

OCCUPATIONAL THERAPISTS.

6° Elizabeth II., No. XX.

No. 20 of 1957.

AN ACT to provide for the Training, Qualification, and Registration of Persons as Occupational Therapists, and the Practice of Occupational Therapy, and other matters incidental thereto.

[Assented to 9th October, 1957.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title
and citation

1. This Act may be cited as the *Occupational Therapists Act, 1957.*

Commence-
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

3. In this Act unless the context requires otherwise—

Interpretations.

“Board” means the body corporate constituted under this Act as the Occupational Therapists Registration Board of Western Australia;

“medical practitioner” means a person who is registered under the Medical Act, 1894;

“occupational therapist” means a person who is registered under this Act;

“occupational therapy” means the use for the purpose of contributing to the recovery of any person from any disease, illness, injury, or disorder, whether mental or physical or both, of any activity,

(a) which is mental or physical, or both;

(b) which is prescribed by a medical practitioner; and

(c) which is guided by an occupational therapist in his capacity as such;

“register” means the register kept pursuant to the provisions of this Act;

“This Act” includes rules. Cf. No. 30 of 1918, s. 4.

“Registrar” means the person who, for the time being and from time to time is appointed to the office of Registrar by the Board and holds the office under the Board.

4. (1) Power is conferred on the Governor to appoint as The Occupational Therapists Registration Board of Western Australia,

The constitution of the Board.

(a) The Commissioner of Public Health or a person who is nominated by the Commissioner of Public Health;

(b) a medical practitioner who is nominated by the Minister:

- (c) a person who is nominated by the Senate of the University of Western Australia; and
- (d) two persons who shall be nominated by the body known as the Australian Association of Occupational Therapists (W.A. Branch) and approved by the Minister.

(2) The Board shall be deemed to be constituted when all of the appointments mentioned in subsection (1) of this section are made.

(3) Procedural matters relating to the holding and conduct of meetings of the Board, including the election of chairman, the appointment of deputies, the constitution and powers of a quorum, are such as are prescribed by the rules.

Board to be a body corporate.

(4) The Board when constituted is a body corporate with perpetual succession and a common seal, and is capable of suing and being sued in its corporate name, and of acquiring, holding, and disposing of real and personal property, and of doing and permitting all things which are required by this Act to be done by the Board, or which are necessary and convenient to be done by the Board for the purpose of giving effect to this Act, but the Board is not an agency or instrumentality of the Crown in right of the State.

(5) No act or proceeding of the Board is invalid or is prejudiced by reason only of the fact that at the time when such act or proceeding is done, taken or commenced, there is a vacancy in the office of member of the Board.

Protection of Board and Registrar from liability.

(6) No act, matter or thing done or permitted to be done in good faith by the Minister or the Board or by any member of the Board, or by the Registrar or any officer or servant of the Board in the administration or intended administration of this Act, or in the exercise or performance or intended exercise or performance of any of its or his powers or duties under this Act, subjects the Minister, or

the Board or any member, or the Registrar or any officer or servant of the Board or of the Crown to any liability in respect thereof.

5. (1) The Board shall carry out the administration of this Act, but that duty is imposed without prejudice to any duty, power, or function, of the Minister to whom the administration of this Act is committed by the Governor.

Functions of
the Board.
Cf. No. 30 of
1918, s. 4,
"Minister."

(2) The Board shall appoint a person to the office of Registrar and the appointee shall be the Secretary of the Board, and may appoint such other persons to the staff of the Board as are necessary to assist the Board in the administration of this Act.

Registrar.

(3) The Board shall cause a register to be kept by the Registrar in the form and in the manner prescribed by the rules.

6. (1) The funds of the Board consist of

Funds.

- (a) such fees as are prescribed by the rules and as are payable to and received by the Board;
- (b) all gifts, devises, bequests, and donations made to the Board, and if made subject to any conditions of trust shall be held and dealt with in accordance with the conditions; and
- (c) all money or property which is acquired by the Board for any of the purposes of this Act.

(2) The Board may apply the funds of the Board

- (a) in payment of the expenses incurred by the Board in the administration of this Act including the remuneration of the Registrar and staff of the Board;
- (b) in the furtherance of education and research in occupational therapy; and

- (c) for any other purpose which the Minister approves and is hereby authorised to approve.

Rules.

7. The Board may, with the approval of the Governor, make rules—

- (a) for regulating the meetings and proceedings of the Board, including the election of the chairman;
- (b) for the appointment of deputies for members of the Board and for their attendance at meetings of the Board when members are absent, and as to how a quorum, being not less than three, may be constituted and act;
- (c) prescribing qualifications of universities, boards, associations, societies and bodies for the purposes of section eight of this Act;
- (d) for the regulating of the register;
- (e) for regulating the manner of making any charge or complaint to the Board against any occupational therapist;
- (f) prescribing the fees to be charged and paid for any registration, certificate, application or other proceeding, act or thing provided or required under this Act or the rules;
- (g) relating to the registration and deregistration of occupational therapists;
- (h) relating to the tenure of office of members of the Board;
- (i) prescribing—
 - (i) the course of study and classes to be attended, which shall not be less than the curriculum laid down by the World Federation of Occupational Therapists; and
 - (ii) the time to be spent in training; and

(iii) the places at which persons may be trained;

for qualification for registration;

- (j) prescribing the minimum age, and qualifications to be held, and conditions which must be complied with by persons who desire to be accepted as students;
- (k) prescribing the form of any application, certificate, or diploma, to be issued under this Act and regulating the issue and use of it;
- (l) prescribing the form of the common seal of the Board, and the manner in which the seal may be affixed to documents, and the manner in which documents issued by the Board may be authenticated.

8. (1) A person who proves to the satisfaction Registration.
of the Board,

- (a) that he is a person who has attained the age of twenty-one years; and
- (b) that he is a person of good character; and
- (c) that he
 - (i) holds any of the qualifications prescribed by the rules as a qualification for registration; or
 - (ii) was *bona fide* engaged and is competent in the practice of occupational therapy in the State for at least twenty-four months, or periods amounting in the aggregate to twenty-four months, during the period of three years next preceding the coming into operation of this Act;

is entitled, subject to the provisions of this Act and of the rules, to be registered under this Act in the register as an occupational therapist.

(2) A person is not entitled to be, or, as the case may be, to continue to be, registered under this Act in the register as an occupational therapist if he has, either before or after being registered, been convicted in the State or elsewhere of an offence which, in the opinion of the Board, renders him unfit to be or, as the case may be, to continue to be, registered.

Use of title of occupational therapist by unregistered person prohibited.

9. A person, who is not registered under this Act in the register as an occupational therapist, and who uses the title of occupational therapist as applying to himself commits an offence against this Act, but a person is not required to register under this Act, nor is it unlawful for him to give instruction to sick or convalescent persons if—

- (a) he is a teacher of handicrafts; or
- (b) he is engaged in his usual occupation as a teacher; or
- (c) he is giving instruction in the skills of his usual occupation.

Penalties.

10. A person who commits an offence against this Act, whether by breach of any provision of this Act or of the rules, is punishable, where no other penalty is prescribed, by a fine not exceeding twenty-five pounds if the offence is not a continuing offence, or if it is a continuing offence by a fine not exceeding five pounds for each day during which the offence continues.
