

PHYSIOTHERAPISTS.

14° and 15° Geo. VI., No. LXXV.

No. 75 of 1950.¹

(Affected by Act No. 113 of 1965.)

[As amended by Acts:

No. 12 of 1952, assented to 4th November, 1952;
No. 33 of 1954, assented to 18th November, 1954;
No. 8 of 1967, assented to 5th October, 1967,

and reprinted pursuant to the Amendments Incorporation Act, 1938.]

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, 1950-1967*.

Short title.
Amended by
No. 8 of
1967, s. 1.

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

Interpreta-
tion.

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

¹ Proclaimed to come into operation on 15th January, 1951. See *Government Gazette*, 12th January, 1951, p.42.

Physiotherapists.

“dentist” means a dentist registered pursuant to the provisions of the Dentists Act, 1939-1947;¹

“medical practitioner” means a medical practitioner registered pursuant to the provisions of the Medical Act, 1894-1946;²

“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 Proclamation³.

Administra-
tion.

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

¹ Now Dentists Act, 1939-1967.

² Now Medical Act, 1894-1968.

³ Proclaimed to come into operation on 15th January, 1951. See *Government Gazette*, 12th January, 1951, p.42.

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.

Registration.

(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.

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

The Board.
Amended by
No. 12 of
1952, s. 2.

(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.

(3) The Board shall be a body corporate with perpetual succession and a common seal, and shall be 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.

Board to be
a body
corporate.

(4) No act or proceeding of the Board shall be invalid or be 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 the Board.

Protection
of Board and
Registrar
from
liability.
Cf. No. 22 of
1945, s. 6.

(5) No act, matter or thing done or permitted to be done in good faith by 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, shall subject 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.

Funds.

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

Rules.
Amended by
No. 12 of
1952, s. 3.

8. (1) Subject to this Act, the Board may, with 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;
- (g) for prescribing the manner in which the seal of the Board may be affixed to documents and the manner in which documents issued by the Board may be authenticated.

(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.

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

Register and record.

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

10. (1) 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

Qualifications.
Amended by
No. 33 of
1954, s. 2;
No. 8 of
1967, s. 2.

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 is competent in the practice of physiotherapy and was resident in the State at the commencement of this Act. This paragraph shall remain in force until the thirty-first day of December, one thousand nine hundred and fifty-four and no longer.

(2) Notwithstanding the provisions of subsection (1) of this section, any person who—

- (a) satisfies the Board that he is of good fame and character;
- (b) is desirous of engaging in the occupation, as his sole professional occupation in the State, of teaching or research, or of a post-graduate scholar, in physiotherapy under the direction and control of a teaching or research institution; and
- (c) has such qualifications in physiotherapy as in the opinion of the Board fit and qualify him for appointment to a position connected with, and to engage in the occupation of teaching or research, or of a post-graduate scholar in, physiotherapy,

shall, upon his making application to the Board for registration, be entitled to be registered as a physiotherapist under this Act during such time as his appointment and engagement in that teaching or

research or as a post-graduate scholar continues to be his sole professional occupation in the State, if in the opinion of the Minister and at the absolute discretion of the Minister it is desirable in the interests of the general community of the State to so register that person.

(3) For the purposes of subsection (2) of this section, "teaching or research institution" means any university, college or school of physiotherapy, research institute, hospital, clinic or other like institution which is engaged in this State in teaching or research in physiotherapy and which is approved by the Board for the purposes of this subsection.

11. (1) Subject to subsection (2) of this section, 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. Amended by No. 8 of 1967, s. 3.

(2) The provisions of subsection (1) of this section do not apply in relation to a person registered pursuant to subsection (2) of section ten of this Act so long as that person is engaged in the manner referred to in paragraph (b) of that lastmentioned subsection.

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.
Amended by
No. 113 of
1965, s. 8.

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 fifty dollars.

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.

