



ANNO QUARTO

ELIZABETHAE II REGINAE

A.D. 1955

No. 13 of 1955

An Act to amend the Physiotherapists Act, 1945-1949.

[Assented to 24th November, 1955.]

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

Short titles.

1. (1) This Act may be cited as the "Physiotherapists Act Amendment Act, 1955".

(2) The Physiotherapists Act, 1945-1949, as amended by this Act, may be cited as the "Physiotherapists Act, 1945-1955".

(3) The Physiotherapists Act, 1945-1949, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of
principal
Act, s. 29—
Alterations
in register.

3. Section 29 of the principal Act is amended by striking out paragraph (d) therein and inserting the following paragraphs in its place :—

(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

4. Section 32 of the principal Act is repealed and the following sections are enacted and inserted in its place :—

Repeal of
s. 32 of
principal Act
and enactment
of ss. 32 and
32a-32c of
principal Act—
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 twelve 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 above-mentioned orders, an order that he pay to the board within such time as is fixed by the board a fine not exceeding fifty pounds.

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.

Enactment of s. 44a of principal Act—

5. The following section is enacted and inserted in the principal Act after section 44 thereof:—

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.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

R. A. GEORGE, Governor.