

## PHYSIOTHERAPY AMENDMENT BILL

### EXPLANATORY NOTE

THIS Bill amends the Physiotherapy Act 1949.

*Clause 1* relates to the Short Title and commencement. The Act comes into force on 1 April 1974.

*Clause 2* relates to interpretation. A definition of the expression "approved training school" is inserted in section 2 of the principal Act. An approved training school means a hospital or other institution approved as a training school for physiotherapists pursuant to section 19 of the principal Act, or any university, technical institute, school, hospital, or other institution, that is prescribed as an approved training school by regulations made under the principal Act.

*Clause 3* amends section 4 of the principal Act. Membership of the Physiotherapy Board is increased. Each physiotherapist holding office as the person in charge of the training of physiotherapists at an approved training school is made a member of the Physiotherapy Board. In place of 1 medical practitioner appointed on the recommendation of the Minister of Health, 2 are appointed on the recommendation of the Minister after he has consulted the Medical Association of New Zealand and the New Zealand Society of Physiotherapists Incorporated. A savings clause is included which provides that the present appointed medical practitioner holding office as a member of the Board shall continue to hold office as if his appointment had been made under the provisions of this amendment.

*Clause 4* amends section 6 of the principal Act, and increases the number of members of the Physiotherapy Board required to constitute a quorum of the Board from 4 to 5.

*Clause 5* repeals section 7 of the principal Act, and substitutes a new section to enable fees, salary, or allowances, and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, to be paid to examiners appointed by the Board.

*Clause 6* amends section 8 of the principal Act which relates to the functions of the Physiotherapy Board. Paragraphs (a) and (b) of the said section 8 are repealed consequentially on the new system of training being undertaken by physiotherapy students at approved training schools. The new paragraphs (a) and (b) substituted by this clause, and the new paragraph (e) also substituted, follow the precedent of paragraphs (a), (b), and (e) of section 8 of the Occupational Therapy Act 1949, as amended by the Occupational Therapy Amendment Act 1972.

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*Clause 7* amends section 10 of the principal Act, again following the precedent of an amendment made to the Occupational Therapy Act 1949, namely, the new paragraph (b) of section 10 as substituted by section 6 (1) of the Occupational Therapy Act 1972. The changes are consequential on the introduction of the new system of training.

*Clause 8* amends section 19 of the principal Act. The provisions are consequential on the introduction of the new system of training. Nothing in section 19 of the principal Act, which relates to the approval of training schools by the Physiotherapy Board pursuant to that section, is to apply in respect of any approved training school prescribed as such by regulations. The exercise or otherwise by the Board of the powers conferred by section 19 of the principal Act will be subject to the general direction and control of the Minister of Health.

*Clause 9* amends section 20 of the principal Act. Section 20 of the principal Act, which relates to credit for previous training or examination is to apply to the case of any person undergoing a course of training and instruction at an approved training school only to the extent that it relates to an examination conducted by the Board and required to be passed in order to obtain registration as a physiotherapist.

*Clause 10* amends section 26 of the principal Act. It is now made an offence for anyone who, not being registered under the Act, uses or causes to be used in connection with his business, profession, occupation, or calling any written words, initials, or abbreviations of words intended or likely to cause any person to believe that some other person, not being registered under the principal Act, is so registered or is engaged in the practice of physiotherapy or that he is qualified to practise physiotherapy or any branch of physiotherapy.

*Clause 11* amends section 27 of the principal Act. The purpose of the amendment is to exempt teachers of physiotherapy at approved training schools from having to obtain the authority of the Board to teach.

*Clause 12* amends section 31 (2) of the principal Act by substituting new paragraphs (b) and (ba). The new paragraph (b) makes changes consequential on the new system of training to be instituted at approved training schools prescribed as such by regulations made under the principal Act. The new paragraph (ba) is also consequential on the new system of training and follows the precedent of paragraph (b) of section 32 (2) of the Occupational Therapy Act 1949, as amended by section 8 of the Occupational Therapy Amendment Act 1972 to take account of a similar situation. The new paragraph (ba) empowers the making of regulations prescribing approved training schools and the examinations required to be passed and the courses of training required to be attended at those prescribed approved training schools, for the purposes of section 10 (a) of the principal Act.

*Clause 13* amends section 4 (6) of the Physiotherapy Amendment Act 1953 (as substituted by section 15 (3) of the Physiotherapy Amendment Act 1969). At present, no licence to use ultrasonic therapy apparatus may be refused by the Registrar of the Physiotherapy Board unless he has first sought and obtained a direction to that effect from the Board. The amendment enables the Registrar to refuse a licence without obtaining the direction of the Board if the applicant is neither a registered medical practitioner nor a registered physiotherapist.

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*Hon. Mr Tizard*

## PHYSIOTHERAPY AMENDMENT

### ANALYSIS

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### 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 and commencement**—(1) This Act may be cited as the Physiotherapy Amendment Act 1973, and shall be read together with and deemed part of the Physiotherapy Act 1949\* (hereinafter referred to as the principal Act).
- 10 (2) This Act shall come into force on the 1st day of April 1974.

\*1957 Reprint, Vol. 11, p. 781

Amendments: 1961, No. 93; 1964, No. 17; 1969, No. 49; 1972, No. 92

**2. Interpretation**—Section 2 of the principal Act is hereby amended by inserting, before the definition of the term “Board”, the following definition:

“‘Approved training school’ means—

“(a) Any hospital or other institution for the time being approved as a training school for physiotherapists pursuant to section 19 of this Act: 5

“(b) Any university, technical institute, school, hospital, or other institution that is prescribed as an approved training school by regulations made under this Act.” 10

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

“(c) Each physiotherapist who for the time being holds office as the person in charge of the training of physiotherapists at each approved training school.” 15

(2) The said section 4 is hereby further amended by repealing paragraph (c) of subsection (2), and substituting the following paragraph: 20

“(e) Two registered medical practitioners, to be appointed on the recommendation of the Minister of Health after he has consulted the Medical Association of New Zealand and the New Zealand Society of Physiotherapists Incorporated.” 25

(3) Notwithstanding anything in subsection (2) of this section, the medical practitioner holding office as an appointed member of the Board on the commencement of this Act shall continue to hold office as 1 of the 2 registered medical practitioners to be appointed as members of the Board in every way as if at the time of his appointment paragraph (e) of subsection (2) of section 4 of the principal Act as substituted by subsection (2) of this section had been in force. 30 35

**4. Meetings of Board**—Section 6 of the principal Act is hereby amended by omitting from subsection (2) the word “four”, and substituting the figure “5”.

**5. Fees, salary, and travelling expenses—**(1) The principal Act is hereby amended by repealing section 7 (as substituted by section 10 (1) of the Fees and Travelling Allowances Act 1951 and amended by section 2 (1) of the Physiotherapy Amendment Act 1969), and substituting the following section:

“7. There shall be paid to the members of the Board, to the members of any committee and to any examiners appointed by the Board, and to any assessors appointed under section 25 of this Act, remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly as if any such examiners or assessors (as well as the members of the Board or of any such committee) were members of a statutory Board within the meaning of that Act.”

(2) So much of the Second Schedule to the Fees and Travelling Allowances Act 1951 as relates to the Physiotherapy Act 1949 is hereby consequentially repealed.

(3) Section 2 of the Physiotherapy Amendment Act 1969 is hereby consequentially repealed.

**6. Functions of Board—**(1) Section 8 of the principal Act is hereby amended by repealing paragraphs (a) and (b), and substituting the following paragraphs:

“(a) To give advice, and to make recommendations, on the training and examination of persons seeking to become physiotherapists:

“(b) To advise the Government on the approval of training schools under this Act, and to approve training schools pursuant to section 19 of this Act.”.

(2) The said section 8 is hereby further amended by repealing paragraph (e), and substituting the following paragraph:

“(e) To promote and encourage proper conduct among physiotherapists and to exercise disciplinary powers in accordance with this Act.”.

**7. Qualifications for registration**—Section 10 of the principal Act is hereby amended by repealing paragraph (a), and substituting the following paragraph:

“(a) In the case of an applicant qualified by examination in New Zealand, that he has undergone such course of training at an approved training school and passed such examination as may be prescribed for the purposes of this paragraph:” 5

**8. Approval of training schools**—Section 19 of the principal Act is hereby amended by adding the following subsections: 10

“(4) The Board shall exercise, or refrain from exercising, the powers conferred by this section subject to the general direction and control of the Minister of Health.

“(5) Nothing in this section shall apply in respect of any approved training school prescribed as such by regulations made under this Act.” 15

**9. Credit for previous training or examination**—Section 20 of the principal Act (as substituted by section 9 of the Physiotherapy Amendment Act 1969) is hereby amended by adding the following subsection: 20

“(4) This section shall apply to the case of any person undergoing a course of training and instruction at an approved training school prescribed as such by regulations under this Act only to the extent that it relates to an examination conducted by the Board and required to be passed by that person in order to obtain registration as a physiotherapist.” 25

**10. Offences by unregistered persons**—Section 26 of the principal Act (as substituted by section 12 of the Physiotherapy Amendment Act 1969) is hereby amended by adding to paragraph (c) of subsection (1) the words, “or that some other person, not being registered under this Act, is so registered, engaged, or qualified.” 30

**11. Advertising as teacher of physiotherapy**—Section 27 of the principal Act is hereby amended by inserting, after the word “who”, the words “, not being employed or engaged to teach physiotherapy at an approved training school,”. 35

**12. Regulations**—Section 31 of the principal Act is hereby amended by repealing paragraph (b) of subsection (2), and substituting the following paragraphs:

5 “(b) Prescribing courses of training and instruction to be undergone at hospitals or other institutions approved pursuant to section 19 of this Act for the purposes of paragraph (a) of section 10 of this Act:

10 “(ba) Prescribing approved training schools and, whether by reference to any diploma, degree, certificate, or other qualification awarded to successful candidates or otherwise, the examinations required to be passed and the courses of training required to be attended at an approved training school so  
15 prescribed for the purposes of paragraph (a) of section 10 of this Act.”.

**13. Application for licence to use ultrasonic therapy apparatus**—Section 4 of the Physiotherapy Amendment Act 1953 (as amended by section 15 (3) of the Physiotherapy  
20 Amendment Act 1969) is hereby further amended by adding to subsection (6), the words “, or unless the applicant is neither a registered medical practitioner nor a registered physiotherapist.”