

1977/221



THE MEDICAL RADIOGRAPHERS REGULATIONS 1977

DENIS BLUNDELL, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 22nd day of August 1977

Present:

THE RIGHT HON. R. D. MULDOON PRESIDING IN COUNCIL

PURSUANT to the Medical and Dental Auxiliaries Act 1966, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Medical Radiographers Regulations 1977.

(2) These regulations shall come into force on the 1st day of October 1977.

2. Interpretation—In these regulations, unless the context otherwise requires,—

“The Act” means the Medical and Dental Auxiliaries Act 1966:

“Board” means the Medical Radiographers Board constituted under regulation 4 of these regulations:

“Medical radiography” means the use of ionising radiation on human beings for medical diagnostic or therapeutic purposes:

“Register” means the Register of Medical Radiographers kept pursuant to section 19 of the Act; and “registered medical radiographer” and “registration as a medical radiographer” have corresponding meanings:

“Secretary” means the person appointed to be Secretary to the Medical Radiographers Board pursuant to section 8 of the Act:

“The Society” means the New Zealand Society of Radiographers (Incorporated).

3. Prohibitions and restrictions imposed by Radiation Protection Act 1965 not affected—Nothing in these regulations shall relieve any person of the obligation to comply with the Radiation Protection Act 1965 and all regulations made under that Act.

4. Medical Radiographers Board—(1) The Board required by section 4 of the Act for the registrable occupation of medical radiographer is hereby constituted, and shall be called the Medical Radiographers Board.

(2) The Board shall consist of—

- (a) One medical practitioner being, at the time of his appointment to the Board, an officer of the Public Service employed in the Division of Hospitals of the Department of Health;
- (b) Three medical practitioners, to be nominated by the New Zealand Branch of the Royal Australasian College of Radiologists, one at least of whom shall be a medical practitioner registered under the Medical Practitioners (Registration of Specialists) Regulations 1971 in respect of the specialty of radiotherapy;
- (c) Six persons, possessing qualifications entitling them to registration as medical radiographers, one at least of whom shall possess special experience in radiotherapy, to be nominated by the Society;
- (d) One person being employed in the Division of Tertiary Education of the Department of Education, to be nominated by the Minister of Education;
- (e) One person being a physicist, appointed after consultation with the New Zealand Medical Physics and Biomedical Engineering Association, who may or may not be employed in the service of the Crown.

5. Qualifications for registration—(1) Subject to section 17 of the Act, every person shall be entitled to registration as a medical radiographer who satisfies the Board:

- (a) That he was, or was eligible to be, a member of the Society, at the commencement of these regulations; or
- (b) That he was actually and regularly engaged in medical radiography for the period of 5 years immediately preceding the commencement of these regulations; or
- (c) That he holds a Certificate of Competence in Radiography or the Diploma of Qualification in Radiography or Radiotherapy issued by the Conjoint Board of the Royal Australasian College of Radiologists and the Australasian Institute of Radiography; or
- (d) That he holds a Diploma issued by The College of Radiographers in the United Kingdom; or
- (e) That he has undergone the appropriate course of training and passed the appropriate examination or examinations prescribed in respect of persons seeking registration as medical radiographers by any other regulations made under the Act or prescribed and conducted, with the approval of the Board, under the Education Act 1964; or

- (f) That he has undergone a course of training and passed an examination or examinations elsewhere than in New Zealand, that, in the opinion of the Board, are substantially equivalent to the course of training and examination or examinations that he would have been required to undertake and pass if he were seeking registration under paragraph (c) or paragraph (d) or paragraph (e) of this subclause; or
- (g) That he has passed an examination in medical radiography elsewhere than in New Zealand, and has acquired, whether in New Zealand or elsewhere, experience in the practice of medical radiography that, in the opinion of the Board, is sufficient to warrant his registration as a medical radiographer.

(2) No person shall be registered under paragraph (a) or paragraph (b) of subclause (1) of this regulation unless application for registration is made within 1 year after the commencement of these regulations, or within such extended time as the Board may allow in any particular case.

(3) Every application for registration shall be in form 1 in the Schedule to these regulations, and shall be accompanied by the documents indicated in that form and such other evidence as the Board may require.

(4) The fee prescribed in respect of registration may accompany the application for registration or be paid at any date thereafter before the registration of the applicant.

6. Temporary registration of persons visiting New Zealand—(1) Notwithstanding anything in these regulations, if the Board is satisfied that—

- (a) Any person is or will be temporarily visiting New Zealand and will be required to perform medical radiography at any institution or place in New Zealand; and
- (b) That person has sufficient knowledge and experience for the efficient performance of medical radiography in that institution or place—

the Board may issue to him a certificate of temporary registration having effect in relation to the performance of medical radiography in the institution or place, and for such period, as may be specified in the certificate.

(2) The names of persons to whom certificates of temporary registration are issued under this regulation shall appear in a separate subdivision of the register.

(3) The provisions of sections 14 to 17 and section 19 of the Act shall apply to every application for temporary registration under this regulation, except that the application need not be made in a prescribed form.

(4) In the case of any person to whom a certificate of temporary registration is issued, or whose certificate of temporary registration is renewed, for any period not exceeding 3 months in the aggregate, for the purpose of enabling him to give instruction in medical radiography, no fee shall be payable in respect of that certificate if no other such certificate has been issued to that person within the preceding period of 12 months.

(5) The Board may from time to time in its discretion extend the period specified in any certificate under this regulation, if it is satisfied that the circumstances in which the certificate was issued still exist. Any such extension shall be endorsed on the certificate, which for that purpose shall be surrendered by the holder to the Secretary.

(6) During the period specified in any such certificate, or any such extension thereof, the holder of the certificate shall, unless it has been cancelled under this regulation, be deemed for the purposes of all of the provisions of the Act, except section 34, to be registered as a medical radiographer.

(7) The Secretary may cancel any such certificate at any time on the direction of the Board.

(8) Nothing in this regulation shall affect the liability under section 32 of the Act, as limited by regulation 7 of these regulations, of any person to whom any such certificate is issued in relation to the performance of medical radiography outside the institution or place specified in the certificate.

(9) The powers conferred on the Board by this regulation may be exercised by the Chairman of the Board acting jointly with one other member of the Board, subject to the general direction and control of the Board and without prejudice to the right of the Board to exercise any of those powers itself.

7. Exceptions to statutory prohibition—(1) Nothing in section 32 of the Act shall prevent—

- (a) The performance of medical radiography by a medical practitioner or dentist or by any other person entitled to perform medical radiography by virtue of a licence granted to him under the Radiation Protection Act 1965, or acting under the supervision or instructions of a person so licensed:
- (b) Any person referred to in paragraph (a) of this subclause from holding himself out in any manner that he would have been entitled to do, or from using in connection with his business any written words, titles, or initials that he would have been entitled to use, if that section had not been enacted:
- (c) The performance of medical radiography by any person as part of a course of training for students seeking to qualify as medical practitioners, dentists, or medical radiographers, or as members of any other profession or occupation the members of which may lawfully perform medical radiography by virtue of a licence granted under the Radiation Protection Act 1965:
- (d) The performance of medical radiography by any member of a class of persons, being employees of a named Hospital Board, approved for the purpose of this regulation by the Board:
- (e) The performance of that kind of medical radiography that involves the use of radio-active isotopes, commonly known as nuclear medicine.

(2) Any approval under paragraph (d) of subclause (1) of this regulation may be expressed to relate to employees of a particular professional or occupational class, and may be limited to a specified period of time or a specified kind of work or specified circumstances.

(3) Any person who is dissatisfied with any decision of the Board under paragraph (d) of subclause (1) of this regulation may appeal to an Appeal Tribunal constituted under section 35 of the Act; and the provisions of that section, and of regulation 8 of these regulations, with any necessary modifications, shall apply accordingly.

8. Appeals—(1) Where the Board makes in respect of any person a decision from which that person has a right of appeal under the Act, the Secretary shall forthwith inform that person of the Board's decision and of the reasons therefor.

(2) If the person decides to appeal from that decision he shall, within the time prescribed by section 35 of the Act, give to the Secretary notice of appeal in form 2 in the Schedule to these regulations.

(3) As soon as practicable after receiving the notice of appeal the Secretary shall inform the appellant of the name of the person appointed to act as assessor on behalf of the Board at the hearing, and of the name of the barrister, who shall be the chairman of the Appeal Tribunal, and shall at the same time send to that barrister a copy of the Board's decision and of the notice of appeal.

(4) The Appeal Tribunal shall hear and determine the appeal at such convenient place and time as may be decided by the chairman.

(5) The chairman shall cause at least 7 days' notice of the place and time of hearing to be given to the assessors, the Board, and the appellant.

(6) Without prejudice to subsection (7) of section 35 of the Act, at the hearing of the appeal the appellant may himself appear and give evidence, and may either be heard in person or be represented by some other person or by a solicitor or counsel; and evidence may be given on behalf of the Board by any person, whether a member thereof or not, appointed by the Board, and any such person may be heard on its behalf, or it may be represented by a solicitor or counsel.

(7) The order made in respect of the appeal shall be in writing signed by at least 2 members of the Appeal Tribunal. A copy of the order shall be given to both the appellant and the Board; and the Board shall forthwith give effect to the order.

9. Fees—(1) The fee for registration as a medical radiographer shall be \$20.

(2) The fee for a certificate of registration as a medical radiographer shall be \$3.

(3) The fee for a provisional certificate under section 23 of the Act shall be \$2.

(4) The fee for an annual licence issued to a registered medical radiographer shall be \$8.

(5) The fee for any alteration in or addition to an entry in the register other than a change of address, or change of name on marriage, or correction of an error for which the person registered is not responsible, shall be \$5.

(6) The fee for restoration of a name to the register under section 21 of the Act shall be \$5.

(7) The fee for inspection of the register shall be \$5.

(8) Subject to regulation 6 (4) of these regulations the fee for a certificate of temporary registration shall be \$10.

SCHEDULE

FORMS

FORM 1

Reg. 5 (3)

Application for Registration as Medical Radiographer

(NOTE—When completing this form, strike out words which do not apply and refer to notes. Please complete this form in BLOCK LETTERS.)

To the Secretary, Medical Radiographers Board, Wellington.

Part A

1. My full name is Mr/Mrs/Miss (*surname*)
(*christian names*) (*maiden name*).
2. My private address is (*house number, street and town*).
3. My business address is
4. For the purpose of providing evidence of my personal character I nominate (*names and addresses of specified number of referees as required by the Board*).

Part B

Please apply under ONE PARAGRAPH ONLY.

Please do NOT apply under paragraph (b) if you are eligible under any other paragraph.

I hereby apply for registration as a medical radiographer on the grounds that —

- (a) I was, or was eligible to be, a member of the New Zealand Society of Radiographers (Incorporated) at the commencement of the Medical Radiographers Regulations 1977; or
- (b) I was actually and regularly engaged in medical radiography for the period of 5 years immediately preceding the commencement of the Medical Radiographers Regulations 1977; or
- (c) I hold a Certificate of Competence or the Diploma of Qualification in Radiography or Radiotherapy issued by the Conjoint Board of the Royal Australasian College of Radiologists and the Australasian Institute of Radiography; or
- (d) I hold the Diploma issued by The College of Radiographers in the United Kingdom; or
- (e) I have completed the prescribed course of training and passed the prescribed examination; or

(f) I have undergone a course of training and passed an examination in (*name of country other than New Zealand*) which is substantially equivalent to the course of training and examination required to be undertaken and passed (a) for the purposes of the Certificate of Competence or the Diploma of Qualification in Radiography or Radiotherapy issued by the Conjoint Board of the Royal Australasian College of Radiologists and the Australasian Institute of Radiography or (b) for the purposes of the Diploma issued by The College of Radiographers in the United Kingdom or (c) in New Zealand by persons seeking registration as medical radiographers; or

(g) I have passed an examination in medical radiography in (*name of country other than New Zealand*) and have acquired sufficient experience in the practice of medical radiography.

I hereby certify that the information given above is true and correct in every particular.

.....
Signature of applicant.

.....
Date.

NOTES

1. Those applying under paragraph (a) of Part B of this form should enclose a Certificate signed by the Secretary of the Society or other evidence that he/she was, or was eligible to be a member of the Society at the commencement of the Medical Radiographers Regulations 1977.

2. Those applying under paragraph (b) of Part B of this form should enclose a statement of the facts on which they rely (and any other evidence the Board may specify).

3. Those applying under paragraph (c) of Part B of this form should enclose a photostat copy of the Certificate of Competence or the Diploma of Qualification in Radiography or Radiotherapy issued by the Conjoint Board of the Royal Australasian College of Radiologists and the Australasian Institute of Radiography.

4. Those applying under paragraph (d) of Part B of this form should enclose a photostat copy of the Diploma issued by The College of Radiographers in the United Kingdom.

5. Those applying under paragraph (e) of Part B of this form should refer the Board to the date of the examination and the results thereof.

6. Those applying under paragraph (f) of Part B of this form should enclose particulars of training and qualifications and any other evidence that the Board may specify.

7. Those applying under paragraph (g) of Part B of this form should enclose a Certificate that he/she has passed an examination in medical radiography and give particulars of their experience in the practice of medical radiography.

FORM 2

(NOTE—Please complete this form in BLOCK LETTERS.)

Reg. 8 (2)

NOTICE OF APPEAL

To the Secretary, Medical Radiographers Board, Wellington.

TAKE notice that I (*full name*), of (*full postal address*), hereby appeal under section 35 of the Medical and Dental Auxiliaries Act 1966, against the decision of the Medical Radiographers Board conveyed to me by letter dated the day of 19.....

The following are the grounds on which I make my appeal

And I hereby appoint (*full name*), of (*full postal address*), as 1 of the assessors for the purpose of this appeal.

Dated at (*town*) this day of 19.....

.....
Signature of appellant.

I hereby consent to act as an assessor for the purpose of this appeal.

.....
Signature of assessor for appellant.

P. G. MILLEN,

Clerk of the Executive Council.

 EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations are made under the Medical and Dental Auxiliaries Act 1966, and relate to the registrable occupation of medical radiographer. They constitute the Medical Radiographers Board for the registration and general supervision of that occupation.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 25 August 1977.

These regulations are administered in the Department of Health.