or licensed under this Act".

Amendment of principal Act, s. 43—
False entries and statements.

29. Section 44 of the principal Act is amended by inserting in subsection (1) after the passage "under this Act" the passage "(except a decision, order or direction of the board given or made in relation to a person licensed under this Act, or an applicant for a licence under this Act)".

Amendment of principal Act, s. 44—
Appeals against decisions of the board.

Amendment of
principal Act,
s. 45—
Power of
board to
summon
witnesses and
take evidence.

30. Section 45 of the principal Act is amended by striking out from subsection (1) the passage “for registration” and inserting in lieu thereof the passage “for registration or a licence under this Act”.

In the name and on behalf of Her Majesty, I hereby assent
to this Bill.

W. R. CROCKER, Governor's Deputy