

1996—No. 97

**PHYSIOTHERAPISTS REGISTRATION ACT 1945—
REGULATION**

(Relating to the nominal complainant in complaint proceedings against registered physiotherapists)

NEW SOUTH WALES



[Published in Gazette No. 35 of 22 March 1996]

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.

ANDREW REFSHAUGE, M.P.,
Minister for Health.

The Physiotherapists Registration Regulation 1995 is amended:

- (a) by omitting from clause 28 (3) the words “the Director-General, Department of Health or an officer of the Department of Health appointed by the Director-General” and by inserting instead the words “the Health Care Complaints Commission constituted under section 75 of the Health Care Complaints Act 1993”;
- (b) by omitting from clause 39 the words “the Director-General, Department of Health or an officer of the Department of Health appointed by the Director-General of the Department” and by inserting instead the words “the Health Care Complaints Commission constituted under section 75 of the Health Care Complaints Act 1993”.

EXPLANATORY NOTE

The object of this Regulation is to bring the provisions relating to the nominal complainant under the Physiotherapists Registration Regulation 1995 into conformity with the provisions of the Health Care Complaints Act 1993. Under clauses 28 and 39

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of the Physiotherapists Registration Regulation 1995 the Director-General, Department of Health or an officer of the Department of Health appointed by the Director-General currently has the function of acting as nominal complainant for the purpose of any proceedings before the Physiotherapists Registration Board constituted under the Physiotherapists Registration Act 1945. Since the Physiotherapists Registration Act 1945 is within the ambit of the Health Care Complaints Act 1993, the Commission constituted under section 75 of the latter Act is to be the nominal complainant for the purposes of clauses 28 and 39 of the Physiotherapists Registration Regulation 1995.

The Regulation is made under section 33 of the Physiotherapists Registration Act 1945 (in particular, section 33 (1) (c)).
