

# OCCUPATIONAL THERAPY AMENDMENT BILL

## EXPLANATORY NOTE

THIS Bill amends the Occupational Therapy Act 1949.

*Clause 1* relates to the Short Title and commencement.

*Clause 2* inserts a new definition in section 2 of the principal Act, to define the expression "approved training school".

*Clause 3* amends section 4 of the principal Act, and relates to qualifications for membership of the Occupational Therapy Board.

*Clause 4* amends section 7 of the principal Act, and relates to remuneration and travelling expenses payable to members of the Board, and to assessors and examiners appointed by the Board.

*Clause 5* amends section 8 of the principal Act, and re-defines some of the functions of the Board.

*Clause 6* amends section 10 of the principal Act, and relates to qualifications of applicants for registration as occupational therapists under the Act. New provisions are included which, in the case of applicants who have passed an examination in occupational therapy elsewhere than in New Zealand and who satisfy the Board that they have a reasonable command of the English language, enable the Board to take account of a course of training in occupational therapy undertaken by the applicants, or experience acquired by the applicants in the practice of occupational therapy, if the Board is satisfied that the course of training or experience is sufficient to warrant registration. For the purpose of satisfying itself that an applicant has undergone that course of training or acquired that experience, the applicant may be examined in the theory and practice of occupational therapy.

*Clause 7* amends section 27 of the principal Act by increasing the penalty from \$20 to \$50 for offences prescribed by that section. The section is further amended by the addition of a new paragraph (c), under which it is an offence for any person, not being registered as an occupational therapist, to take or use the name or title of "occupational therapist". An exception is made in the case of any person undergoing a prescribed course of training in occupational therapy who may use the name or title "student occupational therapist".

*Clause 8* amends section 32 of the principal Act. At present, the Governor-General is empowered to make regulations prescribing the courses of training and instruction to be undergone as a requirement for registration under the principal Act. Regulations may also be made prescribing the subject-matter of

examinations to be conducted by the Board. In place of those provisions, the amendments enable regulations to be made prescribing approved training schools and, whether by reference to a diploma, degree, certificate, or other qualification, the examinations required to be passed and the courses of training required to be attended by applicants qualifying by examination in New Zealand. Regulations may also be made to enable the Board to appoint assessors in respect of examinations other than examinations conducted by a university. A new provision is made to enable the making of regulations for the further training and examination of registered occupational therapists for the purpose of enabling them to obtain additional qualifications.

*Clause 9* repeals sections 15, 19, 21, and 28 of the principal Act.

*Hon. Mr Adams-Schneider*

## OCCUPATIONAL THERAPY AMENDMENT

### ANALYSIS

Title	4. Remuneration and travelling expenses of members, examiners, and assessors
1. Short Title and commencement	5. Functions of Board
2. Interpretation	6. Qualifications of applicants for registration
3. Membership of Occupational Therapy Board	7. Offences by unregistered persons
	8. Regulations
	9. Repeals

### A BILL INTITULED

#### **An Act to amend the Occupational Therapy 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 Occupational Therapy Amendment Act 1972, and shall be read together with and deemed part of the Occupational Therapy Act 1949\* (hereinafter referred to as  
10 the principal Act).

(2) This Act shall come into force on the 1st day of April 1973.

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

\*1957 Reprint, Vol. 11, p. 397  
Amendments: 1959, No. 10; 1964, No. 18

“‘Approved training school’ means any university, school, hospital, or other institution, that is prescribed as an approved training school:”.

**3. Membership of Occupational Therapy Board**—(1) Section 4 of the principal Act is hereby amended by repealing paragraphs (c) to (f) of subsection (2) (as substituted by section 3 (1) of the Occupational Therapy Amendment Act 1959, and amended by section 129 (6) of the Mental Health Act 1969), and substituting the following paragraphs: 5

“(c) A person, being a psychiatrist employed in a psychiatric hospital within the meaning of the Mental Health Act 1969: 10

“(d) A person, being a medical practitioner employed in a hospital, other than a psychiatric hospital within the meaning of the Mental Health Act 1969, controlled by a Hospital Board: 15

“(e) A person, being a registered occupational therapist charged with the training of persons in occupational therapy at an approved training school:

“(f) Two persons, being registered occupational therapists engaged in the practice of occupational therapy, of whom— 20

“(i) One is employed in a psychiatric hospital within the meaning of the Mental Health Act 1969:

“(ii) One is employed in a hospital, other than a psychiatric hospital within the meaning of the Mental Health Act 1969, controlled by a Hospital Board:” 25

(2) Every appointed member of the Board holding office on the commencement of this Act shall thereupon go out of office but, if he is eligible for membership of the Board, may be reappointed. 30

**4. Remuneration and travelling expenses of members, examiners, and assessors**—(1) The principal Act is hereby further amended by repealing section 7 (as substituted by section 10 (1) of the Fees and Travelling Allowances Act 1951), and substituting the following section: 35

“7. There shall be paid to—

“(a) The members of the Board; and

“(b) Any assessor appointed under section 26 of this Act; 40  
and

“(c) Any assessor for examinations appointed under any regulation made under this Act; and

“(d) Any examiners appointed for the purposes of subsection (2) of section 10 of this Act,—

5 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 the members, assessors, and examiners were members of a statutory Board within the  
10 meaning of that Act.”

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

**5. Functions of Board**—Section 8 of the principal Act is  
15 hereby amended by repealing paragraphs (a) to (e), and substituting the following paragraphs:

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

“(b) To advise the Government on the approval of training schools under this Act:

“(c) To appoint, in accordance with regulations under this Act, assessors for examinations:

“(d) To receive applications for registration under this Act; and to authorise registration in proper cases:  
25

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

**6. Qualifications of applicants for registration**—(1) Section  
30 10 of the principal Act is hereby amended by repealing paragraphs (b) and (c), and substituting the following paragraphs:

“(b) 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  
35 the purposes of this paragraph:

“(c) In the case of any other applicant, that he has a reasonable command of the English language, and—

40 “(i) That he has undergone a course of training and passed an examination elsewhere than in New Zealand equivalent to the training and examination

required in the case of occupational therapists trained and qualified by examination in New Zealand; or

“(ii) That he has passed an examination in occupational therapy elsewhere than in New Zealand and, after passing that examination, has undergone whether in New Zealand or elsewhere a course of training in occupational therapy sufficient to warrant his registration under this Act; or 5

“(iii) That he has passed an examination in occupational therapy elsewhere than in New Zealand and has acquired whether in New Zealand or elsewhere experience in the practice of occupational therapy sufficient to warrant his registration under this Act.” 10 15

(2) Section 10 of the principal Act is hereby further amended by adding, as subsection (2), the following subsection:

“(2) For the purpose of satisfying itself under subparagraph (ii) or subparagraph (iii) of paragraph (c) of subsection (1) of this section that an applicant has undergone a course of training, or has acquired experience, sufficient to warrant his registration under this Act, the Board may examine the applicant, or cause the applicant to be examined, in the theory and practice of occupational therapy.” 20 25

**7. Offences by unregistered persons—**(1) Section 27 of the principal Act (as amended by section 7 of the Decimal Currency Act 1964) is hereby further amended by omitting the expression “\$20”, and substituting the expression “\$50”.

(2) The said section 27 is hereby further amended by adding the following paragraph: 30

“(c) Takes or uses, either alone or in combination with any other words or letters, the name or title of ‘occupational therapist’ ”.

(3) The said section 27 is hereby further amended by adding, as subsection (2), the following subsection: 35

“(2) Nothing in paragraph (c) of subsection (1) of this section shall affect the use of the name or title ‘student occupational therapist’ by any person undergoing a prescribed course of training.” 40

**8. Regulations**—(1) Section 32 of the principal Act is hereby amended by repealing paragraphs (b) and (c) of subsection (2), and substituting the following paragraphs:

5 “(b) 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 for the purposes of paragraph (b) of subsection (1) of section 10 of this Act:

10 “(c) Enabling the Board to appoint assessors in respect of any examination, other than an examination conducted by a university, for the purposes of paragraph (b) of subsection (1) of section 10 of this Act; and prescribing the powers, functions, and terms of service of those assessors:”.

15 (2) The said section 32 is hereby further amended by inserting in paragraph (e) of subsection (2), after the word “examination”, the words “under subsection (2) of section 10 of this Act”.

(3) The said section 32 is hereby further amended by repealing paragraphs (f) and (g) of subsection (2), and substituting the following paragraph:

25 “(f) Providing for the further training and examination of persons, or any class of persons, registered under this Act, for the purpose of enabling them to obtain additional qualifications; and for the issue of diplomas or certificates to those persons who undergo any such training or pass any such examination:”.

30

**9. Repeals**—The principal Act is hereby further amended by repealing sections 15, 19, 21, and 28.