

1979/190



THE PHYSIOTHERAPY REGULATIONS 1979

KEITH HOLYOAKE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 10th day of September 1979

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 31 of the Physiotherapy Act 1949, His 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 Physiotherapy Regulations 1979.

(2) These regulations shall come into force on the 14th day after the date of their notification in the *Gazette*.

2. Interpretation—(1) In these regulations, unless the context otherwise requires,—

“The Act” means the Physiotherapy Act 1949:

“Course of training” means the course of training and instruction to qualify as a physiotherapist as prescribed under regulation 4 (1) of these regulations:

“Principal”, in relation to a principal training school, means the person in charge of the training of student physiotherapists at that school:

“Principal training school” means an approved training school in which a complete course of training may be given, or in which the principal portion of that course may be given, supplemented by a period of training at a subsidiary training school:

“State Examination” means the State Examination in Physiotherapy referred to in regulation 7 (1) of these regulations:

“Student physiotherapist” means a person who has been accepted for training to qualify as a physiotherapist:

“Subsidiary training school” means an approved training school in which a limited part of the course of training may be given.

(2) Words defined in the Act when used in these regulations shall, unless the context otherwise requires, have the meanings so defined.

3. Duration of period of training for physiotherapists—(1) Subject to the provisions of section 20 of the Act and subclause (2) of this regulation, the period of the course of training as a student physiotherapist required to be undertaken by every person seeking to be registered as a physiotherapist under section 10 (a) of the Act shall be not less than 108 weeks and not more than 132 weeks, as the Board from time to time determines.

(2) If a student physiotherapist is excused from undergoing training and instruction in a subject or part of a subject specified in the First Schedule to these regulations, pursuant to a regulation, rule, or practice specified in regulation 4 (2) of these regulations, the period of the course of training required to be undertaken by that student physiotherapist may be reduced from the period specified in subclause (1) of this regulation to a period that the Board considers appropriate in the circumstances.

(3) Subject to subclause (4) of this regulation, a student physiotherapist shall undergo the complete course of training either in one principal training school, or in one principal training school and such one or more subsidiary training schools as the Board from time to time permits.

(4) A student physiotherapist unable to complete the period of the course of training in one approved training school may, with the approval of the Board and subject to such conditions, if any, as it sees fit to impose, be allowed to complete the period of the course of training in another approved training school.

4. Course of training of physiotherapists—(1) The course of training at an approved training school required to be undergone for the purposes of section 10 (a) of the Act shall be a course of training and instruction in the subjects specified in the First Schedule to these regulations.

(2) Subclause (1) of this regulation shall be read subject to section 20 of the Act and any regulations, rules, or practices that lawfully apply in an approved training school whereby a student physiotherapist who has already undergone any period of training and instruction in

a subject or part of a subject specified in the First Schedule to these regulations may be excused from undergoing training and instruction in that subject or part of a subject during the course of training.

5. Approved training schools—For the purposes of the Act and these regulations—

- (a) The Auckland Technical Institute shall be an approved training school;
- (b) The Otago Polytechnic shall be an approved training school.

6. Notifications from training schools to Board—The Principal of a principal training school shall furnish to the Board such reports on student physiotherapists, and on any other matter relating to the course of training, as the Board may from time to time require.

7. State Examination in Physiotherapy—(1) The examination required to be passed by every person seeking to be registered as a physiotherapist under section 10 (a) of the Act shall be the examination conducted by the Board in the manner and in the subjects specified in the Second Schedule to these regulations. The examination shall be known as the State Examination in Physiotherapy.

(2) Subject to subclause 3 of this regulation, no student physiotherapist shall be eligible to present himself for the State Examination unless at the date of the commencement of the examination he has completed 102 weeks of the period of training prescribed by regulation 3 (1) of these regulations and all the theoretical training and instruction in the subjects prescribed by regulation 4 (1) of these regulations.

(3) The period of 102 weeks referred to in subclause (2) of this regulation shall be reduced by any period by which the period of the course of training of any student physiotherapist has been reduced by the Board acting under regulation 3 (2) of these regulations.

(4) Every candidate for the State Examination shall make application on a form to be provided by the Board. Every such application shall be so forwarded as to be received by the Registrar at least 6 weeks before the date of the commencement of the examination, or within such shorter period as the Board may in any particular case allow.

(5) There shall be tendered in respect of each such application—

- (a) A certificate of training, in a form to be provided by the Board, signed by the Principal of the principal training school at which the candidate was trained; and

- (b) The appropriate fee as prescribed by regulation 17 of these regulations.

(6) Notwithstanding anything to the contrary in these regulations, the Board may, if it thinks fit, subject to payment of the fee for re-examination as prescribed in regulation 17 of these regulations, permit any candidate failing in the State Examination to sit such examination again at such time as the Board may decide, subject to such further training of the candidate (if any) as the Board may determine.

(7) This regulation shall be read subject to section 20 of the Act and regulation 8 of these regulations.

8. Sitting examination where training interrupted—Notwithstanding anything to the contrary in these regulations, any student physiotherapist whose training has been interrupted shall be entitled, with

the approval of the Principal of the principal training school responsible for his training, to sit the State Examination if he is otherwise eligible, and if the total period of interruption of such training does not exceed 5 weeks in the aggregate:

Provided that if such period exceeds 5 weeks, the Board may, on the recommendation of the Principal, permit the student physiotherapist to sit any such examination subject to such conditions (if any) as the Board thinks fit.

9. Registration—(1) Every application for registration as a physiotherapist shall be in a form to be provided by the Board. There shall be endorsed on the said form the provisions of sections 10, 11, 15, 17, and 18 of the Act.

(2) Every applicant for registration under the Act shall furnish evidence sufficient to satisfy the Board that he is of good character and reputation.

(3) Every person applying for registration under section 10 (b) of the Act shall furnish such evidence as the Board may require of the nature of the training, examination, qualification, and experience on which the applicant relies, and, if so required by the Board, shall supply the Board with satisfactory proof of his identity.

(4) A certificate of registration under the Act shall be in the form set out in the Third Schedule to these regulations, or to like effect.

10. Form of register—There shall be entered in the register, in respect of every person registered under the Act, the following particulars:

- (a) The registration number:
- (b) The date on which his registration was approved:
- (c) His name in full:
- (d) His address:
- (e) Where he was trained:
- (f) His qualifications:
- (g) Such other particulars as the Board may reasonably require.

11. Entry in register of additional qualifications—Every application under section 14 of the Act for the insertion in the register of particulars of any approved certificate, diploma, or licence, other than that by virtue of which the applicant is registered, shall be in a form to be provided by the Board, and shall be accompanied by such evidence as may be required by the Board that the applicant is the holder of the qualification to which the application relates.

12. Evidence of decisions of Board—The determination of the Board on any matter within its jurisdiction under the Act or these regulations shall be sufficiently authenticated, until the contrary is proved, if it is set out in writing signed by the Registrar.

13. Service of notices—Any notice required to be served on any person under the Act or these regulations shall be sufficient if it is signed by the Registrar and sent by registered letter to that person at his last known postal address and shall be deemed to be served on that person at the time when it would be delivered or available

for delivery to that address in the ordinary course of post. In proving service of any such notice it shall be sufficient to prove that the letter was properly addressed, registered, and posted.

14. Appeals—(1) If the Board makes a decision in respect of any person from which the person has a right of appeal under the Act, the Registrar shall forthwith serve notice on the person informing him of the Board's decision, the reason for the decision, and his right to appeal against the decision.

(2) If the person decides to appeal from that decision he shall give to the Registrar written notice of his intention to appeal, and that notice shall—

- (a) State the full name and postal address of the appellant; and
- (b) State the grounds of appeal; and
- (c) State the full name and postal address of the person whom the appellant wishes to have appointed to represent him as assessor; and
- (d) Be accompanied by or endorsed with the written consent of the person to be appointed as assessor.

(3) The Board shall, by resolution, select an assessor (not being a member of the Board) whom it wishes to have appointed to represent it, and shall obtain the written consent of that person to be appointed as assessor.

(4) The assessors on the Appeal Board shall be appointed by the Minister of Health. One such assessor shall be appointed on the recommendation of the appellant and the other on the recommendation of the Board.

(5) The Magistrate who shall be appointed as a member and Chairman of the Appeal Board shall be appointed by the Minister of Justice after consultation with the Minister.

(6) The Registrar shall inform the appellant of the name of the person appointed to act as assessor on behalf of the Board at the hearing, and of the name of the Magistrate who will be a member and the Chairman of the Appeal Board, and shall at the same time send to the Magistrate a copy of the Board's decision and of the notice of appeal.

15. Hearing and determination of appeals—(1) The Magistrate shall fix a convenient time and place for the hearing of the appeal, and shall cause at least 7 days' written notice of such time and place to be given to each assessor, the appellant, and the Board.

(2) At the hearing of the appeal the appellant shall be entitled—

- (a) To appear in person and be heard; and
- (b) To be represented by a barrister or solicitor or any other representative; and
- (c) To make submissions, call evidence, and examine and cross-examine witnesses.

(3) At the hearing of the appeal the Board shall be entitled—

- (a) To be represented by any person (whether a member of the Board or not) appointed for the purpose by the Board; and
- (b) To make submissions, call evidence, and examine and cross-examine witnesses.

(4) At the hearing of the appeal the Appeal Board may receive such evidence as it thinks fit (whether on oath or otherwise), and may act

on any statement, document, information, or matter that, in the opinion of the Appeal Board, may assist it to deal with the matter before it, whether the same would be admissible as evidence in a Court of law or not.

(5) The Appeal Board may from time to time adjourn the hearing, consideration, or determination of the appeal as it thinks fit.

(6) The Magistrate shall preside at the hearing, and in matters not expressly provided for in the Act or these regulations the procedure to be adopted by the Appeal Board shall be determined by him.

(7) The Appeal Board's decision shall be in writing signed by the Magistrate and the assessor or assessors who concur in it, and the Magistrate shall cause copies of the decision to be sent to the appellant and to the Board; and the Board shall forthwith give effect to the order.

16. Assessor may be replaced—(1) Notwithstanding anything in regulation 14 of these regulations, if any person appointed to be an assessor on an Appeal Board dies, or if the Minister is satisfied that by reason of any incapacity that person is unable to attend, or that he is unwilling to attend, any hearing or adjourned hearing of the appeal, the Minister may revoke the appointment of that person and appoint another person in his stead. Every assessor appointed under this subclause shall represent the same party to the appeal as that represented by his predecessor in office, but he need not be specified by, nor need his appointment be consented to by, the party whom he is to represent:

Provided that nothing in this subclause shall prevent the hearing of any appeal from being adjourned from time to time, or from place to place, so as to facilitate the attendance of any assessor.

(2) If any person is appointed to be an assessor pursuant to subclause (1) of this regulation after the hearing of an appeal has begun, the appeal may, at the discretion of the Magistrate, proceed from the point at which it was adjourned before the appointment, or may be reheard in whole or in part as the Magistrate shall direct.

17. Fees—(1) The fee for admission to the State Examination, whether to be examined or re-examined, shall be \$35.

(2) The fee payable on an application for registration shall be \$20.

(3) The fee for the issue of a certificate of registration shall be \$3.

(4) The fee for the issue of an annual practising certificate shall be \$8.

(5) The fee for the restoration of a name to the register, pursuant to an application under section 16 (4) of the Act, shall be \$5.

(6) The fee for a certificate of temporary registration shall be \$10.

(7) The fee for the correction of a name in the register, pursuant to an application under subsection (2) of section 18 of the Act (not being a case to which the proviso to that subsection applies), shall be \$5.

(8) All fees shall be paid at the time of application.

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

SCHEDULES

FIRST SCHEDULE

Reg. 4 (1)

COURSE OF TRAINING AND INSTRUCTION FOR PHYSIOTHERAPY STUDENTS

- Anatomy and Physiology.
- Psychology.
- Kinesiology.
- Kinesitherapy.
- Manual Therapy.
- Electrotherapy, including Ultrasonic Therapy.
- Hydrotherapy.
- Medicine and Surgery.
- Clinical Practice.
- History of Physiotherapy.
- Professional Ethics.
- Principles of Administration.
- Principles of Teaching.
- Integration with Allied Disciplines.

SECOND SCHEDULE

Reg. 7 (1)

STATE EXAMINATION IN PHYSIOTHERAPY

The State Examination shall consist of—

- (a) Two written papers in the Practice of Physiotherapy.
- (b) One practical examination in the Practice of Physiotherapy.

THIRD SCHEDULE

Reg. 9 (4)

The Physiotherapy Act 1949

CERTIFICATE OF REGISTRATION

THIS is to certify that is registered as a physiotherapist in New Zealand, his (her) name having been duly entered in the Register of Physiotherapists on the day of 19.....

- Qualifications:
- Number in Register:
- Signature of holder:
- Dated this day of 19.....

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Registrar, Physiotherapy Board

FOURTH SCHEDULE

Reg. 18

REGULATIONS REVOKED

Title	Statutory Regulations Serial Number
The Physiotherapy Regulations 1953	1953/151
The Physiotherapy Regulations 1953, Amendment No. 2	1968/6
The Physiotherapy Regulations 1953, Amendment No. 4	1971/195
The Physiotherapy Regulations 1953, Amendment No. 5	1975/207
The Physiotherapy Regulations 1953, Amendment No. 6	1977/19
The Physiotherapy Regulations 1953, Amendment No. 7	1978/121

P. G. MILLEN,
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 consolidate and amend the Physiotherapy Regulations 1953 and their amendments.

The principal changes are:

- (i) The practical aspect of the course of training may now be completed between the 2 examinations that comprise the State Examination. Previously a student physiotherapist had to complete both the theoretical and practical aspects of the course of training before he was eligible to present himself for the State Examination.
- (ii) The Principal of a principal training school retains the power to allow a student physiotherapist whose training has been interrupted to sit the State Examination but only so long as the total period of interruption is not greater than 5 weeks. Previously that period was 6 weeks.
- (iii) The register will now contain the address of the registered physiotherapist.
- (iv) The office of Secretary to the Board is discontinued.
- (v) There are the following changes to the procedures of the Board of Appeal:
 - The time limit within which the Registrar must advise the appellant of the name of the Magistrate and the Board's assessor is removed.
 - The Appeal Board is empowered to receive evidence whether or not it would be admissible in a Court of law.
 - It is expressly provided that the Magistrate shall preside at the appeal hearing.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 13 September 1979.

These regulations are administered in the Department of Health.