

1990 - No. 47

**PHYSIOTHERAPISTS REGISTRATION ACT 1945 -
REGULATION**

(Physiotherapists Registration Regulation 1990)

NEW SOUTH WALES



[Published in Gazette No. 14 of 25 January 1990]

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

VIRGINIA CHADWICK
Acting Minister for Health.

Citation

1. This Regulation may be cited as the Physiotherapists Registration Regulation 1990.

Commencement

2. This Regulation takes effect on 25 January 1990.

Repeal and saving

3. (1) The Physiotherapists Registration Regulations are repealed.

(2) A certificate issued before the commencement of this Regulation in a form prescribed by the Physiotherapists Registration Regulations is to be taken to be in the corresponding form prescribed by this Regulation.

Definition

4. (1) In this Regulation:

“the Act” means the Physiotherapists Registration Act 1945.

(2) In this Regulation, a reference to a form is a reference to a form in Schedule 1.

Manner of conduct of election

5. For the purposes of section 6 (1) of the Act, the election of elected members is to be held and conducted in the manner set out in Schedule 2.

Prescribed age and qualifications for registration

6. (1) For the purposes of section 21 (1) of the Act, the prescribed minimum age for registration is 20 years.

(2) For the purposes of section 21 (1) (a) of the Act, the following degrees, diplomas and other awards are prescribed:

- (a) a Diploma of Applied Science (Physiotherapy) awarded by the Cumberland College of Health Sciences;
- (b) a Bachelor of Applied Science (Physiotherapy) degree conferred by the Cumberland College of Health Sciences;
- (c) a Bachelor of Science (Anatomy) degree conferred by the University of New South Wales together with a Post Graduate Diploma in Physiotherapy awarded by the Cumberland College of Health Sciences;
- (d) a Diploma of Physiotherapy awarded by the Australian Physiotherapy Association.

Application for registration or conditional registration

7. (1) A person applying for registration or conditional registration as a physiotherapist must:

- (a) complete and submit an application in Form 1; and
- (b) submit with the application:
 - (i) an unmounted passport-sized photograph of the applicant, signed with the applicant’s usual signature on the back; and

- (ii) the prescribed fee of \$50; and
- (c) submit any other evidence of identification requested by the Board; and
- (d) appear before the Secretary, or such other person nominated by the Board for that purpose, at the time of applying for registration and, if so required by the Board, appear before the Board.

(2) The Board is to refund the prescribed fee to the applicant if the application is refused.

Certificate of registration

8. (1) On registration of a person as a physiotherapist, the Secretary is to issue to the person a certificate of registration in Form 2.

(2) The Board may, if satisfied that a certificate of registration has been lost and upon payment of a fee of \$16, issue a duplicate certificate of registration in Form 2 and marked "Duplicate".

Certificate of provisional registration

9. For the purposes of section 21A (1) of the Act, the prescribed form of a certificate of provisional registration is Form 3.

Certificate of conditional registration

10. (1) For the purposes of section 21B (1) of the Act, the prescribed form of a certificate of conditional registration is Form 4.

(2) For the purposes of section 21B (2) of the Act, the prescribed form of a provisional certificate of conditional registration is Form 5.

(3) For the purposes of section 21B (4) of the Act, the prescribed fee for renewal of a certificate of conditional registration is \$31.

Roll fee

11. For the purposes of section 22 (1) of the Act, the prescribed roll fee is \$31.

Restoration of name to register

12. (1) For the purposes of section 22 (3) of the Act:

- (a) the prescribed form of application for restoration of a name to the register is Form 6; and

(b) the prescribed fee for restoration of a name to the register is \$50.

(2) The Board may, if it thinks proper in any particular case, waive the whole or any part of the fee referred to in subclause (1) (b).

Change of address

13. A physiotherapist who changes his or her address must, by notice in writing, inform the Secretary of the fact and the particulars of the new address.

Change of name

14. A physiotherapist who changes his or her name may, by notice in writing, request the Board:

- (a) to enter the particulars of the new name in the register; and
- (b) to issue to the physiotherapist a certificate of registration in Form 2 showing the new particulars.

Fee for entry in register of additional qualifications

15. For the purposes of section 20 (3) (a) of the Act, the prescribed fee for entering each additional qualification in the register is \$11.

Fee for inspection of register

16. For the purposes of section 20 (4) of the Act, the prescribed fee for inspection of the register is \$10.

Proceedings under section 24 of the Act

17. For the purposes of section 24 of the Act, proceedings before the Board are to be conducted in the manner prescribed by Schedule 3.

Proceedings before Professional Standards Committees

18. For the purposes of section 24B of the Act, proceedings before a Professional Standards Committee are to be conducted in the manner prescribed by Schedule 4.

Advertising by physiotherapists and corporations engaged or associated in the practice of physiotherapy

19. (1) A physiotherapist must not advertise or hold himself or herself out to be entitled, qualified, able or willing to practise physiotherapy except as provided by Schedule 5.

(2) A corporation engaged or associated in the practice of physiotherapy must not advertise or hold out a person engaged by the corporation to be entitled, qualified, able or willing to practise physiotherapy except as provided by Schedule 5.

(3) Where a corporation commits an offence against subclause (2), every person concerned in the management of the corporation may be convicted of the same offence unless the person proves that the act or omission constituting the offence took place without his or her knowledge or consent.

SCHEDULE 1 - FORMS

FORM 1

(C1. 7)

PHYSIOTHERAPISTS REGISTRATION ACT 1945

**APPLICATION FOR REGISTRATION OR CONDITIONAL
REGISTRATION AS A PHYSIOTHERAPIST**

NOTE: The applicant must appear in person before the Secretary of the Board, or other person nominated by the Board, at the time of applying for registration.

I,.....
name in full (including maiden name if applicable)

of.....
postal address

born on.....
date of birth

apply:

- * to be registered as a physiotherapist in New South Wales.
- * for a certificate of conditional registration as a physiotherapist in New South Wales.

I hereby declare that:

(1) I am the holder of the following qualification:

.....
qualification awarding authority year completed

(2) I am/will be working at from

(3) * I am/I am entitled to be registered as a physiotherapist under the law in the State or Territory or country, in which my

qualifications were granted and I enclose a true and correct record of my academic and post-graduate employment history.

- (4) I have not in the past 5 years been convicted in New South Wales of a felony, or misdemeanour, or convicted elsewhere of an offence which, if committed in New South Wales, would be a felony or misdemeanour, nor has my name been erased or removed from any Register of Physiotherapists established or kept under any law in any State or Territory or country for any reason related to my professional conduct.

I enclose in support of my application the following documents:

- (a) The original (or copy certified by a Justice of the Peace) of my degree/diploma or evidence of my entitlement to that qualification (including marriage certificate if qualified under another name).
- (b) If qualified in another State or a Territory or country, evidence of current registration from the Registering Authority in the State or country where I graduated and/or last worked.
- (c) Documentary evidence of post-graduate work experience (evidence of hospital work experience should be signed by a Physiotherapist-in-Charge and/or Medical Superintendent).

NOTE: Applicants may be required to have completed 12 months' approved hospital experience before full registration.

- (d) Three references of good character from persons of professional standing who have known me for at least 12 months (these should be dated within the past 6 months).
- (e) The prescribed application fee.
- (f) An unmounted passport-sized photograph of me signed by me on the back.
- (g) If not an Australian citizen, my passport.

.....
Signature of applicant

.....
date

* Delete if not applicable.

FORM 2

(C1.8)

PHYSIOTHERAPISTS REGISTRATION ACT 1945

**PHYSIOTHERAPISTS REGISTRATION BOARD
CERTIFICATE OF REGISTRATION**

No.

This is to certify that, in accordance with the provisions of the
Physiotherapists Registration Act 1945 of the State of New South
Wales,

.....

was on the day of..... 19.....

registered as a Physiotherapist.

.....
Secretary

.....
date

FORM 3

(C1.9)

PHYSIOTHERAPISTS REGISTRATION ACT 1945

CERTIFICATE OF PROVISIONAL REGISTRATION

No.....

Pursuant to the provisions of section 21A of the Physiotherapists Registration Act 1945 of the State of New South Wales, this Certificate of Provisional Registration is granted to

.....

until the..... day of 19

or such later date as is fixed by the Board.

.....
prescribed person

.....
date

FORM 4

(C1. 10 (1))

PHYSIOTHERAPISTS REGISTRATION ACT 1945

CERTIFICATE OF CONDITIONAL REGISTRATION

No.....

Pursuant to the provisions of section 21B (1) of the Physiotherapists Registration Act 1945 of the State of New South Wales, this Certificate of Conditional Registration is granted to

.....

until the day of..... 19

The holder of this certificate is entitled to practise physiotherapy only in a government department, State hospital, mental hospital, public hospital or separate institution within the meaning of the Public Hospitals Act 1929, private hospital or other institution approved by the Minister.

.....
Secretary

.....
date

FORM 5

(C1. 10 (2))

PHYSIOTHERAPISTS REGISTRATION ACT 1945

PROVISIONAL CERTIFICATE OF CONDITIONAL
REGISTRATION

No.....

Pursuant to the provisions of section 21B (2) of the Physiotherapists
Registration Act 1945 of the State of New South Wales, this
Provisional Certificate of Conditional Registration is granted to

.....

until the..... day of..... 19....

The holder of this certificate is entitled to practise physiotherapy only
in a government department, State hospital, mental hospital, public
hospital or separate institution within the meaning of the Public
Hospitals Act 1929, private hospital or other institution approved by
the Minister.

.....
prescribed person

.....
date

FORM 6

(C1.12)

PHYSIOTHERAPISTS REGISTRATION ACT 1945

APPLICATION FOR RESTORATION OF NAME TO THE REGISTER

I
name in full (including maiden name if applicable)
of.....
postal address

make application for my name to be restored to the Register of Physiotherapists.

The reasons for this application are as follows:

Details of complete employment history, including dates, are attached.

I enclose the sum of \$, being the prescribed fee.

Signature.....

Date.....

Telephone No.....

Registration No.....

FORM 7
PHYSIOTHERAPISTS REGISTRATION ACT 1945 (Sch. 2, C1. 3)

Nomination for Elected Physiotherapist

To the Returning Officer,

We, being registered physiotherapists, hereby nominate

*.....
(full name)

of.....
(residential address)

as a candidate at the election of elected members referred to in section 5 (2) (a) of the Physiotherapists Registration Act 1945.

name (in full)	signature	residential address
----------------	-----------	---------------------

(must be completed by at least 2 registered physiotherapists
other than the candidate)

* The person nominated must be a registered physiotherapist.

I,..... of.....
(full name) (residential address)

consent to the nomination and do solemnly and sincerely declare that I am a registered physiotherapist.

AND I MAKE this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act 1900.

DECLARED AT
this day of
 19 , before me:

.....
(a Justice of the Peace)

.....
(candidate's signature)

FORM 8

(Sch. 2, C1. 4)

PHYSIOTHERAPISTS REGISTRATION ACT 1945

*Statutory Declaration in Support of Candidature
For Election to the Board*

I, of
(name) (address)

do solemnly and sincerely declare:

1. My year of graduation as a physiotherapist was

2. I hold the following qualifications:

.....

.....

(academic and professional qualifications)

3. The information relevant to my candidature is:

.....

.....

.....

.....

.....

(information relevant to candidature - not more than 6 lines)

AND I MAKE this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act 1900.

FORM 9

(Sch. 2, C1. 6)

PHYSIOTHERAPISTS REGISTRATION ACT 1945

*Certificate of Secretary of the Physiotherapists
Registration Board*

I,.....
Secretary of the Physiotherapists Registration Board, certify that the
attached roll containing
pages commencing with the name and ending with the
name.....
is a true and correct roll of persons registered as physiotherapists
under the Physiotherapists Registration Act 1945 as at
.....
on the day of 19

.....
Secretary

.....
date

FORM 10

(Sch. 2, C1. 7)

PHYSIOTHERAPISTS REGISTRATION ACT 1945

Ballot-paper

Election of members of the Physiotherapists
Registration Board

**READ CAREFULLY THE FOLLOWING INSTRUCTIONS
BEFORE VOTING**

1. You must vote for at least 3 candidates in the order of your preference by placing the number "1", "2" or "3" in the squares opposite the names of those candidates. You may, if you so desire, indicate your preference for the remaining candidates using the numbers "4", "5" and so on.
2. After marking your ballot-paper, fold it so that the vote cannot be seen, then place it in the Reply envelope and fasten this envelope. **PRINT YOUR NAME AND ADDRESS AND SIGN YOUR NAME IN THE SPACE PROVIDED ON THE BACK FLAP OF THE ENVELOPE.** Post or deliver the Reply envelope so as to be received by the Returning Officer **NOT LATER THAN***
3. Your vote will not be accepted unless particulars of the voter and his or her signature are shown on the back flap of the Reply envelope. Remember to show the registered address to which voting materials were posted.
4. Only one ballot-paper is to be enclosed in each Reply envelope, otherwise the ballot-papers will not be accepted.
5. Any correspondence concerning this election should be addressed to the Electoral Commissioner for New South Wales.

*Indicate time and date of close of ballot.

SCHEDULE 2

**MANNER OF CONDUCT OF ELECTION OF ELECTED
MEMBERS OF THE BOARD**

(Cl. 5)

Returning Officer

1. The Electoral Commissioner for New South Wales appointed under the Parliamentary Electorates and Elections Act 1912 is to be the Returning Officer at an election.

Notice of election

2. (1) The Returning Officer must, as soon as practicable after being notified in writing by the Minister that an election is required to be held, cause to be published in the Gazette and in at least 1 daily newspaper published and circulated in New South Wales a notification that:

- (a) states that an election is to be held; and
- (b) invites nominations from physiotherapists to fill the vacancies for elected members of the Board; and
- (c) advises where nomination forms may be obtained; and
- (d) fixes the close of nominations; and
- (e) fixes the close of the roll; and
- (f) fixes the close of the ballot.

(2) A notification referred to in subclause (1) must be published at least 60 days prior to the polling day for the election to which it relates.

(3) The Returning Officer may, by a notification published in accordance with subclauses (1) and (2), fix a later time and date for the close of nominations for an election than those fixed by a previous notification published in relation to the election.

Nominations

3. (1) A nomination must be made in writing in Form 7 and must set out the following particulars:

- (a) the full name of the candidate nominated;
- (b) the residential address of that candidate;
- (c) an endorsement of that candidate's consent to his or her nomination;
- (d) the full names, residential addresses and signatures of at least 2 nominators, being registered physiotherapists other than that candidate.

(2) A candidate may withdraw his or her nomination for an election by notification in writing delivered to the Returning Officer at any time until the close of nominations for the election.

Candidate information sheet

4. (1) A candidate for election may, at any time before the close of nominations for the election, submit to the Returning Officer a statutory declaration in or to the effect of Form 8, containing information intended for inclusion in a candidate information sheet referred to in subclause (2).

(2) As soon as practicable after the close of nominations for an election, the Returning Officer must, if clause 5 (2) requires that a poll be taken, draw up a candidate information sheet consisting of the information in the statutory declarations, if any, submitted to the Returning Officer by candidates pursuant to subclause (1).

(3) Despite subclause (2), the Returning Officer may, when drawing up a candidate information sheet, omit or alter such of the information contained in a statutory declaration submitted to the Returning Officer pursuant to subclause (1) as appears necessary or desirable to prevent the sheet containing information which is:

- (a) inappropriate for inclusion in a candidate information sheet;
- (b) misleading in a material particular; or
- (c) of an amount which is excessive having regard to the limitation on the amount of information indicated in Form 8.

(4) Information concerning candidates must appear on a candidate information sheet referred to in subclause (2) in the same order in which the candidates are listed on the ballot-paper relating to them.

Procedure on close of nominations

5. (1) If, after the close of nominations, there is not a greater number of persons nominated than are required for election, the Returning Officer is to declare those persons duly elected.

(2) If, after the close of nominations, the number of persons nominated is greater than the number required for election, a poll must be taken.

(3) If, after the close of nominations for an election and before the polling day, any candidate dies, the Returning Officer must, in accordance with this Schedule, invite fresh nominations and fix another date for the poll.

Closing of roll

6. (1) If, by the close of nominations, the Returning Officer has received more than the required number of nominations, the Returning Officer must immediately notify the Secretary that a ballot is to be held and that the Returning Officer requires the Secretary to deliver to the Returning Officer within 7 days after the close of the roll:

- (a) a roll on which is endorsed a certificate in or to the effect of Form 9 and which contains:
 - (i) the name of each person whose name is entered in the register of physiotherapists; and
 - (ii) an address nominated by the person to which a ballot paper in respect of an election may be sent to the person; and
- (b) a label for each person whose name is entered in the register of physiotherapists as at the close of the roll, of a size suitable for fixing to an envelope, upon which the name and address of that person is written.

(2) The Secretary is to comply with a requirement of the Returning Officer under subclause (1).

Taking of poll

7. (1) Where a poll is to be taken, the Returning Officer must:

- (a) hold a ballot, in the manner prescribed for the purposes of section 82A of the Parliamentary Electorates and Elections Act 1912, to determine the order in which the candidates' names are to be entered on the ballot-paper;

- (b) cause ballot-papers in or to the effect of Form 10 to be drawn up in the manner prescribed by section 53 of the Parliamentary Electorates and Elections Act 1912;
- (c) cause the ballot-papers to be printed; and
- (d) cause any candidate information sheet drawn up under clause 4 (2) relating to the candidates to be printed.

(2) The Returning Officer must, not later than 20 days prior to the date fixed for a poll, post to the address, nominated in the roll referred to in clause 6 (1) of each physiotherapist registered at the date of the close of nominations to which the poll relates:

- (a) a ballot-paper printed in accordance with subclause (1) and initialled by the Returning Officer;
- (b) a business reply envelope addressed to the Returning Officer; and
- (c) where appropriate, a candidate information sheet referred to in clause 4 (2) relating to the candidates included in the poll.

(3) A business reply envelope mentioned in subclause (2) must contain on the rear flap spaces for the insertion of a voter's name, address and signature.

(4) A physiotherapist who has been forwarded a ballot-paper and a business reply envelope under subclause (2) and who wishes to vote must complete the ballot-paper in accordance with the directions printed on the ballot-paper and must send or deliver to the Returning Officer the ballot-paper enclosed and sealed in the business reply envelope addressed to the Returning Officer.

(5) The Returning Officer may, on written application made to the Returning Officer, and if satisfied that a ballot-paper has been lost or destroyed, supply a duplicate ballot-paper to the person to whom the lost or destroyed ballot-paper was issued.

- (6) An election is not invalid because:
 - (a) a person whose name is on the Register did not receive a ballot-paper; or
 - (b) the Returning Officer did not receive a ballot-paper sent to the Returning Officer.

Examination of envelopes

8. (1) The Returning Officer must, as soon as practicable after the receipt of a business reply envelope purporting to contain a ballot-paper, examine that envelope for the purpose of deciding whether to accept or reject the envelope.

(2) The Returning Officer is to reject a business reply envelope purporting to contain a ballot-paper issued in respect of an election if:

- (a) the business reply envelope does not have legibly marked on its rear flap the name, address and signature that appear to the Returning Officer to be those of a physiotherapist;
- (b) the business reply envelope is not sealed; or
- (c) the business reply envelope is not received by the Returning Officer at or before the time stated on ballot-papers issued in respect of the election as the time at or before which the business reply envelope is to be so received.

Dealing with ballot-papers

9. (1) On the day fixed for the poll, the Returning Officer must:

- (a) open all the business reply envelopes received (except those envelopes rejected under clause 8 (2)) and extract the ballot-papers and, without unfolding them, place the ballot-papers in the ballot-box;
- (b) mix the ballot-papers and draw the ballot-papers at random; and
- (c) unfold the ballot-papers and count, in accordance with clause 10, the votes recorded on the ballot-papers (except any ballot-papers rejected under subclause (2)).

(2) The Returning Officer is to reject a ballot-paper as being informal if

- (a) the ballot-paper contains any matter by which the voter may be identified; or
- (b) the ballot-paper is not completed in accordance with the directions printed on the ballot-paper.

(3) Each candidate may appoint, in writing, a scrutineer to represent that candidate.

(4) A scrutineer appointed in accordance with subclause (3) may be present during the examination, opening and counting of votes by the Returning Officer.

Method of voting and counting

10. (1) At an election a voter is to:

- (a) be required to record a vote for 3 candidates; and
- (b) be permitted to record a vote for as many more candidates as the voter pleases,

so as to indicate, in such manner as is required by this Schedule, the candidates for whom the voter votes and the order of the voter's preference for them.

(2) Ballot-papers must be counted, and the candidates who are elected determined, by the Returning Officer according to an optional multi-preferential system in which the first, second and third preference votes (represented by the numbers "1", "2" and "3", respectively, marked on the ballot-paper) are regarded as primary votes.

Report of election

11. When he or she first ascertains the result of an election, the Returning Officer must furnish a report, in writing, of the result to the Minister and must cause the result to be published in the Gazette and in at least 1 daily newspaper published or circulated in New South Wales.

SCHEDULE 3

PROCEEDINGS UNDER SECTION 24 OF THE ACT

(Cl. 17)

Definitions

1. In this Schedule:

"**complaint**" means a complaint alleging misconduct in a professional respect against a physiotherapist or the holder of a certificate of conditional registration;

"**inquiry**" means an inquiry under section 24 of the Act.

Making of a complaint

2. (1) A person making a complaint to the Board must lodge with the Secretary a concise statement in writing of the complaint.

(2) The Board may require the complainant to provide further particulars of a complaint.

(3) In any proceedings before the Board, the Director-General, Department of Health or an officer of the Department of Health appointed by the Director-General:

- (a) may, with the consent of a complainant, act as the nominal complainant; and
- (b) when so acting, is to be taken to be, for the purposes of the Act and this Regulation, the person who made the complaint.

Exempt offences

3. (1) For the purposes of section 24 (2A) of the Act, all offences under the Traffic Act 1909 and the Motor Traffic Regulations 1935 are exempted, except the following offences:

- (a) the offence of driving a motor vehicle upon a public street furiously or recklessly or at a speed which is dangerous to the public;
- (b) the offence of refusing to produce a motor vehicle driver's licence, and state name and place of abode when lawfully required or stating a false name or place of abode;
- (c) the offence of driving or while occupying the driving seat attempting to drive a motor vehicle while under the influence of alcohol or any other drug;

- (d) the offence of driving a motor vehicle on a public street while disqualified from holding or obtaining a licence or after a licence is suspended or cancelled or an application for a licence is refused;
- (e) the offence of failing to stop and give assistance or particulars, or both, after an accident;
- (f) the offence of driving or while occupying the driving seat attempting to drive a motor vehicle while there is present in the blood the prescribed concentration of alcohol within the meaning of the Traffic Act 1909;
- (g) the offence of refusing or failing to undergo a breath test or submit to breath analysis when required to do so by a member of the police force;
- (h) the offence of, having been required by a member of the police force to undergo a breath test or submit to breath analysis, wilfully doing anything to alter the concentration of alcohol in the blood prior to undergoing such a test or submitting to such an analysis;
- (i) the offence of driving a motor vehicle upon a public street negligently or in a manner which is dangerous to the public if the physiotherapist is, by way of penalty, sentenced to imprisonment or is fined a sum of not less than \$200;
- (j) any offence whatever if the physiotherapist is convicted of the offence and, by way of penalty, his or her licence under the Traffic Act 1909 and the Regulations under that Act is suspended or he or she is disqualified for any period whatever from obtaining a licence under that Act and those Regulations.

(2) For the purposes of section 24 (2A) of the Act, all offences under Ordinance No. 34A made under the Local Government Act 1919 are specified.

Notice of inquiry

4. Where a complaint has been set down by the Board for inquiry under section 24 of the Act, the Secretary must give at least 14 days' notice either personally or by post to the physiotherapist concerned of the time, date and place fixed for the commencement of the inquiry.

Attendance of witnesses etc.

5. (1) Where a complaint has been set down by the Board for inquiry, the Secretary may, by notice in writing served personally or by post on a person, require the person to appear before the Board at the inquiry for the purpose of giving evidence relevant to the inquiry at a time, date and place specified in the notice.

(2) The person presiding at the proceedings may require a person appearing in the proceedings to produce a document.

(3) Any member may require a person appearing before the Board at an inquiry to answer a question that is reasonably related to the purpose of the inquiry.

(4) A person must not:

(a) without reasonable excuse, refuse or fail to comply with a requirement made of the person:

(i) under subclause (1), by the Secretary; or

(ii) under subclause (2), by the person presiding at the proceedings; or

(iii) under subclause (3), by a member; or

(b) make a statement that is false or misleading in a material particular when the person is appearing before the Board at an inquiry.

Evidence of other proceedings

6. The Board may receive, and admit on production, as evidence in any proceedings:

(a) the judgment and findings of any court (whether or not civil or criminal and whether or not of New South Wales) or tribunal; or

(b) the verdict or findings of a jury of any such court; or

(c) a certificate of the conviction of any person; or

(d) a transcript of the depositions or of shorthand notes, duly certified by the Registrar or clerk of the court or tribunal as correct, of the evidence of witnesses taken in any such court or tribunal,

where the Board is of the opinion that the judgment, findings, verdict, certificate or evidence is relevant to the proceedings.

Additional complaints

7. The Board may in proceedings before it deal with one or more complaints about a physiotherapist.

Adjournment of inquiry

8. Where the Board has commenced to hold an inquiry under section 24 of the Act, it may adjourn the proceedings as it thinks fit.

Release of information

9. (1) The person presiding in proceedings before the Board may, on the request of a complainant, the physiotherapist concerned or any other person, if the person presiding thinks it appropriate in the particular circumstances of the case to do so:

- (a) direct that the name of any witness is not to be disclosed in the proceedings; or
- (b) direct that all or any of the following matters are not to be published, except in a publication intended primarily for the use of members of the legal or physiotherapy profession:
 - (i) the name and address of any witness;
 - (ii) the name and address of the complainant;
 - (iii) the name and address of a physiotherapist or holder of a certificate of conditional registration;
 - (iv) any specific evidence;
 - (v) the subject-matter of a complaint.

(2) A direction may be amended or revoked at any time by the person presiding.

(3) A direction may be given before or during the proceedings, but must not be given before the proceedings unless notice is given to:

- (a) the complainant and the physiotherapist against whom the complaint has been made; and
- (b) if the person who requested the direction is not the complainant or physiotherapist concerned, that person; and
- (c) such other persons as the person presiding thinks fit, of the time and place appointed by the person presiding for consideration of the request.

Authentication of documents by the Board

10. Every document requiring authentication by the Board may be sufficiently authenticated if signed by the person presiding in the proceedings before the Board.

SCHEDULE 4

**PROCEEDINGS BEFORE PROFESSIONAL STANDARDS
COMMITTEES**

(Cl.18)

Definition

1. In this Schedule:

"**Committee**" means a Professional Standards Committee referred to in section 24A of the Act.

Proceedings before a Committee

2. (1) A Committee is to investigate any matter referred to it by the Board.

(2) On appointment under section 24A of the Act, the chairperson of a Committee is to fix a time and place for the holding of a meeting by the Committee to investigate the matter and must give not less than 7 days' notice of the meeting to:

- (a) in the case of an application to be registered as a physiotherapist or for the grant of a certificate of conditional registration, the applicant;
- (b) in the case of an application under section 21C of the Act to practise physiotherapy, the applicant;
- (c) in the case of an investigation to consider whether the Board should, on the grounds set out in section 23 (1) (b) or (c) of the Act, cause the name of a physiotherapist to be removed from the register, the physiotherapist;
- (d) in the case of an investigation to consider whether a physiotherapist may be guilty of misconduct in a professional respect:

- (i) the physiotherapist concerned; and
 - (ii) the complainant, if any; and
 - (e) the Secretary.
- (3) In conducting an investigation, a Committee:
- (a) is, unless it otherwise directs, to sit in the absence of the public; and
 - (b) may conduct the proceedings as it thinks fit.
- (4) A Committee may be assisted by a legally qualified person appointed by the Secretary for that purpose on the request of the Committee.

Representation before a Committee

3. (1) In any proceedings before a Committee:
- (a) the applicant or physiotherapist concerned; and
 - (b) the complainant, if any,
- are entitled to attend and be accompanied by a barrister or solicitor or other adviser, but are not entitled to be represented at the proceedings by the barrister or solicitor or other adviser.
- (2) A Committee may grant leave for any other person (who is not a barrister or solicitor or other adviser representing any person) to appear at any proceedings if the Committee is satisfied that it is appropriate for that person to appear.

Nominal complainant

4. In any proceedings before a Committee, the Director-General, Department of Health or an officer of the Department of Health appointed by the Secretary of the Department:
- (a) may, with the consent of a complainant, act as the nominal complainant; and
 - (b) when so acting, is, for the purposes of the Act and this Regulation, to be taken to be the person who made the complaint.

Attendance of witnesses etc.

5. (1) Where a matter has been referred to a Committee for inquiry, the Secretary may, by notice in writing served personally or by post on a person, require the person to appear before the committee for the

purpose of giving evidence relevant to the investigation at a time, date and place specified in the notice.

(2) The person presiding at the proceedings may require a person appearing in the proceedings to produce a document.

(3) Any member of a Committee may require a person appearing before the Committee during an investigation to answer a question that is reasonably related to the purpose of the investigation.

(4) A person must not:

(a) without reasonable excuse, refuse or fail to comply with a requirement made of the person:

(i) under subclause (1), by the Secretary; or

(ii) under subclause (2), by the person presiding at the proceedings; or

(iii) under subclause (3), by a member of the Committee; or

(b) make a statement that is false or misleading in a material particular when the person is appearing before a Committee during an investigation.

Evidence of other proceedings

6. A Committee may receive and, admit on production, as evidence in any proceedings:

(a) the judgment and findings of any court (whether or not civil or criminal and whether or not of New South Wales) or tribunal;

(b) the verdict or findings of a jury of any such court;

(c) a certificate of the conviction of any person; or

(d) a transcript of the depositions or of shorthand notes, duly certified by the Registrar or clerk of the court or tribunal as correct, of the evidence of witnesses taken in any such court or tribunal,

where the Committee is of the opinion that the judgment, findings, verdict, certificate or evidence is relevant to the proceedings.

Additional complaints

7. A Committee may in proceedings before it deal with one or more complaints about a physiotherapist.

Adjournment of inquiry

8. Where a Committee has commenced to investigate a matter under section 24A of the Act, it may adjourn the proceedings as it thinks fit.

SCHEDULE 5

**MANNER IN WHICH AND EXTENT TO WHICH A
PHYSIOTHERAPIST OR A CORPORATION ENGAGED OR
ASSOCIATED IN THE PRACTICE OF PHYSIOTHERAPY IS
AUTHORISED TO ADVERTISE**

(Cl. 19)

Written advertisements

1. (1) A physiotherapist or a corporation engaged or associated in the practice of physiotherapy may cause to be published in a newspaper or other printed medium of good repute an advertisement specifying:

- (a) the physiotherapist's name or the name of each physiotherapist engaged by the corporation and, if relevant, the practice name; and
- (b) that the named person or each named person is a physiotherapist, physiotherapist, physical therapist, physical therapist or electrotherapist, as the case may be; and
- (c) the named person's or persons' academic qualifications directly related to the practice of physiotherapy, and
- (d) if the named person or each named person is a Fellow of the Australian College of Physiotherapists, that fact and any specialist area in which the Fellowship was conferred; and
- (e) if the named person or each named person is a Member of the Australian Physiotherapy Association, that fact; and
- (f) the address at which the practice is conducted; and
- (g) the telephone number of the practice; and
- (h) the hours of business of the practice; and
- (i) one area of specific interest of the named person or each named person.

- (2) An advertisement referred to in subclause (1):
 - (a) must not be more than 54 square centimetres in area; and
 - (b) must not appear more than 12 times per year.
- (3) Despite the provisions of subclause (1):
 - (a) an entry in the standard telephone directory (“white pages”) must be limited to a standard or bold type entry of not more than 4 lines; and
 - (b) an entry in the classified telephone directory (“yellow pages”) or other business directory must be limited to a standard or bold type entry of single column width and not more than 5 centimetres height.

Signs

- 2. (1) A physiotherapist may cause to be exhibited on the outside of any premises at which he or she practises physiotherapy
 - (a) one illuminated or non-illuminated rectangular sign with not more than 2 faces, each of which must not be more than 240 centimetres long and 30 centimetres high; and
 - (b) one non-illuminated sign with a single face which must not be more than 3 square metres in surface area.
- (2) The sign referred to in clause (1) (a) must not include any matter other than:
 - (a) the word “physiotherapy” in letters not more than 12 centimetres high; and
 - (b) the following matter in letters not more than 6 centimetres high
 - (i) the name and professional qualifications of the physiotherapist or physiotherapists; or
 - (ii) the name of the physiotherapy practice.
- (3) The sign referred to in subclause (1) (b) must not include any matter other than:
 - (a) the word “physiotherapy” in letters not more than 18 centimetres high; and
 - (b) the following matter in letters not more than 8 centimetres high
 - (i) the physiotherapist's name or each physiotherapist's name and, if relevant, the practice name;

- (ii) the named person's or persons' academic qualifications directly related to the practice of physiotherapy,
- (iii) if the named person or each named person is a Fellow of the Australian College of Physiotherapists, that fact and any specialist area in which the Fellowship was conferred;
- (iv) if the named person or each named person is a Member of the Australian Physiotherapy Association, that fact;
- (v) the address at which the practice is conducted;
- (vi) the telephone number of the practice; and
- (vii) the hours of business of the practice.

Cards and letterhead

3. A physiotherapist or a corporation engaged or associated in the practice of physiotherapy is not to be taken as having advertised otherwise than in accordance with this Regulation or to have advertised in contravention of this Regulation by reason only of the fact that:

- (a) on any business card given by the physiotherapist or a physiotherapist engaged by the corporation to a bona fide patient, particulars specified in clause 1 (1) are printed; or
- (b) on any letterhead, memorandum or account form used by the physiotherapist or a physiotherapist engaged by the corporation for or in connection with the practice of physiotherapy by that physiotherapist, particulars specified in clause 1 (1) are included.

Other advertising

4. (1) A physiotherapist or a corporation engaged or associated in the practice of physiotherapy may cause to be exhibited inside any premises at which the physiotherapy practice is conducted a notice or notices showing, in letters not more than 12 centimetres high, the name of the physiotherapist or of each physiotherapist engaged by the corporation and his or her professional qualifications.

(2) A physiotherapist may, when acting in a professional capacity at a sporting or other public event, wear clothing on which is displayed the word "physiotherapist" or the word "physiotherapy" and, if authorised by the body concerned, the badge or logo of the Australian

Physiotherapy Association or other body approved by the Board for the purpose of this subclause.

(3) Despite any other provision of this Schedule, a physiotherapist or a corporation engaged or associated in the practice of physiotherapy may, if authorised by the Board in writing, exhibit or publish an advertisement in accordance with that written authority.

NOTES

TABLE OF PROVISIONS

1. Citation
2. Commencement
3. Repeal and saving
4. Definitions
5. Manner of conduct of election
6. Prescribed age and qualifications for registration
7. Application for registration, provisional registration or conditional registration
8. Certificate of registration
9. Certificate of provisional registration
10. Certificate of conditional registration
11. Roll fee
12. Restoration of name to register
13. Change of address
14. Change of name
15. Fee for entry in register of additional qualifications
16. Fee for inspection of register
17. Proceedings under section 24 of the Act
18. Proceedings before Professional Standards Committees
19. Advertising by physiotherapists and corporations engaged or associated in the practice of physiotherapy

SCHEDULE 1 - FORMS

SCHEDULE 2 - MANNER OF CONDUCT OF ELECTION OF ELECTED MEMBERS OF THE BOARD

SCHEDULE 3 - PROCEEDINGS UNDER SECTION 24 OF THE ACT

SCHEDULE 4 - PROCEEDINGS BEFORE PROFESSIONAL STANDARDS COMMITTEES

SCHEDULE 5 - MANNER IN WHICH AND EXTENT TO WHICH A PHYSIOTHERAPIST OR A CORPORATION ENGAGED OR ASSOCIATED IN THE PRACTICE OF PHYSIOTHERAPY IS AUTHORISED TO ADVERTISE

EXPLANATORY NOTE

The object of this Regulation is to repeal the Physiotherapists Registration Regulations and to replace them with a new Regulation which deals with the following matters:

- (a) election of members to the Physiotherapists Registration Board; and
 - (b) the registration of persons as physiotherapists; and
 - (c) proceedings before the Board and Professional Standards Committees; and
 - (d) advertising by physiotherapists and corporations engaged or associated in the practice of physiotherapy.
-