

CHIROPRACTIC ACT, 1978, No. 132

New South Wales



ANNO VICESIMO SEPTIMO

ELIZABETHÆ II REGINÆ

Act No. 132, 1978.

An Act to provide for the registration of chiropractors and osteopaths. [Assented to, 21st December, 1978.]

See also Workers' Compensation (Chiropractic) Amendment Act, 1978; Medical Practitioners (Chiropractic) Amendment Act, 1978; Physiotherapists Registration (Chiropractic) Amendment Act, 1978.

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BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

PART I.

PRELIMINARY.

- Short title. **1.** This Act may be cited as the "Chiropractic Act, 1978".
- Commence- **2.** (1) This section and section 1 shall commence on the date
ment. of assent to this Act.
- (2) Sections 25 and 26 shall commence on such day (being a day that is at least 6 months after the day appointed and notified under subsection (3)) as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.
- (3) Except as provided in subsections (1) and (2), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Arrange-
ment.

- 3.** This Act is divided as follows :—

PART I.—PRELIMINARY—*ss.* 1–4.

PART II.—THE REGISTRATION BOARD—*ss.* 5–13.

PART III.—REGISTRATION OF CHIROPRACTORS AND
OSTEOPATHS—*ss.* 14–17.

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PART IV.—DISCIPLINARY PROCEEDINGS—*ss.* 18–23.

PART V.—APPEALS—*s.* 24.

PART VI.—OFFENCES—*ss.* 25–29.

PART VII.—GENERAL—*ss.* 30–33.

4. (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires— Interpretation.

“Board” means the Chiropractors Registration Board constituted under section 5;

“Chairman” means the Chairman of the Board;

“inspector” means a person appointed to be an inspector under section 12;

“member” means a member of the Board;

“register” means the Register of Chiropractors and Osteopaths of New South Wales kept by the Board under section 14;

“regulations” means regulations made under this Act;

“secretary” means the person appointed to be secretary to the Board under section 12.

(2) A reference in this Act (section 14 excepted) to the name of a person in the register includes a reference to the other particulars in the register that relate to that person.

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PART II.

THE REGISTRATION BOARD.

**Constitution
of Board.**

5. (1) There is hereby constituted a corporation under the corporate name of the "Chiropractors Registration Board".

(2) The Board shall consist of 9 members, appointed by the Governor, of whom—

- (a) one shall be a member or officer of the Health Commission of New South Wales nominated by the Minister;
- (b) two shall be persons nominated by the Australian Chiropractors' Association, New South Wales Branch;
- (c) two shall be persons nominated by the United Chiropractors' Association of Australasia, New South Wales Branch;
- (d) one shall be a person engaged in chiropractic education nominated by the Minister;
- (e) one shall be a person nominated by the Minister;
- (f) one shall be a legally qualified medical practitioner nominated by the Minister; and
- (g) one shall be a barrister admitted by, or a solicitor of, the Supreme Court nominated by the Minister.

(3) Where a body referred to in subsection (2) (b) or (c) does not submit a nomination for the purposes of this section or section 9 (1) within the time or in the manner specified by the Minister in a notice served by post on that body, the Governor may appoint a person, nominated by the Minister, to be a member instead of the member required to be appointed on the nomination of that body.

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(4) Where a body referred to in subsection (2) (b) or (c) changes its name and the Minister is satisfied that the change of name is not accompanied by any change in the nature of the body, he may, by order published in the Gazette, so certify and, as from the date that order is so published, the reference in subsection (2) (b) or (c), as the case may be, shall be deemed to be a reference to the body under that changed name.

(5) A person is not eligible to be appointed as a member unless he is under the age of 70 years.

(6) The provisions of the Public Service Act, 1902, shall not apply to or in respect of the appointment of a member or to or in respect of a member in his capacity as a member during his term of office.

(7) The office of a member shall not, for the purposes of any Act, be deemed to be an office or place of profit under the Crown.

6. (1) The member referred to in section 5 (2) (a) shall be the Chairman of the Board.

(2) The Chairman may nominate an officer of the Health Commission of New South Wales to act in his place as Chairman during his absence through illness or other cause and a person so acting shall be deemed to be a member and shall be Chairman at any meeting of the Board at which he is present.

7. A member shall, subject to this Act, hold office for such term, not exceeding 3 years, as may be specified in the instrument of his appointment and shall if otherwise qualified, be eligible for re-appointment. ^{Term of office.}

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**Vacation
of office.**

8. (1) A member shall be deemed to have vacated his office—

- (a) if he dies;
- (b) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- (c) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (d) if he is convicted in New South Wales of a crime or offence punishable by imprisonment for a period of 12 months or more, or if he is convicted elsewhere than in New South Wales of a crime or offence which, if committed in New South Wales, would be a crime or offence so punishable;
- (e) if he resigns his office in writing under his hand addressed to the Governor, and the Governor accepts his resignation;
- (f) if he is absent from 3 consecutive meetings of the Board of which reasonable notice has been given to him personally or by post, except on leave granted by the Board, and is not, within 6 weeks after the last of those meetings, excused by the Board for his absence from those meetings;
- (g) if, in the case of a member referred to in section 5 (2) (a), (d), (f) or (g), he ceases to hold the qualification by virtue of which he was nominated for appointment as a member;
- (h) if he is removed from office by the Governor; or
- (i) on his attaining the age of 70 years.

(2) The Governor may, for any cause which appears to him to be sufficient, remove any member from office.

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9. (1) On the occurrence of a vacancy in the office of a member otherwise than by the expiration of the term for which he was appointed, the Governor may appoint a person to the vacant office for the residue of his predecessor's term of office, being a person qualified and nominated under the same paragraph of section 5 (2) as his predecessor. Filling of casual vacancies.

(2) A member appointed pursuant to subsection (1) is, if otherwise qualified, eligible for re-appointment.

10. (1) The procedure for the calling of meetings of the Board and for the conduct of business at those meetings shall, subject to this Act, be as determined by the Board. Meetings of the Board.

(2) At any meeting of the Board the Chairman or, in his absence, his nominee shall preside, but if the Chairman and his nominee are both absent from that meeting, a person elected from among their number by the members present shall preside at that meeting.

(3) The person presiding at any meeting of the Board shall have a deliberative vote and, in the event of an equality of votes, a casting vote.

(4) Six members shall form a quorum and any duly convened meeting of the Board at which a quorum is present shall be competent to transact any business of the Board and shall have and may exercise and perform all of the powers, authorities, duties and functions of the Board.

(5) A decision supported by a majority of members present at a meeting of the Board at which a quorum is present shall be the decision of the Board.

11. Each member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of him. Remuneration of members.

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Secretary,
inspectors,
officers
and
employees.

12. A secretary to the Board and such inspectors and other officers and employees as may be necessary for the purposes of this Act shall be appointed and employed under and subject to the Public Service Act, 1902.

Protection
of members
and others
from
liability.

13. No matter or thing done or suffered by the Board, a member, the secretary, an inspector or any other officer or employee bona fide in the execution, or intended execution, of this Act, or in the exercise or performance, or intended exercise or performance, of any of its or his powers, authorities, duties or functions, shall subject any member, the secretary or any inspector or other officer or employee personally to any liability in respect thereof.

PART III.**REGISTRATION OF CHIROPRACTORS AND OSTEOPATHS.**

Register.

14. (1) The Board shall keep a register, to be called the "Register of Chiropractors and Osteopaths of New South Wales".

(2) The register shall be subdivided as follows:—

- (a) the register of chiropractors;
- (b) the register of osteopaths;
- (c) the register of chiropractors and osteopaths.

(3) A person shall be registered by the entry in the appropriate subdivision of the register of—

- (a) his full name and address;
- (b) the date on which he is registered;
- (c) particulars of the qualification by virtue of which he is registered; and

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(d) such other particulars (if any) as the Board may think fit or as may be prescribed.

(4) A person ceases to be registered when his name and other particulars referred to in subsection (3) are removed from the register pursuant to section 16 (4), 17, 23 (1) (d) or 24.

(5) The register shall be open to inspection at the office of the Board, at all times when that office is open for business, by any person on payment of the prescribed fee.

15. (1) A person who is of or above the age of 18 years and who is, in the opinion of the Board, of good character is entitled to be registered as— Qualifications for registration.

- (a) a chiropractor, if he is qualified under subsection (2);
- (b) an osteopath, if he is qualified under subsection (3); or
- (c) a chiropractor and osteopath, if he is qualified under subsections (2) and (3).

(2) For the purposes of subsection (1), a person is qualified to be registered as a chiropractor if—

- (a) he has undertaken a prescribed course of training and he has received a diploma, certificate or other academic award for the successful completion of that course;
- (b) he has, at an examination arranged by the Board, satisfied the Board that he is fit to practise chiropractic in New South Wales; or
- (c) he applies for registration within the time specified in subsection (4) and he satisfies the Board that he has, within the period of 10 years immediately preceding the day on which he applies for registration, been bona fide engaged in the practice of chiropractic in New South Wales for a period of, or periods totalling, not less than 4 years.

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(3) For the purposes of subsection (1), a person is qualified to be registered as an osteopath if—

- (a) he has undertaken a prescribed course of training and he has received a diploma, certificate or other academic award for the successful completion of that course;
- (b) he has, at an examination arranged by the Board, satisfied the Board that he is fit to practise osteopathy in New South Wales; or
- (c) he applies for registration within the time specified in subsection (4) and he satisfies the Board that he has, within the period of 10 years immediately preceding the day on which he applies for registration, been bona fide engaged in the practice of osteopathy in New South Wales for a period of, or periods totalling, not less than 4 years.

(4) A person is not entitled to become registered by virtue of the qualification referred to in subsection (2) (c) or (3) (c) unless—

- (a) he applies for registration within 6 months after the day appointed and notified under section 2 (2); or
- (b) where he has previously been registered by virtue of that qualification, he applies for registration within 5 years after the day on which he ceased to be so registered or last ceased to be so registered, as the case may be.

(5) Where a person applying for registration as a chiropractor, osteopath or chiropractor and osteopath—

- (a) is entitled to be so registered, the Board shall cause the applicant to be so registered in accordance with section 14 (3); or
- (b) is not entitled to be so registered, the Board shall refuse the application for registration and the secretary shall give the applicant notice of that refusal, personally or by post.

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(6) A reference in subsection (2) (a) or (3) (a) to a prescribed course of training includes a reference to—

- (a) a prescribed combination of courses of training; and
- (b) a prescribed course of training which comprises a prescribed combination of subjects.

16. (1) In this section, a reference to a person registered under this Act includes a reference to a person who has been registered under this Act, but whose registration is suspended. ^{Annual roll fee.}

(2) Every person registered under this Act shall, on or before 31st March in each year, pay to the Board a roll fee of such amount as is prescribed for the year commencing on 1st July next following.

(3) If a person registered under this Act does not in any year pay the roll fee as required by subsection (2), the Board shall forthwith notify him by post that if the fee is not paid on or before a day specified in the notice his name will be removed from the register.

(4) Where a person who has been notified in accordance with subsection (3) fails to pay the roll fee on or before the day specified in the notice, the Board shall cause his name to be removed from the register.

17. The Board shall cause to be removed from the register the name of a person who—

- (a) requests that his name be so removed; or
- (b) has died.

Removal from register of name of chiropractor or osteopath on request or if deceased.

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PART IV.

DISCIPLINARY PROCEEDINGS.

Interpre-
tation:
Pt. IV.

18. (1) In this Part—

“defendant” means a person on whom a notice to show cause is served under section 20 (1) (c);

“delegate” means a member of the Board or an officer under the Public Service Act, 1902, who is appointed by the Board as its delegate under section 20 (1) (b);

“inquiry” means inquiry under this Part.

(2) Without limiting the meaning of the expression “misconduct in a professional respect” in this Part, a person registered under this Act is guilty of misconduct in a professional respect if he—

- (a) practises chiropractic or osteopathy under a name other than his own name except while he is acting as a duly appointed locum tenens;
- (b) allows the use of his name in connection with the practice of chiropractic or osteopathy at premises at which he or his duly appointed locum tenens is not in regular attendance during the hours in which those premises are open for that practice;
- (c) allows any person to contravene this Act or the regulations at premises used by him or his duly appointed locum tenens for the purpose of carrying on the practice of chiropractic or osteopathy; or
- (d) advertises in contravention of the regulations.

(3) For the purposes of subsection (2), a person is not a duly appointed locum tenens unless he is—

- (a) a person registered under this Act and appointed in writing by another such person; and

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- (b) employed only during the temporary absence of his employer.

19. (1) A complaint may be made to the Board by any person that a person registered under this Act is not entitled, or not fit, to be so registered.

Complaints
against
persons
registered
under this
Act.

(2) A complaint under subsection (1) shall be—

- (a) in writing;
- (b) contain particulars with respect to the matter complained of, the person against whom the complaint is made and the person making the complaint; and
- (c) except where the complaint is made by a member of the police force or an officer or employee under the Public Service Act, 1902, accompanied by a deposit of \$10, or such greater amount as may be prescribed.

(3) The Board shall give due consideration to every complaint under subsection (1).

(4) A deposit paid in connection with a complaint under subsection (1) shall be refunded if the Board, after it has considered the complaint, does not determine that the complaint was frivolous or vexatious.

20. (1) The Board shall, if it is of the opinion that as a result of a complaint under section 19 or as a result of its own investigations a person registered under this Act should be required to show cause why he should not be dealt with under this Part—

Inquiries—
when to be
held.

- (a) fix a time and place for the holding of an inquiry;
- (b) if it determines that the inquiry should be held by its delegate, appoint the delegate; and

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- (c) serve on that person a notice in accordance with subsection (2), personally or by post.

(2) A notice served under subsection (1) (c) shall—

- (a) notify the defendant that the Board or its delegate, as the case may be, will hold an inquiry into a matter in respect of which he is required to show cause why he should not be dealt with under this Part;
- (b) give particulars of the matter; and
- (c) specify the time and place for the holding of the inquiry.

(3) At the time and place fixed under subsection (1) (a), or at such later time and at such place as may be fixed by the Board and notified by notice in writing served on the defendant, personally or by post, the Board or its delegate, as the case may be, shall hold an inquiry into the matter in respect of which the defendant is required to show cause.

Inquiries—
how held.

21. (1) An inquiry shall be held as in open court at a meeting of the Board at which a quorum is present or before the Board's delegate, as the case may be.

(2) At an inquiry—

- (a) the defendant may appear by himself or may be represented by a barrister, solicitor or agent; and
- (b) the Board or its delegate—
- (i) may conduct the inquiry in such manner as it or he thinks fit;
- (ii) is not bound to observe rules of law governing the admission of evidence but may inform itself or himself of any matter in such manner as it or he thinks fit;

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- (iii) may allow the complainant, an inspector or other person instructed by the Board to appear for the purpose of presenting and adducing evidence to establish the matter in respect of which the defendant is required to show cause;
- (iv) may receive in evidence any written submission made by the defendant;
- (v) may from time to time as it or he thinks fit adjourn the inquiry; and
- (vi) may, subject to section 13 of the Oaths Act, 1900, require any evidence to be given on oath.

(3) An inquiry may be held in the absence of the defendant if the Board or its delegate is satisfied that the defendant was served with reasonable notice of the time and place of the inquiry.

(4) Where an inquiry is held before the Board's delegate, he shall at the completion of the inquiry forward to the Board a report on the inquiry and his recommendation as to whether the defendant should be dealt with under this Part.

22. (1) The Board or its delegate may of its or his own **Subpoenas.** motion or on the application of the defendant issue a subpoena in or to the effect of the prescribed form requiring the person to whom the subpoena is addressed to attend as a witness at an inquiry or so to attend and to produce at the inquiry any documents in his possession or under his control relating to any matter relevant to the inquiry and specified in the subpoena.

(2) A person to whom a subpoena is addressed is entitled to receive—

- (a) where the subpoena was issued by the Board or a delegate on its or his own motion, from the Board; or

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(b) where the subpoena was issued by the Board or a delegate on the application of the defendant, from the defendant, his reasonable costs, including any loss of earnings, incurred by him in obeying the subpoena, calculated in accordance with the scales relating to subpoenas issued out of the District Court.

Determina-
tion of
Board after
inquiry.

23. (1) Where the Board is satisfied, after an inquiry held by it or after it has considered the report and recommendation in relation to an inquiry held before its delegate, that—

(a) a person registered under this Act as a chiropractor, osteopath or chiropractor and osteopath—

(i) has been convicted in New South Wales or elsewhere by a court of a crime or an offence;

(ii) has been guilty of habitual drunkenness or of addiction to a deleterious drug;

(iii) is infirm or ill or has been injured; or

(iv) has been guilty of misconduct in a professional respect,

and is thereby unfit to practise chiropractic, osteopathy or chiropractic and osteopathy, as the case may be; or

(b) a person was registered under this Act as a result of any false or misleading statement,

the Board shall—

(c) suspend his registration for such period, not exceeding 12 months, as it thinks fit; or

(d) cause his name to be removed from the register.

(2) Where the Board is satisfied that a person registered under this Act as a chiropractor, osteopath or chiropractor and osteopath is guilty of misconduct in a professional respect but

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the Board is not satisfied that he is thereby unfit to practise chiropractic, osteopathy or chiropractic and osteopathy, as the case may be, the Board may reprimand or caution him.

(3) The suspension of the registration of a person under subsection (1) (c) shall not take effect nor shall the name of a person be removed from the register under subsection (1) (d)—

- (a) until the expiration of the period of 21 days after notice of the determination of the Board has been given to the person, either personally or by post; or
- (b) where the person lodges an appeal under section 24 (1) (c) before the expiration of the period referred to in paragraph (a), until the appeal is dealt with or withdrawn.

(4) The registration of a person under this Act is not in force during any period for which it has been suspended and a person is not qualified to make an application for registration under this Act while his registration is suspended.

(5) Where the Board causes the name of a person to be removed from the register under subsection (1) (d) it may fix a time after which the person whose name is so removed may apply for registration under this Act and that person is not qualified to make application for registration under this Act before that time without the approval of the Board.

(6) The secretary shall enter in the register a memorandum of the terms of any determination under subsection (1), (2) or (5).

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PART V.

APPEALS.

Appeals to
District
Court.

24. (1) A person aggrieved—
- (a) by the refusal of the Board to cause him to be registered under this Act as a chiropractor, osteopath or chiropractor and osteopath;
 - (b) by the neglect or delay of the Board to give, within 60 days after receipt by the Board of an application for registration under this Act, a decision with respect thereto; or
 - (c) by a determination of the Board under section 23 (1),
- may appeal to the District Court.
- (2) An appeal under subsection (1) shall be made in accordance with the rules of court and shall be dealt with by way of rehearing.
- (3) The District Court, in deciding an appeal under subsection (1), may—
- (a) in respect of an appeal under subsection (1) (a), confirm the refusal or order that the person applying for registration be registered as a chiropractor, osteopath or chiropractor and osteopath;
 - (b) in respect of an appeal under subsection (1) (b), order that the person applying for registration be registered as a chiropractor, osteopath or chiropractor and osteopath or that the application be refused; or
 - (c) in respect of an appeal under subsection (1) (c), uphold the appeal, confirm the determination of the Board or substitute for that determination any other determination that the Board might have made.
- (4) The decision of the District Court in respect of an appeal under subsection (1) shall be final and conclusive and shall be given effect to by the Board.

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(5) The secretary shall enter in the register a memorandum of the terms of any decision of the District Court under this section.

PART VI.

OFFENCES.

25. (1) A person shall not, for fee or reward, manipulate the joints of the human spinal column, including its immediate articulations, for therapeutic purposes unless—

Practice by
unregistered
persons.

- (a) he is registered under this Act as a chiropractor, osteopath or chiropractor and osteopath;
- (b) he does so in the ordinary course of his practice as a legally qualified medical practitioner or physiotherapist registered under the Physiotherapists Registration Act, 1945;
- (c) he does so in connection with a course of training referred to in section 15 (2) (a) or (3) (a) or approved by the Board;
- (d) he does so in connection with an examination arranged by the Board pursuant to section 15 (2) (b) or (3) (b); or
- (e) he is exempted from the operation of this subsection by the regulations.

Penalty : \$500 or imprisonment for 6 months.

(2) A person shall not permit his agent or a person employed by him to do any act in contravention of subsection (1).

Penalty : \$500 or imprisonment for 6 months.

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(3) For the purposes of subsection (1), a person manipulates the joints referred to in that subsection for fee or reward if he receives a fee or reward for that manipulation or for any service performed, or advice given, in connection with that manipulation.

Use of
certain
titles
prohibited.

- 26.** (1) A person shall not use the title or description of—
- (a) chiropractor unless he is a person registered under this Act as a chiropractor or chiropractor and osteopath; or
 - (b) osteopath unless he is a person registered under this Act as an osteopath or chiropractor and osteopath.

(2) A person registered under this Act as a chiropractor shall not use in his practice as a chiropractor a title or description other than chiropractor.

(3) A person registered under this Act as an osteopath shall not use in his practice as an osteopath a title or description other than osteopath.

(4) A person registered under this Act as a chiropractor and osteopath shall not use in his practice as a chiropractor and osteopath a title or description other than chiropractor, osteopath or chiropractor and osteopath.

Penalty : \$500.

False, etc.,
statements.

- 27.** A person shall not—
- (a) in any application for registration under this Act or in support of any such application; or

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(b) in any written submission received in evidence at an inquiry under Part IV, wilfully make a false or misleading statement.

Penalty : \$500 or imprisonment for 6 months.

28. A person who is served with a subpoena addressed to him pursuant to section 22 and to whom, at the time of service, is tendered an amount that is sufficient to cover his travelling and other out-of-pocket expenses in attending the inquiry specified in the subpoena and producing anything required by the subpoena to be produced shall not, without reasonable cause, fail or refuse to obey the subpoena. Failure to comply with subpoena.

Penalty : \$500.

29. (1) An information for an offence against this Act or the regulations shall be laid by— Proceedings for offences.

(a) the secretary, an inspector or some other person appointed by the Board for that purpose, either generally or in a particular case; or

(b) a member of the police force.

(2) Proceedings for an offence against this Act or the regulations shall be disposed of summarily before a court of petty sessions constituted by a stipendiary magistrate sitting alone.

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PART VII.

GENERAL.

Power of
entry of
inspectors.

30. For the purpose of ascertaining—

- (a) whether any provision of this Act or of the regulations has been or is being contravened by a person registered under this Act; or
- (b) whether a person registered under this Act is unfit to practise chiropractic or osteopathy,

an inspector may at any reasonable time enter any premises which are used by the person in connection with that practice and make such inquiries therein as the inspector thinks fit.

Evidentiary
certificates.

31. A document purporting to be a certificate signed by the secretary and stating that a person specified therein—

- (a) was or was not, on a day or during any period specified therein, registered under this Act as a chiropractor, osteopath or chiropractor and osteopath; or
- (b) was, on a day or during any period specified therein, a person whose registration under this Act was suspended,

is admissible in evidence in any proceedings and is evidence of the matters specified therein.

Cost of
administra-
tion of Act.

32. (1) The expenses of the Board in administering this Act shall be paid out of money provided by Parliament.

(2) The fees and deposits payable under this Act or the regulations shall be paid to the secretary and, except in the case of a deposit that is refunded under section 19(4), shall be carried to the Consolidated Revenue Fund.

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33. (1) The Governor may make regulations, not inconsistent **Regulations.** with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to—

- (a) the manner in which applications for registration under this Act shall be made;
- (b) forms of application for, and fees to be paid in connection with, registration under this Act;
- (c) the issue and use of certificates of registration under this Act;
- (d) notations to be made in the register;
- (e) the regulation of advertising by persons registered under this Act in connection with the practice of chiropractic or osteopathy; or
- (f) inquiries held under Part IV.

(2) A provision of a regulation may—

- (a) apply generally or be limited in its application by reference to specified exceptions or factors;
- (b) apply differently according to different factors of a specified kind; or
- (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body,

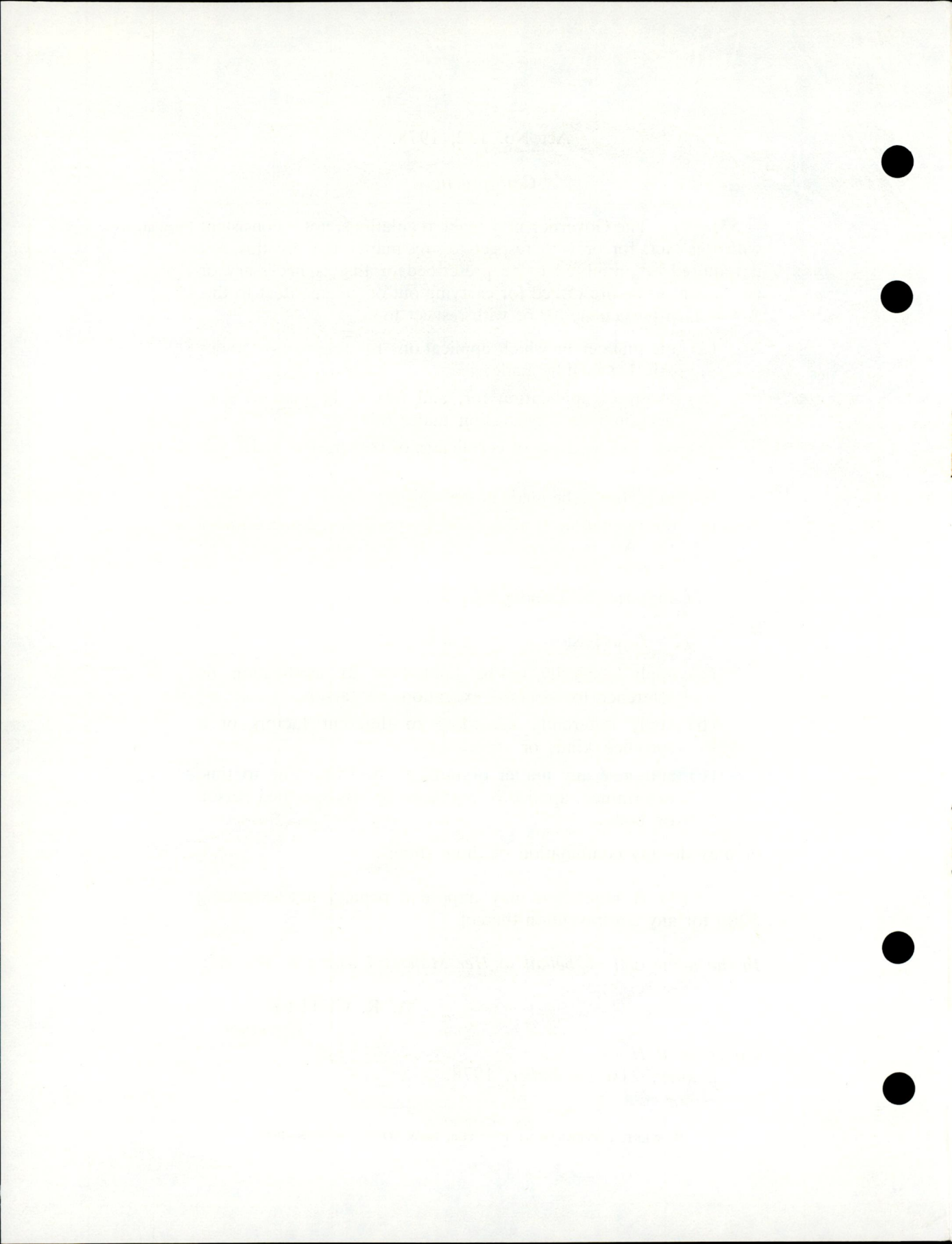
or may do any combination of those things.

(3) A regulation may impose a penalty not exceeding \$200 for any contravention thereof.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 21st December, 1978.*



CHIROPRACTIC BILL, 1978

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The following Bills are cognate with this Bill—

- Workers' Compensation (Chiropractic) Amendment Bill, 1978;
- Medical Practitioners (Chiropractic) Amendment Bill, 1978;
- Physiotherapists Registration (Chiropractic) Amendment Bill, 1978.

1. The object of this Bill is to establish a Board to register and control chiropractors and osteopaths.

2. Part I of the Bill contains the usual preliminary provisions—the short title and the commencement, arrangement and interpretation provisions (Clauses 1–4).

3. Part II of the Bill contains provisions which deal with the constitution and procedure of the Board.

The objects of this Part are—

- (a) to establish the Board and to provide that the Board consists of 9 members, as follows :—
 - (i) the Chairman (being a member or officer of the Health Commission of New South Wales);
 - (ii) 2 persons nominated by the Australian Chiropractors' Association, New South Wales Branch;
 - (iii) 2 persons nominated by the United Chiropractors' Association of Australasia, New South Wales Branch;
 - (iv) 2 persons nominated by the Minister (including 1 person engaged in chiropractic education);
 - (v) 1 medical practitioner;
 - (vi) 1 barrister or solicitor(Clauses 5 and 6);
- (b) to provide that a member of the Board holds office for such term, not exceeding 3 years, as may be specified in the instrument of his appointment (Clause 7);

- (c) to specify the circumstances in which a member of the Board vacates his office and to provide for the filling of such a vacancy (Clauses 8 and 9);
- (d) to make provision with respect to meetings of the Board (Clause 10);
- (e) to provide for the remuneration of members of the Board (Clause 11);
- (f) to authorise the appointment of a secretary to the Board, inspectors and other officers and employees under and subject to the Public Service Act, 1902 (Clause 12); and
- (g) to protect members of the Board and others from personal liability arising from the execution of the proposed Act (Clause 13).

4. Part III of the Bill deals with the registration of chiropractors and osteopaths.

The objects of this Part are—

- (a) to require the Board to keep a register of persons registered as chiropractors, osteopaths or chiropractors and osteopaths (Clause 14);
- (b) to specify the qualifications for registration and, in particular, to require applicants for registration—
 - (i) to complete a prescribed course of training;
 - (ii) to pass an examination arranged by the Board; or
 - (iii) to have been chiropractors or osteopaths, as the case may be, for a certain minimum period before the commencement of the proposed Act (Clause 15);
- (c) to require registered persons to pay an annual roll fee (Clause 16); and
- (d) to authorise the Board to remove persons from the register if they so request or if they have died (Clause 17).

5. Part IV of the Bill deals with disciplinary proceedings against registered persons.

The objects of this Part are—

- (a) to specify some of the circumstances that constitute “misconduct in a professional respect” (Clause 18 (2) and (3));
- (b) to make provision with respect to complaints against registered persons (Clause 19);
- (c) to require the Board or its delegate to hold an inquiry before the Board takes disciplinary action against a registered person and to specify the manner of holding such an inquiry (Clauses 20 and 21);
- (d) to authorise the Board or its delegate to issue subpoenas requiring a person to give evidence and produce documents at an inquiry (Clause 22); and

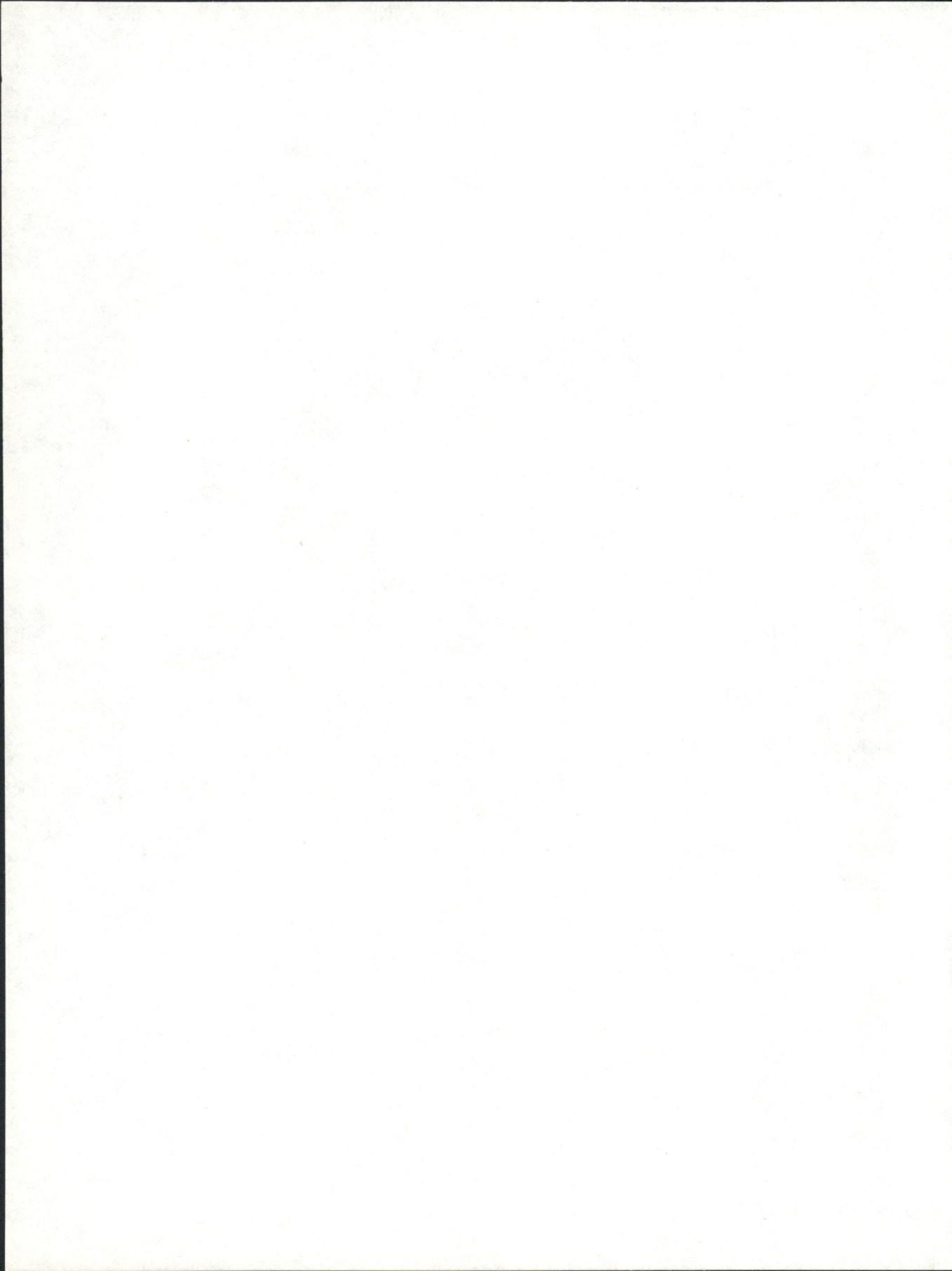
- (e) to specify the circumstances in which the Board may caution or reprimand a registered person, suspend his registration or remove his name from the register (Clause 23).

6. Part V of the Bill confers a right of appeal to the District Court on any person aggrieved by the refusal or delay of the Board to register him under the proposed Act or by the suspension of his registration or by the removal of his name from the register.

7. Part VI of the Bill creates certain criminal offences in relation to the registration of chiropractors and osteopaths.

The objects of this Part are—

- (a) to specify the persons (including those registered under the proposed Act) who may, for fee or reward, manipulate the joints of the human spinal column, including its immediate articulations, for therapeutic purposes (Clause 25);
 - (b) to regulate the use of the titles of “chiropractor” and “osteopath” (Clause 26);
 - (c) to penalise wilfully false or misleading statements in or in connection with applications for registration and in written submissions received in evidence at inquiries under Part IV (Clause 27);
 - (d) to penalise a failure to comply with a subpoena issued by the Board (Clause 28); and
 - (e) to restrict the persons who may bring criminal proceedings under the proposed Act and to provide for the summary disposal of those proceedings (Clause 29).
8. Part VII of the Bill contains general provisions which—
- (a) authorise an inspector to enter the premises of registered persons (Clause 30);
 - (b) provide for the issue of certain evidentiary certificates by the secretary to the Board (Clause 31);
 - (c) deal with certain financial matters (Clause 32); and
 - (d) empower the Governor to make regulations (Clause 33).
-



Act No. 1978
Chiropractic

CHIROPRACTIC BILL, 1978

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I

PRELIMINARY

1. This Act may be cited as the Chiropractic Act, 1978.

2. (1) This section and section 4 shall commence on the date of assent to this Act.

No. , 1978.

(2) Sections 25 and 26 shall commence on each day (being a day on which the Government Gazette is published) under subsection (3) as may be appointed by the Governor in respect thereof and as may be appointed by the Governor in the Gazette.

A BILL FOR

An Act to provide for the registration of chiropractors and osteopaths.

[Mr K. J. STEWART—29 November, 1978.]

See also Workers' Compensation (Chiropractic) Amendment Bill, 1978; Medical Practitioners (Chiropractic) Amendment Bill, 1978; Physiotherapists Registration (Chiropractic) Amendment Bill, 1978.

Chiropractic.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5

PART I.

PRELIMINARY.

1. This Act may be cited as the "Chiropractic Act, 1978". Short title.

2. (1) This section and section 1 shall commence on the date of assent to this Act. Commence-
ment.

10 (2) Sections 25 and 26 shall commence on such day (being a day that is at least 6 months after the day appointed and notified under subsection (3)) as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

15 (3) Except as provided in subsections (1) and (2), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. This Act is divided as follows :—

Arrange-
ment.

20 PART I.—PRELIMINARY—ss. 1-4.

PART II.—THE REGISTRATION BOARD—ss. 5-13.

PART III.—REGISTRATION OF CHIROPRACTORS AND
OSTEOPATHS—ss. 14-17.

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PART IV.—DISCIPLINARY PROCEEDINGS—ss. 18–23.

PART V.—APPEALS—s. 24.

PART VI.—OFFENCES—ss. 25–29.

PART VII.—GENERAL—ss. 30–33.

5 4. (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires— **Interpre-**

“Board” means the Chiropractors Registration Board constituted under section 5;

“Chairman” means the Chairman of the Board;

10 “inspector” means a person appointed to be an inspector under section 12;

“member” means a member of the Board;

“register” means the Register of Chiropractors and Osteopaths of New South Wales kept by the Board under section 14;

15 “regulations” means regulations made under this Act;

“secretary” means the person appointed to be secretary to the Board under section 12.

(2) A reference in this Act (section 14 excepted) to the name of a person in the register includes a reference to the other particulars in the register that relate to that person.

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PART II.

THE REGISTRATION BOARD.

5. (1) There is hereby constituted a corporation under the Constitution of Board.
corporate name of the "Chiropractors Registration Board".

5 (2) The Board shall consist of 9 members, appointed by the Governor, of whom—

- (a) one shall be a member or officer of the Health Commission of New South Wales nominated by the Minister;
- 10 (b) two shall be persons nominated by the Australian Chiropractors' Association, New South Wales Branch;
- (c) two shall be persons nominated by the United Chiropractors' Association of Australasia, New South Wales Branch;
- 15 (d) one shall be a person engaged in chiropractic education nominated by the Minister;
- (e) one shall be a person nominated by the Minister;
- (f) one shall be a legally qualified medical practitioner nominated by the Minister; and
- 20 (g) one shall be a barrister admitted by, or a solicitor of, the Supreme Court nominated by the Minister.

(3) Where a body referred to in subsection (2) (b) or (c) does not submit a nomination for the purposes of this section or section 9 (1) within the time or in the manner specified by the Minister in a notice served by post on that body, the Governor may appoint a person, nominated by the Minister, to be a member instead of the member required to be appointed on the nomination of that body.

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(4) Where a body referred to in subsection (2) (b) or (c) changes its name and the Minister is satisfied that the change of name is not accompanied by any change in the nature of the body, he may, by order published in the Gazette, so certify and, as from 5 the date that order is so published, the reference in subsection (2) (b) or (c), as the case may be, shall be deemed to be a reference to the body under that changed name.

(5) A person is not eligible to be appointed as a member unless he is under the age of 70 years.

10 (6) The provisions of the Public Service Act, 1902, shall not apply to or in respect of the appointment of a member or to or in respect of a member in his capacity as a member during his term of office.

(7) The office of a member shall not, for the purposes of 15 any Act, be deemed to be an office or place of profit under the Crown.

6. (1) The member referred to in section 5 (2) (a) shall Chairman be the Chairman of the Board.

(2) The Chairman may nominate an officer of the Health 20 Commission of New South Wales to act in his place as Chairman during his absence through illness or other cause and a person so acting shall be deemed to be a member and shall be Chairman at any meeting of the Board at which he is present.

7. A member shall, subject to this Act, hold office for such Term of 25 term, not exceeding 3 years, as may be specified in the instrument office. of his appointment and shall, if otherwise qualified, be eligible for re-appointment.

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8. (1) A member shall be deemed to have vacated his office— Vacation
of office.

(a) if he dies;

5 (b) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

10 (c) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;

15 (d) if he is convicted in New South Wales of a crime or offence punishable by imprisonment for a period of 12 months or more, or if he is convicted elsewhere than in New South Wales of a crime or offence which, if committed in New South Wales, would be a crime or offence so punishable;

(e) if he resigns his office in writing under his hand addressed to the Governor, and the Governor accepts his resignation;

20 (f) if he is absent from 3 consecutive meetings of the Board of which reasonable notice has been given to him personally or by post, except on leave granted by the Board, and is not, within 6 weeks after the last of those meetings, excused by the Board for his absence from those meetings;

25 (g) if, in the case of a member referred to in section 5 (2) (a), (d), (f) or (g), he ceases to hold the qualification by virtue of which he was nominated for appointment as a member;

30 (h) if he is removed from office by the Governor; or

(i) on his attaining the age of 70 years.

(2) The Governor may, for any cause which appears to him to be sufficient, remove any member from office.

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8
9. (1) On the occurrence of a vacancy in the office of a member otherwise than by the expiration of the term for which he was appointed, the Governor may appoint a person to the vacant office for the residue of his predecessor's term of office, 5 being a person qualified and nominated under the same paragraph of section 5 (2) as his predecessor. Filling of casual vacancies.

(2) A member appointed pursuant to subsection (1) is, if otherwise qualified, eligible for re-appointment.

10 10. (1) The procedure for the calling of meetings of the Board and for the conduct of business at those meetings shall, 15 subject to this Act, be as determined by the Board. Meetings of the Board.

(2) At any meeting of the Board the Chairman or, in his absence, his nominee shall preside, but if the Chairman and his nominee are both absent from that meeting, a person elected 15 from among their number by the members present shall preside at that meeting.

(3) The person presiding at any meeting of the Board shall have a deliberative vote and, in the event of an equality of votes, a casting vote.

20 (4) Six members shall form a quorum and any duly convened meeting of the Board at which a quorum is present shall be competent to transact any business of the Board and shall have and may exercise and perform all of the powers, authorities, duties and functions of the Board.

25 (5) A decision supported by a majority of members present at a meeting of the Board at which a quorum is present shall be the decision of the Board.

11. Each member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister 30 may from time to time determine in respect of him. Remuneration of members.

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12. A secretary to the Board and such inspectors and other officers and employees as may be necessary for the purposes of this Act shall be appointed and employed under and subject to the Public Service Act, 1902. Secretary, inspectors, officers and employees.
13. No matter or thing done or suffered by the Board, a member, the secretary, an inspector or any other officer or employee bona fide in the execution, or intended execution, of this Act, or in the exercise or performance, or intended exercise or performance, of any of its or his powers, authorities, duties or functions, shall subject any member, the secretary or any inspector or other officer or employee personally to any liability in respect thereof. Protection of members and others from liability.

PART III.

REGISTRATION OF CHIROPRACTORS AND OSTEOPATHS.

14. (1) The Board shall keep a register, to be called the "Register of Chiropractors and Osteopaths of New South Wales". Register.
- (2) The register shall be subdivided as follows:—
- (a) the register of chiropractors;
- (b) the register of osteopaths;
- (c) the register of chiropractors and osteopaths.
- (3) A person shall be registered by the entry in the appropriate subdivision of the register of—
- (a) his full name and address;
- (b) the date on which he is registered;
- (c) particulars of the qualification by virtue of which he is registered; and

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(d) such other particulars (if any) as the Board may think fit or as may be prescribed.

(4) A person ceases to be registered when his name and other particulars referred to in subsection (3) are removed from the register pursuant to section 16 (4), 17, 23 (1) (d) or 24.

(5) The register shall be open to inspection at the office of the Board, at all times when that office is open for business, by any person on payment of the prescribed fee.

15. (1) A person who is of or above the age of 18 years and who is, in the opinion of the Board, of good character is entitled to be registered as— Qualifications for registration.

- (a) a chiropractor, if he is qualified under subsection (2);
- (b) an osteopath, if he is qualified under subsection (3); or
- (c) a chiropractor and osteopath, if he is qualified under subsections (2) and (3).

(2) For the purposes of subsection (1), a person is qualified to be registered as a chiropractor if—

- (a) he has undertaken a prescribed course of training and he has received a diploma, certificate or other academic award for the successful completion of that course;
- (b) he has, at an examination arranged by the Board, satisfied the Board that he is fit to practise chiropractic in New South Wales; or
- (c) he applies for registration within the time specified in subsection (4) and he satisfies the Board that he has, within the period of 10 years immediately preceding the day on which he applies for registration, been bona fide engaged in the practice of chiropractic in New South Wales for a period of, or periods totalling, not less than 4 years.

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(3) For the purposes of subsection (1), a person is qualified to be registered as an osteopath if—

- 5 (a) he has undertaken a prescribed course of training and he has received a diploma, certificate or other academic award for the successful completion of that course;
- (b) he has, at an examination arranged by the Board, satisfied the Board that he is fit to practise osteopathy in New South Wales; or
- 10 (c) he applies for registration within the time specified in subsection (4) and he satisfies the Board that he has, within the period of 10 years immediately preceding the day on which he applies for registration, been bona fide engaged in the practice of osteopathy in New South Wales for a period of, or periods totalling, not less than
15 4 years.

(4) A person is not entitled to become registered by virtue of the qualification referred to in subsection (2) (c) or (3) (c) unless—

- 20 (a) he applies for registration within 6 months after the day appointed and notified under section 2 (2); or
- (b) where he has previously been registered by virtue of that qualification, he applies for registration within 5 years after the day on which he ceased to be so registered or last ceased to be so registered, as the case may be.

25 (5) Where a person applying for registration as a chiropractor, osteopath or chiropractor and osteopath—

- (a) is entitled to be so registered, the Board shall cause the applicant to be so registered in accordance with section 14 (3); or
- 30 (b) is not entitled to be so registered, the Board shall refuse the application for registration and the secretary shall give the applicant notice of that refusal, personally or by post.

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(6) A reference in subsection (2) (a) or (3) (a) to a prescribed course of training includes a reference to—

- (a) a prescribed combination of courses of training; and
- (b) a prescribed course of training which comprises a prescribed combination of subjects.

16. (1) In this section, a reference to a person registered under this Act includes a reference to a person who has been registered under this Act, but whose registration is suspended. Annual roll fee.

(2) Every person registered under this Act shall, on or before 31st March in each year, pay to the Board a roll fee of such amount as is prescribed for the year commencing on 1st July next following.

(3) If a person registered under this Act does not in any year pay the roll fee as required by subsection (2), the Board shall forthwith notify him by post that if the fee is not paid on or before a day specified in the notice his name will be removed from the register.

(4) Where a person who has been notified in accordance with subsection (3) fails to pay the roll fee on or before the day specified in the notice, the Board shall cause his name to be removed from the register.

17. The Board shall cause to be removed from the register the name of a person who—

- (a) requests that his name be so removed; or
- (b) has died.

Removal from register of name of chiropractor or osteopath on request or if deceased.

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PART IV.

DISCIPLINARY PROCEEDINGS.

18. (1) In this Part—

Interpre-
tation:
Pt. IV.

5 “defendant” means a person on whom a notice to show cause
is served under section 20 (1) (c);

“delegate” means a member of the Board or an officer under
the Public Service Act, 1902, who is appointed by the
Board as its delegate under section 20 (1) (b);

“inquiry” means inquiry under this Part.

10 (2) Without limiting the meaning of the expression “mis-
conduct in a professional respect” in this Part, a person registered
under this Act is guilty of misconduct in a professional respect if
he—

15 (a) practises chiropractic or osteopathy under a name other
than his own name except while he is acting as a duly
appointed locum tenens;

20 (b) allows the use of his name in connection with the practice
of chiropractic or osteopathy at premises at which he
or his duly appointed locum tenens is not in regular
attendance during the hours in which those premises
are open for that practice;

25 (c) allows any person to contravene this Act or the regula-
tions at premises used by him or his duly appointed
locum tenens for the purpose of carrying on the practice
of chiropractic or osteopathy; or

(d) advertises in contravention of the regulations.

(3) For the purposes of subsection (2), a person is not a
duly appointed locum tenens unless he is—

30 (a) a person registered under this Act and appointed in
writing by another such person; and

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- (b) employed only during the temporary absence of his employer.

19. (1) A complaint may be made to the Board by any person that a person registered under this Act is not entitled, or not fit, to be so registered.

Complaints
against
persons
registered
under this
Act.

(2) A complaint under subsection (1) shall be—

- (a) in writing;
- (b) contain particulars with respect to the matter complained of, the person against whom the complaint is made and the person making the complaint; and
- (c) except where the complaint is made by a member of the police force or an officer or employee under the Public Service Act, 1902, accompanied by a deposit of \$10, or such greater amount as may be prescribed.

(3) The Board shall give due consideration to every complaint under subsection (1).

(4) A deposit paid in connection with a complaint under subsection (1) shall be refunded if the Board, after it has considered the complaint, does not determine that the complaint was frivolous or vexatious.

20. (1) The Board shall, if it is of the opinion that as a result of a complaint under section 19 or as a result of its own investigations a person registered under this Act should be required to show cause why he should not be dealt with under this Part—

Inquiries—
when to be
held.

- (a) fix a time and place for the holding of an inquiry;
- (b) if it determines that the inquiry should be held by its delegate, appoint the delegate; and

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(c) serve on that person a notice in accordance with subsection (2), personally or by post.

(2) A notice served under subsection (1) (c) shall—

5 (a) notify the defendant that the Board or its delegate, as the case may be, will hold an inquiry into a matter in respect of which he is required to show cause why he should not be dealt with under this Part;

(b) give particulars of the matter; and

(c) specify the time and place for the holding of the inquiry.

10 (3) At the time and place fixed under subsection (1) (a), or at such later time and at such place as may be fixed by the Board and notified by notice in writing served on the defendant, personally or by post, the Board or its delegate, as the case may be, shall hold an inquiry into the matter in respect of which the
15 defendant is required to show cause.

21. (1) An inquiry shall be held as in open court at a meeting ^{Inquiries—} of the Board at which a quorum is present or before the Board's ^{how held.} delegate, as the case may be.

(2) At an inquiry—

20 (a) the defendant may appear by himself or may be represented by a barrister, solicitor or agent; and

(b) the Board or its delegate—

(i) may conduct the inquiry in such manner as it or he thinks fit;

25 (ii) is not bound to observe rules of law governing the admission of evidence but may inform itself or himself of any matter in such manner as it or he thinks fit;

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- 5 (iii) may allow the complainant, an inspector or other person instructed by the Board to appear for the purpose of presenting and adducing evidence to establish the matter in respect of which the defendant is required to show cause;
- (iv) may receive in evidence any written submission made by the defendant;
- (v) may from time to time as it or he thinks fit adjourn the inquiry; and
- 10 (vi) may, subject to section 13 of the Oaths Act, 1900, require any evidence to be given on oath.

(3) An inquiry may be held in the absence of the defendant if the Board or its delegate is satisfied that the defendant was served with reasonable notice of the time and place of the
15 inquiry.

(4) Where an inquiry is held before the Board's delegate, he shall at the completion of the inquiry forward to the Board a report on the inquiry and his recommendation as to whether the defendant should be dealt with under this Part.

20 **22.** (1) The Board or its delegate may of its or his own **Subpoenas.** motion or on the application of the defendant issue a subpoena in or to the effect of the prescribed form requiring the person to whom the subpoena is addressed to attend as a witness at an inquiry or so to attend and to produce at the inquiry any documents in his
25 possession or under his control relating to any matter relevant to the inquiry and specified in the subpoena.

(2) A person to whom a subpoena is addressed is entitled to receive—

30 (a) where the subpoena was issued by the Board or a delegate on its or his own motion, from the Board; or

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(b) where the subpoena was issued by the Board or a delegate on the application of the defendant, from the defendant, his reasonable costs, including any loss of earnings, incurred by him in obeying the subpoena, calculated in accordance with the scales
5 relating to subpoenas issued out of the District Court.

23. (1) Where the Board is satisfied, after an inquiry held by it or after it has considered the report and recommendation in relation to an inquiry held before its delegate, that— Determination of Board after inquiry.

10 (a) a person registered under this Act as a chiropractor, osteopath or chiropractor and osteopath—

(i) has been convicted in New South Wales or elsewhere by a court of a crime or an offence;

(ii) has been guilty of habitual drunkenness or of addiction to a deleterious drug;

15 (iii) is infirm or ill or has been injured; or

(iv) has been guilty of misconduct in a professional respect,

and is thereby unfit to practise chiropractic, osteopathy or chiropractic and osteopathy, as the case may be; or

20 (b) a person was registered under this Act as a result of any false or misleading statement,

the Board shall—

(c) suspend his registration for such period, not exceeding 12 months, as it thinks fit; or

25 (d) cause his name to be removed from the register.

(2) Where the Board is satisfied that a person registered under this Act as a chiropractor, osteopath or chiropractor and osteopath is guilty of misconduct in a professional respect but

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the Board is not satisfied that he is thereby unfit to practise chiropractic, osteopathy or chiropractic and osteopathy, as the case may be, the Board may reprimand or caution him.

(3) The suspension of the registration of a person under subsection (1) (c) shall not take effect nor shall the name of a person be removed from the register under subsection (1) (d)—

- (a) until the expiration of the period of 21 days after notice of the determination of the Board has been given to the person, either personally or by post; or
- 10 (b) where the person lodges an appeal under section 24 (1) (c) before the expiration of the period referred to in paragraph (a), until the appeal is dealt with or withdrawn.

(4) The registration of a person under this Act is not 15 in force during any period for which it has been suspended and a person is not qualified to make an application for registration under this Act while his registration is suspended.

(5) Where the Board causes the name of a person to be removed from the register under subsection (1) (d) it may 20 fix a time after which the person whose name is so removed may apply for registration under this Act and that person is not qualified to make application for registration under this Act before that time without the approval of the Board.

(6) The secretary shall enter in the register a memorandum 25 of the terms of any determination under subsection (1), (2) or (5).

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PART V.**APPEALS.****24. (1) A person aggrieved—**Appeals to
District
Court.

- 5 (a) by the refusal of the Board to cause him to be registered under this Act as a chiropractor, osteopath or chiropractor and osteopath;
- 10 (b) by the neglect or delay of the Board to give, within 60 days after receipt by the Board of an application for registration under this Act, a decision with respect thereto; or
- (c) by a determination of the Board under section 23 (1), may appeal to the District Court.

(2) An appeal under subsection (1) shall be made in accordance with the rules of court and shall be dealt with by 15 way of rehearing.

(3) The District Court, in deciding an appeal under subsection (1), may—

- 20 (a) in respect of an appeal under subsection (1) (a), confirm the refusal or order that the person applying for registration be registered as a chiropractor, osteopath or chiropractor and osteopath;
- 25 (b) in respect of an appeal under subsection (1) (b), order that the person applying for registration be registered as a chiropractor, osteopath or chiropractor and osteopath or that the application be refused; or
- (c) in respect of an appeal under subsection (1) (c), uphold the appeal, confirm the determination of the Board or substitute for that determination any other determination that the Board might have made.

30 (4) The decision of the District Court in respect of an appeal under subsection (1) shall be final and conclusive and shall be given effect to by the Board.

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(5) The secretary shall enter in the register a memorandum of the terms of any decision of the District Court under this section.

PART VI.

OFFENCES.

5

25. (1) A person shall not, for fee or reward, manipulate the joints of the human spinal column, including its immediate articulations, for therapeutic purposes unless—

Practice by
unregistered
persons.

- 10 (a) he is registered under this Act as a chiropractor, osteopath or chiropractor and osteopath;
- (b) he does so in the ordinary course of his practice as a legally qualified medical practitioner or physiotherapist registered under the Physiotherapists Registration Act, 1945;
- 15 (c) he does so in connection with a course of training referred to in section 15 (2) (a) or (3) (a) or approved by the Board;
- (d) he does so in connection with an examination arranged by the Board pursuant to section 15 (2) (b) or (3) (b); or
- 20 (e) he is exempted from the operation of this subsection by the regulations.

Penalty : \$500 or imprisonment for 6 months.

(2) A person shall not permit his agent or a person employed by him to do any act in contravention of subsection (1).

Penalty : \$500 or imprisonment for 6 months.

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(3) For the purposes of subsection (1), a person manipulates the joints referred to in that subsection for fee or reward if he receives a fee or reward for that manipulation or for any service performed, or advice given, in connection with that manipulation.

26. (1) A person shall not use the title or description of— Use of certain titles prohibited. (a) chiropractor unless he is a person registered under this Act as a chiropractor or chiropractor and osteopath; or

10 (b) osteopath unless he is a person registered under this Act as an osteopath or chiropractor and osteopath.

(2) A person registered under this Act as a chiropractor shall not use in his practice as a chiropractor a title or description other than chiropractor.

15 (3) A person registered under this Act as an osteopath shall not use in his practice as an osteopath a title or description other than osteopath.

20 (4) A person registered under this Act as a chiropractor and osteopath shall not use in his practice as a chiropractor and osteopath a title or description other than chiropractor, osteopath or chiropractor and osteopath.

Penalty : \$500.

27. A person shall not— False, etc., statements.

(a) in any application for registration under this Act or in support of any such application; or

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(b) in any written submission received in evidence at an inquiry under Part IV, wilfully make a false or misleading statement.

Penalty : \$500 or imprisonment for 6 months.

5 **28.** A person who is served with a subpoena addressed to him pursuant to section 22 and to whom, at the time of service, is tendered an amount that is sufficient to cover his travelling and other out-of-pocket expenses in attending the inquiry specified in the subpoena and producing anything required by the subpoena
10 to be produced shall not, without reasonable cause, fail or refuse to obey the subpoena.

Penalty : \$500.

29. (1) An information for an offence against this Act or the regulations shall be laid by—
Proceedings for offences.

15 (a) the secretary, an inspector or some other person appointed by the Board for that purpose, either generally or in a particular case; or

(b) a member of the police force.

(2) Proceedings for an offence against this Act or the
20 regulations shall be disposed of summarily before a court of petty sessions constituted by a stipendiary magistrate sitting alone.

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PART VII.

GENERAL.

30. For the purpose of ascertaining—

Power of
entry of
inspectors.

5 (a) whether any provision of this Act or of the regulations
has been or is being contravened by a person registered
under this Act; or

(b) whether a person registered under this Act is unfit to
practise chiropractic or osteopathy,

10 an inspector may at any reasonable time enter any premises which
are used by the person in connection with that practice and make
such inquiries therein as the inspector thinks fit.

31. A document purporting to be a certificate signed by the
secretary and stating that a person specified therein—

Evidentiary
certificates.

15 (a) was or was not, on a day or during any period specified
therein, registered under this Act as a chiropractor,
osteopath or chiropractor and osteopath; or

(b) was, on a day or during any period specified therein, a
person whose registration under this Act was suspended,

20 is admissible in evidence in any proceedings and is evidence of the
matters specified therein.

32. (1) The expenses of the Board in administering this Act
shall be paid out of money provided by Parliament.

Cost of
administra-
tion of Act.

25 (2) The fees and deposits payable under this Act or the
regulations shall be paid to the secretary and, except in the case
of a deposit that is refunded under section 19(4), shall be carried
to the Consolidated Revenue Fund.

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33. (1) The Governor may make regulations, not inconsistent **Regulations.** with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to—

- (a) the manner in which applications for registration under this Act shall be made;
- (b) forms of application for, and fees to be paid in connection with, registration under this Act;
- 10 (c) the issue and use of certificates of registration under this Act;
- (d) notations to be made in the register;
- (e) the regulation of advertising by persons registered under this Act in connection with the practice of chiropractic or osteopathy; or
- 15 (f) inquiries held under Part IV.

(2) A provision of a regulation may—

- (a) apply generally or be limited in its application by reference to specified exceptions or factors;
- 20 (b) apply differently according to different factors of a specified kind; or
- (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body,

25 or may do any combination of those things.

(3) A regulation may impose a penalty not exceeding \$200 for any contravention thereof.

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(a) the manner in which applications for registration under this Act shall be made;

(b) forms of application for, and fees to be paid in connection with, registration under this Act;

(c) the issue and use of certificates of registration under this Act;

(d) notations to be made in the register;

(e) the regulation of advertising by persons registered under this Act in connection with the practice of chiropractic or osteopathy;

(f) inquiries held under Part IV;

(3) A provision of a regulation may—

(a) apply generally or be limited in its application by reference to specified exceptions or features;

(b) apply differently according to different factors of a specified kind; or

(c) authorize any matter or thing to be done that is determined, applied or regulated by any specified person or body.

25 or may do any combination of those things.

(3) A regulation may impose a penalty not exceeding \$200 for any contravention thereof.



