

# PHYSIOTHERAPISTS BILL

## EXPLANATORY NOTES

The purpose of this Bill is to re-enact and amend the law relating to Physiotherapists.

*Clause 1.*

Contains the usual provisions relating to the short title, the commencement which will be by one proclamation of the Governor-in-Council, and the division of the Bill into parts.

*Clause 2.*

Repeals the *Masseurs Act* 1958 and the *Masseurs (Amendment) Act* 1967 and contains saving provisions in relation to the two repealed Acts.

*Clause 3.*

Contains the Interpretations.

*Clause 4.*

Establishes the Physiotherapists Registration Board of Victoria.

*Clause 5.*

Provides for the membership of the Board to be six as follows—

(a) 2 medical practitioners.

(b) 4 registered physiotherapists other than persons registered temporarily.

Sub-clause (2) provides for a period of appointment of a member not exceeding 3 years and sub-clause (3) enables the Governor in Council to remove a member from office.

Sub-clause (4) exempts a Board Member from the provisions of the *Public Service Act* 1974 and Sub-clause (5) permits Board Members to receive fees expenses and allowances.

*Clause 6.*

Provides for the election by the Board Members of a Chairman who will preside for 1 year and generally relates to meetings of the Board.

*Clause 7.*

Contains provisions relating to the termination of the appointment of a Board Member for the several reasons set out therein and the filling of the consequential vacancy.

*Clause 8.*

Permits the members of the Masseurs Registration Board to continue as members of Physiotherapists Board for the remainder of the period of their respective terms.

*Clause 9.*

Sets out the powers and duties of the Board.

*Clause 10.*

Enables the Board to appoint a Registrar and such other staff as are necessary for the purposes of the Board. Provisions relating to the fixing of staff salaries and the dismissal of staff are included.

*Clause 11.*

Prevents a person who is not registered as a physiotherapist from recovering fees in a court of law for the performance of physiotherapy or advice in relation thereto.

Sub-clause (2) exempts certain professions and processes from the prohibition.

*Clause 12.*

Enables a person to apply to be registered as a physiotherapist and directs the Board to register persons who fulfil the pre-requisites set out in sub-clause (2).

Sub-clause (3) enables the Board to refuse to register an otherwise qualified applicant if such applicant has been refused registration as a physiotherapist in a place outside Victoria or if the Board is satisfied that the applicant is not professionally competent to practise in Victoria.

*Clause 13.*

Enables the Board to grant temporary registration and sets out the circumstances under which temporary registration may be granted.

*Clause 14.*

Provides for the annual renewal of registration as a physiotherapist.

*Clauses 15 and 16.*

Relate to the keeping of the Register of physiotherapists and its publication.

*Clause 17.*

Enables the Board to cancel or suspend the registration of a physiotherapist subject to the directions contained in sub-clause (2).

*Clause 18.*

Gives the Board certain powers under the *Evidence Act* 1958 in respect to inquiries held under Clause 17 (2) (b).

*Clause 19.*

Enables a person who has been refused registration or whose registration has been cancelled or suspended by the Board to appeal to a Judge in Chambers against such refusal, cancellation or suspension.

*Clause 20.*

Requires a person whose registration has been cancelled to return all certificates issued to him in relation to such registration.

*Clause 21.*

Provides for fees and penalties under the Act to be paid to the Board and enables the Board to apply the fees and penalties received to its general expenses.

*Clause 22.*

Requires the Board to report annually to the Minister as regards its proceedings together with a copy of the financial statement required pursuant to Clause 21 (3).

*Clause 23.*

Exempts persons registered under the Act in respect of disabilities of unregistered persons recovering fees under the *Medical Practitioners Act* 1970 and the proposed *Chiropractors and Osteopaths Act*.

*Clause 24.*

Creates the offence of unregistered persons using certain titles and provides a penalty of \$1,000.

The clause also prohibits the use of the machines and processes set out in the Schedule by persons other than physiotherapists and persons mentioned in sub-clause (3).

Provision is made to amend the Schedule by proclamation.

*Clause 25.*

Sets down the penalty for procuring or attempting to procure registration by false or fraudulent declaration or by wilfully causing any falsification relating to the Register.

*Clause 26.*

Sets out the penalty for failure to comply with an order of the Board, with the Regulations or with the provisions of the Act.

*Clause 27.*

Empowers the Board to authorize the taking of proceedings under the Act.

*Clause 28.*

Contains the Regulation making powers of the Governor in Council including the prescribing of fees.