

NORTHERN TERRITORY OF AUSTRALIA

RADIOGRAPHERS ACT

As in force at 5 October 2009

Table of provisions

Part I	Preliminary	
1	Short title	1
2	Commencement	1
3	Interpretation	1
Part II	Radiographers Registration Board	
4	Constitution.....	2
6	Term of office and removal of members	3
7	Effect of vacancy	4
8	Proceedings.....	4
9	Personal interests.....	4
Part III	Registration of Radiographers	
10	Registrar	5
11	Register	5
12	Registration	6
12A	Provisional registration	7
13	Practising certificate	7
13A	Determination of fees	8
14	Suspension or cancellation of registration	8
15	Restoration of registration	9
16	Appeal against decision of Board	9
Part IV	Miscellaneous	
17	Appointment of inspectors	10
18	Offences in relation to practice	11
19	Persons exempted.....	12
20	Permit for specific radiographic procedures	12
21	Record of persons exposed to radiography	13
22	Offence to use unsafe equipment.....	13
22A	Annual publication of register	13
23	Regulations.....	13

ENDNOTES

NORTHERN TERRITORY OF AUSTRALIA

This reprint shows the Act as in force at 5 October 2009. Any amendments that commence after that date are not included.

RADIOGRAPHERS ACT

An Act to provide for the registration of radiographers and the control of the practice of radiography, and for related purposes

Part I Preliminary

1 Short title

This Act may be cited as the *Radiographers Act*.

2 Commencement

- (1) Except for sections 18 and 19(1), this Act shall come into operation on a date to be fixed by the Administrator by notice published in the *Gazette*.
- (2) Sections 18 and 19(1) shall come into operation at the expiration of a period of 6 months from the date of commencement of this Act.

3 Interpretation

In this Act, unless the contrary intention appears:

approved means approved by the Board.

Board means the Radiographers Registration Board established by section 4.

Chairman means the Chairman of the Board.

Chief Health Officer means the Chief Health Officer appointed under the *Public Health Act*.

Magistrate means a Stipendiary Magistrate appointed or holding office under the *Justices Act*.

member means a member of the Board.

practising certificate means a practising certificate issued by the Registrar.

radiographer means a person who practises radiography.

radiographic procedure means a procedure in which ionizing or ultrasonic radiations are used for the purpose of:

- (a) investigating the state of a part of the body of a human being;
or
- (b) treating a condition of such part.

radiography means the carrying out of radiography procedures.

register means the register kept under this Act.

registered means registered under this Act, and ***registration*** has a corresponding meaning.

Registrar means the Registrar of Radiographers appointed under this Act.

Part II Radiographers Registration Board

4 Constitution

- (1) There is established by this Act a Board which shall be known as the Radiographers Registration Board.
- (2) The Board shall consist of:
 - (a) the Chief Health Officer or his or her nominee as Chairman;
 - (b) a member who:
 - (i) is employed by the Territory as a Senior Specialist-in-Charge;
 - (ii) specializes in radiology; and
 - (iii) is appointed by the Minister for the purposes of this paragraph on the nomination of the Chairman;
 - (c) 2 members who:
 - (i) are registered radiographers;
 - (ii) have at least 3 years post-graduate experience of radiography; and
 - (iii) are appointed for the purpose of this paragraph by the Minister; and

- (d) one other member appointed for the purpose of this paragraph by the Minister.
- (3) Subsection (2)(c)(i) shall be read, in relation to the first 2 appointments under that subsection, as if the requirement that the members be registered radiographers were a requirement that they be entitled to apply for registration, but their appointment is subject to them being registered within a reasonable time after appointment.
- (4) A nominee of the Chief Health Officer is to be a person who is registered, or entitled to be registered, as a medical practitioner under the *Health Practitioners Act*.

6 Term of office and removal of members

- (1) A member other than the Chairman holds office until the expiration of such period, not exceeding 3 years, as is specified in the instrument of appointment, but is eligible for reappointment.
- (2) Where a period of appointment of a member other than the Chairman is not specified in the instrument of appointment, the member holds office for 3 years.
- (3) A member other than the Chairman may resign his office by writing under his hand addressed to the Minister.
- (4) Where the Minister is satisfied that a member:
 - (a) has become permanently incapable of carrying out the duties of his office;
 - (b) has misconducted himself in the performance of those duties;
 - (c) has, except on leave granted by the Board, been absent from 3 consecutive meetings;
 - (d) has become bankrupt or has applied to take the benefit of a law for the relief of insolvent debtors or has compounded with his creditors or has made an assignment for their benefit of any of his remuneration under section 5; or
 - (e) has been found guilty in the Territory or elsewhere of an offence of a nature that, in the opinion of the Minister, renders it improper for him to continue in office,

the Minister may remove the member from office.

7 Effect of vacancy

The exercise of the functions or powers of the Board is not affected by reason only of there being a vacancy or vacancies in the membership of the Board.

8 Proceedings

- (1) The Board shall hold such meetings as are necessary for the performance of its functions.
- (2) The Chairman may at any time convene a meeting of the Board by causing a notice in writing specifying the date, time and place of the meeting to be served, by post or otherwise, on the other members.
- (3) Where the Chairman is present at a meeting of the Board, he shall preside at the meeting.
- (4) Where the Chairman is not present at a meeting of the Board, the members present shall elect one of themselves to preside at the meeting.
- (5) A member so elected has the functions of the Chairman for the purposes of the meeting.
- (6) The quorum for a meeting of the Board is 3 members.
- (7) A question arising at a meeting of the Board shall be determined by a majority of votes of the members present and voting.
- (8) The Chairman or other member presiding at a meeting of the Board has a deliberative vote and, in the event of an equality of votes, has also a casting vote.
- (9) The Board shall keep a record of its proceedings.
- (10) Subject to this Act, the procedure at meetings of the Board is as the Chairman or other member presiding determines.

9 Personal interests

A member who is present at a meeting of the Board shall withdraw from the proceedings if a matter directly affecting him is being dealt with.

Part III Registration of Radiographers**10 Registrar**

- (1) There shall be a Registrar of Radiographers appointed by the Minister.
- (2) The Registrar has such functions as are conferred on him by this Act and such other functions as the Board assigns to him for the purposes of this Act.
- (3) In the exercise of his functions, the Registrar is subject to the control of the Board.

11 Register

- (1) The Registrar shall keep a register to be known as the Register of Radiographers.
- (2) The Registrar shall record in the register:
 - (a) the name and address of each person to whom registration, or a permit under section 20, is granted and the date of the grant;
 - (b) each suspension of a registration and the period of that suspension;
 - (c) each cancellation of a registration or permit and the date of that cancellation;
 - (d) each restoration of a registration or permit and the date of that restoration;
 - (e) where applicable, short details of the procedures specified, and conditions contained, in a permit granted under section 20; and
 - (f) such other particulars as are prescribed or as the Board directs.
- (3) The Registrar shall, upon the request of a registered radiographer, record in the register particulars of the qualifications held by the radiographer.
- (4) The register shall be open to inspection, during ordinary business hours, by a person desiring to inspect it.

12 Registration

- (1) The Board shall grant registration to a person who:
 - (a) satisfies the Board that he is a fit and proper person to be registered;
 - (b) subject to subsections (2) and (3):
 - (i) completes a course of training approved by the Board; and
 - (ii) passes an examination approved by the Board;
 - (c) makes application, in the approved manner, to the Registrar for the grant by the Board of registration; and
 - (d) pays to the Registrar the fee determined under section 13A for the purposes of this subsection for the grant of registration.
- (2) The Board shall regard the requirements of subsection (1)(b) as having been met by an applicant who, before 1 January 1988, has qualified for the Diploma of Qualification issued by the Conjoint Board of the body known as the Royal Australasian College of Radiologists and of the body known as the Australian Institute of Radiography or who, on or after that date, is eligible for full membership of the Australian Institute of Radiography, or who complies with such requirements as may be prescribed for the purpose.
- (3) The Board shall regard the requirements of subsection (1)(b) as having been met by an applicant who does not have the diploma or meet the eligibility or prescribed requirements referred to in subsection (2) but who, in relation to the practice of radiography, has:
 - (a) undergone outside Australia a course of training that the Board considers to be a course of training equivalent to a course of training approved by the Board; and
 - (b) passed an examination held outside Australia that the Board considers to be an examination equivalent to an examination approved by the Board.
- (4) The Registrar shall, after the Board has granted registration to a person, issue to that person a certificate of registration in a form approved by the Board.

12A Provisional registration

- (1) The Chairman may, if he is satisfied that a person who has applied to be registered as a radiographer may be registered by the Board, upon payment to the Board of the fee determined under section 13A for the purposes of this subsection, grant to that person provisional registration.
- (2) A provisional registration granted under this section shall remain in force:
 - (a) until the expiration of a period of 3 months from the date of being granted; or
 - (b) until the date upon which the Board notifies the person that his application for registration as a radiographer has been granted or refused,whichever is the earlier.
- (3) Provisional registration granted under this section shall, for the period it remains in force, have the same effect as though the person to whom it is granted were registered and the holder of a current practising certificate.
- (4) The Chairman shall give to every person to whom he grants provisional registration, a certificate of provisional registration in a form approved by the Board.

13 Practising certificate

- (1) Where a registered radiographer:
 - (a) applies, in the approved manner, to the Registrar for the issue of a practising certificate; and
 - (b) pays to the Registrar the fee determined under section 13A for the purposes of this subsection,the Registrar shall issue to him a practising certificate.
- (2) A practising certificate issued under subsection (1):
 - (a) if issued to a registered radiographer already holding a practising certificate – has effect for the period of 12 months commencing from and including 1 January next following the date of its issue; and

- (b) in any other case – has effect from and including the date of issue to and including 31 December next following the date of its issue.
- (3) The Registrar shall, before 31 December in each year, by notice in writing, inform each registered radiographer who holds a current practising certificate of the expiry date of his practising certificate.
- (4) The Board shall, if a registered radiographer fails to obtain a practising certificate by 31 March of any year, cancel the registration of that radiographer.

13A Determination of fees

The Minister may, by notice in the *Gazette*, determine the fee payable under this Act.

14 Suspension or cancellation of registration

- (1) Where, after holding an inquiry, the Board is satisfied that a registered radiographer:
 - (a) has failed to comply with an ethical standard accepted by the profession of radiographers as necessary to be maintained in the practice of radiography;
 - (b) has been found guilty (whether before or after the grant of his registration and whether or not in the Territory) of an offence of such a nature that it is undesirable, in the public interest, for him to continue to practise radiography;
 - (c) is, by reason of his taking intoxicating liquor to excess or his habitual taking of drugs, incapable of properly carrying on the practice of radiography;
 - (d) is suffering from mental disorder of such a nature or to such a degree as to render him incapable of properly carrying on the practice of radiography;
 - (e) being a person who is registered as a radiographer in another State or Territory or in another country, has had his registration in that other place cancelled or suspended; or
 - (f) has committed a breach of this Act, or for any other reason has become unfit to continue to be a registered radiographer,

the Board may suspend his registration for such period as it thinks fit or cancel the registration.

- (1A) The Board may cancel the registration of a radiographer if the Board is satisfied that:
- (a) the radiographer is dead; or
 - (b) the radiographer has, during the period of 6 months after it was posted to him, failed to reply in writing to a letter written by the Registrar and posted to his address shown in the register, inquiring as to whether he has changed his address or place of residence.
- (2) Where, after holding an inquiry, the Board is satisfied that a registered radiographer obtained registration by fraud or misrepresentation, the Board shall cancel his registration.
- (3) Before holding an inquiry for the purposes of this section, the Board shall serve, by post or otherwise, on the registered radiographer in respect of whom the inquiry is to be held notice in writing:
- (a) specifying the matter in relation to which the inquiry is to be held; and
 - (b) requiring him to appear before the Board on the holding of the inquiry, at the place and time specified in the notice, to show cause why his registration should not be suspended or cancelled.

15 Restoration of registration

- (1) Where a registration is cancelled, the Board may, on the application of the person whose registration was cancelled, restore the registration.
- (2) The Board shall not restore a registration that was cancelled unless the Board is satisfied that to do so:
- (a) is not contrary to the public interest; and
 - (b) is otherwise proper in the circumstances.

16 Appeal against decision of Board

- (1) Where the Board:
- (a) refuses or fails to grant a registration;
 - (b) suspends or cancels a registration; or
 - (c) refuses to restore a registration that was cancelled,

the person applying for registration or restoration of registration or the person whose registration was cancelled or suspended, as the case may be, may, within a period of 28 days after the Registrar notifies him of the decision of the Board, appeal against that decision to the Local Court.

- (2) An appeal under subsection (1) shall be by application in writing and shall be subject to such directions as the Local Court may determine.
- (3) The appellant shall annex to the application a statement of the grounds of his appeal.
- (4) Notice of an application shall be served on the Chairman.
- (5) The Local Court may:
 - (a) in the case of an appeal under subsection (1)(a), direct the Board to grant the appellant registration;
 - (b) in the case of an appeal under subsection (1)(b), quash the decision appealed against and substitute another decision that the Board could have made; or
 - (c) in the case of an appeal under subsection (1)(c), restore the registration that was cancelled.
- (6) The Local Court may order that one party to an appeal under this section pay to the other such costs as it thinks fit.

Part IV Miscellaneous

17 Appointment of inspectors

- (1) The Minister may at the request of the Board appoint a person by notice in the *Gazette* to be an inspector for the purposes of this Act.
- (2) An inspector shall perform such duties in relation to this Act as the Board shall direct.
- (3) An inspector may at all reasonable times enter premises used or to be used by a person to whom this Act applies and there inspect:
 - (a) the equipment used or to be used by that person for radiographic procedures;
 - (b) the results of radiographic procedures previously carried out by him; and

- (c) such records as that person is obliged to keep under this Act.
- (4) A person shall not wilfully obstruct an inspector in the exercise of his powers and the carrying out of his duties under this Act.
- Penalty: \$100.
- (5) After carrying out an inspection under subsection (3), an inspector shall furnish the Board with a written report of his investigations and his findings and the Board shall serve a copy of that report on the person to whom it relates.
- (6) In this section the expression ***a person to whom this Act applies*** includes:
- (a) an applicant for registration;
 - (b) an applicant for a permit under section 20;
 - (c) a person who is registered; or
 - (d) a person who is the holder of a permit under section 20.

18 Offences in relation to practice

- (1) A person other than a registered radiographer shall not:
- (a) take or use the title of radiographer;
 - (b) represent himself in any way as being a radiographer; or
 - (c) do or suffer any act or thing from which it can be reasonably inferred he is, or is acting as, a radiographer.
- Penalty: \$100.
- (2) Subject to this Act, a person shall not carry out a radiographic procedure unless:
- (a) he is a registered radiographer holding a current practising certificate; and
 - (b) the procedure is carried out at the direction of a registered medical practitioner.
- Penalty: \$1,000 or imprisonment for 3 months.

19 Persons exempted

- (1) A person who is undergoing an approved course of training in radiographic procedures may carry out a radiographic procedure but only at the direction of a medical practitioner and:
 - (a) under the supervision of a person who is a registered radiographer holding a current practising certificate; or
 - (b) under a licence under the *Radiation Protection Act*.

Note for paragraph (b)

See section 102 of the Radiation Protection Act in relation to particular persons who are taken to be licensed under that Act.

- (2) Nothing in this Act prevents the use by a physiotherapist, acting under the direction of a registered medical practitioner, of ultrasonic equipment in the treatment of a condition of a part of the body of a human being.

20 Permit for specific radiographic procedures

- (1) The Board may, in its discretion, and upon payment to it of the fee determined under section 13A for the purposes of this subsection, grant to a person a permit to carry out radiographic procedures specified in the permit.
- (2) A permit granted under subsection (1) may contain conditions subject to which the specified radiographic procedures shall be carried out.
- (3) A person to whom this section applies shall not be granted a permit unless he satisfies the Board that the equipment he proposes to use for carrying out radiographic procedures is safe for that purpose.
- (4) If the Board is satisfied that the holder of a permit granted under this section becomes unfit to continue as the holder of a permit or commits a breach of this Act, it may suspend or cancel the permit.
- (5) Sections 14 and 16 apply to the Board's decision to refuse to grant a permit under this section or to suspend or cancel such a permit.
- (6) A permit issued under subsection (1) shall be valid for a period of 12 months from the date of issue or such lesser period as is specified in the permit.
- (7) The Board must not grant a permit under this section on or after the day section 102 of the *Radiation Protection Act* commences.

21 Record of persons exposed to radiography

- (1) A person registered as a radiographer under this Act, or a person to whom a permit under section 20 has been granted, shall keep a record of each person whom he exposes to radiography.
- (2) The record shall contain:
 - (a) the name of the person exposed; and
 - (b) such other information as the Board may require.
- (3) The record shall, on the request of:
 - (a) a member of the Board;
 - (b) an inspector; or
 - (c) a person authorized in writing by the Chairman,be made available to that member, inspector or person by the person obliged to keep it.

22 Offence to use unsafe equipment

A person shall not carry out a radiographic procedure by using equipment which in the opinion of the Board is not safe.

Penalty: \$1,000 or imprisonment for 3 months.

22A Annual publication of register

The Board shall cause to be annually published in the *Gazette* the details of entries in the register:

- (a) of all registered radiographers; and
- (b) of all persons currently issued with a permit under section 20.

23 Regulations

The Administrator may make regulations, not inconsistent with this Act, prescribing all matters required or permitted to be prescribed or necessary or convenient to be prescribed for carrying out or giving effect to this Act.

ENDNOTES
1**KEY**

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = Gazette	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2**LIST OF LEGISLATION*****Radiographers Ordinance 1976 (Act No. 40, 1976)***

Assent date	17 September 1976
Commenced	13 May 1977 (<i>Gaz</i> No. 9, 4 March 1977, p 725)

Transfer of Powers (Further Provisions) Ordinance 1977 (Act No. 51, 1977)

Assent date	9 December 1977
Commenced	1 January 1978 (s 2)

Transfer of Powers (Self-Government) Ordinance 1978 (Act No. 54, 1978)

Assent date	1 July 1978
Commenced	1 July 1978 (s 2)

Statute Law Revision Act 1978 (Act No. 95, 1978)

Assent date	5 September 1978
Commenced	5 September 1978

Statute Law Revision Act (No. 2) 1978 (Act No. 19, 1979)

Assent date	2 February 1979
Commenced	2 February 1979

Statute Law Revision Act 1979 (Act No. 98, 1979)

Assent date	10 August 1979
Commenced	26 October 1979 (<i>Gaz</i> G43, 26 October 1979, p 1)

Remuneration (Statutory Bodies) Act 1979 (Act No. 9, 1980)

Assent date	14 January 1980
Commenced	8 February 1980 (<i>Gaz</i> G6, 8 February 1980, p 6)

Radiographers Act 1980 (Act No. 48, 1980)

Assent date	30 May 1980
Commenced	22 August 1980 (<i>Gaz</i> G34, 22 August 1980, p 2)

Radiographers Amendment Act 1982 (Act No. 55, 1982)

Assent date 8 October 1982
Commenced 8 October 1982

Radiographers Amendment Act 1983 (Act No. 21, 1983)

Assent date 24 June 1983
Commenced 24 June 1983

Radiographers Amendment Act 1988 (Act No. 5, 1988)

Assent date 21 March 1988
Commenced 21 March 1988

Local Court (Consequential Amendments) Act 1989 (Act No. 14, 1989)

Assent date 5 June 1989
Commenced s 6: 5 June 1989; rem: 1 January 1991 (s 2, s 2 *Small Claims Amendment Act 1988* (Act No. 43, 1988), *Gaz G17*, 3 May 1989, p 2, s 2 *Local Court Act 1989* (Act No. 31, 1989) and *Gaz G49*, 12 December 1990, p 2)

Sentencing (Consequential Amendments) Act 1996 (Act No. 17, 1996)

Assent date 19 April 1996
Commenced s 7: 19 April 1996; rem: 1 July 1996 (s 2, s 2 *Sentencing Act 1995* (Act No. 39, 1995) and *Gaz S15*, 13 June 1996)

Statute Law Revision Act 1997 (Act No. 17, 1997)

Assent date 11 April 1997
Commenced s 16: 10 December 1997; rem: 1 May 1997 (*Gaz G17*, 30 April 1997, p 2)

Statute Law Revision Act 1999 (Act No. 27, 1999)

Assent date 18 June 1999
Commenced 18 June 1999

Statute Law Revision Act 2005 (Act No. 44, 2005)

Assent date 14 December 2005
Commenced 14 December 2005

Radiation Protection and Radiographers Amendment Act 2009 (Act No. 21, 2009)

Assent date 25 June 2009
Commenced pts 1 and 2: 25 June 2009; pt 3 and s 15: 5 October 2009; rem: 5 October 2010; (s 2(2) and (3), s 2 *Radiation Protection Act 2004* and *Gaz S53*, 5 October 2009)

3 LIST OF AMENDMENTS

It	amd No. 55, 1982, s 5
ss 1 – 2	amd No. 55, 1982, s 5
s 3	amd No. 98, 1979, s 14; No. 55, 1982, s 5; No. 17, 1997, s 17
s 4	amd No. 51, 1977, s 3; No. 54, 1978, s 3; No. 19, 1979, s 23; No. 98, 1979, s 14; No. 55, 1982, s 5; No. 17, 1997, s 17; No. 27, 1999, s 11; No. 44, 2005, s 22
s 5	rep No. 9, 1980, s 6
s 6	amd No. 51, 1977, s 3; No. 54, 1978, s 3; No. 17, 1996, s 6
s 8	amd No. 55, 1982, s 5
s 10	amd No. 51, 1977, s 3; No. 54, 1978, s 3; No. 55, 1982, s 5
s 12	amd No. 48, 1980, s 4; No. 21, 1983, s 3; No. 5, 1988, s 2

ENDNOTES

- s 12A ins No. 48, 1980, s 5
amd No. 21, 1983, s 4
- s 13 amd No. 48, 1980, s 6; No. 21, 1983, s 5
- s 13A ins No. 21, 1983, s 6
- s 14 amd No. 48, 1980, s 7; No. 55, 1982, s 5; No. 17, 1996, s 6
- s 16 amd No. 14, 1989, s 7
- s 17 amd No. 51, 1977, s 3; No. 54, 1978, s 3; No. 55, 1982, s 5
- s 18 amd No. 55, 1982, s 5
- s 19 amd No. 55, 1982, s 3; No. 21, 2009, s 15
- s 20 amd No. 48, 1980, s 8; No. 55, 1982, ss 4 and 5; No. 21, 1983, s 7; No. 21,
2009, s 16
- ss 21 – 22 amd No. 55, 1982, s 5
- s 22A ins No. 48, 1980, s 9
- s 23 amd No. 95, 1978, s 14; No. 55, 1982, s 5