

PHYSIOTHERAPY AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill contains miscellaneous amendments to the Physiotherapy Act 1949.

Clause 2 provides that the Registrar of Physiotherapists shall be the person holding office in the Department of Health as Advisory Physiotherapist. The office of Advisory Physiotherapist replaces that of the Inspector of Physiotherapy.

Clause 3 makes provision for the nomination, by the Director-General of Health, of an officer in the Department of Health as Deputy Registrar. In the absence of the Registrar, the Deputy Registrar shall have all the powers, duties, and functions of the Registrar.

Clause 4 amends the membership of the Physiotherapy Board consequent on the provisions contained in *clause 2* and further provides for membership of three physiotherapists on the nomination of the New Zealand Society of Physiotherapists Incorporated.

Clause 5 empowers the Chairman of the Board (the Director-General), or an officer of the Department who has attended the last meeting on behalf of the Chairman, to make decisions on behalf of the Board when the Board is not meeting. A similar provision is contained in the Nurses and Midwives Amendment Act 1963.

Clause 6 provides that the Register of Physiotherapists shall be open for public inspection.

Clause 7 empowers the Registrar to correct errors in the register.

Clause 8 permits the Registrar to issue provisional certificates where an application has been made and the applicant appears qualified. A similar provision was enacted in the Nurses and Midwives Amendment Act 1963.

Clause 9, which follows a provision in the Medical Practitioners Amendment Act 1962 and the Nurses and Midwives Amendment Act 1963, permits the suspension from practice of a holder of a certificate of registration on medical grounds.

Clause 10 makes amendments to the appeal provisions of the principal Act consequent on the provisions contained in *clause 9*.

Hon. Mr McKay

PHYSIOTHERAPY AMENDMENT

ANALYSIS

Title	
1. Short Title	6. Inspection of register
2. Registrar	7. Correction of register
3. Deputy Registrar	8. Provisional certificates
4. Physiotherapy Board	9. Notification of disability and suspension of registration
5. Powers of Chairman	10. Appeals

A BILL INTITULED

An Act to amend the Physiotherapy Act 1949

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same,
5 as follows:

1. **Short title**—This Act may be cited as the Physiotherapy Amendment Act 1964, and shall be read together with and deemed part of the Physiotherapy Act 1949* (hereinafter referred to as the principal Act).
- 10 2. **Registrar**—Section 3 of the principal Act, as amended by section 16 of the Physiotherapy Amendment Act 1953, is hereby further amended by omitting the words “Inspector of Physiotherapy”, and substituting the words “Advisory Physiotherapist”.

*1957 Reprint, Vol. 11, p. 781
Amendment: 1961, No. 93

3. Deputy Registrar—The principal Act is hereby amended by inserting, after section 3, the following section:

“3A. (1) There shall be a Deputy Registrar of Physiotherapists under this Act.

“(2) The Deputy Registrar shall be a person, holding office in the Department of Health, nominated in that behalf from time to time by the Director-General of Health. 5

“(3) During a vacancy in the office of Registrar or during the absence from duty of the Registrar, the Deputy Registrar shall have all the powers, duties, and functions of the Registrar. 10

“(4) The fact that the Deputy Registrar exercises any power, duty, or function under this Act shall be conclusive evidence of his authority to do so, and no person shall be concerned to inquire whether the occasion has arisen requiring or authorising him to do so.” 15

4. Physiotherapy Board—(1) Section 4 of the principal Act is hereby amended by repealing paragraph (b) of subsection (2), and substituting the following paragraph:

“(b) The Registrar:” 20

(2) Section 4 of the principal Act is hereby further amended by omitting from paragraph (d) of subsection (2) the words “New Zealand Trained Masseurs’ Association (Incorporated)”, and substituting the words “New Zealand Society of Physiotherapists Incorporated”. 25

5. Powers of Chairman—Section 5 of the principal Act is hereby amended by adding the following subsection:

“(3) The Chairman, or any officer of the Department of Health who, at the last meeting of the Board, has attended in place of the Chairman, during the intervals between meetings of the Board, shall have power to act on all matters on behalf of the Board: 30

“Provided that when the Chairman or any such officer acts on behalf of the Board in a matter which by this Act requires a decision of the Board, he shall first consult the Registrar and shall report at the next meeting of the Board the action that has been taken and the Board may confirm, reverse, or modify the decision of the Chairman or other officer.” 35

6. Inspection of register—The principal Act is hereby further amended by inserting, after section 14, the following section: 40

“14A. The register shall at all reasonable times be open to the public for inspection at the office of the Registrar at Wellington.”

5 **7. Correction of register**—Section 18 of the principal Act is hereby amended by adding, as subsection (2), the following subsection:

“ (2) Where it appears to the Registrar that the name of any person is incorrectly stated in the register, the Registrar may, on application in that behalf and on payment by the
10 applicant of such fee as may be prescribed, correct the register accordingly:

“Provided that no fee shall be payable where the application is to correct a clerical error in the register.”

15 **8. Provisional certificates**—The principal Act is hereby further amended by inserting, after section 18, the following section:

“18A. (1) Notwithstanding anything to the contrary in this Act, where it appears to the Registrar that a person who has applied for registration under this Act is qualified for registra-
20 tion, the Registrar may grant to that person a provisional certificate.

“ (2) Every provisional certificate shall, unless it has been cancelled or has lapsed, remain in force for the period, not exceeding six months, stated therein, but any such certi-
25 ficate may from time to time be renewed for a further period not exceeding six months.

“ (3) Subject to subsection (5) of this section, the holder of a provisional certificate shall, while the certificate is in force, be deemed for all purposes to be registered under this
30 Act.

“ (4) The Registrar may cancel any provisional certificate at any time on the direction of the Board or may, without any such direction, refuse to renew any such certificate.

35 “ (5) Nothing in section 21 of this Act shall apply to the holder of a provisional certificate under this section.”

9. Notification of disability and suspension of registration—The principal Act is hereby further amended by repealing section 22, and substituting the following section:

40 “22. (1) In this section—

“ ‘Hospital’ means—

“ (a) Any institution or separate institution within the meaning of the Hospitals Act 1957:

“(b) Any licensed hospital within the meaning of Part V of the Hospitals Act 1957:

“(c) Any institution within the meaning of the Mental Health Act 1911:

“ ‘Medical Superintendent’, in relation to any hospital, 5
means—

“(a) In the case of any institution or separate institution within the meaning of the Hospitals Act 1957, the medical officer (if any) who is in charge of that hospital: 10

“(b) In the case of any licensed hospital within the meaning of Part V of the Hospitals Act 1957, the manager of that hospital if he is a registered medical practitioner:

“(c) In the case of any institution within the meaning of the Mental Health Act 1911, the Medical Superintendent of that institution. 15

“(2) In any case where any person who is registered as a physiotherapist is a patient of a hospital of which there is a Medical Superintendent, if the Medical Superintendent 20
considers that the person is (owing to mental or physical disability) unable to perform his professional duties satisfactorily, and that, because he may attempt to perform those duties, it is necessary in the public interest to prevent him from so doing, the Medical Superintendent shall 25
forthwith give written notice to the Registrar of all the circumstances.

“(3) In any case where any person who is registered as a physiotherapist is not a patient of a hospital of which there is a Medical Superintendent, if any registered medical 30
practitioner is in attendance on that person and considers that the person is (owing to mental or physical disability) unable to perform his professional duties satisfactorily and that, because he may attempt to perform those duties, it is necessary 35
in the public interest to prevent him from so doing, the medical practitioner in attendance on that person shall forthwith give written notice to the Registrar of all the circumstances.

“(4) In any case where any Medical Superintendent or registered medical practitioner contemplates giving any such 40
written notice to the Registrar, he may seek whatever medical advice, whether psychiatric or otherwise, he considers appropriate to assist him in forming his opinion. Any written notice thereafter so given shall mention any difference between 45
any such advice and the views of the Medical Superintendent or registered medical practitioner as set out in the notice.

“(5) Upon receipt of any such notice, the Registrar shall forthwith take all steps necessary to have it considered by the Board or by a committee of the Board set up under subsection (9) of this section.

5 “(6) Whether or not the Registrar has received any such written notice as aforesaid in connection with the matter, if the Board or any committee set up by it under subsection (9) of this section is satisfied that any person who is registered as a physiotherapist is (owing to mental or physical disability)
10 unable to perform his professional duties satisfactorily, and that, because he may attempt to perform those duties, it is necessary in the public interest to prevent him from so doing, the Board or committee may, by writing under the hand of the Registrar, suspend the registration of that person under this
15 Act.

“(7) Any such suspension shall take effect forthwith upon its being made, but may at any time be revoked by the Board or any committee set up by it under subsection (9) of this section.

20 “(8) While any person is so suspended from registration under this section, that person shall be deemed for the purposes of this Act, other than section 24, not to be registered under this Act.

25 “(9) The Board may from time to time, for the purposes of this section, appoint a committee comprising the Chairman, or person for the time being acting as Chairman of the Board under subsection (2) of section 5 of this Act, and at least one other member of the Board. The appointment of any such committee may be revoked by the Board at any time.”

30 **10. Appeals**—(1) Section 25 of the principal Act is hereby amended by omitting from subsection (1) the words “or for a licence under section 22 of this Act”.

(2) Section 25 of the principal Act is hereby further amended by adding the following subsection:

35 “(6) For the purposes of this section a decision by a committee of the Board set up under subsection (9) of section 22 of this Act shall be deemed to be a decision of the Board.”