

**PHYSIOTHERAPISTS.**

14° and 15° Geo. VI., No. LXXV.

No. 75 of 1950.

**AN ACT to provide for the Training, Qualification and Registration of Persons as Physiotherapists and Practice of Physiotherapy and matters incidental thereto.**

[Assented to 5th January, 1951.]

**BE** it enacted by the King'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:—

1. This Act may be cited as the *Physiotherapists Act, 1950.* Short title.

2. In this Act, unless the context requires otherwise— Interpretation.

“Board” means the Physiotherapists Registration Board constituted pursuant to the provisions of this Act;

“dentist” means a dentist registered pursuant to the provisions of the Dentists Act, 1939-1947;

“medical practitioner” means a medical practitioner registered pursuant to the provisions of the Medical Act, 1894-1946;

“physiotherapist” means a person registered pursuant to the provisions of this Act;

“physiotherapy” means the use by external application to the human body, for the purpose of curing or alleviating an abnormal condition thereof, of manipulation, massage, muscle re-education, electricity, heat, light or any proclaimed method but does not include the internal use of a drug or medicine or the application of a medical or surgical appliance except insofar as the application of the appliance is necessary in the use of such manipulation, electricity, heat, light or proclaimed method;

“proclaimed method” means a method of practising physiotherapy which, on the recommendation of the Board, the Governor by Proclamation published in the Government Gazette, declares to be such for the purposes of this Act;

“Register” means the Register of Physiotherapists kept pursuant to this Act;

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

Commence-  
ment.

3. This Act shall come into operation on a day to be fixed by Proclamation.

Adminis-  
tration.

4. Subject to the Minister, this Act shall be administered by the Board.

Registration.

5. (1) The Board shall appoint a Registrar, who shall also be the Secretary of the Board, and may appoint such examiners and other officers and servants as it considers necessary to enable the Board to carry out its duties and functions.

(2) The remuneration of the Registrar, examiners and other officers and servants of the Board shall be paid out of the funds of the Board.

The Board.

6. (1) A Board to be called “The Physiotherapists’ Registration Board” shall be constituted for the purposes of this Act.

(2) The Board shall be appointed by the Governor and shall consist of—

- the Commissioner of Public Health;
- a medical practitioner appointed by the Governor;
- two physiotherapists appointed by the Governor; and
- a person nominated by the Senate of the University of Western Australia and approved by the Minister.

The Board shall elect its own Chairman.

Three members shall constitute a quorum.

7. (1) The funds of the Board shall consist of— Funds.

- (a) the fees prescribed by the rules or regulations and payable to the board;
- (b) grants, if any, by the Government of the State, and all gifts and donations made by any person to the Board, but subject to any trusts declared in relation thereto; and
- (c) all the moneys which may come into the hands of the Board under and for the purpose of this Act.

(2) The funds of the Board may be applied by the Board—

- (a) for any of the purposes of the Act;
- (b) the furtherance of education and research in physiotherapy;
- (c) any public purpose connected with the profession of physiotherapy in Western Australia; and
- (d) any other purpose approved by the Minister.

8. (1) Subject to this Act, the Board may, with Rules. the approval of the Governor, make rules—

- (a) for regulating the meetings and proceedings of the Board;
- (b) prescribing the course of training of and the examinations to be passed by persons desiring to be registered as physiotherapists

and determining the qualifications to be held by persons desiring to be recognised as students;

- (c) for the regulating of the register and record of students;
- (d) for regulating the manner of making any charge or complaint to the Board against a physiotherapist or student and the holding of an inquiry by the Board into the charge or complaint;
- (e) prescribing the fees to be charged for any registration, license, tuition, examination, certificate or other matter under this Act;
- (f) for any other matter which the Governor may declare to be a matter in respect of which rules may be made by the Board under this section.

(2) Where there is conflict or inconsistency between the provisions of the rules and those of the regulations, to the extent of the conflict or inconsistency, the latter shall prevail and the former shall be void.

Register and record.

9. For the purposes of this Act there shall be kept by the Registrar in the form and manner prescribed—

- (a) the Register of Physiotherapists;
- (b) the Record of Students.

Qualifications.

10. Subject to the provisions of this Act and the rules and regulations a person who proves to the satisfaction of the Board that he is a person of good character and has attained the age of twenty-one years shall be entitled to be registered as a physiotherapist and issued by the Board with a license authorising him to practise physiotherapy if—

- (a) he has completed the prescribed course of training, and passed the prescribed examinations, or holds qualifications of any university, board, association, society or body prescribed by the regulations, or, in the case of a blind person, he has completed the prescribed special course of training and passed the prescribed special examinations; or

- (b) he establishes to the satisfaction of the Board that he was *bona fide* engaged and is competent in the practice of physiotherapy in the State for at least twenty four months during the period of three years immediately preceding the commencement of this Act.

11. After the commencement of this Act a person shall not practise physiotherapy nor use the title of physiotherapist unless he is registered as such and holds a license to do so issued to him by the Board.

Prohibition of practise and use of title without registration.

12. (1) A person shall not be required to register under this Act, nor shall it be unlawful for him to apply massage or heat to the human body in the practice of his calling, by reason only of the fact that—

Certain persons excluded from Act.

- (a) he is engaged in the practice of osteopathy; or
- (b) he is engaged in the practice of chiropractic; or
- (c) he practises face massage or scalp massage for cosmetic purposes only; or
- (d) he applies massage or heat to persons engaged in playing or training for any game, sport or athletics for the purpose of training such persons, or alleviating injuries received by such persons in the course of such playing or training; or
- (e) he practises chiropody; or
- (f) he practises massage otherwise than for the curing or alleviation of any abnormal condition.

(2) In this section—

“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 abnormality of the body;

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

## Application.

13. Nothing in this Act shall extend or apply to or in any manner affect the practice of his profession by, or any rights or privileges of a medical practitioner or dentist.

## Proclaimed method.

14. From time to time the Governor may, on the recommendation of the Board, by Proclamation published in the *Gazette*, declare any method of practising physiotherapy a proclaimed method for the purposes of this Act and may likewise revoke or vary any Proclamation made pursuant to the provisions of this section.

## Offences.

15. A person who commits a breach of the provisions of this Act or the rules or regulations commits an offence and is liable, where no other penalty is provided, to a penalty not exceeding twenty-five pounds.

## Regulations.

16. The Governor may make regulations prescribing fees and forms and all matters required or permitted to be prescribed or necessary or convenient to be prescribed for facilitating the carrying out or giving effect to this Act and without limiting the generality of the foregoing provisions of this section may make regulations—

- (a) relating to the registration and deregistration of physiotherapists;
- (b) regulating the training of persons in physiotherapy and prescribing classes to be attended and the examinations to be passed and the minimum age at which training may be commenced;
- (c) relating to the tenure of office of members of the Board;
- (d) relating to payment of fees and travelling allowances to members of the Board;
- (e) relating to the issue, cancellation, renewal and replacement of licenses;
- (f) prescribing qualifications of universities, boards, associations, societies and bodies for the purpose of section ten of this Act;

- (g) regulating and prohibiting the method and manner in which a physiotherapist may make known the place or places where and the fact that he is practising physiotherapy;
  - (h) prohibiting a person who is not a physiotherapist from representing directly or indirectly or holding himself out as being a physiotherapist or practising physiotherapy.
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