

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE]

*House of Representatives, 25 June 1974*

Words struck out by the Committee are shown in italics within bold round brackets; words inserted are shown in roman underlined with a double rule.

*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*) 1974, and shall be read together with and deemed part of the Physiotherapy Act 1949\* (hereinafter referred to as the principal  
10 Act).

(2) This Act shall come into force on the 1st day of (*April 1974*) January 1975.

\*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 (e) 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:

5 “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  
10 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  
15 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  
20 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:

25 “(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  
30 Act.”

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

35 “(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:”

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

“(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.”

**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:

“(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.”

**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.”

**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,”.

**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.”