

**PHYSIOTHERAPISTS REGISTRATION (AMENDMENT) ACT.**

**Act No. 19, 1959.**

**Elizabeth II, No. 19, 1959.** An Act to prohibit, subject to certain exemptions the practice of physiotherapy by unregistered persons; for this and other purposes to amend the Physiotherapists Registration Act, 1945, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 14th October, 1959.]

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title,  
citation and  
commence-  
ment.

**1.** (1) This Act may be cited as the "Physiotherapists Registration (Amendment) Act, 1959".

(2) The Physiotherapists Registration Act, 1945, as amended by subsequent Acts and by this Act, may be cited as the Physiotherapists Registration Act, 1945-1959.

(3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment  
of Act No.  
9, 1945.

**2.** The Physiotherapists Registration Act, 1945, as amended by subsequent Acts, is amended—

Sec. 2.  
(Interpre-  
tation.)

(a) (i) by omitting from section two the definition of "Physiotherapy" and by inserting in lieu thereof the following definition—

"Physiotherapy" means the use by external application to the human body of massage, being the manipulation of the soft

soft tissues of the human body, No. 19, 1959.  
passive movements, remedial exercises,  
muscle re-education, electricity, heat,  
light, sound, water, ultrasonic therapy  
apparatus, or any proclaimed method,  
for the purpose of curing or alleviat-  
ing any abnormal condition of the  
human body, and includes the appli-  
cation of any medical or surgical  
appliance so far as the application of  
such appliance is necessary in the use  
as aforesaid of massage, passive move-  
ments, remedial exercises, muscle  
re-education, electricity, heat, light,  
sound, water, or any proclaimed  
method.

(ii) by inserting at the end of the same section the following new definition :—

“Ultrasonic therapy apparatus” means any apparatus employing ultrasonic mechanical vibrations that is capable of being used for the treatment of the human body by way of physiotherapy.

(b) by inserting at the end of section eighteen the following new subsection :—

Sec. 18.  
(Appoint-  
ments.)

(2) For the purpose of ascertaining—

cf. Act No.  
10, 1934, s. 5  
(2).

(a) whether any provision of this Act or the regulations has been or is being contravened by any physiotherapist; or

(b) whether a physiotherapist is so conducting himself as to be guilty of misconduct in a professional respect,

an inspector duly appointed under this section may enter any premises of any physiotherapist in which such physiotherapist is carrying on the practice of physiotherapy and may make such inquiries therein as such inspector may think fit.

(c)

**Physiotherapists Registration (Amendment) Act.****No. 19, 1959.**New sec.  
21A.Certificate  
of  
provisional  
registration  
may be  
granted.  
cf. Act No.  
37, 1938,  
s. 20.

(c) by inserting next after section twenty-one the following new section :—

21A. (1) When a person has applied to be registered, the President of the Board, or, in his absence from the City of Sydney, any other member of the Board authorised generally in that behalf by the Board, upon being satisfied that such person :—

(a) is entitled to be registered under this Act;  
or

(b) (i) is of good character;

(ii) has attained the age of twenty years;

(iii) is entitled to a diploma or a certificate of competency in physiotherapy obtained by examination after a course of study and training from any body in New South Wales recognised by the Board for the purpose of paragraph (d) of subsection one of section twenty-one of this Act; and

(iv) will have such diploma or certificate of competency conferred upon or granted to him in due course according to the practice in conferring diplomas or granting certificates of competency, as the case may be, of the body so recognised from which he is to obtain such diploma or certificate of competency,

may on payment of the fee to be paid for registration, prescribed under paragraph (g) of subsection one of section thirty-three of this Act, grant to such person a certificate of provisional registration in or to the effect of the prescribed form.

(2) Where a person has obtained a certificate of provisional registration he shall be deemed to be registered under this Act until—

(a) the date stated in such certificate as the date upon which the certificate expires, or

(b) such later date as is fixed by the Board,  
the

the date so stated or fixed being not later than three months after the granting of such certificate : **No. 19, 1959.**

Provided that if the Board, before the date so stated or fixed, has reason to believe that such person is not entitled to be registered under this Act, it may, without prejudice to his application to be registered under this Act, cancel such certificate; and such person shall thereupon cease to be deemed to be registered under this Act.

(3) If a person to whom a certificate of provisional registration has been granted becomes registered under this Act, his registration shall, unless otherwise decided by the Board, date from the granting of such certificate.

(d) by inserting next after subsection one of section twenty-four the following new subsections : —

Sec. 24.  
(Removal  
of name on  
account of  
misconduct,  
etc.)

(1A) Without limiting the meaning of the expression "misconduct in a professional respect" in subsection one of this section, a physiotherapist shall be guilty of such misconduct who—

- (a) carries on the practice of physiotherapy under a name other than his own name except whilst he is acting as the duly appointed locum tenens of another physiotherapist; or
- (b) allows the use of his name in connection with the practice of physiotherapy at premises at which he or his duly appointed locum tenens is not in regular attendance for the purpose of practice and supervision during the hours in which such premises are open for the practice of physiotherapy; or
- (c) allows any person, not being a physiotherapist, to practise physiotherapy in contravention of the provisions of section twenty-six

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twenty-six of this Act at premises used by him or his duly appointed locum tenens for the purpose of carrying on the practice of physiotherapy; or

(d) advertises otherwise than in accordance with the regulations or advertises in contravention of the regulations; or

(e) for fee, salary, or other reward is employed by or associates himself with a person, not being a physiotherapist or a medical practitioner, in carrying on the practice of physiotherapy. In this paragraph "person" includes a body or corporation, but does not include—

(i) the Crown;

(ii) a public hospital or charitable or philanthropic institution;

(iii) a society registered under the Friendly Societies Act, 1912, or any amendment thereof;

(iv) any body or corporation which upon application made for the purpose has been approved by the Board.

The approval of the Board referred to in subparagraph (iv) of this paragraph shall not be granted unless the Board is satisfied that the interests of the public generally or any section of the public, other than physiotherapists, warrant the granting of such approval. Any such approval may be granted subject to any terms and conditions the Board may think fit to impose, and may be revoked by the Board for any cause which it deems reasonable.

(1B)

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(1B) For the purposes of this section, no person shall be deemed to be a duly appointed locum tenens unless—

- (a) he is appointed in writing by a physiotherapist;
- (b) he is a physiotherapist at the time of taking up his duties; and
- (c) he is employed only during the temporary absence of his employer and for a period not exceeding twelve months or for such further period as the Board may in any particular case permit.

(e) by omitting section twenty-six and by inserting in lieu thereof the following sections :—

Substituted  
sec. 26 and  
new sec. 26A.

26. (1) A person who is not registered under this Act shall not—

Unregistered  
person not  
to practise  
or hold  
himself out  
as physio-  
therapist.

- (a) practise physiotherapy;
- (b) take or use the name or title of physiotherapist, physiotherapist, physical therapist or physical therapist or electrotherapist, hold himself out as being a physiotherapist or a physiotherapist or a physical therapist or physical therapist or electrotherapist or assume, take, or use, any name, initials, word, title, addition, symbol or description which, having regard to the circumstances in which it is assumed, taken or used, indicates, or is capable of being understood to indicate, or is calculated to lead persons to infer, that he is registered under this Act as a physiotherapist, or is qualified to be registered under this Act as a physiotherapist, or is competent or willing to practise physiotherapy in contravention of this section.

(2)

No. 19, 1959.  
—

(2) Nothing in this section shall operate to prevent the practice of physiotherapy—

- (a) by a medical practitioner or a dentist registered under the Dentists Act, 1934, as amended by subsequent Acts, in the ordinary course of his practice as a medical practitioner or dentist, as the case may be;
- (b) by a nurse acting under instructions given to him or her by a medical practitioner, dentist registered as aforesaid, or physiotherapist;
- (c) by a person who practises physiotherapy in the course of his undergoing a course of study and training in physiotherapy conducted by any body in New South Wales recognised by the Board for the purposes of subparagraph (d) of subsection one of section twenty-one of this Act and who does so acting under the direct instructions and personal supervision of a medical practitioner, dentist registered as aforesaid, or physiotherapist;
- (d) being such part of the practice of physiotherapy as consists of the use by external application to the human body of ultrasonic therapy apparatus, by any person authorised by the Board to so use such apparatus;
- (e) being such part of the practice of physiotherapy as consists of the use by external application to the human body of massage, being the manipulation of the soft tissues of the human body, passive movements of the human body, remedial exercises, muscle re-education, or heat—
  - (i) by any person in the course of the practice by him of chiropractic, osteopathy or chiropody;

(ii)

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- (ii) by any person in conjunction with No. 19, 1959.  
the practice by him of face or  
scalp massage where such part of  
the practice of physiotherapy as  
aforesaid is practised for cosmetic  
purposes only; or
- (iii) by any person in the course of  
training persons engaged in or  
training for physical culture or  
any games, sports or athletics or  
for the purpose of curing or  
alleviating injuries received by  
persons in the course of their  
being engaged in or training for  
physical culture or any games,  
sports or athletics.

(3) In this section—

“Chiropractic” means the system of palpating  
and adjusting the articulations of the  
human spinal column by hand only, for the  
relief of nerve pressure.

“Osteopathy” means the adjustment by hand  
only of the bones or soft tissue of the  
human body for the purpose of curing or  
alleviating any disease or abnormal condi-  
tion of the human body.

“Chiropody” means the care of the nails and  
the treatment of their disorders and the  
treatment of superficial excrescences of the  
feet.

(4) A person guilty of an offence against  
this section shall be liable to a penalty not exceeding  
one hundred pounds.



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Physio-  
therapists  
not to  
perform  
certain acts.

26A. (1) A physiotherapist shall not for fee or reward—

- (a) diagnose or attempt to diagnose any abnormal condition of the human body;
- (b) prescribe any diet for any person;
- (c) prescribe any drug or medicine for internal use by any person.

(2) Any person guilty of an offence against this section shall be liable to a penalty not exceeding one hundred pounds.

Sec. 29.  
(Informa-  
tions to be  
laid by  
secretary,  
etc.)

(f) by omitting from section twenty-nine the words “or police”;

Sec. 33.  
(Regula-  
tions.)

(g) by inserting at the end of subsection one of section thirty-three the following new paragraph :—

- (h) specifying the manner in which and the extent to which a physiotherapist is authorised to advertise.

