



**THE MEDICAL RADIATION TECHNOLOGISTS
REGULATIONS 1995**

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 27th day of February 1995

Present:

THE RIGHT HON. D. C. MCKINNON PRESIDING IN COUNCIL

PURSUANT to section 40 of the Medical Auxiliaries Act 1966, Her 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 1995.

(2) These regulations shall come into force on the 1st day of April 1995.

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

“The Act” means the Medical Auxiliaries Act 1966:

“Board” means the Medical Radiation Technologists Board continued under regulation 3 of these regulations:

“Hospital” means a licensed hospital within the meaning of the Hospitals Act 1957:

“The Institute” means the New Zealand Institute of Medical Radiation Technology Incorporated:

“Medical radiation technologist” means a person whose name appears in the register in respect of 1 or more of the following classes of medical radiation technology:

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

“Medical radiation technology”—

(a) Means the use of ionising or other radiation on human beings for medical diagnostic or therapeutic purposes; and, in particular, comprises the following classes:

- (i) 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:
- (ii) 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:
- (iii) 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:
- (iv) Ultrasound Imaging, being the use of mechanical sound radiation for diagnostic purposes at a frequency above 100 kHz:
- (v) Magnetic Resonance Imaging, being the use of externally generated magnetic fields for diagnostic purposes; and

(b) Includes the use of ionising or other radiation on human beings performed by virtue of a licence granted under the Radiation Protection Act 1965:

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

“Scientific officer” means a person who—

(a) Is a university graduate in science and is employed or engaged by a hospital to perform duties involving scientific work; or

(b) Is the holder of such other qualification as is recognised, in each individual case, by a hospital as an acceptable equivalent to a science degree, and is employed by that hospital 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 the work may be properly performed:

“Secretary” means the person appointed to be the Secretary to the Board pursuant to section 8 of the Act.

Medical Radiation Technologists Board

3. Medical Radiation Technologists Board—(1) The Board required by section 4 of the Act for the registrable occupation of medical radiation technologist shall be the Board constituted by regulation 4 of the Medical Radiation Technologists Regulations 1982 under the name of the Medical Radiation Technologists Board, which Board shall continue in existence and continue to be called by that name.

(2) Notwithstanding anything in subclause (1) of this regulation, the Board shall, from the date of the commencement of these regulations, consist of the following:

- (a) One person, being employed in the Ministry of Health, to be appointed by the Director-General of Health:
- (b) Three medical practitioners, to be nominated by the New Zealand Branch of the Royal Australasian College of Radiologists, with knowledge of or experience in any of the classes of medical radiation technology, so that such practitioners have together a knowledge of or experience in at least 3 classes of medical radiation technology:
- (c) Six persons, to be nominated by the Institute, with knowledge of or experience in any of the classes of medical radiation technology, so that such persons have together a knowledge of or experience in at least 3 classes of medical radiation technology:
- (d) One person, not being a person who is registered or entitled to be registered as a medical radiation technologist:
- (e) One person, being a physicist, appointed after consultation with the New Zealand Branch of the Australasian College of Physical Scientists and Engineers in Medicine.

Registration

4. 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, in respect of each class of medical radiation technology for which registration is sought, that he or she has obtained one of the qualifications, or otherwise qualifies for registration under one of the qualifications, prescribed in the First Schedule to these regulations and appropriate to that class of medical radiation technology.

(2) A person who is already registered as a medical radiation technologist in respect of any class of medical radiation technology may at any time apply to the Board to be registered in respect of any other class, or (in the case of Ultrasound Imaging) any other area of that class; and the provisions of the Act and of these regulations, with any necessary modifications, shall apply as if it were an application for registration as a medical radiation technologist made by an unregistered person.

5. Applications for registration—Every application for registration—

- (a) Shall be in form 1 in the Second Schedule to these regulations; and
- (b) Shall be accompanied by the documents indicated in that form and such other evidence as the Board may require; and
- (c) Shall be accompanied by the fee set out in the Third Schedule to these regulations in respect of registration.

6. Directions of Board to Secretary—(1) In giving directions to the Secretary for the registration of any person as a medical radiation technologist, the Board shall specify each class of medical radiation technology that the person is qualified to perform.

(2) In the case of Ultrasound Imaging, the Board shall also specify the area or areas of that class of medical radiation technology that the person is qualified to perform.

7. Scope of work to be performed by registered person—

(1) Subject to subclause (2) of this regulation, every person who is registered as a medical radiation technologist shall be entitled to perform each class of medical radiation technology specified in respect of that person by the Board under regulation 6 of these regulations.

(2) Where the Board so specifies, in respect of any person, that the person is qualified to perform an area or areas of Ultrasound Imaging, that person shall be entitled to perform only that area or those areas of that class of medical radiation technology so specified.

8. 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 or her 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) During the period specified in a certificate of temporary registration, or any extension of any such period, the holder of the certificate shall,

unless the certificate has been cancelled under regulation 9(3) of these regulations, be deemed for the purposes of all of the provisions of the Act (except section 34) to be registered as a medical radiation technologist.

(5) Nothing in this regulation affects the liability under section 32 of the Act, as limited by regulation 11 of these regulations, of any person to whom a certificate of temporary registration is issued in relation to the performance of medical radiation technology outside the institution or place specified in the certificate.

9. Further provisions relating to temporary registration—(1) The Board may from time to time in its discretion extend the period specified in any certificate of temporary registration issued under regulation 8 of these regulations, if it is satisfied that the circumstances in which the certificate was issued still subsist.

(2) Any such extension shall be endorsed on the certificate, which for that purpose shall be surrendered by the holder to the Secretary.

(3) The Secretary shall cancel any certificate of temporary registration at any time on the direction of the Board.

(4) The powers conferred on the Board by regulation 8 of these regulations or by subclause (1) or subclause (3) of 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.

10. Register—(1) The register shall include a separate part in respect of each of the 5 classes of medical radiation technology.

(2) The name, and the other particulars required by section 19 of the Act, of a medical radiation technologist shall be entered in each part of the register relating to a class of medical radiation technology that the technologist is entitled to perform.

(3) In respect of Ultrasound Imaging, the area or areas of that class of medical radiation technology that the technologist is entitled to perform shall also be entered in the appropriate part of the register.

Exceptions to Statutory Prohibition

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

(a) The performance of medical radiation technology by—

(i) Any person entitled to perform medical radiation technology by virtue of a licence granted to him or her under the Radiation Protection Act 1965; or

(ii) Any person (being a medical practitioner or a dentist or a scientific officer) who is employed in a hospital and who is acting under the supervision or instructions of a person so licensed; or

(b) The performance, by a medical practitioner, of Ultrasound Imaging or Magnetic Resonance Imaging; or

(c) Any person to whom paragraph (a) of this subclause applies from holding himself or herself out in any manner that he or she would have been entitled to do, or from using in connection with his or her business any written words, titles, or initials that he or she would have been entitled to use, if section 32 of the Act had not been enacted; or

(d) 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; or

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

(2) Any approval under subclause (1)(e) 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)(e) of this regulation may appeal to an Appeal Tribunal constituted under section 35 of the Act; and the provisions of that section, and of regulations 13 to 15 of these regulations, with any necessary modifications shall apply accordingly.

Annual Licences

12. Annual licences—On issuing an annual licence under section 34 of the Act, the Secretary shall endorse on it—

(a) Each class of medical radiation technology; and

(b) In the case of Ultrasound Imaging, each area of that class of medical radiation technology,—
that the holder of the licence is entitled to perform.

Appeals

13. Notification of decision and right of appeal—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, of the reasons for the decision, and of the person's right of appeal (including the time within which the appeal must be lodged).

14. Lodging of appeal—(1) Every appeal against a decision of the Board shall be instituted by lodging with the Secretary, within the time prescribed by section 35 of the Act, a notice of appeal in form 2 in the Second Schedule to these regulations.

(2) As soon as practicable after receiving the notice of appeal, the Secretary shall—

(a) Inform the appellant of—

(i) The name of the person appointed to act as assessor on behalf of the Board at the hearing; and

(ii) The name of the barrister who will be the chairman of the Appeal Tribunal; and

(b) Send to that barrister a copy of the Board's decision and of the notice of appeal.

15. Procedure on appeal—(1) The Appeal Tribunal shall hear and determine every appeal against a decision of the Board at such convenient place and time as may be decided by the chairman.

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

(3) Without limiting section 35(7) of the Act, at the hearing of the appeal,—

- (a) The appellant may appear in person 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 of the Board 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.
- (4) The order made in respect of the appeal shall be in writing signed by at least 2 members of the Appeal Tribunal.
- (5) 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.

Fees

16. Fees—(1) Subject to subclause (3) of this regulation, the fees specified in the Third Schedule to these regulations shall be payable in respect of the matters specified in that Schedule.

(2) The fees prescribed by this regulation are inclusive of goods and services tax under the Goods and Services Tax Act 1985.

(3) Notwithstanding anything in subclause (1) of this regulation, in the case of a 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 or her 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.

Miscellaneous Provisions

17. Offence—(1) Every person commits an offence against this regulation who, in contravention of these regulations, performs any class of medical radiation technology or (in the case of Ultrasound Imaging) any area of that class that he or she is not entitled to perform.

(2) Every person who commits an offence against subclause (1) of this regulation is liable on summary conviction to a fine of—

- (a) An amount not exceeding \$200; and
- (b) Where the offence is a continuing one, a further amount not exceeding \$10 for every day or part of a day during which the offence has continued.

18. 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.

19. Transitional provisions—(1) Notwithstanding the revocation, by regulation 20 of these regulations, of the Medical Radiation Technologists Regulations 1982, every person who, immediately before the commencement of these regulations,—

- (a) Was registered (including temporarily registered) as a medical radiation technologist under those regulations; or
- (b) Was deemed, by virtue of regulation 11 (2) of those regulations, to be registered or temporarily registered as a medical radiation technologist under those 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.

(2) Every person whose name, and other particulars required by section 19 of the Act, have been entered in any part of the register before the 1st day of April 1984 shall be entitled to perform each class of medical radiation technology to which any such part applies.

20. Revocations—The regulations specified in the Fourth Schedule to these regulations are hereby revoked.

SCHEDULES

FIRST SCHEDULE

Reg. 4

QUALIFICATIONS FOR REGISTRATION AS A MEDICAL RADIATION TECHNOLOGIST

1. A Certificate of Competence in Radiography issued by the Conjoint Board of the Royal Australasian College of Radiologists and the Australian Institute of Radiography.
2. A 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.
3. A Diploma in Therapeutic Radiography issued by the Central Institute of Technology.
4. A National Diploma in Medical Radiation Therapy issued by the Central Institute of Technology.
5. A Diploma in Medical Ultrasonography issued by the Australasian Society for Ultrasound in Medicine.
6. A Diploma in Nuclear Medicine Technology issued by the Royal Melbourne Institute of Technology.
7. A National Diploma of Medical Diagnostic Imaging issued by the Authority for Vocational Awards on the recommendation of the New Zealand Conjoint Board of the Royal Australasian College of Radiologists and the New Zealand Institute of Medical Radiation Technology.
8. A National Diploma of Medical Diagnostic Imaging issued by the New Zealand Conjoint Board of the Royal Australasian College of Radiologists and the New Zealand Institute of Medical Radiation Technology.
9. A postgraduate Diploma of the Nuclear Medicine Training Board.
10. 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.
11. The undergoing of a course of training and the passing of an examination or examinations that, in the opinion of the Board, are

FIRST SCHEDULE—*continued*QUALIFICATIONS FOR REGISTRATION AS A MEDICAL RADIATION
TECHNOLOGIST—*continued*

substantially equivalent to the course of training and examination or examinations required for registration under any of items 1 to 6 or item 9 of this Schedule.

12. The passing of an examination in medical radiation technology elsewhere than in New Zealand, or the acquisition, whether in New Zealand or elsewhere, of 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.

13. The undergoing of a course of training in medical radiation technology elsewhere than in New Zealand, or the passing of an examination or examinations in medical radiation technology elsewhere than in New Zealand, and, in either case, the acquisition, whether in New Zealand or elsewhere, of experience in the practice of medical radiation technology that, in the opinion of the Board is sufficient to warrant registration as a medical radiation technologist.

SECOND SCHEDULE

FORMS

FORM 1

Reg. 5 (a)

Application for Registration as Medical Radiation Technologist

(NOTE—When completing this form, strike out words that 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 (or further registration) as a medical radiation technologist under the following class or classes:

- Diagnostic Radiography.
- Radionuclide Imaging.
- Therapeutic Radiography.
- Ultrasound Imaging.
- Magnetic Resonance Imaging.

PART A

1. My full name is Mr/Mrs/Ms
2. My private address is
3. My business address is
4. For the purpose of providing evidence of my personal character, I nominate [*name and address 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 in Radiography issued by the Conjoint Board of the Royal Australasian College of Radiologists and the Australian Institute of Radiography; or
- (b) I hold a 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
- (c) I hold a Diploma in Therapeutic Radiography issued by the Central Institute of Technology; or
- (d) I hold a National Diploma in Medical Radiation Therapy issued by the Central Institute of Technology; or
- (e) I hold a Diploma in Medical Ultrasonography issued by the Australasian Society for Ultrasound in Medicine; or
- (f) I hold a Diploma in Nuclear Medicine Technology issued by the Royal Melbourne Institute of Technology; or
- (g) I hold a National Diploma of Medical Diagnostic Imaging issued by the Authority for Vocational Awards on the recommendation of

SECOND SCHEDULE—continued

FORMS—continued

FORM 1—continued

the New Zealand Conjoint Board of the Royal Australasian College of Radiologists and the New Zealand Institute of Medical Radiation Technology; or

- (h) I hold a National Diploma of Medical Diagnostic Imaging issued by the New Zealand Conjoint Board of the Royal Australasian College of Radiologists and the New Zealand Institute of Medical Radiation Technology; or
- (i) I hold a postgraduate Diploma of the Nuclear Medicine Training Board; or
- (j) 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
- (k) I have undergone a course of training and passed an examination in [name of country] that are substantially equivalent to the course of training and examination required to be undertaken and passed under any of items 1 to 6 or item 9 of the First Schedule to the Medical Radiation Technologists Regulations 1995; or
- (l) I have passed an examination in medical radiation technology in [name of country] or have acquired experience in the practice of medical radiation technology in ultrasound, or nuclear medicine; or
- (m) I have—
 - (i) Undergone a course of training in medical radiation technology in [name of country]; or
 - (ii) Passed an examination in medical radiation technology in [name of country],—
and have acquired experience in the practice of medical radiation technology.

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

.....
Signature of Applicant

.....
Date

NOTES

1. Those holding Certificates or Diplomas should enclose a certified photocopy of that Certificate or Diploma. The photocopy should be certified by a Justice of the Peace, a solicitor, or a Registrar or Deputy Registrar of the High Court or a District Court, after sighting the original Certificate or Diploma.

SECOND SCHEDULE—continued

FORMS—continued

FORM 1—continued

2. Those not holding Certificates or Diplomas should refer to the date of their examination and provide proof of the results of that examination.

3. Those applying by virtue of experience should give particulars of that experience.

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



FORM 2

Reg. 14 (1)

(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 Auxiliaries Act 1966 against a decision of the Medical Radiation Technologists Board conveyed to me by letter dated the day of 19.....

The following are the grounds of my appeal: [Specify].

AND I hereby appoint [Full Name], of [Full postal address], as one of the assessors for the purpose of this appeal.

Dated at this day of 19 .

.....
Signature of appellant

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

.....
Signature of assessor for appellant.



Reg. 16(1)

THIRD SCHEDULE

FEES

	\$
1. Registration as a medical radiation technologist	250
2. Certificate of registration as a medical radiation technologist	43
3. Annual licence issued to a registered medical radiation technologist	112
4. Alteration in, or addition to, any entry in the register, other than a change of address or change of name or correction of an error for which the person registered is not responsible	35
5. Restoration of a name to the register under section 21 of the Act	43
6. Inspection of the register	35
7. Certificate of temporary registration (subject to reg. 16 (3)) ...	250
8. Supply of any certificate for the purpose of enabling a medical radiation technologist to seek registration outside New Zealand	30

Reg. 20

FOURTH SCHEDULE

REGULATIONS REVOKED

Title	Statutory Regulations Serial Number
The Medical Radiation Technologists Regulations 1982	1982/51
The Medical Radiation Technologists Regulations 1982, Amendment No. 1	1984/84
The Medical Radiation Technologists Regulations 1982, Amendment No. 3	1989/26
The Medical Radiation Technologists Regulations 1982, Amendment No. 8	1994/22

MARIE SHROFF,
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, which come into force on 1 April 1995, update the Medical Radiation Technologists Regulations 1982, which are consequentially revoked.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 2 March 1995.
These regulations are administered in the Ministry of Health.