

PHYSIOTHERAPISTS REGISTRATION (AMENDMENT) BILL 1987

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The following Bills are cognate with this Bill:

Health Legislation (Reasons for Decisions) Amendment Bill 1987;

Optical Dispensers (Amendment) Bill 1987.

The object of this Bill is to amend the Physiotherapists Registration Act 1945—

- (a) to vary the composition of the Physiotherapists Registration Board;
- (b) to extend the categories of professional misconduct by physiotherapists and to provide alternative disciplinary measures in relation to any such misconduct;
- (c) to provide for the constitution of Professional Standards Committees; and
- (d) to provide money for education and research relating to physiotherapy,

and for other purposes.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Clause 3 gives effect to the Schedule of amendments to the Principal Act.

Clause 4 gives effect to the Schedule of savings and transitional provisions.

Schedule 1 (1) amends section 2 of the Principal Act—

- (a) as a consequence of the amendments made by Schedule 1 (2) (Schedule 1 (1) (a) and (b));
- (b) in relation to the meaning of “physiotherapy” (Schedule 1 (1) (c)); and
- (c) to define “public hospital” so as to include an area health service (Schedule 1 (1) (d)).

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Schedule 1 (2) substitutes section 5 of the Principal Act. The new section increases the size and varies the composition of the Physiotherapists Registration Board.

Schedule 1 (3) substitutes section 10 of the Principal Act. The new section provides for the appointment of a Deputy President of the Board to act as President during any illness or absence of the President.

Schedule 1 (4) amends section 14 of the Principal Act to increase the number required for a quorum at any meeting of the Board (as a consequence of its increased membership).

Schedule 1 (5) inserts a new section 17A into the Principal Act. The new section provides for the establishment by the Board of committees (whether or not wholly or partly consisting of Board members) to assist the Board.

Schedule 1 (6) (a) amends section 24 (1) of the Principal Act to provide for additional measures that may be taken against a physiotherapist found guilty of an offence or of professional misconduct. At present the only measures available are cancellation or suspension of registration. One of the new measures is the imposition of a fine not exceeding 40 penalty units (\$4,000).

Schedule 1 (6) (b) amends section 24 (1A) of the Principal Act to provide, as an additional recognised category of professional misconduct, a category of behaviour in the nature of professional incompetence.

Schedule 1 (6) (c) omits section 24 (6)–(8) of the Principal Act as a consequence of the insertion, by Schedule 1 (7), of a new section 24E.

Schedule 1 (7) inserts new sections 24A–24E into the Principal Act, the provisions of which may be explained as follows:

Proposed section 24A provides for the establishment of Professional Standards Committees, consisting of persons appointed by the Board, to investigate certain matters referred to them by the Board.

Proposed section 24B provides that proceedings before a Professional Standards Committee are to be conducted in accordance with the regulations.

Proposed section 24C provides for the making and reporting of decisions by a Professional Standards Committee.

Proposed section 24D sets out the kinds of matters that may be referred to a Professional Standards Committee.

Proposed section 24E provides a right of appeal (to the District Court) to persons aggrieved by decisions of the Board in relation to misconduct inquiries or registration applications.

Schedule 1 (8) amends section 26 of the Principal Act—

- (a) to provide that the nurses who are allowed to practise physiotherapy under the instructions of a suitably qualified person are only those nurses who are registered under the Nurses Registration Act 1953; and
- (b) to increase the penalty for unqualified practice of physiotherapy from \$100 to 10 penalty units (\$1,000).

Schedule 1 (9) omits section 26A of the Principal Act as a consequence of the amendment made by Schedule 1 (13).

Schedule 1 (10) amends section 29 of the Principal Act to increase the general penalty for offences against the Principal Act from \$100 to 5 penalty units (\$500).

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Schedule 1 (11) amends section 32 of the Principal Act as a consequence of the amendment made by Schedule 1 (12).

Schedule 1 (12) inserts a new section 32A into the Principal Act which provides for the establishment of a Physiotherapy Education and Research Account. The Account is to be funded from part of the proceeds of fees payable under the Principal Act and is to be applied for research and educational purposes relating to physiotherapy.

Schedule 1 (13) (a) amends section 33 of the Principal Act to enable the making of regulations in respect of the performance by physiotherapists of functions previously prohibited by section 26A of that Act.

Schedule 1 (13) (b) enables the making of regulations concerning advertising by corporations engaged or associated in the practice of physiotherapy.

Schedule 2 contains savings in relation to the members of the existing Board and transitional provisions in relation to the appointment of members of the Board as reconstituted and its first meeting after reconstitution.
