

South Australia

# Physiotherapists Regulations 1991

under the *Physiotherapists Act 1991*

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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Physiotherapists Regulations 1991*<sup>1</sup>.

#### Note—

- 1 These regulations will come into operation on the day that the *Physiotherapists Act 1991* comes into operation.

### 2—Interpretation

In these regulations, unless the contrary intention appears—

*the Act* means the *Physiotherapists Act 1991*;

*physiotherapist* means a physiotherapist registered under the Act.

#### Note—

For definition of divisional penalties (and divisional expiation fees) see Appendix.

## Part 2—Election of members to Board

### 3—Election of physiotherapists to Board

For the purposes of section 6(1)(e) of the Act, an election of registered physiotherapists to the Board must be held in accordance with this Part.

### 4—Publication of notice of election

- (1) The Registrar must publish in a daily newspaper circulating throughout the State a notice setting out the timetable for each election held pursuant to these regulations.
- (2) The timetable must be determined by the Registrar in consultation with the Board.
- (3) The notice must include the following information—
  - (a) the number of candidates required to be elected;
  - (b) the date (not being less than 14 days after the date of publication of the notice) and the hour by which nominations must be received by the Registrar;
  - (c) the date on or before which the Registrar will post voting papers to physiotherapists;
  - (d) the date (not being less than 14 days nor more than 21 days after the date fixed under paragraph (b)) by which completed voting papers must be returned to the Registrar.

### 5—Eligibility to vote

A person whose name appeared on the register of physiotherapists on the day preceding the day on which the notice was published, and whose registration was not subject to suspension, is entitled to vote at the election.

## **6—Nominations**

A nomination of a candidate for election must be—

- (a) in a form approved by the Registrar; and
- (b) signed by the candidate; and
- (c) signed by two other physiotherapists; and
- (d) received by the Registrar not later than the hour fixed in the notice for the closure of nominations.

## **7—Method of election—with or without ballot**

- (1) If the number of candidates nominated is the same or less than the number of vacancies to be filled by election, the Registrar must by notice in a daily newspaper circulating throughout the State declare the candidates to be elected to the Board.
- (2) If the number of candidates nominated is greater than the number of vacancies to be filled, the following regulations will apply.

## **8—Voting papers**

- (1) The Registrar must provide each physiotherapist with—
  - (a) a voting paper and an unmarked envelope; and
  - (b) a second envelope addressed to the Registrar in which to return the completed voting paper.
- (2) The names of the candidates must appear on the voting paper in alphabetical order of surname.
- (3) Every voting paper must be initialled by the Registrar or by a person authorised for that purpose by the Registrar.
- (4) The Registrar may provide a physiotherapist with a voting paper and envelopes by posting them to the physiotherapist at his or her last known address.

## **9—Electoral material**

- (1) Subject to this regulation, the Registrar must, at the request of a candidate, include with voting papers provided to physiotherapists, material provided by the candidate promoting the candidate's election to the Board.
- (2) Such material must be provided to the Registrar on or before the date of closure of nominations.
- (3) The material must not include—
  - (a) more than 200 words; nor
  - (b) more than one photograph,and may be printed by the Registrar in such form as he or she thinks fit.

## 10—Voting

- (1) A physiotherapist who wishes to vote at an election—
  - (a) must indicate on the voting paper the candidate to whom the physiotherapist gives his or her first preference and may indicate the order of his or her preference for the other candidates; and
  - (b) must place the voting paper in the unmarked envelope provided, place the envelope inside the second envelope addressed to the Registrar, seal the second envelope and sign it; and
  - (c) must print his or her full name in block letters next to the signature; and
  - (d) must return the envelope to the Registrar not later than the date fixed in the notice for the closure of the poll.
- (2) A voter—
  - (a) must indicate his or her first preference for a candidate by placing a number 1 in the square opposite the name of the candidate on the voting paper; and
  - (b) may indicate his or her preference for other candidates by placing consecutive numbers (commencing with the number 2) in the squares opposite the names of the candidates on the voting paper.
- (3) For the purposes of these regulations, if a voter places a tick or a cross on a voting paper, the tick or cross is to be regarded as equivalent to the number 1.

## 11—Duplication and late return of voting papers

- (1) If more than one voting paper is returned under the name of the same physiotherapist, all, except the first to be returned, must be rejected or, if the Registrar does not know which was returned first, all, except the first to be recorded against the name of the physiotherapist, must be rejected.
- (2) If more than one voting paper is returned in an envelope, the voting papers returned in that envelope must not be counted.
- (3) A voting paper received by the Registrar after the time fixed for the close of voting must not be counted.

## 12—Scrutineers

The Registrar may permit such scrutineers (who are not candidates for election to the Board) as he or she thinks fit to be present at the counting of votes.

## 13—Counting of votes

The following provisions apply to the counting of votes at an election:

- (a) after counting first preferences, the candidate with the fewest first preferences must be excluded;
- (b) if more candidates remain than the number of vacancies to be filled, each voting paper counted to the excluded candidate must be counted to the candidate (if any) next in order of the voter's preference;
- (c) this process must be continued until the number of candidates remaining equals the number of vacancies to be filled;

- (d) in the event that two or more candidates have an equal number of votes and one or more of them must be excluded, the Registrar must determine the question by lot.

#### **14—Declaration of election**

When the number of candidates remaining is equal to the number of vacancies to be filled, the Registrar must (within 14 days of the date fixed in the notice for the closure of the poll) by notice in a daily newspaper circulating throughout the State declare that the candidate or candidates has or have been elected to the Board.

### **Part 3—Registration and practice**

#### **15—Qualifications for registration**

For the purposes of section 18 of the Act, a natural person must hold at least one of the qualifications set out in Schedule 1 to be eligible for registration as a physiotherapist.

#### **16—Application for registration or renewal**

For the purposes of sections 19 and 22 of the Act, an application for registration, or renewal of registration, of a person as a physiotherapist must—

- (a) be made in the appropriate form set out in Schedule 3; and
- (b) be accompanied by the documents specified in the form; and
- (c) be lodged with the Registrar.

#### **17—Exemption from obligation to be registered—recognised training courses**

For the purposes of section 26(2)(a) of the Act, a person who practises physiotherapy, under the personal supervision of a physiotherapist, in connection with the *Bachelor of Applied Science in Physiotherapy of the University of South Australia* is not obliged to be registered under the Act.

#### **18—Exemption from obligation to be registered—death or bankruptcy etc**

- (1) The personal representative of a deceased physiotherapist may carry on the practice of the deceased physiotherapist for a period not exceeding one year (or such longer period as the Board may allow) from the date of death.
- (2) The trustee in bankruptcy of a physiotherapist may carry on the practice of physiotherapy for a period not exceeding one year (or such longer period as the Board may allow).
- (3) A receiver or liquidator appointed in respect of a company that is a physiotherapist may carry on the practice of the company for a period not exceeding one year (or such longer period as the Board may allow).
- (4) A person who exercises rights in pursuance of this regulation (otherwise than with the prior permission of the Board) must, within seven days after commencing to do so, give notice in writing of that fact to the Board.

Penalty: Division 7 fine.

### **19—Application for approval if physiotherapist has not practised for five years**

For the purposes of section 29 of the Act, an application for approval to practise physiotherapy after not having practised for five years or more must—

- (a) be made in the appropriate form set out in Schedule 3; and
- (b) be accompanied by the documents specified in the form; and
- (c) be lodged with the Registrar.

### **20—Information relating to damages claim against physiotherapist**

For the purposes of section 31 of the Act, the information that must be given to the Board by a physiotherapist against whom a damages claim for professional negligence has been made is as follows:

- (a) full details of the alleged negligence and the circumstances surrounding it;
- (b) the nature of any treatment or procedure alleged to have been carried out negligently;
- (c) details of the injury suffered by the claimant arising out of the alleged negligence and whether it resulted in death or permanent or temporary incapacity or impairment;
- (d) the address of the premises at which the alleged negligence occurred;
- (e) the time and date of each alleged incidence of negligence;
- (f) details of the court order made or settlement reached in respect of the claim.

### **21—Information relating to physiotherapist suffering from illness**

For the purposes of section 40 of the Act, the information that must be included in a written report from a medical practitioner in relation to an illness suffered by a physiotherapist is as follows:

- (a) the diagnosis of the illness;
- (b) the prognosis and likely duration of the illness;
- (c) details of treatment being given to the physiotherapist for the illness or any other condition.

### **22—Changes of address**

A physiotherapist must, within 14 days of changing his or her residential, postal or professional address, notify the Board in writing of the change.

Penalty: Division 11 fine.

### **23—Approval of names**

A physiotherapist must not practise under a name (whether a company name or a business name) unless that name has first been approved by the Board.

Penalty: Division 11 fine.

## 24—Standard of facilities and equipment

A physiotherapist must ensure that Standard 5 of the *Practice Accreditation Manual, Australian Physiotherapy Association* (published by the Australian Physiotherapy Association, as in force on 1 December 1993) is complied with in relation to the facilities and equipment used by the physiotherapist in the practice of physiotherapy.

Penalty: Division 7 fine.

## 25—Fees

The Board may fix the fees payable for registration, renewal of registration and other purposes contemplated by the Act.

## Schedule 1—Qualifications

Diploma of Physiotherapy of the University of Adelaide

Diploma in Technology in Physiotherapy of the South Australian Institute of Technology

Diploma of the Australian Physiotherapy Association (South Australian Branch) Incorporated issued before 31 December 1945

Bachelor of Applied Science in Physiotherapy of the South Australian Institute of Technology

Bachelor of Applied Science in Physiotherapy of the University of South Australia

Bachelor of Physiotherapy of the University of South Australia

Diploma of Physiotherapy of the University of Queensland

Bachelor of Physiotherapy of the University of Queensland

Bachelor of Applied Science (Physiotherapy) of the University of Queensland

Diploma of Massage of the Australasian Massage Association (Victoria)

Diploma in Physiotherapy of the Australian Physiotherapy Association (Victoria)

Diploma in Physiotherapy of the Masseurs Registration Board of Victoria

Diploma of Physiotherapy of the Victoria Institute of Colleges

Diploma of Physiotherapy of the Lincoln Institute of Health Sciences

Bachelor of Applied Science (Physiotherapy) of the Lincoln Institute of Health Sciences

Bachelor of Applied Science (Physiotherapy) of LaTrobe University

Bachelor of Physiotherapy of LaTrobe University

Bachelor of Physiotherapy of the University of Melbourne

Bachelor of Science (Anatomy) of the University of New South Wales, followed by the Graduate Diploma in Physiotherapy of the Cumberland College of Health Sciences, New South Wales

Diploma of Applied Science (Physiotherapy) of the Cumberland College of Health Sciences, New South Wales

Bachelor of Applied Science (Physiotherapy) of the Cumberland College of Health Sciences, New South Wales

Bachelor of Applied Science in Physiotherapy of the University of Sydney

Master of Physiotherapy of the University of Sydney

Bachelor of Physiotherapy of Charles Sturt University

Diploma of Physiotherapy of the Australian Physiotherapy Association

Diploma in Physiotherapy granted by the Physiotherapists Registration Board of Western Australia before 1970

Associateship in Physiotherapy granted by the Western Australian Institute of Technology before 1973

Bachelor of Applied Science (Physiotherapy) of the Western Australian Institute of Technology

Bachelor of Applied Science (Physiotherapy) of the Curtin University of Technology

Bachelor of Science (Physiotherapy) of the Curtin University of Technology

Master of Physiotherapy of the Curtin University of Technology

Final Certificate issued by the Australian Examining Committee for Overseas Physiotherapists of the Australian Council of Physiotherapy Regulating Authorities Incorporated

## Schedule 3—Forms

### PHYSIOTHERAPISTS ACT 1991 APPLICATION FOR REGISTRATION (NATURAL PERSON)

To: The Registrar,  
The Physiotherapists Board of South Australia

I .....

of .....  
apply to be registered under the *Physiotherapists Act 1991*.

1. Full name of applicant .....

Former surname (if any) .....

2. Date of birth .....

3. Name of any degree, diploma, certificate or other qualification in physiotherapy:

Name of qualification .....

Name of awarding body .....

Date of award of qualification .....

(attach list if space insufficient)

Original supporting evidence of qualifications must accompany this application.

4. Details of experience in the practice of physiotherapy in the last five years (including dates and indicating whether full-time or part-time, and in the case of part-time the hours spent)

.....

.....

(attach list if space insufficient)

Date: .....

.....  
Signature of

.....  
Signature of Applicant

#### STATUTORY DECLARATION VERIFYING STATEMENTS MADE IN APPLICATION

I ..... of .....  
do solemnly and sincerely declare that all the statements in this application are true and correct. And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1936*.

DECLARED at .....

the ..... day of ..... 19 .....

Signature of Applicant

Before me— .....

A Justice of the Peace/Notary Public/Commissioner for Taking Affidavits

PHYSIOTHERAPISTS ACT 1991  
APPLICATION FOR REGISTRATION (COMPANY)

To: The Registrar  
Physiotherapists Board of South Australia

I (Name) ..... Director/Secretary

of (Name of company) .....  
apply on behalf of the company for the registration of the company under the *Physiotherapists Act 1991*.

1. I am the (title of office) ..... of  
the company and am authorised by a resolution of the Board of directors of the company to make this  
application on its behalf.

2. The company was incorporated as a (type of company) .....

..... under the .....

on the ..... day of ..... 19.....

OR

The company was incorporated as a (type of company or body) .....

..... in the (state or country of incorporation)

..... under the laws of that state or country on the

..... day of ..... 19..... and was registered as a foreign

company in South Australia on the ..... day of ..... 19.....

3. The registered office of the company in South Australia is situated at .....

.....

4. The memorandum and articles of association contain stipulations to the following effect:

(a) the sole object of the company is to practise as a physiotherapist;

(b) each director of the company must be:

• a registered physiotherapist; OR

• where the company has two directors—one director must be a registered physiotherapist and the  
other must be a registered physiotherapist or a prescribed relative of the director ("Prescribed  
relative" means a parent, spouse, putative spouse, child or grandchild of the physiotherapist.  
"Putative spouse" includes a person who is a putative spouse notwithstanding that a declaration  
has not been made under the *Family Relationship Act 1975* in relation to that person.);

(c) no share issued in the company is to be owned beneficially except by—

• a registered physiotherapist who is a director or employee of the company; OR

• a prescribed relative of that physiotherapist;

- (d) the total voting rights exercisable at a meeting of members of the company must be held by registered physiotherapists who are directors or employees of the company;
- (e) no director of the company may, without the approval of the Board, be a director of any other company that is registered as a physiotherapist;
- (f) where the right of a registered physiotherapist and of his or her prescribed relatives to hold shares in the company ceases by virtue of the physiotherapist ceasing to be a director or employee of the company, the shares must be—
  - redeemed by the company; OR
  - distributed amongst the remaining members of the company (or their prescribed relatives); OR
  - transferred to a registered physiotherapist who is to become a director or employee of the company (or to his or her prescribed relatives),in accordance with the memorandum and articles of association of the company;
- (g) the shares of a person who is a shareholder by virtue of being the spouse of a registered physiotherapist must—
  - on dissolution or annulment of marriage with the physiotherapist; OR
  - in the case of putative spouse, on cessation of cohabitation with the physiotherapist,be redeemed by the company, or distributed amongst the remaining members of the company, in accordance with the memorandum and articles of association of the company.

5. At the time when this declaration is made the directors and shareholders of the company comply with the above requirements.

6. The names, addresses and qualifications of the directors of the company are as follows:

.....  
.....

7. The names, addresses and qualifications of the shareholders of the company are as follows:

.....  
.....

A copy of the certificate of incorporation and the memorandum and articles of association of the company must accompany this application.

STATUTORY DECLARATION VERIFYING STATEMENTS MADE IN APPLICATION

I, ..... of .....  
do solemnly and sincerely declare that all the statements in this application are true and correct. And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1936*.

DECLARED at .....  
the ..... day of ..... 19 .....  
Signature of Applicant

Before me— .....  
A Justice of the Peace/Notary Public/Commissioner for Taking Affidavits

PHYSIOTHERAPISTS ACT 1991  
APPLICATION FOR RENEWAL OF REGISTRATION (NATURAL PERSON)

To: The Registrar  
Physiotherapists Board of South Australia

I .....  
(full name)

of .....  
apply for renewal of my registration as a physiotherapist under the *Physiotherapists Act 1991* for the year  
ending 30 June 19 .....

Renewal fee of \$ ..... is enclosed.

1. During the past 12 months I practised as a physiotherapist at (place and period) .....

.....

.....

2. I have not practised physiotherapy since (delete if not applicable) .....

3. Private address .....

Business name .....

Business address .....

Telephone .....

I declare that the above information is true and correct.

.....  
Date

.....  
Signature

Please note:

1. Subject to the provisions of the Act, registration remains in force until 30 June next ensuing after the grant of registration and may be renewed for successive periods of one year expiring on 30 June.

2. Application for renewal of registration must be delivered to the Registrar not earlier than 1 April 19 ..  
and not later than 31 May 19 ..

PHYSIOTHERAPISTS ACT 1991  
APPLICATION FOR RENEWAL OF REGISTRATION (COMPANY)

To: The Registrar  
Physiotherapists Board of South Australia

Name of company .....

Registered office .....

The company applies for renewal of registration as a physiotherapist under the *Physiotherapists Act* for the year ending 30 June 19 .....

Renewal fee of \$ ..... is enclosed.

1. During the last 12 months the company practised as a physiotherapist at (place and period) .....

.....

.....

2. The company has not practised physiotherapy since (delete if not applicable) .....

3. Business Address .....

Telephone .....

I declare that the above information is true and correct.

.....  
Date Director/Secretary

Please note:

1. Subject to the provisions of the Act, registration remains in force until 30 June next ensuing after the grant of registration and may be renewed for successive periods of one year expiring on 30 June.
2. Application for renewal of registration must be delivered to the Registrar not earlier than 1 April . . . and not later than 31 May 19 .....

PHYSIOTHERAPISTS ACT 1991  
APPLICATION FOR BOARD'S APPROVAL TO PRACTISE  
AFTER NOT HAVING PRACTISED FOR 5 YEARS

To: The Registrar  
Physiotherapists Board of South Australia

I .....  
(full name)

of .....  
apply to the Physiotherapists Board of South Australia for approval to practise, after having not practised for 5 years.

1. I last practised as a physiotherapist at .....

and ceased to practise on .....

2. Details of refresher courses or continuing education courses undertaken since ceasing to practise.  
.....  
.....

I declare that the above information is true and correct.

.....  
Date Signature

Please note:

Section 29 of the Act provides as follows:

29. (1) A registered physiotherapist who has not practised physiotherapy for five years or more must not practise physiotherapy without first obtaining the approval of the Board.

Penalty: Division 5 fine.

(2) The Board may, before granting its approval under subsection (1), require the physiotherapist to undertake a refresher course or to obtain specified qualifications and experience.

(3) An approval under subsection (1) may be subject to conditions restricting the physiotherapist's right to practice.

## Legislative history

### Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes.

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
1991	239	<i>Gazette 5.12.1991 p1710</i>	1.12.1993: r 1
1993	259	<i>Gazette 4.11.1993 p2207</i>	1.12.1993: r 2
1995	28	<i>Gazette 30.3.1995 p1145</i>	30.3.1995: r 2
1997	158	<i>Gazette 19.6.1997 p3034</i>	19.6.1997: r 2
1997	228	<i>Gazette 27.11.1997 p1453</i>	27.11.1997: r 2
1998	30	<i>Gazette 16.4.1998 p1724</i>	16.4.1998: r 2
2000	19	<i>Gazette 9.3.2000 p1402</i>	9.3.2000: r 2
<b>2004</b>	<b>123</b>	<b><i>Gazette 3.6.2004 p1727</i></b>	<b>3.6.2004: r 2</b>

### Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 3	inserted by 259/1993 r 3	1.12.1993
r 25	substituted by 28/1995 r 3	30.3.1995
Sch 1	inserted by 259/1993 r 3	1.12.1993
	varied by 158/1997 r 3	19.6.1997
	varied by 228/1997 r 3	27.11.1997
	varied by 30/1998 r 3	16.4.1998
	varied by 19/2000 r 3	9.3.2000
	<b>substituted by 123/2004 r 4</b>	<b>3.6.2004</b>
<i>Sch 2</i>	<i>inserted by 259/1993 r 3</i>	<i>1.12.1993</i>
	<i>deleted by 28/1995 r 4</i>	<i>30.3.1995</i>
Sch 3	inserted by 259/1993 r 3	1.12.1993

## Transitional etc provisions associated with regulations or variations

### *No 28 of 1995*

#### 5—Transitional provision

Notwithstanding regulation 4, the fees prescribed in Schedule 2 of the principal regulations as in force immediately before the commencement of these regulations continue to apply as follows:

- (a) the fees prescribed in clauses 1 and 2 of that Schedule continue to apply in relation to a registration or renewal of registration that is to take effect before 1 July 1995;
- (b) any other fee prescribed in that Schedule continues to apply—
  - (i) until 30 June 1995; or
  - (ii) until the Board fixes a fee in substitution of that fee,whichever occurs first.

## Appendix—Divisional penalties and expiation fees

At the date of publication of this reprint divisional penalties and expiation fees are, as provided by section 28A of the *Acts Interpretation Act 1915*, as follows:

Division	Maximum imprisonment	Maximum fine	Expiation fee
1	15 years	\$60 000	—
2	10 years	\$40 000	—
3	7 years	\$30 000	—
4	4 years	\$15 000	—
5	2 years	\$8 000	—
6	1 year	\$4 000	\$300
7	6 months	\$2 000	\$200
8	3 months	\$1 000	\$150
9	—	\$500	\$100
10	—	\$200	\$75
11	—	\$100	\$50
12	—	\$50	\$25

*Note: This appendix is provided for convenience of reference only.*