

1982/51



**THE MEDICAL RADIATION TECHNOLOGISTS
REGULATIONS 1982**

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 15th day of March 1982

Present:

THE RIGHT HON. D. MACINTYRE PRESIDING IN COUNCIL

PURSUANT to section 40 of 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.

ANALYSIS

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Medical Radiation Technologists Regulations 1982.

(2) These regulations shall come into force on the 1st day of April 1982.

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

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

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

“Medical radiation technologist” means a person whose name appears in the register in respect of one or more of the following classes of medical radiation technology:

- (a) Diagnostic Radiography:
- (b) Radionuclide Imaging:
- (c) Therapeutic Radiography:
- (d) Ultrasound Imaging:

“Medical radiation technology” means the use of ionising or other radiation on human beings for medical diagnostic or therapeutic purposes; and, in particular, comprises the following classes:

- (a) Diagnostic Radiography, being the use of ionising radiation at an energy above 5 KeV or ionising particles for diagnostic purposes, where the primary source of radiation or particles is situated outside the body:
- (b) Therapeutic Radiography, being the use of ionising radiation at an energy above 5 KeV or ionising particles for therapeutic or therapy planning purposes on human beings:
- (c) Radionuclide Imaging, being the use of ionising radiation at an energy above 5 KeV or ionising particles for diagnostic purposes, where the primary source of radiation or particles is situated at some stage within the body:
- (d) Ultrasound Imaging, being the use of mechanical sound radiation for diagnostic purposes at a frequency above 100 KHz:

“Register” means the Register of Medical Radiation Technologists kept pursuant to section 19 of the Act:

“Scientific officer” means a university graduate in science, or the holder of such other qualification recognised in each individual case by the Director-General of Health as an acceptable equivalent, employed or engaged by a Hospital Board to perform duties involving scientific work:

“Scientific work” means any research, and any technical development work, of such scientific nature as to require the possession and utilisation of a science degree (or a recognised equivalent) in order that it may be properly performed:

“Secretary” means the person appointed to be Secretary to the Medical Radiation Technologists 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 Radiation Technologists Board—(1) The Board required by section 4 of the Act for the registrable occupation of medical radiation technologist is hereby constituted, and shall be called the Medical Radiation Technologists 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, after consultation with the New Zealand Branch of the Australian and New Zealand Society of Nuclear Medicine and the New Zealand Ultrasound Society:
- (c) Six persons, possessing qualifications entitling them to registration as medical radiation technologists, to be nominated by the Society after consultation with the bodies recognised by the Minister as representing the 4 classes of medical radiation technologists:
- (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 radiation technologist who satisfies the Board that he has obtained 1 of the qualifications, or otherwise qualifies for registration under 1 of the qualifications, prescribed in the First Schedule to these regulations.

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

(3) The fee prescribed in regulation 10 of these regulations in respect of registration may accompany the application for registration, or be paid at any date thereafter before registration.

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 radiation technology at any institution or place in New Zealand; and
- (b) That person has sufficient knowledge and experience for the efficient performance of medical radiation technology 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 radiation technology in the institution or place, and for such period, as may be specified in the certificate.

(2) The Board shall cause the name of every person to whom a certificate of temporary registration is issued under this regulation to be recorded in a separate part 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 the 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 radiation technology, 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 subsist; and 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 radiation technologist.

(7) The Secretary shall 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 8 of these regulations, of any person to whom any such certificate is issued in relation to the performance of medical radiation technology 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. Register—The register shall include a separate part in respect of each of the 4 classes of medical radiation technology.

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

- (a) The performance of medical radiation technology by any person entitled to perform medical radiation technology by virtue of a licence granted to him under the Radiation Protection Act 1965, or by a registered medical practitioner or dentist or scientific officer employed in a hospital 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 radiation technology by any person as part of a course of training for students seeking to qualify as medical practitioners, dentists, or medical radiation technologists, or as members of any other profession or occupation the members of which may lawfully perform medical radiation technology by virtue of a licence granted under the Radiation Protection Act 1965:

(d) The performance of medical radiation technology by a named person, who has been approved by the Board, during his employment by a named Hospital Board or Government Department.

(2) Any approval under subclause (1) (d) 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 subclause (1) (d) 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 9 of these regulations, with any necessary modifications shall apply accordingly.

9. Appeals—(1) Where the Board makes a decision in respect of any person 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 for it.

(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 will 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 limiting section 35 (7) of the Act, at the hearing of the appeal—

(a) The appellant may himself appear and give evidence:

(b) The appellant may either be heard in person or be represented by some other person or by a solicitor or counsel:

(c) Evidence may be given on behalf of the Board by any person (whether a member thereof or not) appointed by the Board:

(d) Any such person may be heard on the Board's behalf, or the Board 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.

(8) 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.

10. Fees—(1) The fee for registration as a medical radiation technologist shall be \$20.

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

(3) The fee for an annual licence issued to a registered medical radiation technologist shall be \$11.

(4) The fee for any alteration in or addition to any 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.

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

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

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

11. Revocation—(1) The Medical Radiographers Regulations 1977* are hereby revoked.

(2) Notwithstanding the revocation by subclause (1) of this regulation of the Medical Radiographers Regulations 1977, every person who was registered (including temporarily registered) as a medical radiographer under those regulations immediately before the commencement of these regulations shall be deemed for the purposes of the Act and these regulations to be registered or (as the case may require) temporarily registered as a medical radiation technologist under these regulations.

*S.R. 1977/221

SCHEDULES

FIRST SCHEDULE

Reg. 5 (1)

QUALIFICATIONS FOR REGISTRATION AS A MEDICAL RADIATION TECHNOLOGIST

(a) 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 Australian Institute of Radiography; or

(b) A Diploma issued by the College of Radiographers in the United Kingdom; or

(c) The undergoing of the appropriate course of training and the passing of the appropriate examination or examinations prescribed in respect of persons seeking registration as medical radiation technologists by any other regulations made under the Act or prescribed and conducted, with the approval of the Board, under the Education Act 1964; or

(d) A Diploma in Nuclear Medicine Technology issued by the Royal Melbourne Institute of Technology; or

(e) The undergoing of a course of training and the passing of an examination or examinations that, in the opinion of the Board, are substantially equivalent to the course of training and examination or examinations required for registration under paragraph (a) or paragraph (b) or paragraph (c) or paragraph (d) of this subclause; or

(f) The passing of an examination in medical radiation technology elsewhere than in New Zealand, or the acquisition, whether in New Zealand or elsewhere, of not less than 5 years' experience in the practice of medical radiation technology in ultrasound, or nuclear medicine that, in the opinion of the Board, is sufficient to warrant registration as a medical radiation technologist.

SECOND SCHEDULE

FORMS

Form 1

Reg. 5 (2)

Application for Registration as Medical Radiation Technologist

(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 Radiation Technologists Board, Wellington.

I wish to apply for registration under the following class or classes:

Diagnostic Radiography.
Radionuclide Imaging.
Therapeutic Radiography.
Ultrasound Imaging.

Part A

1. My full name is Mr/Mrs/Miss/Ms (*family*) (*given 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.

A separate form is required for each application.

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

- (a) I hold a Certificate of Competence or the Diploma of Qualification in Radiography issued by the Conjoint Board of the Royal Australasian College of Radiologists and the Australian Institute of Radiography; or
- (b) I hold the Diploma issued by the College of Radiographers in the United Kingdom; or
- (c) I have undergone the appropriate course of training and passed the appropriate examination or examinations prescribed in respect of persons seeking registration as medical radiation technologists by any other regulations made under the Act or prescribed and conducted, with the approval of the Board, under the Education Act 1964; or
- (d) I hold a Diploma in Nuclear Medicine Technology issued by the Royal Melbourne Institute of Technology; or
- (e) I have undergone a course of training and passed an examination in (*name of country*) which is substantially equivalent to the course of training and examination required to be undertaken and passed in paragraph (a) or paragraph (b) or paragraph (c) or paragraph (d) above.

SECOND SCHEDULE—*continued*

(f) I have passed an examination in medical radiation technology in (name of country) or have acquired not less than 5 years' experience in the practice of medical radiation technology in ultrasound, or nuclear medicine.

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 certified photocopy 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 Australian Institute of Radiography.

2. Those applying under paragraph (b) of Part B of this form should enclose a certified photocopy of the Diploma issued by the College of Radiographers in the United Kingdom.

3. Those applying under paragraph (c) of part B of this form should refer the Board to the date of the examination and the results thereof. This applies to examinations and awards resulting from courses conducted by education authorities.

4. Those applying under paragraph (d) of Part B of this form should enclose a certified photocopy of the Diploma issued by the Royal Melbourne Institute of Technology.

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

6. Those applying under paragraph (f) of Part B of this form should enclose a certificate that they have passed an examination in medical radiography, or give particulars of their experience in the practice of medical radiation technology or medical radiography.

7. Where a certified photocopy is required as proof of having gained a qualification, such certified photocopy must be certified by an official in whose custody the original is.

8. The registration fee is payable on initial registration. Subsequent applications will be charged at the rate for an alteration to the register.

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SECOND SCHEDULE—*continued*

Form 2

Reg. 9 (2)

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

NOTICE OF APPEAL

To the Secretary, Medical Radiation Technologists 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 Radiation Technologists 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 applicant

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

.....
Signature of assessor for applicant

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 replace and revoke the Medical Radiographers Regulations 1977. The changes are largely consequential upon a change of nomenclature from medical radiography to medical radiation technology, effected by the Medical and Dental Auxiliaries Amendment Act 1981.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 18 March 1982.

These regulations are administered in the Department of Health.