



Australian Capital Territory

Physiotherapists Act 1977

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(republication for amendments by A2004-39)

Not all amendments are in force: see last endnote
Uncommenced repeal: see endnote 3

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Physiotherapists Act 1977* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 7 July 2005. It also includes any amendment, repeal or expiry affecting the republished law to 7 July 2005.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

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):

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

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

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

Physiotherapists Act 1977

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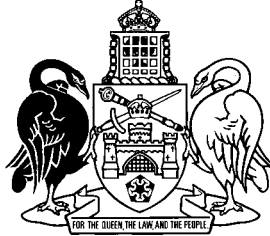
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Australian Capital Territory

Physiotherapists Act 1977

An Act to provide for the registration of persons engaged in physiotherapy, and for other purposes

Part 1 Preliminary

1 Name of Act

This Act is the *Physiotherapists Act 1977*.

U 3 Interpretation for Act

(1) In this Act:

Note A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

board means the Physiotherapists Board constituted under this Act.

chairperson means the chairperson of the board.

deputy chairperson means the deputy chairperson of the board.

member means a member of the board, and includes the chairperson.

Mutual Recognition Act means the *Mutual Recognition Act 1992* (Cwlth).

nurse means a person—

- (a) who is registered or enrolled under the *Nurses Act 1988*; or
- (b) who is to be deemed to be registered or enrolled under that Act because of the Mutual Recognition Act, section 25.

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 22.

registered means registered under this Act.

registered physiotherapist means a person—

- (a) who is registered under this Act; or
- (b) who is to be deemed to be registered under this Act because of the Mutual Recognition Act, section 25.

registration authority means a person or body empowered by or under a law of a State, Territory or place outside Australia to register or license physiotherapists or otherwise to authorise the practice of physiotherapy.

- (2) Nothing in this Act applies to or in relation to the carrying on by a person, in accordance with Territory laws, of the business or profession of beautician, chiropractor, masseur, medical practitioner, nurse, osteopath or podiatrist.
- (3) For this Act, a person shall be deemed to practise physiotherapy if—
 - (a) he or she practises physiotherapy personally on his or her own account or as a member of a firm; or
 - (b) in the course of a business carried on by him or her, a person or persons employed by him or her is or are engaged in the practice of physiotherapy; or
 - (c) he or she is engaged in the practice of physiotherapy as a person employed in a business carried on by another person (including a company) or by a firm.
- (4) Nothing in this Act applies to or in relation to a person who is practising as a physiotherapist under the supervision of a registered physiotherapist while undertaking a course of education or training referred to in section 8 (1) (a) (i).

4 Competence to practise physiotherapy

For this Act, a person shall be taken to be competent to practise physiotherapy only if the person—

- (a) has sufficient physical capacity, mental capacity and skill to practise physiotherapy; and

- (b) has sufficient communication skills for practising physiotherapy, including an adequate command of the English language.

5 Impairment

- (1) For this Act, a person shall be taken to suffer from an impairment if the person suffers from any physical or mental impairment, disability, condition or disorder that detrimentally affects, or is likely to detrimentally affect, the person's physical or mental capacity to practise physiotherapy.
- (2) For subsection (1), habitual drunkenness or addiction to a deleterious drug shall be taken to be a physical or mental disorder.

Part 2 Physiotherapists Board

6 Establishment of board

For this Act, there shall be a board to be known as the Physiotherapists Board.

7 Constitution of board

- (1) The board shall consist of—
 - (a) a chairperson, and 3 other members, appointed in accordance with the *Health Professions Boards (Procedures) Act 1981*; and
 - (b) 3 members elected, as occasion requires, in accordance with the *Health Professions Boards (Elections) Act 1980*.
- (2) A person is not eligible for appointment as a member unless—
 - (a) he or she is a registered physiotherapist; and
 - (b) he or she was, at all times during the 3 years immediately before his or her appointment, entitled, under the law of a State or Territory, to practise as a physiotherapist in that State or Territory.
- (3) The chairperson shall be the executive officer of the board.

Part 3 Registration

Division 3.1 Qualifications for registration

8 Entitlement to registration based on qualifications and training

- (1) A person is entitled to be registered as a physiotherapist if—
 - (a) the person—
 - (i) is a graduate of a course of education or training in physiotherapy offered by an Australian educational institution, being a course that is accredited by the board or approved by a registration authority of a State or another Territory; and
 - (ii) if required by the board—has undertaken the further education or training, for the period not exceeding 6 months, that the board determines; or
 - (b) the person—
 - (i) has completed a course of education or training in a place outside Australia that is substantially equivalent to a course referred to in paragraph (a) (i) and qualifies the person to practise as a physiotherapist in that place; and
 - (ii) has undertaken the further education or training and gained the experience in practising physiotherapy, for the period not exceeding 12 months, that the board determines; and
 - (iii) has passed such examinations as the board requires.
- (2) The entitlement under this section is an entitlement to registration that is not subject to conditions.

9 Registration under mutual recognition principle

- (1) A person who is registered as a physiotherapist under the law in force in a State or another Territory that is a participating jurisdiction within the meaning of the Mutual Recognition Act is entitled to be registered as a physiotherapist under this Act.
- (2) If the person's registration in the State or other Territory is not subject to any condition or restriction, the person's entitlement to registration under this Act is an entitlement to registration that is not subject to any condition.
- (3) If the person's registration in the State or other Territory is subject to any condition or restriction, the person's entitlement to registration under this Act is an entitlement to registration subject to the conditions to which that registration is subject or conditions appropriate to give effect to any restriction to which that registration is subject.

10 Registration at discretion of board

- (1) If a person is a graduate of a course of education or training in physiotherapy that is not accredited by the board or approved by a registration authority of a State or another Territory, the board may register the person as a physiotherapist on a temporary basis to enable him or her to—
 - (a) undertake a course of education or training approved by the board; or
 - (b) gain experience in practising physiotherapy.
- (2) The board may register a person as a physiotherapist for the purpose of enabling an unmet area of need to be met if the board is satisfied that the person has suitable qualifications and experience to practise physiotherapy in that area of need.
- (3) The board may register a person as a physiotherapist for the purpose of enabling the person to fill a teaching or research position in physiotherapy if—

- (a) the person has qualifications that the board considers appropriate for that purpose; and
 - (b) the application is supported in writing by the university, professional association, hospital or other institution, by which it is proposed that the person be engaged for that purpose.
- (4) The board may register a person as a physiotherapist on a temporary basis if satisfied that it is in the public interest to do so.
- (5) The board may impose the conditions on the registration of a person under this section that it considers appropriate.

11 Interim registration

- (1) An applicant for registration may be granted interim registration if—
- (a) the applicant is entitled to registration under section 6 but it is not practicable to wait until the board can consider the application; or
 - (b) the applicant would be entitled to registration under section 6 except for the fact that a degree or award to which the applicant is entitled has not yet been conferred or granted by the institution concerned.
- (2) A person authorised by the board for this section may grant interim registration in accordance with this section to an applicant for registration.
- Note* A fee may be determined under s 54 (Determination of fees) for this section.
- (3) Interim registration granted to a person under this section remains in force from the time at which it is granted until the person is given written notice that the board has—
- (a) granted him or her registration; or
 - (b) refused his or her application for registration; or

- (c) cancelled the interim registration.
- (4) The board may cancel a person's interim registration for any reason that it considers proper and shall give the person written notice of the cancellation.
- (5) A person who holds interim registration is for all purposes to be taken to be a registered physiotherapist.

12 Conditions of registration in cases of impairment

- (1) The board may impose conditions on a person's registration if the board is satisfied that the person suffers from an impairment and the conditions are reasonably required having regard to the impairment.
- (2) If conditions have been imposed on a person's registration under this section (including conditions imposed on a review under this section), the board may, if so requested by the person, review the conditions and, if satisfied—
 - (a) that the person no longer suffers from the impairment; or
 - (b) that the impairment has lessened;the board may alter or remove the conditions or impose new conditions.

13 Refusal of registration if applicant convicted of offence

- (1) Subject to subsection (3), the board may refuse an application for registration if—
 - (a) the applicant has been convicted in the ACT of an offence or has been convicted outside the ACT by a court for or in relation to an act or omission that would, had it taken place in the ACT, have constituted an offence; and
 - (b) the board is of the opinion that the conviction renders the person unfit in the public interest to practise physiotherapy.

- (2) The board shall have regard to the nature of an offence and the circumstances in which it was committed in making a decision under subsection (1).
- (3) Subsection (1) does not apply in relation to a person who is entitled to registration under the Mutual Recognition Act and who has lodged with the board a notice under that Act, section 19.

14 Refusal of registration if applicant deregistered under foreign law

- (1) Subject to subsection (3), the board may refuse an application for registration if the applicant's name has been removed from a foreign register of physiotherapists for any reason relating to—
 - (a) the conduct of the person as a physiotherapist; or
 - (b) the physical or mental capacity of the person to practise physiotherapy.
- (2) A person's name shall be taken to have been removed from a foreign register of physiotherapists if removed from any register or roll established or kept under any law of a State or another Territory or a place outside Australia providing for the registration of physiotherapists or the authorisation of persons to practise physiotherapy.
- (3) Subsection (1) does not apply in relation to a person who is entitled to registration under the Mutual Recognition Act and who has lodged with the board a notice under that Act, section 19.

15 Applicants to be competent and of good character

- (1) Subject to subsection (2), the board shall not register a person as a physiotherapist unless satisfied that the person is competent to practise physiotherapy and is of good character.
- (2) Subsection (1) does not apply in relation to a person who is entitled to registration under the Mutual Recognition Act and who has lodged with the board a notice under that Act, section 19.

16 Restriction on registration of deregistered or suspended persons

- (1) Subject to subsection (2), if the registration of a person under this Act has been cancelled (otherwise than under section 26 (2) or 31) or suspended (otherwise than under section 38 (2)) the person may not apply for re-registration or termination of the suspension otherwise than under section 39.
- (2) Subsection (1) does not apply in relation to a person who is entitled to be re-registered under the Mutual Recognition Act and who has lodged with the board a notice under that Act, section 19.

Division 3.2 Registration procedure

17 Applications for registration

- (1) This section applies to applications for registration other than applications by persons who are entitled to registration under the Mutual Recognition Act and who lodge with the board a notice under that Act, section 19.
- (2) The applicant must give a completed application form to a person authorised by the board for this section.

Note 1 A fee may be determined under s 54 (Determination of fees) for this section.

Note 2 If a form is approved under s 55 (Approved forms) for an application, the form must be used.

18 Applications to be considered and determined

The board shall consider each application under section 17 and shall determine the application by—

- (a) registering the applicant unconditionally or subject to conditions; or
- (b) refusing the application.

19 Registration of applicants

If a person who is applying for registration otherwise than under the Mutual Recognition Act—

- (a) complies with this Act; and
- (b) appears personally before the board or a nominee of the board in support of his or her application if required by the board to do so; and
- (c) is entitled to registration in accordance with this Act;

the board shall, subject to this Act, register the applicant.

21 Conditions of registration

The conditions that the board may impose on registration at the time of registration include conditions relating to the duration of registration, the aspects of practice in which the person who is registered may be engaged and conditions relating to any other matters the board considers appropriate.

Division 3.3 Register of physiotherapists

22 The register

- (1) The board shall keep a register called the register of physiotherapists.
- (2) The register may be maintained by electronic means.

23 Particulars to be entered in register

The registration of a person shall be effected by entering in the register—

- (a) the name of the person; and
- (b) each professional address of the person in the ACT or, if the person has no professional address in the ACT, his or her residential address, whether within or outside the ACT; and

- (c) particulars of the person's qualifications relevant to practising physiotherapy; and
- (d) the registration number allotted to the person; and
- (e) the date of registration; and
- (f) the provision because of which the person is entitled to be registered under this Act; and
- (g) any condition to which the person's registration is subject; and
- (h) the other particulars (if any) prescribed under the regulations.

24 Alteration of register

- (1) The board shall remove from the register the name of—
 - (a) a registered physiotherapist who has died; or
 - (b) a registered physiotherapist whose registration has been cancelled.
- (2) The board may, from time to time, at the request of a person or on its own initiative, make any other alterations to particulars in the register that are necessary.

Note A fee may be determined under s 54 (Determination of fees) for this section.

Division 3.4 Annual registration fees

25 Annual registration fee

- (1) On or before 1 September in each year, a registered physiotherapist must pay to the Territory the annual registration fee determined under section 54 (Determination of fees) for the year.
- (2) The board shall send to each registered physiotherapist, not less than 1 month before 1 September in each year, a notice requiring him or her to comply with subsection (1).

- (3) The liability of a registered physiotherapist for a fee payable by him or her under subsection (1) is not affected by a failure of the board to comply with subsection (2).

26 Registration to be cancelled for nonpayment

- (1) If a registered physiotherapist does not comply with section 25 (1), the board shall send to the physiotherapist a notice requiring him or her to pay the fee due under that subsection by a day specified in the notice and advising him or her that if the fee is not paid on or before that day his or her registration will be cancelled.
- (2) The board shall cancel the registration of a physiotherapist to whom a notice has been sent under subsection (1) and who has not paid the fee due by the day specified in the notice.

27 Entitlement to re-registration if fee paid

- (1) A person whose registration has been cancelled for failure to pay the annual registration fee determined under section 54 (Determination of fees) for a year is entitled to be re-registered if the person gives the board a completed application form and pays the fee.

Note If a form is approved under s 55 (Approved forms) for an application, the form must be used.

- (2) The entitlement of a person to re-registration under this section is an entitlement to registration on the same terms and subject to the same conditions (if any) as applied to the person's registration immediately before the removal of his or her name from the register.
- (3) The board may refuse to re-register a person under this section if satisfied that the person is not competent to practise physiotherapy or is not of good character.
- (4) An entitlement to re-registration under this section is subject to the provisions of this Act under which a person's name is authorised or required to be removed from the register.

Division 3.5 Miscellaneous

28 Certificate of registration

- (1) If a person is registered as a physiotherapist, the board shall issue to the person a certificate of registration signed by the chairperson or deputy chairperson.
- (2) A certificate of registration shall state the provision under which the person specified in the certificate is entitled to be registered and set out any conditions to which his or her registration is subject.
- (3) A certificate of registration is evidence that the person specified in the certificate was registered on the date specified in the certificate.
- (4) If a certificate issued under subsection (1) to a registered physiotherapist has been stolen, lost or destroyed, the board must, on application by the registered physiotherapist, issue a duplicate certificate.

Note A fee may be determined under s 54 (Determination of fees) for this section.

- (5) If—
 - (a) a person ceases to be registered; or
 - (b) the registration of a person is suspended;the board shall, by written notice given to the person, require the person to give his or her certificate of registration to the board within 14 days.
- (6) If a person whose registration has been suspended gives his or her certificate of registration to the board, the board shall keep the certificate during the period of the suspension and return it to the person at the end of that period unless the person's registration has sooner been cancelled.
- (7) If, after a certificate of registration has been issued to a person—
 - (a) conditions are imposed on the registration of the person; or

(b) conditions imposed on the registration of the person are varied; the board may, by written notice given to the person, require the person to give his or her certificate of registration to the board within 14 days to enable a statement of the conditions imposed, or the conditions as varied, to be endorsed on the certificate.

- (8) A person shall not, without reasonable excuse, refuse or fail to comply with a notice under subsection (5) or (7).

Maximum penalty: 5 penalty units.

29 Change of address to be notified

If—

- (a) a change occurs in an address of a registered physiotherapist shown in the register; or
- (b) a registered physiotherapist establishes a professional address, or an additional professional address, in the ACT;

the registered physiotherapist shall, within 1 month of the change or establishment notify the chairperson in writing accordingly.

Maximum penalty: 5 penalty units.

Part 4 **Conduct of practice of physiotherapy**

30 Cessation of registration

A person who is registered as a physiotherapist ceases to be so registered—

- (a) when the board gives the physiotherapist notice that his or her registration has been cancelled in accordance with this Act; or
- (b) if registration is conditional and the period of registration is specified in a condition—when that period ends.

31 Disciplinary action under foreign law

- (1) If the board is satisfied that the name of a person who is registered under this Act has been removed from any register or roll of physiotherapists kept under a law of a State or another Territory for any reason relating to—

- (a) the conduct of the person; or
- (b) the physical or mental capacity of the person to practise physiotherapy;

the board shall cancel the registration of the person.

- (2) If—

- (a) the name of a person whose registration has been cancelled under subsection (1) is restored to the register or roll referred to in that subsection; and
- (b) the person applies to the board to be re-registered under this Act;

the board shall re-register the person.

- (3) If the board is satisfied that the name of a person who is registered under this Act has been removed from any register or roll of physiotherapists kept under a law of a place outside Australia for any reason relating to—
- (a) the conduct of the person; or
 - (b) the physical or mental capacity of the person to practise physiotherapy;
- the board may cancel the registration of the person.
- (4) The board may re-register a person whose registration has been cancelled under subsection (3) if the board is satisfied that it is appropriate in the circumstances to do so.

32 Imposition of conditions imposed under foreign law

- (1) If the board is satisfied that after a person has been registered under this Act a condition has been imposed on the registration of the person as a physiotherapist under a law of a State or another Territory, the board shall impose a similar condition on the registration of the person under this Act.
- (2) If the board is satisfied that after a person has been registered under this Act a condition has been imposed on the registration of the person as a physiotherapist under a law of a place outside Australia, the board may impose a similar condition on the registration of the person under this Act.

33 Cancellation or suspension of registration

The board may—

- (a) cancel the registration of a person as a physiotherapist; or
- (b) by order served on a physiotherapist, suspend his or her registration for the period the board considers appropriate;

if satisfied—

- (c) that the registration of the person was obtained by fraud or misrepresentation; or
- (d) that the physiotherapy qualification of the person has been withdrawn or cancelled by the body that granted it; or
- (e) that the person has contravened this Act; or
- (f) that the person has contravened a condition to which his or her registration under this Act is subject; or
- (g) that the person has been convicted in the ACT or elsewhere of an offence punishable by imprisonment for more than 1 year or any offence that, in the opinion of the board, renders him or her unfit to practise physiotherapy; or
- (h) that the person is guilty of habitual drunkenness or addiction to a deleterious drug that renders him or her unfit to practise as a physiotherapist; or
- (i) that the person has engaged in conduct, whether in the practise of physiotherapy or not, that adversely affects the person's practise of physiotherapy; or
- (j) that the person has engaged in any improper or unethical conduct relating to practising physiotherapy; or
- (k) that the person has failed to exercise adequate judgment or care in practising physiotherapy; or
- (l) the person is not competent to practise physiotherapy.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

34 Cancellation, suspension or restriction of right to practise on health grounds

- (1) Subject to subsection (2), the board shall, when satisfied that the physical or mental condition of a person who is registered as a physiotherapist renders him or her unfit to practise physiotherapy—
 - (a) cancel the registration of the person; or
 - (b) by order served on the person, suspend the registration of the person for the period the board considers appropriate;
- (2) The board may, instead of cancelling or suspending the registration of a person, if satisfied that the person is fit to give or perform some physiotherapy services and that it would not be contrary to the public interest to make an order under this subsection, by order served on the person direct the person not to give or perform the physiotherapy services specified, whether individually or otherwise, in the order.
- (3) If the board has made an order under subsection (2) in relation to a person, it may, if so requested by the person, review the order and, if satisfied that the mental or physical condition of the person has changed since the order was made, amend or revoke the order.
- (4) A person on whom an order under subsection (1) (b) or (2) has been served who gives or performs a physiotherapy service in contravention of that order shall, in giving or performing the service, be deemed to be a person other than a registered physiotherapist.

35 Practising when registration suspended

If a person whose registration as a physiotherapist has been suspended is convicted of an offence against section 41 or 42, the board may—

- (a) cancel the registration of the person; or
- (b) by order served on the person, suspend the registration of the person for the further period the board considers appropriate.

36 Power of board to caution, reprimand etc

- (1) Subject to subsection (2), the board may do any 1 or more of the following in relation to the conduct of a registered physiotherapist:
 - (a) caution or reprimand the physiotherapist;
 - (b) order that the physiotherapist seek and undergo medical or psychiatric treatment or counselling;
 - (c) impose on the physiotherapist's registration the conditions relating to his or her physiotherapy practice that the board considers appropriate;
 - (d) order that the physiotherapist seek and follow advice, in relation to the management of his or her physiotherapy practice, from persons specified by the board;
 - (e) order that the physiotherapist complete specified educational courses.
- (2) Subsection (1) (e) does not apply in relation to a registered physiotherapist who obtained registration under this Act under the Mutual Recognition Act.

37 Power of board to impose fines

- (1) If the board finds that a registered physiotherapist has failed to comply with an order of the board under section 36 (1) it may, by order served on the physiotherapist, impose on him or her a fine not exceeding \$1 000.
- (2) The board shall not impose a fine under subsection (1) in relation to conduct for which a court has already imposed a fine or other penalty.
- (3) A fine imposed under this section shall be paid to the Territory within the time specified in the order imposing the fine.

- (4) If a physiotherapist on whom the board has imposed a fine under subsection (1) fails to pay the fine by the time specified in the order, the board may—
- (a) cancel the registration of the physiotherapist; or
 - (b) by order served on the physiotherapist, suspend the registration of the physiotherapist for the period the board considers appropriate.

38 Inquiry by board

- (1) The board shall hold an inquiry before—
- (a) cancelling the registration of a person, other than under section 26 (2) or 31 (1); or
 - (b) suspending the registration of a person; or
 - (c) giving a direction under section 34 (2); or
 - (d) taking any action under section 36.
- (2) Pending the holding of an inquiry under subsection (1), the board may, by order served on the person to whom the inquiry relates, suspend temporarily the registration of the person.

39 Application for re-registration

- (1) If the registration of a person has been cancelled (otherwise than under section 26 (2) or 31) or suspended (otherwise than under section 38 (2)) the person may apply for re-registration or termination of the suspension on the ground that, because of a specified change in the circumstances that has occurred since the date of the cancellation or suspension, it is just that he or she should be re-registered or his or her suspension should be terminated.
- (2) The board shall, if satisfied that, because of the specified change in circumstances, the person should be re-registered or the suspension should be terminated, re-register the person or terminate the suspension.

40 Effect of suspension and conditions

- (1) A person whose registration has been suspended shall, during the period of the suspension, be deemed not to be a registered physiotherapist.
- (2) For this Act, a registered physiotherapist who provides a physiotherapy service in contravention of a condition imposed on his or her registration shall, in providing that service, be deemed not to be a registered physiotherapist.

41 Persons who may practise physiotherapy

- (1) A person other than a registered physiotherapist shall not practise physiotherapy.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

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

Maximum penalty: 50 penalty units.

- (3) In proceedings for an offence against subsection (1) or (2), a certificate given by the chairperson 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.

42 Use of title of physiotherapist

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 or her name) indicating or implying that he or she is a registered physiotherapist or that he or she is a person who practises, or is qualified to practise physiotherapy; or

- (b) hold himself or herself out, by advertisement or otherwise, as being qualified or authorised to practice physiotherapy or as being a person who practises physiotherapy.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

43 Visiting physiotherapists

Sections 41 (1) and 42 do not apply to a person who—

- (a) is a resident of a place outside the ACT; and
- (b) provides a physiotherapy service to a member of a visiting sporting body, association or organisation from a place outside the ACT;

if the physiotherapy service—

- (c) is provided to a member of that visiting sporting body, association or organisation for the purpose of assisting the member to participate in a sporting event or sporting activity; and
- (d) is a service that the person could lawfully have provided in his or her place of residence.

44 Unregistered person may not recover fees

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 the person.

45 Only registered physiotherapist may sue for fees etc

- (1) A registered physiotherapist is not entitled to begin an action for the recovery of fees or remuneration for a physiotherapy service unless he or she was the registered physiotherapist who gave the physiotherapy service.
- (2) A registered physiotherapist who has given a physiotherapy service to a person is not entitled to begin an action for recovery from that person of fees or remuneration for that physiotherapy service unless—
 - (a) he or she has served or caused to be served on that person by delivery to that person personally or by post addressed to that person at his or her last-known place of residence, an account for the fees or remuneration setting out the account claimed, a brief statement of the nature of the physiotherapy service given, the date or dates when it was given and the person for whom it was given; and
 - (b) 6 months have elapsed since that service of the account and the account is unpaid at the end of that period.
- (3) Notwithstanding subsection (2), an action for the recovery of fees or remuneration for a physiotherapy service may be begun without the service of an account for those fees or that remuneration in accordance with that subsection or, if such an account has been so served, before the end of 6 months from the service of the account, if the action is one in which an application could, apart from that subsection, be made for an order under the *Court Procedures Act 2004*, sections 63 to 69.
- (4) Subsection (3) and this subsection expire on the existing rules expiry day under the *Court Procedures Act 2004*, section 60 (3).

46 Review of accounts for fees for physiotherapy services

- (1) A person liable to pay fees or remuneration to a registered physiotherapist for a physiotherapy service may, within 6 months after service on him or her of an account for the fees or

remuneration in accordance with section 45 apply in writing to the board to review the account.

- (2) The board shall, on receipt of an application under subsection (1), review the account and certify, in writing signed by the chairperson or the deputy chairperson, the amount that, in the board's opinion, is a reasonable amount of fees or remuneration for the physiotherapy service.
- (3) The board shall, in a certificate referred to in subsection (2), set out the facts on which the certificate is based.
- (4) The board may request a person to give the information that it considers necessary or desirable for the purpose of a review under this section and may fix a time within which the information should be given.
- (5) If a person does not give information requested by the board under subsection (4) within the time fixed by the board under that subsection, the board may proceed to review the account for fees or remuneration without that information.
- (6) In reviewing an account for fees or remuneration under this section, the board is not required to conduct a formal hearing, but the board shall provide the parties to the application with any information given to the board under subsection (4).
- (7) In reviewing an account for fees or remuneration under this section, the board shall have regard to the time occupied in giving, and the nature of, the physiotherapy service and any other circumstances submitted by the physiotherapist in relation to the provision of the physiotherapy service.
- (8) In proceedings for the recovery of fees or remuneration in relation to a physiotherapy service, a certificate of the board under subsection (2) in relation to that service is evidence that the amount certified in the certificate is a reasonable amount of fees or remuneration for the physiotherapy service.

- (9) The board shall send a copy of a certificate of the board under subsection (2) by post to the registered physiotherapist at his or her professional address, or at 1 of his or her professional addresses, as last recorded in the register.

47 Administration of estate of deceased physiotherapist

On the death of a registered physiotherapist who was at the time of his or her death carrying on business as a physiotherapist, an executor or executrix of the will of the deceased physiotherapist, or an administrator, administratrix or trustee of the estate of the deceased physiotherapist, may continue the business for 6 months or for any longer period that the board, on application by the executor, executrix, administrator, administratrix or trustee, permits, if the practise of physiotherapy in the business is carried on by a registered physiotherapist.

Part 5 Appeals

48 Review of decisions

Application may be made to the administrative appeals tribunal for review of a decision of the board—

- (a) under section 10 (5), 12 (1) or 32 (2) to impose conditions on the registration of a person; or
- (b) under section 11 (4) to cancel the interim registration of a person; or
- (c) under section 12 (2) to decline to review conditions imposed on the registration of a person; or
- (d) under section 12 (2) to alter, or to refuse to alter or remove, conditions imposed on the registration of a person; or
- (e) under section 12 (2) to impose new conditions on the registration of a person; or
- (f) under section 18 to refuse the application for registration; or
- (g) under section 27 (3), 31 (4) or 39 (2) to refuse to re-register a person; or
- (h) under section 31 (3), 33 (a), 34 (1) (a), 35 (a) or 37 (4) (a) to cancel the registration of a person; or
- (i) under section 33 (b), 34 (1) (b), 35 (b), 37 (4) (b) or 38 (2) to suspend the registration of a person; or
- (j) under section 34 (2) to make an order directing a person not to give or perform a specified physiotherapy service; or
- (k) under section 34 (3) to refuse to review an order directing a person not to give or perform a specified physiotherapy service; or

- (l) under section 34 (3) to amend, or to refuse to amend or revoke, an order directing a person not to give or perform a specified physiotherapy service; or
- (m) under section 36 (1) to take any action of a kind specified in that section in relation to a registered physiotherapist; or
- (n) under section 37 (1) to impose a fine on a registered physiotherapist; or
- (o) under section 39 (2) to refuse to terminate the suspension of the registration of a person; or
- (p) under section 46 (2) to certify an amount of fees or remuneration for a physiotherapy service; or
- (q) under section 47 to refuse to extend beyond 6 months the period during which the executor or executrix of the will of a deceased physiotherapist, or the administrator, administratrix or trustee of the estate of a deceased physiotherapist, may continue the business of the physiotherapist; or
- (r) under section 47 to fix a period longer than 6 months during which the executor or executrix of the will of a deceased physiotherapist, or the administrator, administratrix or trustee of the estate of a deceased physiotherapist, may continue the business of the physiotherapist.

49 Notification of decisions

- (1) Where a decision of the kind referred to in section 48 (other than paragraph (b), (i), (j) or (n)) is made, the board shall, within 28 days after the date of the decision, give written notice of the decision—
 - (a) for a decision referred to in section 48 (a)—to the person on whose registration conditions have been imposed; or
 - (b) for a decision referred to in section 48 (c) or (d)—to the person whose registration is subject to the conditions; or

- (c) for a decision referred to in section 48 (e)—to the person on whose registration the new conditions have been imposed; or
 - (d) for a decision referred to in section 48 (f)—to the person whose application for registration has been refused; or
 - (e) for a decision referred to in section 48 (g)—to the person whose application for re-registration has been refused; or
 - (f) for a decision referred to in section 48 (h)—to the person whose registration has been cancelled; or
 - (g) for a decision referred to in section 48 (k) or (l)—to the person in relation to whom the order was made; or
 - (h) for a decision referred to in section 48 (m)—to the registered physiotherapist in relation to whom the action has been taken; or
 - (i) for a decision referred to in section 48 (o)—to the person whose registration has been suspended; or
 - (j) for a decision referred to in section 48 (p)—to the person who requested the review of the amount; or
 - (k) for a decision referred to in section 48 (q) or (r)—to the executor or executrix of the will of the deceased physiotherapist or the administrator, administratrix or trustee of the estate of the deceased physiotherapist.
- (2) A notice under section 9 (4) or subsection (1) of this section shall be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).
- (3) An order under section 30A (b), 30B (1) (b), 30B (2), 30C (b), 30E (1), 30E (4) (b) or 30F (2) shall have endorsed on it or attached to it a notice in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

50 Publication of notice of decision of board or administrative appeals tribunal

- (1) The chairperson may prepare written notice of a decision of the board or of the administrative appeals tribunal on application for review of a decision of the board—
- (a) to cancel the registration of a person; or
 - (b) to suspend, otherwise than under section 38 (2), the registration of a person; or
 - (c) to impose conditions on the registration of a person; or
 - (d) to take any action of a kind referred to in section 36 (1) in relation to a registered physiotherapist; or
 - (e) to direct a registered physiotherapist, under section 34 (2), not to give or perform specified physiotherapy services; or
 - (f) to impose a fine on a person under section 37 (1);
- and the reasons for the decision, including the findings on material questions of fact.
- (2) The notice is a notifiable instrument.
- Note* A notifiable instrument must be notified under the *Legislation Act 2001*.
- (3) The notice must not be notified until—
- (a) the period within which an application may be made to the administrative appeals tribunal for review of the decision has expired; and
 - (b) if an application for review of the decision is made, the administrative appeals tribunal has given its decision on the application.

51 Publication of names etc of registered physiotherapists

- (1) As soon as practicable after 1 September in each year, the board must prepare a written notice containing the names and professional address (or addresses) of the physiotherapists registered on that day.
- (2) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

52 Inspection of register

- (1) A person may inspect, or obtain a certified copy of, an entry in the register.

Note A fee may be determined under s 54 (Determination of fees) for this section.

- (2) The board may, on request by a registration authority and without payment by the authority of a fee, give the authority a certified copy of that part of the register to which the request relates.

54 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

55 Approved forms

- (1) The board may, in writing, approve forms for this Act.
- (2) If the board approves a form for a particular purpose, the approved form must be used for that purpose.

Note For other provisions about forms, see *Legislation Act 2001*, s 255.

- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

56 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision in relation to treatment that is taken to be physiotherapy for this Act.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

This Act was originally a Commonwealth ordinance—the *Physiotherapists Registration Ordinance 1977* No 60 (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989* No 21, s 5 on 11 May 1989 (self-government day).

The Act was later renamed as the *Physiotherapists Act 1977* by the *Physiotherapists (Amendment) Act 1994* No 49 (see s 4).

Before 11 May 1989, ordinances commenced on their notification day unless otherwise stated (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).

Legislation before becoming Territory enactment

Physiotherapists Act 1977 No 60

notified 18 November 1977

commenced 15 February 1978 (s 2 and Cwlth Gaz 1978 No S31)

as amended by

Physiotherapists Registration (Amendment) Ordinance 1978 No 41

notified 19 December 1978

commenced 19 December 1978

Ordinances Revision Ordinance 1978 No 46 sch 2

notified 28 December 1978

commenced 28 December 1978

Physiotherapists Registration (Amendment) Ordinance 1980 No 51

notified 23 December 1980

commenced 30 June 1981 (Cwlth Gaz 1981 No G26)

Physiotherapists Registration (Amendment) Ordinance 1981 No 52

notified 9 December 1981

commenced 31 December 1981 (Cwlth Gaz 1981 No S273)

Endnotes

3 Legislation history

Physiotherapists Registration (Amendment) Ordinance 1982 No 45

notified 30 June 1982
commenced 30 June 1982

Physiotherapists Registration (Amendment) Ordinance (No 2) 1982 No 72

notified 27 August 1982
commenced 31 August 1982 (Cwlth Gaz 1982 No S185)

Nurses (Consequential Amendments) Ordinance 1988 No 62 s 6

notified 7 September 1988
commenced 5 December 1988 (Cwlth Gaz 1988 No S369)

Self-Government (Consequential Amendments) Ordinance 1989 No 38 sch 1

notified 10 May 1989 (Cwlth Gaz 1989 No S160)
s 1, s 2 commenced 10 May 1989 (s 2 (1))
sch 1 commenced 11 May 1989 (s 2 (2) and see Cwlth Gaz 1989 No S164)

Legislation after becoming Territory enactment

Health Services (Consequential Provisions) Act 1990 No 63 sch 1

notified 28 December 1990 (Gaz 1990 No S102)
s 1, s 2 commenced 28 December 1990 (s 2 (1))
sch 1 commenced 31 January 1991 (s 2 (2) and see Gaz 1991 No S4)

Health (Consequential Provisions) Act 1993 No 14 sch 1

notified 1 March 1993 (Gaz 1993 No S23)
commenced 1 March 1993 (s 2)

Physiotherapists (Amendment) Act 1994 No 49

notified 5 October 1994 (Gaz 1994 No S196)
ss 1-3 commenced 5 October 1994 (s 2 (1))
remainder commenced 6 October 1994 (s 2 (2) and Gaz 1994 No S216)

Administrative Appeals (Consequential Amendments) Act 1994 No 60 sch 1

notified 11 October 1994 (Gaz 1994 No S197)
s 1, s 2 commenced 11 October 1994 (s 2 (1))
sch 1 commenced 14 November 1994 (s 2 (2) and see Gaz 1994 No S250)

Statute Law Revision (Penalties) Act 1994 No 81 sch

notified 29 November 1994 (Gaz 1994 No S253)
s 1, s 2 commenced 29 November 1994 (s 2 (1))
sch commenced 29 November 1994 (s 2 (2) and Gaz 1994 No S269)

Statute Law Revision (Penalties) Act 1998 No 54 sch

notified 27 November 1998 (Gaz 1998 No S207)
s 1, s 2 commenced 27 November 1998 (s 2 (1))
sch commenced 9 December 1998 (s 2 (2) and Gaz 1998 No 49)

Legislation (Consequential Amendments) Act 2001 No 44 pt 282

notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 282 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

Criminal Code (Theft, Fraud, Bribery and Related Offences) Amendment Act 2004 A2004-15 sch 2 pt 2.66

notified LR 26 March 2004
s 1, s 2 commenced 26 March 2004 (LA s 75 (1))
sch 2 pt 2.66 commenced 9 April 2004 (s 2 (1))

Health Professionals Legislation Amendment Act 2004 A2004-39 sch 5 pt 5.15, sch 6 pt 6.9

notified LR 8 July 2004
s 1, s 2 commenced 8 July 2004 (LA s 75 (1))
sch 5 pt 5.15 commenced 7 July 2005 (s 2 and see Health Professionals Act 2004 A2004-38, s 2 and CN2005-11)
sch 6 pt 6.9 awaiting commencement (s 2 and see Health Professionals Act 2004 A2004-38, s 2 (as am by A2005-28 amdt 1.1))
Note default commencement under s 2 (2): 9 July 2006

Court Procedures (Consequential Amendments) Act 2004 A2004-60 sch 1 pt 1.59

notified LR 2 September 2004
s 1, s 2 commenced 2 September 2004 (LA s 75 (1))
sch 1 pt 1.59 commenced 10 January 2005 (s 2 and see Court Procedures Act 2004 A2004-59, s 2 and CN2004-29)

Endnotes

4 Amendment history

as repealed by

Health Professionals Act 2004 A2004-38 s 136 (1) (j)

notified LR 8 July 2004

s 1, s 2 commenced 8 July 2004 (LA s 75 (1))

s 136 (1) (j) awaiting commencement (s 2 as am by A2005-28
amdt 1.1)

Note 1 default commencement: 9 July 2006 (s 2 (2))

Note 2 default commencement under LA s 79 does not apply to this Act

4 Amendment history

Name of Act

s 1 am 1994 No 49 s 4

Commencement

s 2 om 2001 No 44 amdt 1.3147

Interpretation for Act

s 3 am 1980 No 51; 1981 No 52; 1982 No 72; 1988 No 62 s 6;
1994 No 49 s 5

def **administrative appeals tribunal** ins 1994 No 49 s 5
om 1994 No 60 sch 1

def **determined fee** ins 1994 No 49 s 5
om 2001 No 44 amdt 1.3148

def **medical practitioner** sub 1994 No 49 s 5
om A2004-39 amdt 5.22

def **Mutual Recognition Act** ins 1994 No 49 s 5

def **nurse** sub 1994 No 49 s 5; A2004-39 amdt 6.11

def **physiotherapist** om 1994 No 49 s 5

def **register** am 1994 No 49 s 5

def **registered physiotherapist** sub 1994 No 49 s 5

def **tribunal** sub 1989 No 38 sch 1
om 1994 No 49 s 5

Competence to practise physiotherapy

s 3A renum as s 4

Impairment

s 3B renum as s 5

Competence to practise physiotherapy

s 4 orig s 4 renum as s 6
(prev s 3A) ins 1994 No 49 s 6
renum 1994 No 49 s 26

Impairment

s 5 orig s 5 renum as s 7
(prev s 3B) ins 1994 No 49 s 6
renum 1994 No 49 s 26

Establishment of board

s 6 orig s 6 renum as s 8
(prev s 4) am 1981 No 52
renum 1994 No 49 s 26

Constitution of board

s 7 orig s 7 renum as s 9
(prev s 5) am 1980 No 51; 1981 No 52
sub 1994 No 49 s 7
renum 1994 No 49 s 26

s 7A ins 1980 No 51
om 1981 No 52

Qualifications for registration

div 3.1 hdg (prev pt 3 div 1 hdg) renum R4 LA

Entitlement to registration based on qualifications and training

s 8 orig s 8 renum as s 10
(prev s 6) am 1980 No 51
om 1981 No 52
ins 1994 No 49 s 7
renum 1994 No 49 s 26

Registration under mutual recognition principle

s 9 orig s 9 renum as s 11
(prev s 7) sub 1980 No 51
om 1981 No 52
ins 1994 No 49 s 7
renum 1994 No 49 s 26

Registration at discretion of board

s 10 orig s 10 renum as s 12
(prev s 8) om 1981 No 52
ins 1994 No 49 s 7
renum 1994 No 49 s 26

Interim registration

s 11 orig s 11 renum as s 13
(prev s 9) om 1981 No 52
ins 1994 No 49 s 7
renum 1994 No 49 s 26
am 2001 No 44 amdt 1.3149

Endnotes

4 Amendment history

Conditions of registration in cases of impairment

s 12 orig s 12 renum as s 14
(prev s 10) am 1980 No 51
om 1981 No 52
ins 1994 No 49 s 7
renum 1994 No 49 s 26

Refusal of registration if applicant convicted of offence

s 13 orig s 13 renum as s 15
(prev s 11) om 1981 No 52
ins 1994 No 49 s 7
renum 1994 No 49 s 26

Refusal of registration if applicant deregistered under foreign law

s 14 orig s 14 renum as s 16
(prev s 12) om 1981 No 52
ins 1994 No 49 s 7
renum 1994 No 49 s 26

Applicants to be competent and of good character

s 15 orig s 15 renum as s 17
(prev s 13) sub 1994 No 49 s 7
renum 1994 No 49 s 26

Restriction on registration of deregistered or suspended persons

s 16 orig s 16 renum as s 18
(prev s 14) am 1982 No 45; 1982 No 72
sub 1994 No 49 s 7
renum 1994 No 49 s 26

Registration procedure

div 3.2 hdg (prev pt 3 div 2 hdg) renum R4 LA

Applications for registration

s 17 orig s 17 renum as s 19
(prev s 15) am 1982 No 45
sub 1994 No 49 s 7
renum 1994 No 49 s 26
am 2001 No 44 amdt 1.3150

Applications to be considered and determined

s 18 orig s 18 renum as s 20
(prev s 16) sub 1994 No 49 s 7
renum 1994 No 49 s 26

Registration of applicants

s 19 orig s 19 renum as s 21
(prev s 17) am 1982 No 72
sub 1994 No 49 s 7
renum 1994 No 49 s 26
am 2001 No 44 amdt 1.3151

Fee for registration pursuant to Mutual Recognition Act

s 20 orig s 20 renum as s 22
(prev s 18) am 1978 No 46 sch 2; 1982 No 72
sub 1994 No 49 s 7
renum 1994 No 49 s 26
om 2001 No 44 amdt 1.3152

Conditions of registration

s 21 orig s 21 renum as s 23
(prev s 19) sub 1994 No 49 s 7
renum 1994 No 49 s 26

Register of physiotherapists

div 3.3 hdg (prev pt 3 div 3 hdg) renum R4 LA

The register

s 22 orig s 22 renum as s 24
(prev s 20) am 1982 No 45
sub 1994 No 49 s 7
renum 1994 No 49 s 26

Particulars to be entered in register

s 23 orig s 23 renum as s 25
(prev s 21) sub 1994 No 49 s 7
renum 1994 No 49 s 26

Alteration of register

s 24 orig s 24 renum as s 26
(prev s 22) am 1982 No 72
sub 1994 No 49 s 7
renum 1994 No 49 s 26
am 2001 No 44 amdt 1.3153, amdt 1.3154

Annual registration fees

div 3.4 hdg (prev pt 3 div 4 hdg) sub 2001 No 44 amdt 1.3155

Annual registration fee

s 25 hdg sub 2001 No 44 amdt 1.3156
s 25 orig s 25 renum as s 27
(prev s 23) am 1982 No 72
sub 1994 No 49 s 7
renum 1994 No 49 s 26
am 2001 No 44 amdt 1.3157

Registration to be cancelled for nonpayment

s 26 orig s 26 renum as s 28
(prev s 24) sub 1994 No 49 s 7
renum 1994 No 49 s 26

Endnotes

4 Amendment history

Entitlement to re-registration if fee paid

s 27 orig s 27 renum as s 29
(prev s 25) om 1981 No 52
ins 1994 No 49 s 7
renum 1994 No 49 s 26
am 2001 No 44 amdt 1.3158

Miscellaneous

div 3.5 hdg (prev pt 3 div 5 hdg) renum R4 LA

Certificate of registration

s 28 orig s 28 renum as s 30
(prev s 26) sub 1994 No 49 s 7
renum 1994 No 49 s 26
am 1998 No 54 sch
am 2001 No 44 amdt 1.3159

Change of address to be notified

s 29 orig s 29 renum as s 31
(prev s 27) am 1981 No 52
sub 1994 No 49 s 7
renum 1994 No 49 s 26
am 1994 No 81 sch

Cessation of registration

s 30 orig s 30 renum as s 32
(prev s 28) sub 1994 No 49 s 7
renum 1994 No 49 s 26

Cancellation or suspension of registration

s 30A renum as s 33

Cancellation, suspension or restriction of right to practise on health grounds

s 30B renum as s 34

Practising when registration suspended

s 30C renum as s 35

Power of board to caution, reprimand etc

s 30D renum as s 36

Power of board to impose fines

s 30E renum as s 37

Inquiry by board

s 30F renum as s 38

Application for re-registration

s 30G renum as s 39

Effect of suspension and conditions

s 30H renum as s 40

Disciplinary action under foreign law

s 31 orig s 31 renum as s 41
(prev s 29) am 1981 No 52
om 1994 No 49 s 7
ins 1994 No 49 s 29
renum 1994 No 49 s 26

Imposition of conditions imposed under foreign law

s 32 orig s 32 renum as s 42
(prev s 30) om 1994 No 49 s 7
ins 1994 No 49 s 29
renum 1994 No 49 s 26

Visiting physiotherapists

s 32A renum as s 43

Cancellation or suspension of registration

s 33 orig s 33 renum as s 44
(prev s 30A) ins 1994 No 49 s 8
renum 1994 No 49 s 26
am 2001 No 44 amdt 1.3160, amdt 1.3161; pars renum R4 LA

Only registered physiotherapist may sue for fees etc

s 33A renum as s 45

Review of accounts for fees for physiotherapy services

s 33B renum as s 46

Cancellation, suspension or restriction of right to practise on health grounds

s 34 orig s 34 renum as s 47
(prev s 30B) ins 1994 No 49 s 8
renum 1994 No 49 s 26

Practising when registration suspended

s 35 orig s 35 renum as s 48
(prev s 30C) ins 1994 No 49 s 8
renum 1994 No 49 s 26

Notification of decisions

s 35AA renum as s 49

Publication of notice of decision of board or administrative appeals tribunal

s 35A renum as s 50

Publication

s 35B renum as s 51

Power of board to caution, reprimand etc

s 36 orig s 36 renum as s 52
(prev s 30D) ins 1994 No 49 s 8
renum 1994 No 49 s 26

Endnotes

4 Amendment history

Power of board to impose fines

s 37 orig s 37 om 1981 No 52
(prev s 30E) ins 1994 No 49 s 8
renum 1994 No 49 s 26

Inquiry by board

s 38 orig s 38 om 1981 No 52
(prev s 30F) ins 1994 No 49 s 8
renum 1994 No 49 s 26

Application for re-registration

s 39 orig s 39 om 1981 No 52
(prev s 30G) ins 1994 No 49 s 8
renum 1994 No 49 s 26

Effect of suspension and conditions

s 40 orig s 40 renum as s 53
(prev s 30H) ins 1994 No 49 s 8
renum 1994 No 49 s 26

Persons who may practise physiotherapy

s 41 orig s 41 renum as s 54
(prev s 31) am 1982 No 72; 1994 No 49 s 9
renum 1994 No 49 s 26
am 1994 No 81 sch

Use of title of physiotherapist

s 42 orig s 42 am 1978 No 41
om 1981 No 52
(prev s 32) am 1994 No 49 s 10
renum 1994 No 49 s 26
am 1994 No 81 sch

Visiting physiotherapists

s 43 orig s 43 om 1981 No 52
(prev s 32A) ins 1994 No 49 s 11
renum 1994 No 49 s 26

Unregistered person may not recover fees

s 44 orig s 44 om 1982 No 72
(prev s 33) am 1994 No 49 sch
renum 1994 No 49 s 26

Only registered physiotherapist may sue for fees etc

s 45 orig s 45 renum as s 55
(prev s 33A) ins 1982 No 72
am 1994 No 49 sch
renum 1994 No 49 s 26
am A2004-60 amdt 1.601 amdt 1.602
(3), (4) exp 1 July 2006 (s 45 (4))

Review of accounts for fees for physiotherapy services

s 46 orig s 46 om 1982 No 72
(prev s 33B) ins 1982 No 72
am 1994 No 49 sch
renum 1994 No 49 s 26

Administration of estate of deceased physiotherapist

s 47 orig s 47 om 1982 No 72
(prev s 34) am 1994 No 49 sch
renum 1994 No 49 s 26

Appeals

pt 5 hdg sub 1994 No 49 s 12

Review of decisions

s 48 (prev s 35) am 1982 No 72
sub 1994 No 49 s 13
renum 1994 No 49 s 26
pars renum R4 LA

Notification of decisions

s 49 (prev s 35AA) ins 1994 No 49 s 13
renum 1994 No 49 s 26
am 1994 No 60 sch 1; pars renum R4 LA

Publication of notice of decision of board or administrative appeals tribunal

s 50 (prev s 35A) ins 1982 No 72
am 1994 No 49 s 14
renum 1994 No 49 s 26
am 2001 No 44 amdts 1.3162-1.3165

Publication

s 51 (prev s 35B) ins 1982 No 72
renum 1994 No 49 s 26
sub 2001 No 44 amdt 1.3166

Inspection of register

s 52 (prev s 36) am 1982 No 72; 1994 No 49 s 15
renum 1994 No 49 s 26
am 2001 No 44 amdt 1.3167

Obstruction of members of board

s 53 (prev s 40) am 1994 No 49 sch
renum 1994 No 49 s 26
am 1998 No 54 sch
om A2004-15 amdt 2.143

Endnotes

5 Earlier republications

Determination of fees

s 54 (prev s 41) om 1981 No 52
ins 1982 No 45
am 1990 No 63 sch 1
om 1993 No 14
ins 1994 No 49 s 16
renum 1994 No 49 s 26
sub 2001 No 44 amdt 1.3168

Approved forms

s 55 (prev s 45) am 1981 No 52; 1989 No 38 sch 1
renum 1994 No 49 s 26
sub 2001 No 44 amdt 1.3168

Regulation-making power

s 56 ins 2001 No 44 amdt 1.3168

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 1990 No 63	30 June 1991
2	Act 1993 No 14	31 January 1994
3	Act 1994 No 81	28 February 1995
4	A2001-44	15 August 2002
5	A2004-15	9 April 2004
6	A2004-60	10 January 2005

6 Renumbered provisions

as made by the *Physiotherapists (Amendment) Act 1994* No 49.

previous number	provision heading	renumbered or inserted as
3A	Competence to practise physiotherapy	4
3B	Impairment	5
4	Establishment of board	6
5	Constitution of board	7
6	Entitlement to registration based on qualifications and training	8
7	Registration under mutual recognition principle	9
8	Registration at discretion of board	10
9	Interim registration	11
10	Conditions of registration in cases of impairment	12
11	Refusal of registration if applicant convicted of offence	13
12	Refusal of registration if applicant deregistered under foreign law	14
13	Applicants to be competent and of good character	15
14	Restriction on registration of deregistered or suspended persons	16
15	Applications for registration	17
16	Applications to be considered and determined	18
17	Registration of applicants	19
18	Fee for registration pursuant to Mutual Recognition Act	20
19	Conditions of registration	21
20	The register	22
21	Particulars to be entered in register	23
22	Alteration of register	24

Endnotes

6 Renumbered provisions

previous number	provision heading	renumbered or inserted as
23	Annual registration fee	25
24	Registration to be cancelled for nonpayment	26
25	Entitlement to re-registration if fee paid	27
26	Certificate of registration	28
27	Change of address to be notified	29
28	Cessation of registration	30
29	Disciplinary action under foreign law	31
30	Imposition of conditions imposed under foreign law	32
30A	Cancellation or suspension of registration	33
30B	Cancellation, suspension or restriction of right to practise on health grounds	34
30C	Practising when registration suspended	35
30D	Power of board to caution, reprimand etc	36
30E	Power of board to impose fines	37
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31	Persons who may practise physiotherapy	41
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33	Unregistered person may not recover fees	44
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35AA	Notification of decisions	49

previous number	provision heading	renumbered or inserted as
35A	Publication of notice of decision of board or administrative appeals tribunal	50
35B	Publication of names etc of registered physiotherapists	51
36	Inspection of register	52
40	Obstruction of members of board	53
41	Determination of fees	54
45	Approved forms	55

7 Uncommenced amendments

The following amendments have not been included in this republication because they were uncommenced at the republication date:

**Health Professionals Legislation Amendment Act 2004
A2004-39 sch 6 pt 6.9**

Part 6.9 Physiotherapists Act 1977

[6.11] Section 3 (1), definition of *nurse*

substitute

nurse—

- (a) see the Legislation Act, dictionary, part 1, definition of *nurse*; and
- (b) includes a person enrolled as a nurse under the *Health Professionals Act 2004*.

Note Under the *Mutual Recognition Act 1992* (Cwlth), section 25 people registered or enrolled as nurses in a State may be deemed to be registered or enrolled in the ACT.

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