

4—(1) In addition to the Home Builders' Account kept by the Treasurer in accordance with clause sixteen of the agreement executed in pursuance of the *Housing Agreement Act 1956*, the Treasurer shall open in the Trust Fund an account to be known as the "Home Builders' Account No. 2".

The Home
Builders'
Account No. 2.

- (2) There shall be credited to the Account—
- (a) moneys that are appropriated from the Loan Fund for the purpose;
 - (b) moneys received from the Board and from building societies by way of repayment of loans or the payment of interest on loans made to the Board or to such a society pursuant to section three; and
 - (c) such proportion of any moneys granted to the State by the Commonwealth by way of housing assistance as is required to be so credited by the conditions on which the moneys are so granted.
- (3) There shall be debited to the Account—
- (a) moneys lent by the State to the Board and to building societies pursuant to section three;
 - (b) moneys payable to the Treasurer by way of interest on advances made to the Account by the Treasurer;
 - (c) moneys paid to the Treasurer by way of repayment of advances so made; and
 - (d) such administrative and other expenses as the Treasurer may consider appropriate to be debited to the Account.

RADIOGRAPHERS REGISTRATION.

No. 89 of 1971.

AN ACT to make provision for the registration of radiographers and the regulation of the practice of radiography, and for matters incidental thereto.

[14 December 1971.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

PART I.

PRELIMINARY.

1—(1) This Act may be cited as the *Radiographers Registration Act 1971*.

Short title and
commence-
ment.

(2) This Act shall commence on a date to be fixed by proclamation.

Interpretation.

2—(1) In this Act, unless the contrary intention appears—

- “ Board ” means the Radiographers Registration Board established under this Act;
- “ Director-General ” means the Director-General of Health Services;
- “ medical member ” has the meaning assigned to that expression by subsection (2) of section three;
- “ medical practitioner ” means a legally-qualified medical practitioner;
- “ physicist member ” has the meaning assigned to that expression by subsection (2) of section three;
- “ practising certificate ” means a certificate issued under section fourteen;
- “ radiographer member ” has the meaning assigned to that expression by subsection (2) of section three;
- “ register ” means the Register of Radiographers required to be kept under section nine;
- “ registered radiographer ” means a person who has been granted a registration that is subsisting and is not for the time being suspended;
- “ registration ” means registration under this Act.

(2) For the purposes of this Act a radiographic procedure is a procedure in which ionizing radiations are used for the purpose of investigating the state of any part of the body of a human being, or for the purpose of treating any condition thereof; and the practice of radiography is a practice involving the carrying out of those procedures.

PART II.

ADMINISTRATION.

Radiographers
Registration
Board.

3—(1) There shall be established a Radiographers Registration Board which shall be a body corporate with perpetual succession and a common seal.

(2) Subject to section four, the Board shall consist of the Director-General and five other members appointed by the Governor, of whom—

- (a) three shall be persons (in this Act referred to as “ the radiographer members ”) appointed on the nomination of the Tasmanian Branch of the Australasian Institute of Radiography;
- (b) one shall be a medical practitioner (in this Act referred to as “ the medical member ”) who is a member of the Australasian College of Radiologists appointed on the nomination of the Tasmanian Branch of the Australian Medical Association; and

(c) one shall be a person (in this Act referred to as "the physicist member") nominated by the Australian Institute of Physics.

(3) Where any of the bodies referred to in any of the paragraphs of subsection (2) of this section has ceased to exist, or ceased to exist under the name by which it is referred to therein, the Governor may, by order, declare that this section shall have effect as if references therein to that body were references to a body specified in the order; and this section shall, on the coming into force of that order, have effect accordingly.

(4) Where a member of the Board is required to be appointed under any paragraph of subsection (2) of this section and no person is nominated for that appointment, as is therein required, in accordance with directions given by the Minister in that behalf, the Governor may appoint as a member of the Board, instead of a person so nominated, such person as he considers suitable in the circumstances.

(5) The Director-General shall be the chairman of the Board.

(6) The members of the Board are not, as such, subject to the *Public Service Act* 1923, but an officer of the Public Service may hold office as a member of the Board in conjunction with his office in the Public Service.

(7) The Board shall pay to the members thereof such remuneration and travelling or other allowances as the Governor determines.

4—(1) This section does not apply to the chairman of the Board.

Term of office and removal of members of the Board.

(2) Subject to this section a member of the Board, unless he sooner resigns or is removed from office or otherwise ceases to hold office, continues in office for a period of three years from the date on which he was last appointed a member of the Board.

(3) Where a radiographer member, the medical member, or the physicist member of the Board dies or ceases to hold office otherwise than by reason of the effluxion of time, the Governor may, to fill the vacancy, appoint a person to be a radiographer member, the medical member, or the physicist member, as the case may require, and the person so appointed ceases to hold office at the expiration of the unexpired term of office of the member in whose place he is appointed.

(4) A person who is not a medical practitioner shall not, under subsection (3) of this section, be appointed as the medical member.

(5) The Governor may remove from office any member of the Board who, he is satisfied—

- (a) has become permanently incapable of carrying out the duties of his office;
- (b) has misconducted himself in the performance of the duties of his office;
- (c) has, without leave of the Board, been absent from three or more consecutive meetings of the Board;

- (d) has applied to take, or takes, advantage of any law relating to bankruptcy, or has compounded, or entered into an arrangement, with his creditors; or
- (e) has been convicted (whether in this State or elsewhere) of an offence of such a nature that, in the opinion of the Governor, renders it improper for him to continue to be a member of the Board.

(6) Where a person holding office as a radiographer member was, at any time while holding that office, a registered radiographer the Governor may remove him from that office if he ceases to be a registered radiographer or to hold a subsisting practising certificate.

(7) A person holding office as the medical member ceases to hold that office if he ceases to be a legally-qualified medical practitioner.

(8) A member of the Board shall not be removed from office otherwise than in accordance with this section.

**Proceedings,
&c., of the
Board.**

5—(1) The chairman of the Board, or if he is absent or there is no chairman, such one of the other members present as they choose, shall preside at meetings of the Board.

(2) The chairman or other person presiding at a meeting of the Board has a deliberative vote only and, in the event of an equality of votes on any matter before a meeting of the Board, that matter stands adjourned to the next meeting of the Board.

(3) Four members of the Board constitute a quorum at any meeting of the Board.

(4) Subject to this Act the Board may regulate its own proceedings.

**Secretary
and other
officers.**

6—(1) The Board may, with the approval of the Minister, appoint a secretary to the Board and such other officers as the Board may consider necessary for the purpose of the administration of this Act, and may pay to that secretary and those other officers such remuneration as the Board may, with the approval of the Minister, determine.

(2) If a secretary of the Board is not appointed under subsection (1) of this section, the Minister, at the request of the Board, may, with the approval of the Public Service Commissioner, appoint an officer of the Public Service to be the secretary of the Board, and the person so appointed may hold office as secretary of the Board in conjunction with his office in the Public Service.

(3) For the purpose of the exercise of its functions the Board may, with the approval of the Public Service Commissioner given on the recommendation of the Minister, make use of the services of officers of the Public Service.

Inspectors.

7—(1) The Board may appoint persons to be inspectors for the purposes of this Act.

(2) A person appointed by the Board under subsection (1) of section six may be appointed an inspector under this section.

(3) No officer of the Public Service may be appointed an inspector under this section except with the approval of the Public Service Commissioner given on the recommendation of the Minister; but such an officer so appointed may hold office as an inspector in conjunction with his office in the Public Service.

(4) An inspector shall carry out such inquiries and investigations as the Board may direct for the purpose of ascertaining in any particular case whether or not the provisions of this Act are being complied with.

8—(1) The fees paid under this Act shall be paid to the Board Finances of the Board. and shall be applied by it in defraying the expenses incurred by it in the exercise of its functions.

(2) The Board shall keep such accounts as may be prescribed.

(3) The accounts of the Board are subject to the *Audit Act* 1918.

PART III.

REGISTRATION OF RADIOGRAPHERS AND CONTROL OF PRACTICE OF RADIOGRAPHY.

Division I—Registration of radiographers and permits for radiographic procedures.

9—(1) The Board shall maintain a register to be called “The Register of Radiographers” The Register of Radiographers.

(2) The Board shall cause to be entered in the register—

- (a) the grant of registration to any person and the date of the grant of that registration;
- (b) the cancellation of the registration of any person and the date of that cancellation;
- (c) the suspension of any registration and the period of the suspension; and
- (d) the restoration of any registration and the date of that restoration.

(3) The Board shall cause to be noted in the register the death of any registered radiographer.

(4) The Board may cause to be entered in the register a note of the qualifications that it is satisfied have been obtained by a registered radiographer; but no matter shall be entered in the register under this section except on the application of the person to whom it relates.

(5) The Board may cause to be noted in the register the address of the place of abode of any registered radiographer or any appointment held by him.

(6) Not later than the thirty-first day of January in each year, the Board shall furnish the Minister with a copy of the register so far as it relates to persons who were registered radiographers on the thirty-first day of December last preceding, and the Minister shall forthwith cause that copy to be published in the *Gazette*.

(7) Subject to subsection (8) of this section, the production of a copy of the *Gazette* containing a copy of the register is sufficient evidence, unless the contrary is shown, of the subsistence of the registrations indicated therein and that no other registrations subsist.

(8) Production of a document purporting to be a certified copy of an entry in the register signed by the secretary of the Board is sufficient evidence, unless the contrary is shown, that that entry was duly made in the register.

Entitlement to registration.

10—(1) A person is entitled to be granted registration if he—

- (a) has completed a prescribed course of training; and
- (b) has passed a prescribed examination.

(2) Without prejudice to the provisions of subsection (1) of this section, a person is entitled to be granted registration if—

- (a) at the commencement of this Act, he holds the diploma of the Australasian Institute of Radiography and is practising radiography in this State; or
- (b) he is, at the commencement of this Act, engaged in a course of training as a radiographer and, after completing that course, is granted the diploma referred to in paragraph (a) of this subsection.

(3) Where a person, in relation to the practice of radiography—

- (a) has, outside the Commonwealth, undergone a course of training and obtained qualifications; or
- (b) has, outside the Commonwealth, been granted any licence or registration,

that person is entitled to be granted registration under this Act if the Board is satisfied that that course of training and the qualifications, or the course of training and qualifications required before that licence or registration can be granted, is of no less a standard than those required to entitle a person to registration under subsection (1) of this section.

(4) Where a person is entitled to registration the Board shall, on application made by him and payment of the prescribed fee, grant him that registration if it is satisfied that he is of good fame and character.

Cancellation and suspension of registration.

11—(1) Where the Board is satisfied, on an inquiry under this section, that the registration of any person, or the restoration or the removal of the suspension, of the registration of any person has been obtained by fraud or misrepresentation it may cancel that registration.

(2) Where the Board is satisfied, on an inquiry under this section, that a registered radiographer—

- (a) has been guilty of misconduct in a professional respect;

- (b) has been convicted (whether before or after the grant of his registration and whether in this State or elsewhere) of an offence of such a nature that it is undesirable in the public interest for him to practise radiography in this State;
- (c) is, by reason of his taking intoxicating liquor to excess or of his habitual taking of drugs, incapable of properly carrying on the practice of radiography; or
- (d) is suffering from mental disorder (within the meaning of the *Mental Health Act 1963*) of such a nature or degree as to render him incapable of properly carrying on the practice of radiography,

it may cancel his registration or suspend his registration for such period as it thinks fit.

(3) Before holding an inquiry under this section the Board shall serve notice in writing on the registered radiographer in respect of whom the inquiry is to be held specifying the matter in relation to which the inquiry is to be held and requiring him to appear before the Board, on the holding of the inquiry, at such place and at such time as may be specified in the notice, to show cause why his registration should not be cancelled or suspended.

(4) Where a registered radiographer does not hold a subsisting practising certificate the Board may serve on him a notice in writing stating that it intends to cancel his registration unless, within three months of the service of the notice, he applies for the issue of a practising certificate, and if he fails within that period to apply for the issue of the certificate the Board may cancel his registration.

12—(1) Where the registration of a person has been suspended or cancelled the Board may, on the application of that person, restore the registration if it is satisfied that to do so would not be contrary to the public interest and is otherwise proper in the circumstances.

Restoration of registration.

(2) Where a registration that has been suspended is restored under this section that suspension ceases to be of further effect.

13—(1) A person who is aggrieved by—

- (a) the refusal or failure of the Board to grant him registration;
- (b) the cancellation or suspension by the Board of his registration; or
- (c) the refusal of the Board to restore his registration,

may appeal to a stipendiary magistrate.

Appeal against decisions of the Board.

(2) On an appeal under this section a stipendiary magistrate (unless he dismisses the appeal) may—

- (a) in the case of an appeal under paragraph (a) of subsection (1) of this section, by order, direct the Board to grant the appellant registration;
- (b) in the case of an appeal under paragraph (b) of subsection (1) of this section, by order, quash the decision of the Board to which the appeal relates or substitute

therefor any other decision that the Board could have made in respect of the matter to which the appeal relates; or

- (c) in the case of an appeal under paragraph (c) of subsection (1) of this section, by order, restore the registration to which the appeal relates,

and the Board shall comply with any order made under this section.

(3) An appeal under this section shall be instituted, heard, and determined, as prescribed.

(4) The decision of a stipendiary magistrate on the hearing of an appeal under this section is final, and is not subject to appeal.

Annual
practising
certificates.

14—(1) On an application, accompanied by the prescribed fee, being made to the secretary of the Board by a registered radiographer the secretary shall issue to him a certificate referred to in this Act as a practising certificate.

(2) A practising certificate—

- (a) if it is issued to a person holding a subsisting practising certificate, has effect for the period of twelve months commencing on the first day of January next following the date on which it was issued; and
- (b) in any other case, has effect for the period commencing on the date on which it was issued and ending on the thirty-first day of December next following.

Permits to
carry out
radiographic
procedures.

15—(1) In accordance with this section, the Minister may, on application being made to him by a person, grant that person a permit authorizing him, at such times, or during such period, as may be specified in the permit, to carry out such radiographic procedures as may be so specified.

(2) An application under this section shall be in such form as may be prescribed or, if no form is prescribed, in such form as the Minister approves.

(3) A permit granted under this section may specify the circumstances in which, or the conditions subject to which, the radiographic procedures to which it relates may be or are to be carried out.

(4) The Minister may revoke a permit granted under this section.

(5) The Minister shall refer an application for the grant of a permit under this section to the Board and he shall, before granting such a permit on that application, take into consideration any report relating to that application that may have been made to him by the Board.

(6) The Minister shall notify the Board of the granting of a permit under this section and the revocation of any such permit.

(7) The holder of a licence under the *Radioactive Substances Act 1954* authorizing him to use irradiating apparatus of a kind that is capable of being used in radiographic procedures who is aggrieved—

- (a) by the refusal of the Minister to grant him a permit under this section;

- (b) by the terms of a permit so granted; or
 (c) by the revocation of a permit so granted,

may appeal to a stipendiary magistrate.

(8) On an appeal under this section a stipendiary magistrate may (unless he dismisses the appeal) by order direct that such permit as may be specified in the order be granted to the appellant or declare that the revocation is annulled, as the case may be.

(9) Where, on such an appeal as is referred to in paragraph (b) of subsection (7) of this section, the magistrate directs that a permit be granted to the appellant, the permit granted pursuant to the direction has effect in place of the permit in respect of which the appeal was brought.

(10) An appeal under this section shall be instituted, heard, and determined as prescribed.

(11) The decision of a stipendiary magistrate on the hearing of an appeal under this section is final, and is not subject to appeal.

Division II—Control of practice of radiography.

16—(1) No person, other than a registered radiographer holding a subsisting practising certificate, shall take or use the description "radiographer" either alone or in conjunction with any other name, title, or description, unless it is taken or used in such circumstances as to indicate that that person does not carry out, and does not purport to be qualified to carry out, radiographic procedures within the meaning of this Act.

Offences in relation to practice of radiographer.

(2) No person shall take or use any name, title, addition or description falsely implying, or shall otherwise pretend, that he is a registered radiographer or that he holds a subsisting practising certificate.

(3) Subject to this section, no person other than a medical practitioner or a registered radiographer holding a subsisting practising certificate, shall carry out any radiographic procedure.

(4) Subsection (3) of this section does not prohibit—

- (a) the carrying out of a radiographic procedure by a certified dentist within the meaning of the *Dentists Act 1919* in connection with the practice of dentistry within the meaning of that Act; or
 (b) the carrying out of a radiographic procedure authorized by a permit granted under section fifteen.

(5) Subsection (3) of this section does not prohibit the carrying out of a radiographic procedure by a person undergoing a course of training prescribed for the purposes of subsection (1) of section ten if that procedure is carried out under the direction of a person who is not, under the foregoing provisions of this section, prohibited from himself carrying out that procedure.

(6) A person who contravenes any provision of this section is guilty of an offence and liable to a penalty of one hundred dollars.

(7) This section commences at the expiration of a period of three months from the commencement of this Act.

Ethical standards.

17—(1) The Board, with the approval of the Governor, may formulate rules governing the practice of radiography failure to comply with which on the part of a registered radiographer shall be deemed to constitute misconduct in a professional respect.

(2) Nothing in this section prevents any matter not dealt with in the rules formulated under this section from being treated for the purposes of this Act as misconduct in a professional respect.

PART IV.

MISCELLANEOUS.

Misrepresentations in relation to registration.

18 A person who procures or attempts to procure the grant or restoration of a registration by wilfully making or producing or causing to be made or produced, either orally or in writing, any declaration, certificate, or representation which he knows to be false or fraudulent is guilty of an offence and liable to a penalty of one hundred dollars.

Service of notices.

19 Where a notice is required to be served on any person for the purposes of this Act that notice may be so served—

(a) by delivering to him personally; or

(b) by sending it by certified mail addressed to him at his usual or last known place of abode or at any institution or other place at which he holds any employment or appointment.

Regulations.

20 The Governor may make regulations for the purposes of this Act.

FILMS.

No. 90 of 1971.

AN ACT to provide for the classification and registration of films intended for public exhibition, and for matters incidental thereto.

[14 December 1971.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title and commencement.

1—(1) This Act may be cited as the *Films Act 1971*.

(2) This Act shall commence on a day to be fixed by proclamation.