



Australian Capital Territory

# **Physiotherapists Registration Ordinance 1977**

**Ord1977-60**

**Republication No 0A (RI)**

**Effective: 28 December 1978 – 29 June 1981**

Republication date of printed version: 31 March 1979

Reissued electronically: 8 August 2011

Last amendment made by Ord1978-46  
(republishing for amendments by Ord1978-41  
and Ord1978-46)

Authorised by the ACT Parliamentary Counsel

## **About this republication**

### **The republished law**

This is a republication of the *Physiotherapists Registration Ordinance 1977* effective 28 December 1978 to 29 June 1981.

### **Kinds of republications**

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

This republication has been scanned using the printed version. There is no unauthorised version available.

# AUSTRALIAN CAPITAL TERRITORY

## PHYSIOTHERAPISTS REGISTRATION ORDINANCE 1977

*Incorporating all amendments by legislation made to 31 March 1979*

### TABLE OF PROVISIONS

#### PART I—PRELIMINARY

Section

1. Short title
2. Commencement
3. Interpretation

#### PART II—THE PHYSIOTHERAPISTS BOARD

4. Establishment of Board
5. Constitution of Board
6. Deputy Chairman
7. Tenure of office
8. Remuneration
9. Resignation
10. Vacation of office
11. Meetings of the Board
12. Protection of members

#### PART III—REGISTRATION AND QUALIFICATIONS

13. Register of Physiotherapists
14. Persons entitled to apply for registration
15. Board to authorize registration
16. Registration
17. Certificate of registration
18. Physiotherapists to notify address and pay annual fee
19. Change of address to be notified
20. Alteration of Register
21. Provisional registration
22. Temporary registration
23. Special registration
24. Effect of provisional, &c., registration
25. Powers of Chairman may be exercised by another member
26. Cancellation or suspension of registration
27. Suspension of registration or restriction of practice on health grounds
28. Removal of name from Register in certain circumstances
29. Inquiry by Board
30. Application for re-registration

#### PART IV—THE CONDUCT OF THE PRACTICE OF PHYSIOTHERAPY

31. Persons who may practise physiotherapy
32. Use of title of physiotherapist

24444/79 R78/1483 Cat. No. 79 7744 7—Recommended retail price 60c

*Physiotherapists Registration Ordinance 1977*

## TABLE OF PROVISIONS—continued

- 33. Unregistered person may not recover fees
- 34. Administration of estate of deceased physiotherapist

## PART V—MISCELLANEOUS

- 35. Appeal
- 36. Inspection of Register
- 37. Power to summon witnesses
- 38. Evidence before Board
- 39. Offences by witnesses
- 40. Obstruction of members of Board
- 41. Protection of witnesses, &c.
- 42. Allowances to witnesses
- 43. Evidentiary provision
- 44. Amendment of *Seat of Government (Administration) Ordinance 1930*
- 45. Regulations

## PART VI—TRANSITIONAL

- 46. Transitional provisions
- 47. Application

# AUSTRALIAN CAPITAL TERRITORY

---

## PHYSIOTHERAPISTS REGISTRATION ORDINANCE 1977

An Ordinance to provide for the Registration of Persons engaged in Physiotherapy, and for other purposes

### PART I—PRELIMINARY

1. This Ordinance may be cited as the *Physiotherapists Registration Ordinance* 1977.<sup>1</sup> Short title
  
2. This Ordinance shall come into operation on a date to be fixed by the Minister of State for the Capital Territory by notice published in the *Gazette*.<sup>1</sup> Commence-  
ment
  
3. (1) In this Ordinance, unless the contrary intention appears— Interpret-  
ation
  - “Board” means the Physiotherapists Board constituted under this Ordinance;
  - “Chairman” means the Chairman of the Board;
  - “Deputy Chairman” means the Deputy Chairman of the Board;
  - “medical practitioner” means a person registered as a medical practitioner under the *Medical Practitioners Registration Ordinance* 1930;
  - “member” means a member of the Board, and includes the Chairman;
  - “nurse” means a person registered as a nurse under the *Nurses Registration Ordinance* 1933;
  - “physiotherapist” means a person engaged in the practice of physiotherapy;
  - “physiotherapy” means the application to the body, for the purpose of curing or alleviating any abnormal condition, of manipulation, massage, therapeutic exercise, electricity, heat, light or any prescribed treatment;
  - “Register” means the Register of Physiotherapists kept in accordance with section 13;
  - “registered” means registered under this Ordinance, and “registration” has a corresponding meaning;

*Physiotherapists Registration Ordinance 1977*

“registered physiotherapist” means a person who is for the time being registered.

(2) Nothing in this Ordinance applies to or in relation to the carrying on by a person, in accordance with the laws of the Territory, of the business or profession of beautician, chiropodist, chiropractor, masseur, medical practitioner, nurse or osteopath.

(3) Nothing in this Ordinance applies to or in relation to a person who is registered as a physiotherapist in a State or another Territory and who practises as a physiotherapist solely in the performance of his duties as—

- (a) an officer or employee within the meaning of the *Public Service Act 1922*; or
- (b) a member of the Defence Force engaged on continuous full-time service.

(4) Nothing in this Ordinance applies to or in relation to a person who is practising as a physiotherapist under the supervision of a registered physiotherapist while—

- (a) undertaking a course of study and training referred to in paragraph 14 (2) (b); or
- (b) undergoing a period of supervised practice in a hospital for the purpose of obtaining the qualification referred to in paragraph 14 (2) (d).

**PART II—THE PHYSIOTHERAPISTS BOARD**

Establishment of Board

**4.** (1) For the purposes of this Ordinance, there shall be a Board to be known as the Physiotherapists Board.

(2) The Board—

- (a) is a body corporate with perpetual succession;
- (b) shall have a common seal; and
- (c) may sue and be sued in its corporate name.

(3) All courts, judges and persons acting judicially shall take judicial notice of the seal of the Board affixed to a document and shall presume that it was duly affixed.

Constitution of Board

**5.** (1) The Board shall consist of the Chairman, and 6 other members, appointed by the Minister.

(2) The Chairman and at least 5 other members shall each be a person who is, and for the period of 3 years immediately preceding his appointment has been, registered as a physiotherapist under the law of a State or Territory.

(3) The performance of the functions, or the exercise of the powers, of the Board is not affected by reason only of there being a vacancy or vacancies in the membership of the Board.

6. (1) The members shall, from time to time, as occasion requires, elect one of their number, being a member referred to in sub-section 5 (2), to be Deputy Chairman of the Board. Deputy Chairman

(2) The Deputy Chairman holds office for a period of one year from the date of his election, unless he sooner ceases to be a member, and is eligible for re-election.

(3) The Deputy Chairman may resign his office of Deputy Chairman by writing under his hand delivered to the Chairman.

7. A member holds office for such period, not exceeding 3 years, as is specified in the instrument of his appointment and is eligible for re-appointment. Tenure of office

8. (1) Subject to this section, a member is not entitled to be paid in respect of duties or functions performed by him under this Ordinance. Remuneration

(2) A member is entitled to re-imburement for any out-of-pocket expenses reasonably incurred by him in the performance of his duties or functions under this Ordinance.

9. A member may resign his office of member by writing under his hand delivered to the Minister. Resignation

10. (1) The Minister may at any time remove a member from office for misbehaviour or physical or mental incapacity. Vacation of office

(2) If a member—

(a) becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;

(b) is convicted in Australia of an offence punishable by imprisonment for one year or longer;

(c) is absent without leave of the Board from 2 consecutive meetings of the Board; or

(d) being a person who, on the date of his appointment as a member, was registered as a physiotherapist under the law of a State or Territory—ceases to be so registered,

the Minister shall remove the member from office.

11. (1) A meeting of the Board shall be convened by the Chairman or, in his absence, the Deputy Chairman, by notice in writing given to each of the other members. Meetings of the Board

(2) The Minister may, by notice in writing given to each member, direct that a meeting of the Board be held at the time and place specified in the notice.

(3) The Chairman shall preside at all meetings of the Board at which he is present.

(4) If, at a meeting of the Board, the Chairman is not present, the Deputy Chairman shall preside at the meeting.

(5) At a meeting of the Board a quorum is constituted by 4 members of whom one is the Chairman or, in the case of a meeting at which the Chairman is not present, the Deputy Chairman.

(6) Questions arising at a meeting of the Board shall be determined by a majority of the votes of the members present and voting.

(7) The member presiding at a meeting of the Board has a deliberative vote only.

(8) Subject to this Ordinance, the procedure of the Board shall be as the Board determines.

Protection  
of members

**12.** An action or proceeding, civil or criminal, does not lie against a member of the Board for or in respect of any act or thing done in good faith by the member in his capacity as a member.

### PART III—REGISTRATION AND QUALIFICATIONS

Register of  
Physio-  
therapists

**13.** The Board shall keep a register called “The Register of Physiotherapists”.

Persons  
entitled to  
apply for  
registration

**14.** (1) In this section, “qualification” includes degree, certificate or diploma.

(2) A person is entitled to apply to the Board for registration if he is a fit and proper person to be registered as a physiotherapist, he has an adequate knowledge of the English language and—

- (a) he is registered in a State or another Territory under a law of that State or Territory providing for the registration of physiotherapists;
- (b) he holds a qualification in physiotherapy granted by an institution in a State or Territory after a course of study and training that is recognized by the registration authority in that State or Territory;
- (c) he holds a qualification in physiotherapy—
  - (i) that is granted in a place outside Australia and that would entitle him to be registered in that place under a law of that place providing for the registration of physiotherapists; and



(ii) that is a qualification declared by the Minister on the recommendation of the Board, by notice published in the *Gazette*, to be an acceptable qualification; or

(d) he holds a certificate granted by the Board for the purposes of this section.

(3) The Minister shall not declare a qualification to be an acceptable qualification unless the qualification is substantially equivalent to a qualification referred to in paragraph 14 (2) (b).

(4) The Board shall not grant a certificate to a person unless the person—

(a) holds a qualification in physiotherapy that is granted in a place outside Australia and that would entitle him to be registered in that place under a law of that place providing for the registration of physiotherapists, not being a qualification referred to in paragraph 14 (2) (c);

(b) has completed at least 2 years full-time, or 4 years part-time, postgraduate clinical practice;

(c) has passed, to the satisfaction of the Board, an examination in the prescribed subjects conducted by or on behalf of the Board in Australia or elsewhere for the purpose of this paragraph;

(d) has completed, to the satisfaction of the Board, at least 6 months supervised practice in a hospital in Australia; and

(e) has passed, to the satisfaction of the Board, the clinical examination in the practice of physiotherapy conducted by or on behalf of the Board for the purpose of this paragraph.

(5) An application for registration shall be in writing and accompanied by the prescribed fee.

(6) The Board may require an applicant to attend personally before the Board and, if he fails to attend as required, may refuse the application.

**15.** Subject to sub-section 14 (6), where the Board is satisfied that a person who has applied for registration is entitled so to apply, the Board shall authorize the registration of the person. Board to authorize registration

**16.** (1) Where the Board authorizes the registration of a person, registration shall be effected by entering in the Register— Registration

(a) the name of the person;

(b) the person's professional address or addresses in the Territory or, if he has no professional address in the Territory, his place of residence, whether within or outside the Territory;

(c) particulars of the person's qualifications;

(d) the registration number allotted to the person; and

(e) the date of registration.

(2) An entry in the Register shall be signed by the Chairman or, in his absence, the Deputy Chairman.

Certificate of registration

17. (1) Where a person is registered as a physiotherapist the Board shall cause to be issued to him a certificate of registration under the hand of the Chairman or Deputy Chairman.

(2) A certificate of registration issued under sub-section (1) is evidence that the person specified in the certificate was registered on the date specified in the certificate.

(3) Where a person ceases to be registered, the Board may, by notice in writing given to the person at his professional address, or at one of his professional addresses, as last recorded in the Register, or at his last-known place of residence, require him, within one month after receipt of the notice, to deliver his certificate of registration to the Board.

(4) A person shall not refuse or fail to comply with a notice given under sub-section (3).

Penalty: \$100.

Physio-therapist to notify address and pay annual fee

18. (1) A registered physiotherapist shall, on or before 1 September in each year—

- (a) notify the Board of his professional address or addresses in the Territory or, if he has no professional address, of his place of residence; and
- (b) pay the prescribed fee.

Amended by No. 46, 1978, s. 3

(2) Where a registered physiotherapist does not comply with the provisions of sub-section (1), the Board shall cause to be sent to the physiotherapist a notice advising the physiotherapist that, if he does not—

- (a) notify the Board of his professional address or addresses in the Territory or, if he has no professional address, of his place of residence; and
- (b) pay the fee prescribed for the purposes of sub-section (1),

within one month of the date of the notice, his registration will be cancelled.

(3) A notice sent under sub-section (2) shall be posted to the physiotherapist at his professional address in the Territory or, if he has no professional address in the Territory, at his last known place of residence.

(4) Where a physiotherapist to whom a notice has been sent under sub-section (2) does not comply with the provisions of the notice, the Board shall cancel his registration.

(5) Where a physiotherapist whose registration has been cancelled under sub-section (4)—

Amended by  
No. 46, 1978, s. 3

- (a) notifies the Board of his professional address or addresses in the Territory or, if he has no professional address in the Territory, of his place of residence; and
  - (b) pays the fee prescribed for the purposes of sub-section (1),
- the Board shall re-register the physiotherapist.

19. Where—

Change of  
address to be  
notified

- (a) a change occurs in an address of a registered physiotherapist entered in the Register under sub-section 16 (1) or furnished to the Board under section 18; or
  - (b) a registered physiotherapist establishes a professional address, or an additional professional address, in the Territory,
- the registered physiotherapist shall, within one month of the change or establishment, as the case requires, notify the Chairman in writing accordingly.

Penalty: \$100.

20. (1) The Board shall cause to be removed from the Register the name of a registered physiotherapist who has died.

Alteration of  
Register

(2) The Board may, from time to time, at the request of a person or of its own accord, make such other alterations to particulars in the Register as are necessary.

(3) Where the alterations to the Register are made at the request of a person, the prescribed fee is payable.

21. (1) Upon application by a person who has applied under section 14 for registration and on payment of the prescribed fee, the Chairman may grant provisional registration to the person.

Provisional  
registration

(2) Provisional registration granted under this section shall, subject to sub-section (3), be in force for a period of 3 months from the date of the grant and shall not be renewed.

(3) Where, within the period of 3 months referred to in sub-section (2) the Board makes a decision on the application under section 14, the provisional registration ceases to be in force.

22. (1) Upon application by a person who—

Temporary  
registration

- (a) is registered as a physiotherapist in a State or another Territory; and
  - (b) wishes to carry on the practice of physiotherapy in the Territory on behalf of a registered physiotherapist,
- and on payment of the prescribed fee, the Chairman may grant temporary registration to the person.

(2) Temporary registration granted under this section shall be in force for a period of 3 months and may be renewed for a further period of 3 months.

Special  
registration

**23.** (1) This section applies to a person who—

- (a) holds a qualification granted in a place outside Australia that would entitle him to be registered in that place under a law of that place providing for the registration of physiotherapists; and
- (b) is visiting the Territory in connexion with research into, or dissemination of knowledge of the theory and practice of, physiotherapy.

(2) Upon application on behalf of a person to whom this section applies by—

- (a) a hospital or a university, college of advanced education or other educational institution; or
- (b) a professional association whose objects include the promotion of research into, or the dissemination of knowledge of the theory and practice of, physiotherapy,

and on payment of the prescribed fee, the Board may grant special registration to the person.

(3) Special registration granted under this section—

- (a) shall be in force for such period, not exceeding one year, as the Board specifies;
- (b) may be renewed for a further period of not more than one year; and
- (c) may be granted subject to such restrictions and conditions as the Board thinks fit.

Effect of  
provisional,  
&c.,  
registration

**24.** Subject to paragraph 23 (3) (c), a person who has been granted provisional, temporary or special registration shall, while the registration is in force, be deemed to be registered for the purposes of sections 26, 27 and 28 and Part IV.

Powers of  
Chairman  
may be  
exercised by  
another  
member

**25.** The powers of the Chairman under sections 21 and 22 may, if for any reason the Chairman is unable to act, be exercised by a member of the Board, being a member referred to in sub-section 5 (2), nominated from time to time by the Board for the purposes of this section, and a decision of that member in the exercise of those powers shall, for all purposes, be deemed to be a decision of the Chairman.

Cancellation  
or  
suspension  
of  
registration

**26.** (1) The Board may order the cancellation of the registration of a person—

- (a) whose registration has been obtained by fraud or misrepresentation;
- (b) whose qualification is withdrawn or cancelled by the body which granted it;

- (c) whose registration in a State or another Territory is cancelled, suspended or otherwise withdrawn on a ground other than the non-payment of a fee;
- (d) who is convicted in the Territory or elsewhere of an offence punishable by imprisonment for a period of one year or longer or any other offence that renders him unfit to practise as a physiotherapist; or
- (e) who is guilty of any conduct that renders him unfit to practise as a physiotherapist.

(2) The Board may order the suspension, for such period as it thinks fit, of the registration of a person—

- (a) whose registration in a State or another Territory is suspended on a ground other than the non-payment of a fee; or
- (b) who is found by the Board to have been guilty of habitual drunkenness or addiction to a drug.

(3) In the case of a person to whom paragraph (1) (d) or (1) (e) applies, the Board may, instead of cancelling the registration of the person—

- (a) order the suspension of the registration of the person for such period as it thinks fit; or
- (b) reprimand the person.

(4) In the case of a person to whom paragraph (2) (b) applies, the Board may, instead of suspending the registration of the person, reprimand the person.

27. (1) Subject to this section, the Board shall, where it is satisfied that the mental or physical condition of a registered physiotherapist is such as to render him unfit to practise, make an order suspending the registration of that person.

Suspension  
of  
registration  
or restriction  
of practice  
on health  
grounds

(2) The Board may, instead of suspending the registration of a person under sub-section (1), where it is satisfied that that person's unfitness does not extend to the whole of the practice of physiotherapy and that it would not be contrary to the public interest to make an order under this sub-section, make an order directing that person not to give or perform the service or services of physiotherapy specified, whether individually or otherwise, in the order.

(3) The Board shall, within 12 months of the making of an order under this section and thereafter at intervals not exceeding 12 months, and, subject to sub-section (4), at any other time if so requested by the person in respect of whom the order was made, review that order and, where the Board is satisfied that the mental or physical condition of that person has changed since the making of the order, it may set aside that order and may, if it thinks fit, make such other order as it could have

made under this section that would be appropriate in the changed circumstances.

(4) Where the Board—

(a) makes an order under this section; or

(b) reviews an order made under this section,

the person in respect of whom the order was made shall not be entitled to—

(c) a review of the order; or

(d) a further review of the order,

as the case requires, within a period of 3 months from the date of the order or review.

(5) The Board shall, before it reviews an order made under this section, give notice of the review to the person in respect of whom the order was made and that person may, upon the review, bring such matters to the attention of the Board as he thinks fit and may be represented by a barrister and solicitor, or by an agent appointed in writing, who may examine witnesses and address the Board on his behalf.

(6) Where a person in respect of whom the Board has made an order in pursuance of sub-section (2) or (3) gives or performs a service of physiotherapy in contravention of that order, he shall, in giving or performing that service, be deemed to be a person other than a registered physiotherapist.

Removal of  
name from  
Register in  
certain  
circumstances

**28.** Where, by reason of his giving or performing a service of physiotherapy while his registration is suspended or of contravening or failing to comply with an order made under sub-section 27 (2) or (3), a person is convicted of an offence against section 31, the Board may remove the name of that person from the Register.

Inquiry by  
Board

**29.** (1) The Board, before—

(a) ordering the cancellation of the registration of a person;

(b) suspending the registration of a person;

(c) reprimanding a person; or

(d) making an order in pursuance of sub-section 27 (2),

shall hold an inquiry.

(2) At the inquiry the person may be represented by a barrister and solicitor or an agent, who may examine witnesses and address the Board on his behalf.

(3) In conducting the inquiry, the Board is not bound by the rules of evidence or legal procedure, but may inform itself as it thinks fit.

(4) The Attorney-General may appoint a barrister and solicitor to assist the Board.

(5) Pending the holding of the inquiry, the Board may suspend temporarily the registration of the person.

(6) In this section, “barrister and solicitor” has the same meaning as in the *Legal Practitioners Ordinance 1970*.

**30.** (1) Where the registration of a person has been cancelled or suspended, the person may apply for re-registration on the ground that, by reason of a specified change in the circumstances that has occurred since the date of the cancellation or suspension, it is just that his registration should be restored. Application for re-registration

(2) Upon an application under this section the Board may, if it is satisfied that, by reason of the change in circumstances, the registration of the person should be restored, order that the registration be restored.

#### PART IV—THE CONDUCT OF THE PRACTICE OF PHYSIOTHERAPY

**31.** (1) A person other than a registered physiotherapist shall not practice physiotherapy. Persons who may practice physiotherapy  
Penalty: \$1,000.

(2) A registered physiotherapist shall not practise physiotherapy under a name other than the name under which the physiotherapist is registered.

Penalty: \$100.

(3) In proceedings for an offence against sub-section (1) or (2), a certificate given by the Chairman that—

- (a) the person named in the certificate is not a registered physiotherapist; or
- (b) the name of a person named in the certificate is the name under which that person is registered,

is evidence of that fact.

**32.** A person other than a registered physiotherapist shall not—

- (a) take or use, either alone or in combination with any other words or letters, the title of physiotherapist, physiotherapeutist, physical therapist, physical therapist, electrotherapist or a name, title, addition or description (including initials or letters placed after his name) indicating or implying that he is a registered physiotherapist or that he is a person who practises, or is qualified to practise physiotherapy; or
- (b) hold himself out, by advertisement or otherwise, as being qualified or authorized to practice physiotherapy or as being a person who practises physiotherapy.

Use of title of physiotherapist

Penalty: \$1,000.

Unregistered person may not recover fees

33. A person other than a registered physiotherapist is not entitled to sue or counterclaim for, or set-off or recover, a charge for remuneration for a service of physiotherapy rendered by him.

Administration of estate of deceased physiotherapist

34. Upon the death of a registered physiotherapist who was at the time of his death carrying on business as a physiotherapist, an executor, administrator or trustee of his estate may continue the business for a period of 6 months or for such longer period as the Board, on application by the executor, administrator or trustee, permits, if the practice of physiotherapy in the business is carried on by a registered physiotherapist.

#### PART V—MISCELLANEOUS

Appeal

35. (1) Application may be made to the Tribunal for a review of a decision of the Board—

- (a) refusing to register, or to re-register, a person;
- (b) refusing to grant a certificate under sub-section 14 (4);
- (c) cancelling the registration of a person;
- (d) suspending, otherwise than under sub-section 29 (5), the registration of a person;
- (e) making an order under section 27;
- (f) reprimanding a person; or
- (g) refusing to permit an extension of the period under section 34.

(2) Application may be made to the Tribunal for a review of a decision of the Chairman refusing to grant, or to renew, provisional or temporary registration to a person.

(3) In this section, "Tribunal" means the Administrative Appeals Tribunal established by the *Administrative Appeals Tribunal Act 1975*.

Inspection of Register

36. A person may, on payment of the prescribed fee—

- (a) inspect an entry in the Register; and
- (b) obtain a certified copy of an entry in the Register.

Power to summon witnesses

37. (1) The Chairman or Deputy Chairman may, by writing under his hand, summon a person to attend before the Board at a time and place specified in the summons to give evidence and produce any books, documents or writings in his custody or control which he is required by the summons to produce.

- (2) A summons under this section shall be served—
  - (a) by delivering it personally to the person to be served;
  - (b) by sending it by prepaid registered mail addressed to him at his place of abode or business last known to the Chairman or Deputy Chairman; or



- (c) by leaving it at his place of abode or business last known to the Chairman or Deputy Chairman with some person apparently residing or employed at that place and apparently over the age of 16 years.

(3) A witness appearing before the Board may be examined by the Chairman or another member and by a party to the proceedings before the Board or a person representing such a party.

38. The Board may take evidence on oath or affirmation and, for that purpose, the Chairman or Deputy Chairman may administer an oath or affirmation. Evidence before Board

39. A person summoned to attend as a witness before the Board shall not— Offences by witnesses

- (a) without reasonable excuse, refuse or fail to attend, or to produce documents, books or writings, in accordance with the summons; or
- (b) refuse to be sworn or make an affirmation or, except as provided by section 57 of the *Evidence Ordinance 1971*, to answer a question relevant to the proceedings before the Board.

Penalty: \$500.

40. A person who obstructs the Chairman or another member of the Board in the exercise of the powers conferred on him under this Ordinance is guilty of an offence punishable, on conviction, by a fine not exceeding \$500. Obstruction of members of Board

41. (1) A person who represents a party in proceedings before the Board has the same protection and immunity as a barrister and solicitor has in appearing for a party in proceedings in the Supreme Court. Protection of witnesses, &c.

(2) A witness who gives evidence in proceedings before the Board has the same protection as a witness in proceedings in the Supreme Court.

42. (1) A person who attends for the purpose of giving evidence before the Board is entitled to receive such fees and travelling expenses in accordance with the scale in the Second Schedule to the Public Works Committee Regulations, as in force from time to time under the *Public Works Committee Act 1969*, as the Chairman or, in his absence, the Deputy Chairman, determines. Allowances to witnesses  
Sub-section (1) amended by No. 41, 1978, s. 2

(2) Subject to sub-section (3), fees and expenses payable to a person in accordance with sub-section (1) are payable— Amended by No. 41, 1978, s. 2

- (a) in the case of a person who attends before the Board, whether on summons or not, by reason of a request by a person other than an officer of the Capital Territory Health Commission—by the person at whose request the first-mentioned person attended; or

(b) in any other case—by the Commonwealth.

Added by  
No. 41, 1978, s. 2

(3) Where, in a case to which paragraph (2) (a) applies, it was, in the opinion of the Board, reasonable for the request by reason of which the person attended before the Board to have been made, the Board may order that the fees and expenses of the person shall be paid, in whole or in part, by the Commonwealth.

Added by  
No. 41, 1978, s. 2

(4) Where the Board makes an order under sub-section (3) for the payment of fees and expenses, the fees and expenses are payable by the Commonwealth.

Evidentiary  
provision

43. For the purpose of this Ordinance, a document that purports to be signed by the Chairman or Deputy Chairman shall be taken to be so signed unless the contrary is proved.

Amendment  
of *Seat of  
Government  
(Adminis-  
tration)  
Ordinance  
1930*

44. The Second Schedule to the *Seat of Government (Administration) Ordinance 1930* is amended by inserting in Part 2, after the words—

“*Pharmacy Ordinance 1931-1967*”,

the words—

“*Physiotherapists Registration Ordinance 1977*”.

Regulations

45. The Minister may make regulations, not inconsistent with this Ordinance, prescribing all matters which by this Ordinance are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance and, in particular, prescribing matters for and in relation to—

- (a) the conduct of proceedings before the Board; and
- (b) treatment that is to be considered physiotherapy for the purposes of this Ordinance.

## PART VI—TRANSITIONAL

Transitional  
provisions

46. Notwithstanding the provisions of sub-section 5 (2), a person who, at the date of commencement of this Ordinance—

- (a) practises, and for the period of 3 years immediately preceding that date has practised, physiotherapy in the Territory; and
- (b) is entitled to apply for registration,

shall be deemed—

- (c) to be eligible for appointment under sub-section 5 (1); and
- (d) to have been, for the purposes of paragraph 10 (2) (d), registered on the date of his appointment.

Application

47. (1) Part IV does not apply to or in relation to a person who, immediately before the commencement of this Ordinance, was practising

physiotherapy in the Territory until the expiration of a period of 3 months after the date of commencement of this Ordinance.

(2) If, within a period of 3 months after the date of commencement of this Ordinance, a person referred to in sub-section (1) applies to the Board for registration, Part IV of this Ordinance does not apply to or in relation to that person until the Board has determined the application.

NOTE

1. The *Physiotherapists Registration Ordinance 1977* as shown in this reprint comprises Ordinance No. 60, 1977 as amended by the other Ordinances specified in the following table:

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement
<i>Physiotherapists Registration Ordinance 1977</i>	No. 60, 1977	18 Nov 1977	15 Feb 1978 ( <i>see Gazette 1978, No. S 31, p. 1</i> )
<i>Physiotherapists Registration (Amendment) Ordinance 1978</i>	No. 41, 1978	19 Dec 1978	19 Dec 1978
<i>Ordinances Revision Ordinance 1978</i>	No. 46, 1978	28 Dec 1978	28 Dec 1978

physiotherapy in the Territory until the expiration of a period of 3 months after the date of commencement of this Ordinance.

(2) If, within a period of 3 months after the date of commencement of this Ordinance, a person referred to in sub-section (1) applies to the Board for registration, Part IV of this Ordinance does not apply to or in relation to that person until the Board has determined the application.

---

NOTE

1. The *Physiotherapists Registration Ordinance 1977* as shown in this reprint comprises Ordinance No. 60, 1977 as amended by the other Ordinances specified in the following table:

---

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement
<i>Physiotherapists Registration Ordinance 1977</i>	No. 60, 1977	18 Nov 1977	15 Feb 1978 ( <i>see Gazette 1978, No. S 31, p. 1</i> )
<i>Physiotherapists Registration (Amendment) Ordinance 1978</i>	No. 41, 1978	19 Dec 1978	19 Dec 1978
<i>Ordinances Revision Ordinance 1978</i>	No. 46, 1978	28 Dec 1978	28 Dec 1978

---