

EXPLANATORY STATEMENT

AUSTRALIAN CAPITAL TERRITORY LEGISLATION PHYSIOTHERAPISTS REGISTRATION

(AMENDMENT) ORDINANCE 1978

No.41 of 1978

This Ordinance amends the Physiotherapists Registration Ordinance 1977 by altering section 42 which concerns allowances to witnesses attending before the Physiotherapists Board to give evidence.

In its present form section 42 of the Ordinance provides that a witness entitled to receive fees and travelling expenses in accordance with the section shall be paid, generally speaking, by the person at whose request the witness attended before the Physiotherapists Board. The Senate Standing Committee on Regulations and Ordinances is however of the opinion that the criteria for payment of witness fees by the Commonwealth should be the materiality of the witness's evidence and not whether the witness is called by a government authority.

As a result of correspondence between the Chairman of the Committee and the Minister of State for Health this amendment to the Ordinance has been prepared. It provides that, even where a witness has been requested to attend before the Board by a person other than an officer of a government authority, the Board may order that the fees and expenses of the witness shall be paid, in whole or in part, by the Commonwealth if in the opinion of the Board it was reasonable for the request, by reason of which the person attended before the Board, to have been made.

The opportunity has also been taken to correct a reference in section 42 of the Ordinance to the Public Works Committee Act 1969 which should be a reference to Regulations under that Act.

The amendment has not been forwarded to the A.C.T. Legislative Assembly for its consideration because of the need to give effect to the undertaking given to the Committee to amend the Ordinance as soon as possible and because the Assembly is not due to sit again until 19 February 1979.