

**PHYSIOTHERAPISTS REGISTRATION ACT 1945—
REGULATION**

(Relating to advertising)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Physiotherapists Registration Act 1945, has been pleased to make the Regulation set forth hereunder.

RON PHILLIPS, M.P.,
Minister for Health.

Commencement

1. This Regulation commences on 10 February 1995.

Amendments

2. The Physiotherapists Registration Regulation 1990 is amended:
 - (a) by omitting clause 19 and by inserting instead the following clauses:

Advertising—general

19. (1) A physiotherapist or a corporation engaged or associated in the practice of physiotherapy may advertise physiotherapy services in any manner, subject to the requirements of this Regulation. This clause applies to all forms of advertising, including advertising appearing on professional stationery.

(2) An advertisement of physiotherapy services must not:

- (a) be false, misleading or deceptive or likely to mislead or deceive; or
- (b) be vulgar or sensational; or

- (c) claim or imply that any particular physiotherapist is superior to another or other physiotherapists; or
 - (d) contain testimonials or other endorsements of a particular physiotherapist; or
 - (e) be unprofessional or likely to bring the profession into disrepute.
- (3) An advertisement is taken to be false, misleading or deceptive if:
- (a) it contains a material misrepresentation of fact; or
 - (b) it is likely to create an unjustified expectation of beneficial treatment.
- (4) An advertisement of physiotherapy services must not indicate that a particular physiotherapist practises at a place unless the physiotherapist is in regular attendance at that place.

Examples of content of advertisements

20. The following are examples of information which may be contained in an advertisement of physiotherapy services:

- (a) the name of each physiotherapist who perform the physiotherapy services to which the advertisement relates;
- (b) the academic qualifications of each such physiotherapist;
- (c) the address and telephone number of the premises at which each physiotherapist to whom the advertisement relates practises physiotherapy;
- (d) the days and hours of practice of each such physiotherapist;
- (e) a list of languages spoken fluently by any physiotherapist to whom the advertisement relates, or by a member of his or her staff;
- (f) the method of billing the physiotherapy services advertised;
- (g) the availability of wheelchair access to any premises to which the advertisement relates;
- (h) the fact that the physiotherapist to whom the advertisement relates is a fellow of the Australian College of Physiotherapy;
- (i) any accreditation that the physiotherapist to whom the advertisement relates, or that the practice of that physiotherapist, has received from the Australian Physiotherapy Association.

Advertising authorised by Board

21. The Board may give authority in writing to a physiotherapist or a corporation engaged or associated in the practice of physiotherapy for a particular advertisement of physiotherapy services despite clause 19 and the physiotherapist or corporation may advertise physiotherapy services in accordance with that authority.

(b) by omitting Schedule 5.

EXPLANATORY NOTE

At present, the Physiotherapists Registration Regulation 1990 prevents a physiotherapist or corporation engaged or associated in the practice of physiotherapy from advertising physiotherapy, except in a written form (in newspapers and on signs and professional stationery etc.) and subject to restrictions as to the size of the advertisement and the information which may be contained in the advertisement.

The object of this Regulation is to simplify the regulation of advertising by physiotherapists by replacing those provisions with a general provision allowing physiotherapy services to be advertised in any manner (including by electronic media), subject to certain general restrictions. For example, the advertisement must not be false, misleading or deceptive, vulgar or sensational or suggest one physiotherapist is superior to another. This Regulation also provides examples of information which may be contained in an advertisement and extends an existing provision in the Principal Regulation so as to allow physiotherapists to advertise in any manner authorised by the Physiotherapists Registration Board.

This Regulation is made under the Physiotherapist Registration Act 1945, in particular section 33 (1) (h).
