

SOUTH AUSTRALIA

PHYSIOTHERAPISTS ACT, 1945

*This Act is reprinted pursuant to the Acts Republication Act, 1967, and incorporates all amendments in force as at **15 November 1991**.*

It should be noted that the Act was not revised (for obsolete references, etc.) by the Commissioner of Statute Revision prior to the publication of this reprint.

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PHYSIOTHERAPISTS ACT, 1945

being

Physiotherapists Act, 1945, No. 38 of 1945
[Assented to 17 January 1946]¹

as amended by

Physiotherapists Act Amendment Act, 1946, No. 43 of 1946 [Assented to 19 December 1946]
Physiotherapists Act Amendment Act, 1948, No. 53 of 1948 [Assented to 22 December 1948]
Physiotherapists Act Amendment Act, 1949, No. 34 of 1949 [Assented to 17 November 1949]
Physiotherapists Act Amendment Act, 1955, No. 13 of 1955 [Assented to 24 November 1955]
Physiotherapists Act Amendment Act, 1963, No. 44 of 1963 [Assented to 28 November 1963]
Physiotherapists Act Amendment Act, 1964, No. 56 of 1964 [Assented to 5 November 1964]
Physiotherapists Act Amendment Act, 1966, No. 29 of 1966 [Assented to 24 March 1966]
Physiotherapists Act Amendment Act, 1972, No. 128 of 1972 [Assented to 30 November 1972]²
Physiotherapists Act Amendment Act, 1973, No. 35 of 1973 [Assented to 11 October 1973]³
Chiropractors Act, 1979, No. 19 of 1979 [Assented to 15 March 1979]⁴

¹ Came into operation 6 June 1946: *Gaz.* 6 June 1946, p. 1021.

² Came into operation 30 November 1972: *Gaz.* 30 November 1972, p. 2467.

³ Came into operation 26 April 1974: *Gaz.* 26 April 1974, p. 1457.

⁴ Came into operation 27 April 1981: *Gaz.* 9 April 1981, p. 1090.

Note: Asterisks indicate repeal or deletion of text. For further explanation see Appendix.

2.

An Act to provide for the registration of physiotherapists, and for other matters incidental thereto.

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *Physiotherapists Act, 1945*.

Commencement of Act

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

Arrangement of Act

3. The provisions of this Act are arranged as follow:—

PART I—Preliminary.

PART II—Administration.

PART III—Registration and Licensing of Physiotherapists.

PART IV—Miscellaneous.

Interpretation

4. In this Act, unless inconsistent with the context or subject matter—

"the board" means The Physiotherapists Board of South Australia constituted under this Act:

"chairman" means chairman of the board:

"legal practitioner" means person holding a practising certificate under the *Legal Practitioners Act, 1936*:

"licensed physiotherapist" means a person licensed under this Act:

"medical practitioner" means legally qualified medical practitioner:

"member" means member of the board and includes the chairman:

"physiotherapy" means the external application to the human body for the purpose of curing or alleviating any abnormal condition thereof, of manipulation, massage, muscle re-education, electricity, heat, light, or any proclaimed treatment:

"proclaimed treatment" means any treatment which the Governor by proclamation declares to be physiotherapy for the purposes of this Act:

"the register" means the register of physiotherapists kept pursuant to this Act:

3.

"registered physiotherapist" means a person registered under this Act:

"the registrar" means the registrar appointed under this Act.

Proclaimed treatments

5. The Governor may by proclamation—

- (a) declare any treatment applicable to the human body for the purpose of curing or alleviating any abnormal condition thereof to be physiotherapy for the purposes of this Act:
- (b) revoke or vary any proclamation for the time being in force under this section.

Exemption of medical practitioners and other persons

6. (1) A medical practitioner shall not be required to be registered or licensed under this Act.

(1a) A chiropractor registered under the *Chiropractors Act, 1979*, shall not be required to be registered or licensed under this Act.

(2) A person shall not be required to be registered or licensed under this Act by reason only of the fact that—

(a) he practises face massage or scalp massage for cosmetic purposes only:

or

(b) he applies massage 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

(c) being the trainer of a football team, cricket team, or other team of persons playing or training for any game, sport or athletics, he applies physiotherapy in accordance with directions given by a medical practitioner or a registered physiotherapist to members of that team for the purpose of alleviating injuries received by them in the course of such playing or training:

Provided that any application of massage or physiotherapy referred to in paragraph (b) or paragraph (c) of this section does not take place or continue for a longer period than three months after the conclusion of the playing or training, or the occasion of the injury received in the course of such playing or training, as the case may be.

(3) A person who practises as a chiropodist shall not be required to be registered or licensed under this Act by reason only of the fact that he applies physiotherapy to any part of the human body below the knee.

(4) A hairdresser registered under the *Hairdressers Registration Act, 1939*, shall not be required to be registered or licensed under this Act by reason only of the fact that he practises hairdressing within the meaning of that Act.

4.

(5) Subsections (1a), (2) and (3) of this section shall not exempt any person from the provisions of this Act relating to holding out.

Patients of registered physiotherapists

7. Notwithstanding any provision of this Act or anything done under the authority of this Act, it shall be lawful and shall not be unprofessional conduct for a registered or licensed physiotherapist to treat patients who have not been introduced or sent to him by a medical practitioner.

Treatment at clinics and hospitals

8. This Act shall not render it unlawful for an unregistered or unlicensed person, being the proprietor of a clinic or hospital, to provide physiotherapeutic treatment at that clinic or hospital, if such treatment is administered by or under the personal supervision of a registered or licensed physiotherapist.

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PART II

ADMINISTRATION

The Physiotherapists Board of South Australia

Establishment of board

9. (1) There shall be established a board to be called "The Physiotherapists Board of South Australia".

(2) The board shall be a body corporate with perpetual succession and a common seal, and shall have power to purchase, take, hold and dispose of land and other property for the purposes of this Act, and may sue and be sued by the name of "The Physiotherapists Board of South Australia".

(3) The board shall consist of five members appointed or elected in accordance with this Act.

(4) The board shall be deemed to be established on the day when the notice of the appointment of the first members thereof is published in the *Gazette*.

First members of the board

10. The members of the board to hold office during the first two years after its establishment shall be appointed by the Governor on the nomination of the Minister. The chairman shall be a legal practitioner; one member shall be a medical practitioner and three shall be persons engaged in the practice of physiotherapy as a means of livelihood.

Subsequent members of the board

11. (1) As from the end of the second year after the establishment of the board, the board shall consist of a legal practitioner, who shall be the chairman, a medical practitioner and three registered physiotherapists.

(2) The chairman and the medical practitioner shall be appointed by the Governor on the nomination of the Minister.

(3) Of the three registered physiotherapists one shall be appointed by the Council of the South Australian Institute of Technology, and two shall be elected in accordance with the regulations by registered physiotherapists.

Term of office

12. (1) The first members of the board and any member appointed in place of any of them on the occurrence of a casual vacancy shall hold office for two years as from the establishment of the board.

(2) Every subsequent member of the board shall, except as provided in this Act, hold office for three years.

(3) If at the expiration of the term of office of a member his successor has not been appointed or elected, that member shall remain in office until his successor is appointed or elected; but the term of office of the successor shall be reckoned from the time when the term of office of his predecessor would have expired in the usual course.

Appointments to casual vacancies

13. (1) Upon the occurrence of a casual vacancy on the board a person shall be appointed or elected to the vacancy in the same manner as the member whose seat has become vacant.

(2) A person appointed or elected to a casual vacancy on the board shall hold office for the balance only of the term of the member in whose place he was appointed or elected.

Time and mode of elections and appointments

14. (1) Every appointment or election of a member (other than a member of the first board or a member appointed to fill a casual vacancy) shall be made or held during the month preceding the last day of the term of his predecessor, and shall take effect as from the day following that last day.

(2) Every appointment or election of a member to fill a casual vacancy shall be made or held as soon as possible after the casual vacancy has occurred.

(3) An appointment or election shall not be invalid by reason only of any delay in making or holding it.

(4) As soon as possible after the appointment or election of a member of the board the registrar shall give written notice to the clerk of the Executive Council of the name of the person elected or appointed.

(5) If, within two months after the occurrence of a vacancy on the board, a person is not duly elected or appointed to fill that vacancy, the Governor may, if he thinks it expedient to do so, appoint a legal or medical practitioner or a registered physiotherapist (according to the nature of the vacancy) to fill the vacancy, and every person so appointed shall hold office as if he had been duly elected or appointed at the proper time.

(6) The clerk of the Executive Council shall cause notice of every appointment and election of a member of the board to be published in the *Gazette*.

(7) Any person ceasing to be a member by reason of the expiration of his term of office shall be eligible for re-appointment or re-election.

The chairman

15. (1) The chairman shall preside at every meeting of the board at which he is present. In the absence of the chairman from any meeting, another member, chosen for the purpose by the majority of the members present and voting, shall preside.

(2) The person presiding at a meeting shall have a casting vote as well as a deliberative vote.

Casual vacancies

16. If a member of the board—

- (a) dies;
- (b) resigns by written notice given to the Minister;
- (c) ceases to reside in South Australia;

- (d) becomes bankrupt, makes an assignment or executes a deed of arrangement, for the benefit of his creditors, or makes a composition with his creditors for less than one hundred cents in the dollar;
- (e) absents himself without permission of the board from four consecutive meetings of the board and is declared by resolution of the board to have forfeited his seat;
- (f) is removed from the board by the Governor pursuant to this Act;
- (g) ceases to hold the qualification which by section 10 or 11 of this Act he is required to hold,

his seat shall become vacant.

Removal of members from board

17. The Governor may remove any member of the board from his office for insanity, neglect of duty, incapacity, dishonourable conduct, or other cause deemed sufficient by the Governor.

Quorum

18. Three members shall constitute a quorum of the board.

Defects in appointment not to invalidate proceedings of board

19. (1) No act or proceeding of the board shall be invalid or illegal in consequence only of the number of the members of the board not being complete at the time of such act or proceeding.

(2) All acts and proceedings of the board shall, notwithstanding the subsequent discovery of any defect in the election or appointment of any member thereof, or that any member was disqualified or disentitled to act, be as valid as if such member had been duly elected or appointed and was qualified and entitled to act and had acted as a member of the board, and as if the board had been properly and fully constituted.

Remuneration of members

20. The members of the board shall be entitled to receive out of the funds of the board such remuneration for their services and such travelling and other expenses as are approved by the Governor.

Powers of board with respect to property

21. (1) The board may purchase or take on lease any land and buildings required for the offices of the board.

(2) The board may sell, demise, let, exchange, or mortgage any real or personal property vested in it.

Borrowing powers

22. The board may borrow money for the provision of offices and furniture and for preliminary expenses.

Meetings of board

23. (1) The first meeting of the board shall be convened by the Minister and thereafter the meetings of the board shall be convened by the registrar under the instructions of the board, or in accordance with the regulations, and shall be held at times and places determined by the board.

8.

(2) Subject to the regulations the business of the board shall be conducted in such manner as the board determines.

Registrar and officers

24. (1) The board shall appoint a registrar and may appoint any other officers whom the board deems it necessary to appoint for the purposes of this Act.

(2) The registrar and officers shall act under the control of the board and shall receive such remuneration from the funds of the board as the board determines.

Accounts, balance-sheet

25. (1) The registrar shall in the month of July in each year prepare—

(a) an income and expenditure account showing the money received and paid by the board during the period of twelve months ended on the thirtieth day of the preceding month of June; and

(b) a balance-sheet showing the assets and liabilities of the board on that day.

(2) A copy of the said account and balance-sheet shall be kept at the office of the board; and any registered physiotherapist shall be entitled on demand to inspect the account and balance-sheet without payment.

(3) The accounts and balance-sheet of the board shall be audited annually by the Auditor-General, for which audit the board shall pay to the Treasurer a reasonable fee.

PART III

REGISTRATION AND LICENSING OF PHYSIOTHERAPISTS

The Register of Physiotherapists

The Register of Physiotherapists

26. (1) The registrar shall keep a register to be called the "Register of Physiotherapists" in which shall be entered the names of all persons for the time being registered or licensed under this Act.

(2) The registrar shall enter in the register such other particulars relating to persons registered or licensed under this Act as are required by this Act, prescribed by regulation, or directed by the board.

Publication of register

27. (1) A true copy of the register, certified by the registrar to be a true copy, shall in the month of January in every year be sent to the Minister; and the Minister shall forthwith publish in the *Gazette* at the expense of the board the names and addresses of all physiotherapists mentioned in the register (except licensed physiotherapists), and such other particulars as he deems fit.

(2) Any person may inspect the register on payment to the board of a fee of ten cents.

Mode of keeping register

28. (1) The registrar shall keep the register so that it shows in alphabetical order, according to surnames, the names of all registered and licensed physiotherapists, their addresses, the dates upon which they were registered or licensed, a description of the qualifications in respect of which they were registered or licensed, and such other particulars as may be prescribed, or as the board may direct.

(1a) The register shall be kept in two separate parts, one part being allocated to registered physiotherapists and the other to licensed physiotherapists.

(2) The register shall also show the firm name, business name, or other name or style under which each registered or licensed physiotherapist carries on business.

Alterations in register

29. The registrar shall, from time to time—

- (a) insert in the register any alterations which come to his knowledge in the name, address, or particulars of any person who is registered or licensed under this Act; and
- (b) erase from the register the name of every deceased person; and
- (c) erase from the register the name of any person who has ceased to be registered or licensed under this Act; and
- (d) insert in the register a note of any order made under section 32, 32b, 32c or 44a of this Act other than an order of de-registration; and

- (d1) insert in the register a note of the institution of an appeal under this Act against an order made under section 32, 32b, 32c or 44a of this Act and a note of the result of that appeal; and
- (e) correct any clerical error in the register.

In the execution of these duties the registrar shall act in each case on any evidence which appears to him to be sufficient, or on the direction of the board.

Additional qualifications

30. Every registered or licensed physiotherapist who obtains any degree diploma or qualification other than that in respect of which he is registered shall be entitled, on application, to have such other degree, diploma, or qualification inserted in the register, in substitution for or in addition to the qualification therein stated.

Certificate of registration, etc.

31. (1) Where a person has been registered under this Act, the registrar shall deliver to him a certificate of registration in the form prescribed by regulation.

(2) Where a person has been licensed under this Act, the registrar shall notify him of that fact, and of the conditions upon which he has been licensed by the board.

De-registration and other orders

32. (1) The board may de-register any person who applies in writing to the board to de-register him.

(2) Where a person registered under this Act—

- (a) has obtained his registration, whether before or after the commencement of the *Physiotherapists Act Amendment Act, 1955*, by fraud or misrepresentation;
- (b) has ceased, whether before or after the said commencement, to possess or does not possess the qualification in respect of which he was registered;
- (c) is no longer capable of practising as a physiotherapist by reason of mental defect;
- (d) is six months in arrear in payment of any subscription becoming payable, whether before or after the said commencement, by him to the board under this Act;
- (e) has been guilty whether before or after the said commencement of unprofessional conduct; or
- (f) has been convicted, whether before or after the said commencement, of any offence against this Act or of any offence triable in the Supreme Court,

the board may make any one or more of the following orders, that is to say the board may—

- (a) censure the person;
- (b) suspend his registration for such period as the board deems proper;
- (c) de-register him.

Where the person has been guilty of unprofessional conduct after the said commencement, the board may make, in addition to or in lieu of any of the abovementioned orders, an order that he pay to the board within such time as is fixed by the board a fine not exceeding one hundred dollars.

This subsection shall apply with respect to any charge relating to any of the matters mentioned herein which is made after the said commencement.

(3) All fines ordered to be paid under subsection (2) of this section and received by the board shall be paid by the board to the Treasurer of the State and shall form part of the General Revenue of the State.

Charges

32a. A charge made after the commencement of the *Physiotherapists Act Amendment Act, 1955*, and relating to any of the matters mentioned in subsection (2) of section 32 of this Act shall be made in writing to the board by the person aggrieved or the registrar.

Costs

32b. (1) If a charge made pursuant to section 32a of this Act is proved, the board may order that the person charged pay within such time as is fixed by the board to the person making the charge such costs as the board thinks just and reasonable.

(2) If a charge made pursuant to section 32a of this Act is dismissed, the board may order that the person making the charge pay within such time as is fixed by the board to the person charged such costs as the board thinks just and reasonable.

Recovery of fines and costs

32c. (1) Where the board has made an order for the payment of a fine or costs against a person registered under this Act, and the fine or costs are not paid within the time fixed by the board, the board may suspend the registration of the person until the fine or costs be paid or for such period as the board thinks fit.

(2) A fine or costs ordered to be paid under this Act shall be recoverable summarily.

Re-registration

33. If the board is satisfied that any person who has been de-registered still has the necessary qualifications for registration and that it is just to re-register him, it may re-register him.

Delivery of certificate on de-registration

34. (1) Any person who is de-registered or whose registration is suspended shall, within fourteen days after service on him of a notice signed by the registrar demanding the return of his certificate of registration surrender that certificate to the board for cancellation, or as the case may be, for endorsement thereon of a memorandum of the suspension.

(2) Any person who fails to comply with a notice under this section shall be guilty of an offence and liable to a fine not exceeding four dollars for every day after the said period of fourteen days during which the certificate is not surrendered.

Registration and Licensing of Physiotherapists

Obligation to be registered or licensed

35. (1) After the expiration of six months from the commencement of this Act a person who is not registered or licensed under this Act shall not—

- (a) carry on the practice of physiotherapy;
- (b) by any means whatsoever hold himself out as being a "masseur", "physiotherapist", "physiotherapeutist", or "physical therapist or therapist" or as being registered under this Act, or as being competent or willing to practise or administer physiotherapy.

(2) A person who contravenes this section shall be guilty of an offence and liable to a fine of not more than two hundred dollars.

(3) Notwithstanding the foregoing provisions of this section any of the following persons, though unregistered or unlicensed, may use the title "masseur", namely:—

- (a) a person employed to apply massage to persons engaged in or training for games or athletics;
- (b) a person employed at public baths to massage patrons of the baths;
- (c) any other persons approved by the board.

Applications for registration or licence

36. (1) Every application for registration or a licence under this Act shall be made in writing in the form prescribed by regulations and shall be addressed to the board and sent by post to or lodged with the registrar; and the statements made therein shall be verified by a statutory declaration made by the applicant.

(2) Every applicant for registration or a licence under this Act shall furnish the board with all such information as it reasonably requires to enable it to decide the application, and with all particulars required to be entered in the register.

Fees upon application

37. (1) Every applicant for registration or a licence under this Act shall, upon lodging his application, pay to the board the prescribed fee in respect of his application, and the prescribed fee in respect of registration or a licence under this Act.

(2) Where the application is refused by the board, the prescribed fee in respect of registration, or the licence for which the applicant applied, shall be returned to the applicant.

Qualifications for registration where applicant applies within six months after passing of this Act

38. (1) A person who applies for registration before the first day of February, 1949, shall be entitled to be registered as a physiotherapist if he proves to the satisfaction of the board that—

- (a) he resides in the State;
- (b) he is of good character; and
- (c) within the period of thirty-six months immediately preceding the commencement of this Act he was for at least twenty-four months in the aggregate practising physiotherapy in the State for fee or reward.

(2) A person who is or has been a member of a naval, military or air force of the Commonwealth or any other part of His Majesty's Dominions and who within the period of twenty-four months immediately before he became such a member was for at least twelve months in the aggregate practising physiotherapy in the State for fee or reward, shall be deemed to have continued so to practise throughout the period of his service in the naval, military or air force.

(3) A person who within the period of two years ending on the third day of September, 1939, was for at least twelve months in the aggregate practising physiotherapy in the State for fee or reward and who after that date and before the commencement of this Act ceased so to practise for the purpose of engaging in work connected with a war in which the Commonwealth was engaged shall be deemed to have complied with paragraph (c) of subsection (1) of this section.

(4) For the purposes of this section a person shall be deemed to have been practising physiotherapy for fee or reward during any period during which, either as a principal or employee, he has been administering physiotherapy for fee or reward whether paid to him by patients or any other person, but shall not be deemed to have been practising physiotherapy during any period during which he was administering physiotherapy only as a pupil or trainee. An application made by any such employee within the time fixed by this Act (whether made before or after the passing of the *Physiotherapists Act Amendment Act, 1946*) shall be deemed to be in force notwithstanding that the board may have dealt with it before the passing of the *Physiotherapists Act Amendment Act, 1946*.

Permanent qualifications for registration

39. (1) A person shall be entitled to be registered as a physiotherapist if he proves to the satisfaction of the board that—

* * * * *

- (b) he is of good character; and
- (c)
 - (i) he holds, or has qualified for the award of, the Diploma of Physiotherapy of the University of Adelaide or he holds, or has qualified for the award of, the Diploma in Technology in Physiotherapy of the South Australian Institute of Technology;
 - (ii) he holds a Diploma of the Australian Physiotherapy Association (South Australian Branch) Incorporated which was issued before the thirty-first day of December, 1945; or
 - (iii) he holds any degree diploma or other qualification prescribed by regulation, whether granted in or outside of the State.

(2) A person shall be entitled to be registered as a physiotherapist if he proves to the satisfaction of the board that—

- (a) he is of good character;
- (b) he has an adequate command of the English language;
- (c) he holds a degree, diploma or other qualification in physiotherapy obtained outside this State;

and

- (d) he is competent to practise physiotherapy in this State.

(3) The board may require an applicant for registration under subsection (2) of this section to submit to such examinations in the theory and practice of physiotherapy as it thinks fit.

(4) The board may charge and recover such fees as it thinks fit for any examination conducted by it under this section.

Licences

39a. (1) Where a person proves to the satisfaction of the board that—

- (a) he is of good character;
- (b) he holds a degree, diploma or other qualification in physiotherapy obtained outside this State;

and

- (c) he is competent to practise physiotherapy under supervision or under such other conditions as may be stipulated by the board,

the board may license him as a physiotherapist.

(2) The board may license a person under subsection (1) of this section upon conditions—

- (a) providing that he must not practise physiotherapy otherwise than under the supervision of a registered physiotherapist or under such other conditions as the board may stipulate;
- (b) requiring him to undergo such training in the theory and practice of physiotherapy as the board may stipulate;
- (c) requiring him to submit to such examinations in the theory and practice of physiotherapy as the board may stipulate,

and such other conditions as the board thinks fit.

(3) Where a person who has been licensed as a physiotherapist under subsection (1) of this section proves to the satisfaction of the board that—

(a) he has fulfilled all the conditions upon which the licence was granted;

and

(b) he is competent to practise physiotherapy in this State,

the board may register him as a physiotherapist.

(4) Upon application—

(a) by a university, college of advanced education, or other educational institution;

or

(b) by a professional association whose objects include the promotion of research into, or the dissemination of knowledge of, the theory and practice of physiotherapy,

the board may, upon such conditions as it thinks fit license as a physiotherapist any person who is visiting the State in connection with research into, or the dissemination of knowledge of, the theory or practice of physiotherapy.

(5) A person shall not contravene, or fail to comply with, any condition upon which a licence is granted under this section.

Penalty: Two hundred dollars.

(6) The board may, in its absolute discretion, cancel any licence granted under this section for any reason that it considers sufficient.

(7) Subject to this section, a licence shall remain in force for a term of one year from the date on which it was granted and may be renewed from time to time for a further term of one year but no person shall be entitled to hold a licence for a term in excess of three years.

(8) The board may require an applicant for a licence under subsection (1) of this section, or for registration under subsection (3) of this section to submit to such examinations in the theory and practice of physiotherapy as it thinks fit.

(9) The board may charge and recover such fees as it thinks fit for any examination conducted by it under this section.

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Consideration of applications

40. The board shall receive, consider, and decide all applications for registration or licences under this Act.

Appeals

41. (1) The decision of the board on any application for registration under this Act shall be subject to appeal as hereinafter provided in this Act.

(2) The decision of the board on any application for a licence under this Act shall not be subject to appeal.

Miscellaneous

Physiotherapists not to practise otherwise

41a. A person who is a registered or licensed physiotherapist shall not administer to any of his patients any treatment otherwise than by physiotherapy unless he is qualified and entitled to do so by or under any Act.

PART IV

MISCELLANEOUS

*Annual Subscriptions***Annual subscriptions**

42. (1) Every registered or licensed physiotherapist shall pay an annual subscription to the funds of the board of such amount and at such time as are prescribed by the regulations and the amount of such subscription shall be recoverable by the board by action in any court of competent jurisdiction:

Provided that any registered physiotherapist who has ceased to practise may, with the approval of the board, remain on the register upon payment to the board of an annual fee of such amount and at such time as are prescribed by the regulations; but he shall not, so long as he does not pay the annual subscription prescribed by regulations under this section, be entitled to practise physiotherapy or to be a member of the board or to vote at any election of members of the board.

(2) The board may, if it thinks reasonable cause exists for doing so, remit any arrears of subscriptions in whole or in part.

(3) The board may accept, from any registered or licensed physiotherapist, such sum as it thinks proper as payment in advance of all subscriptions to become due by him during his life, or during any period.

(4) All money received by the board under this Act shall be expended by the board in defraying the cost of carrying out its duties, powers, and functions under this Act.

*False Entries and Statements***Penalty for false entries and statements**

43. Any person who—

- (a) knowingly makes or causes to be made in the register any entry or alteration which is false or not authorized by law; or
- (b) knowingly makes any false statement, written or oral, in connection with any application or any matter being dealt with or considered by the board; or
- (c) falsely states that he has obtained any certificate under this Act, or is registered or licensed under this Act, or causes or permits any such false statement to be made,

shall be guilty of an offence, and liable to a fine not exceeding two hundred dollars, or to imprisonment for a term not exceeding twelve months.

Appeals and Legal Procedure

Appeals against decisions of the board

44. (1) There shall be an appeal against any decision, order, or direction of the board given or made in the exercise or purported exercise of any of its powers or functions under this Act (except a decision, order or direction of the board given or made in relation to a person licensed under this Act, or an applicant for a licence under this Act).

(2) The appeal shall lie to the Supreme Court and shall be instituted within one month from the giving or making of the decision, order, or direction appealed against. The appeal shall be by way of rehearing.

(3) The Supreme Court may, on the hearing of the appeal, do any one or more of the following things, according to the nature of the case:—

- (a) affirm, quash, or vary the decision, order, or direction appealed against, or substitute, or make or give any decision, order, or direction which ought to have been made or given in the first instance;
- (b) remit the subject matter of the appeal to the board for further consideration or further hearing;
- (c) make any further or other order, as to costs or otherwise, which the case requires.

(4) The judges of the Supreme Court, in accordance with the provisions of the *Supreme Court Act, 1935-1943*, as to the making of rules of court, may make rules of court regulating the practice and procedure on such appeals.

(5) The board shall, if required by any person affected by any decision given by it, state in writing the reason for its decision. If the decision of the board is not given in writing in the first instance, the time within which an appeal may be instituted shall, if the appellant at the time of the decision requested that reasons for the decision should be given in writing, run from the time when the board first gives reasons for its decision in writing.

Suspension of orders

44a. (1) Where the board has, whether before or after the commencement of the *Physiotherapists Act Amendment Act, 1955*, made an order under this Act, the board or a judge of the Supreme Court may, on application, if the board or the judge is satisfied that an appeal against the order has been or is intended to be instituted under this Act, suspend the operation of the order pending the determination of the appeal.

(2) The board may, at any time after the suspension by the board of an order pursuant to subsection (1) of this section, terminate the suspension.

(3) A judge of the Supreme Court, on application in that behalf, may, at any time after the suspension by a judge of the Supreme Court of an order pursuant to subsection (1) of this section, terminate the suspension.

(4) In this section "order" includes decision or direction.

Power of board to summon witnesses and take evidence

45. (1) For the purpose of hearing and determining any application for registration or a licence under this Act, or of making any inquiry in the course of carrying out its duties under this Act, the board may—

- (a) by summons signed on behalf of the board by a member of the board or the registrar, require the attendance before the board of any person whom the board thinks fit to call before it;
- (b) by notice in writing signed on behalf of the board by a member of the board or the registrar require the production of any books, papers, or documents;
- (c) inspect any books, papers, or documents produced before it, and retain them for such reasonable periods as it thinks fit, and make any copies of them or of any of their contents;
- (d) examine witnesses on oath, affirmation, or declaration, which may be administered by the registrar or any member of the board.

(2) If any person—

- (a) who has been personally served with a summons to attend before the board, and whose reasonable expenses of attendance have been paid or tendered to him, neglects to attend in obedience to the summons; or
- (b) who has been personally served with a notice to produce books, papers, and documents, refuses or fails to comply with the notice; or
- (c) wilfully insults the board or any member thereof; or
- (d) misbehaves himself before the board; or
- (e) interrupts the proceedings of the board; or
- (f) being called as a witness before the board, refuses to be sworn or to affirm or declare; or
- (g) being called as a witness before the board, refuses to answer any lawful question put to him by the board,

he shall be guilty of an offence and liable to a fine not exceeding one hundred dollars.

Summary proceedings

46. Proceedings for offences against this Act shall be disposed of summarily.

Service of notices

47. Any notice under this Act may be served personally or by post by registered letter.

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Regulations

Regulations

48. The Governor may on the recommendation of the board make regulations—

- (a) prescribing any matters necessary or convenient to be prescribed for the administration of this Act, or for carrying out the objects of this Act;
- (b) prescribing penalties recoverable summarily and not exceeding fifty dollars for breach of any regulation.

APPENDIX

Legislative History

Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 8 of The Public General Acts of South Australia 1837-1975 at page 303.

Section 6(1a):	inserted by 19, 1979, s. 4(2) Sched.
Section 6(5):	amended by 19, 1979, s. 4(2) Sched.
Section 8a:	repealed by 19, 1979, s. 4(2) Sched