

1991—No. 631A

**CHIROPRACTORS AND OSTEOPATHS ACT 1991—
REGULATION**

(Chiropractors and Osteopaths Regulation 1991)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Chiropractors and Osteopaths Act 1991, has been pleased to make the Regulation set forth hereunder.

J. P. HANNAFORD

Minister for Health and Community Services.

Citation

1. This Regulation may be cited as the Chiropractors and Osteopaths Regulation 1991.

Commencement

2. This Regulation commences on 16th December, 1991.

Definitions

3. In this Regulation:

“**approved**” means approved by the Board;

“**Board**” means the Chiropractors and Osteopaths Registration Board;

“**the Act**” means the Chiropractors and Osteopaths Act 1991.

Courses of training: chiropractors

4. For the purposes of section 9 (a) of the Act, the prescribed courses of training are:

- (a) a course of training for the successful completion of which a diploma, certificate or other academic award specified in Column 1 of the Table to this clause may be conferred or awarded by the institution specified opposite that award in Column 2 of that Table; and
- (b) a course of training which was completed on or before 31 August 1981 that included practical and theoretical tuition and for successful completion of which the person concerned has been or may be admitted by the Council of the International College of Chiropractic, South Melbourne, Victoria, with the approval of the Council of the Preston Institute of Technology, Victoria, to Diplomas of Applied Science (Human Biology) and of Applied Science (Chiropractic).

TABLE

<i>Column 1</i>	<i>Column 2</i>
Doctor of Chiropractic	Canadian Memorial Chiropractic College, Toronto, Ontario, Canada
Diploma of Chiropractic (not being a Diploma of Chiropractic awarded for any postgraduate accreditation course)	Chiropractic College of Australasia, Melbourne, Victoria (if the course of training was completed before 2 April 1979)
Degree of Doctor of Chiropractic	Cleveland Chiropractic College, Kansas City, Missouri, U.S.A.
Degree of Doctor of Chiropractic	Los Angeles College of Chiropractic, Glendale, California, U.S.A.
Degree of Doctor of Chiropractic	National College of Chiropractic, Lombard, Illinois, U.S.A.
Degree of Doctor of Chiropractic	Northwestern College of Chiropractic, St. Paul, Minnesota, U.S.A.
Degree of Doctor of Chiropractic	Palmer College of Chiropractic (formerly called the Palmer School of Chiropractic), Davenport, Iowa, U.S.A.
Diploma of Chiropractic	Sydney College of Chiropractic, Ashfield, New South Wales

TABLE—continued

<i>Column 1</i>	<i>Column 2</i>
Diploma of Chiropractic entitling the recipient to the use of the title of Doctor of Chiropractic	Sydney College of Chiropractic Limited (formerly called the Sydney College of Chiropractic), Ashfield, New South Wales
Diploma of Chiropractic (awarded in 1967 or 1968)	Pax College of Chiropractic, Sydney, New South Wales
Degree of Bachelor of Applied Science (Chiropractic)	Phillip Institute of Technology, Victoria
Graduate Diploma in Chiropractic	Sydney College of Chiropractic Limited (formerly called the Sydney College of Chiropractic), Ashfield, New South Wales
Doctor of Chiropractic	Anglo European College of Chiropractic, Bournemouth, U.K.
Diploma in Chiropractic and Osteopathy (awarded before 31 December 1979)	Chiropractic and Osteopathic College of SA. Incorporated
Diploma in Chiropractic and Osteopathy (awarded before 31 December 1979)	Chiropractic and Osteopathic Institute Incorporated
Degree of Doctor of Chiropractic	Cleveland College of Chiropractic, Los Angeles, California, U.S.A.
Degree of Doctor of Chiropractic	Life Chiropractic College, Marietta, Georgia, U.S.A.
Degree of Doctor of Chiropractic	Life Chiropractic College, San Lorenzo, California, U.S.A.
Degree of Doctor of Chiropractic	Logan Chiropractic College, Chesterfield, Missouri, U.S.A.
Degree of Doctor of Chiropractic	New York Chiropractic College, Glen Head, New York, U.S.A.
Degree of Doctor of Chiropractic	Palmer College of Chiropractic, West Sunnyvale, California, U.S.A.

TABLE—continued

<i>Column 1</i>	<i>Column 2</i>
Degree of Doctor of Chiropractic	Texas Chiropractic College, Pasadena, Texas, U.S.A.
Degree of Doctor of Chiropractic	Western States Chiropractic College, Portland, Oregon, U.S.A.
Degree of Master of Chiropractic	Macquarie University, New South Wales

Courses of training: osteopaths

5. For the purposes of section 10 (a) of the Act, the prescribed courses of training are as follows:

- (a) a course of training undertaken at the University of New South Wales, the University of Adelaide or the University of Queensland for the successful completion of which the University concerned may confer a Bachelor of Science (Anatomy) and that is taken along with the course of training conducted by the International Colleges of Osteopathy for the successful completion of which the award which may be conferred by that institution is the Graduate Diploma in Osteopathy (Grad. Dip. Ost.);
- (b) the course of training undertaken at the Phillip Institute of Technology, Victoria, for the successful completion of which that institution may confer a Bachelor of Applied Science (Osteogathy).

Other laws providing for the registration of chiropractors and osteopaths

6. (1) For the purposes of section 9 (c) of the Act, each Act set out in the Table to this clause is (to the extent that it provides for the registration of chiropractors) prescribed as a law providing for the registration of chiropractors.

(2) For the purposes of section 10 (c) of the Act, each Act set out in the Table to this clause is (to the extent that it provides for the registration of osteopaths) prescribed as a law providing for the registration of osteopaths.

TABLE

- * Chiropractors and Osteopaths Act 1979 (Queensland)
- * Chiropractors and Osteopaths Act 1978 (Victoria)
- * Chiropractors Registration Act 1982 (Tasmania)
- * Chiropractors Act 1964 (Western Australia)
- * Health Practitioners and Allied Professionals Registration Act 1985 (Northern Territory)

Application and fee for registration

7. (1) For the purposes of sections 9, 10 and 11 of the Act, the fee for an application for registration as a chiropractor, osteopath or chiropractor and osteopath is \$140.

(2) An application under section 9, 10 or 11 of the Act must:

- (a) be in an approved form; and
- (b) be lodged with the Registrar; and
- (c) be accompanied by the appropriate fee for registration.

(3) Any such application fee (or such proportion of the fee as the Registrar may determine) is to be refunded to the applicant if the application is refused.

Application and fees for examinations

8. (1) An application to sit for an examination arranged by the Board must:

- (a) be in an approved form; and
- (b) be lodged with the Registrar; and
- (c) be accompanied by an application fee of \$50.

(2) In addition to the application fee, the fee for sitting for an examination arranged by the Board is \$270. Such a fee must be paid to the Registrar not less than 14 days before the date of the examination.

Certificates of registration

9. (1) On the registration of a person as a chiropractor, osteopath or chiropractor and osteopath, the Registrar must issue a certificate of registration to that person in an approved form.

(2) The Registrar may, if satisfied that a certificate of registration has been lost, destroyed or mutilated, issue a duplicate certificate of registration, clearly marked as such, on the payment of a fee of \$16.

(3) A person must not, without reasonable excuse, fail to surrender his or her certificate of registration to the Registrar:

(a) within 14 days after the person's name is removed from the register; or

(b) within 14 days after the person's registration is suspended.

Maximum penalty: 5 penalty units.

New address of registered practitioner

10. If the Registrar receives particulars of a new address from a registered practitioner, the Registrar must note those particulars in the register.

Particulars to be entered in the register

11. For the purposes of section 17 (2) (d) of the Act, the following particulars are to be entered in the register:

* the languages spoken by the registered practitioner concerned

Fees in relation to the register

12. (1) For the purposes of section 17 (3) of the Act, the fee for entering further particulars in the register is \$10.

(2) For the purposes of section 17 (4) and (5) of the Act, the fee for a copy of an extract from the register or for the inspection of the register is \$6.

Annual roll fee

13. For the purposes of section 18 (1) of the Act:

(a) the prescribed date is 30 June; and

(b) the annual roll fee is \$90.

Application and fee for restoration to register after failing to pay annual roll fee

14. (1) For the purposes of section 18 (6) of the Act, the fee for restoration of a practitioner's name to the register is \$180.

(2) An application to restore a practitioner's name to the register must:

(a) be in an approved form; and

(b) be lodged with the Registrar; and

(c) be accompanied by the fee for restoration.

(3) The Board may waive the payment of the whole or part of any fee under section 18 of the Act in such cases as the Board thinks proper.

Remuneration of members of Committee and Tribunal

15. (1) For the purposes of sections 35 (7) and 44 (8) of the Act, a member of a Professional Standards Committee or a member of the Tribunal (other than the Chairman or a Deputy Chairman of the Tribunal) are entitled to be paid such remuneration as the Minister may from time to time determine.

(2) For the purposes of section 45 (5) of the Act, the Chairman or a Deputy Chairman of the Tribunal are entitled to be paid by the Board at the same rate as a witness who gives expert evidence in the Supreme Court.

Remuneration of examiners

16. An examiner appointed by the Board is entitled to be paid remuneration at a rate approved by the Board from time to time.

Advertising

17. (1) A registered practitioner must not advertise, or cause to be advertised, any material which relates to the registered practitioner's qualifications or to the premises where he or she practises chiropractic or osteopathy if the material:

- (a) is false, misleading or deceptive; or
- (b) creates an unjustified expectation of beneficial treatment; or
- (c) promotes the unnecessary or inappropriate use of the services of the registered practitioner; or
- (d) claims that the registered practitioner has personal prominence in the practice of chiropractic or osteopathy; or
- (e) compares the registered practitioner's practice with that of any other chiropractor or osteopath.

(2) A registered practitioner must not in a public place carry out, or offer to carry out, any spinal screening:

- (a) if any offer or inducement (or both) to use the professional services of any registered practitioner is made by or on behalf of the registered practitioner to the public; or
- (b) if, in the course of the screening, the practice of any registered practitioner is promoted.

Maximum penalty: 5 penalty units.

Appeals against decisions of a Committee etc.

18. (1) For the purposes of section 42 (1) of the Act, the prescribed time within which an appeal may be made to the Tribunal against a finding of the Committee or an exercise of power is 21 days after the making of the finding or after the exercise of the power.

(2) For the purposes of section 43 (2) of the Act, the prescribed time within which an appeal with respect to a point of law may be made is the period after the date of giving notice of an inquiry pursuant to section 36 (2) of the Act and before the date of commencement of the inquiry.

Appeals against decisions of the Tribunal

19. (1) For the purposes of section 52 (1) of the Act, the prescribed time within which an appeal may be made to the Supreme Court against a decision of the Tribunal or an exercise of power is 21 days after the making of the decision or after the exercise of the power (or such longer period as the Supreme Court may allow in any particular case).

(2) For the purposes of section 52 (5) of the Act, the prescribed time within which an appeal with respect to a point of Law may be made is the period after the complaint is referred to the Tribunal and before the date of commencement of the inquiry.

Proceedings of the Board—ordinary meetings

20. (1) Subject to subclause (2), a meeting of the Board is to be held each month (unless otherwise determined by the Board).

(2) At least 8 meetings of the Board must be held during any period of 12 months.

(3) The Registrar must give each member at least 3 days' notice in writing of the time and place of a meeting.

Special and urgent meetings

21. (1) The President or any 3 members may, by notice in writing to the Registrar, call a special meeting of the Board and any such special meeting is to be held within 7 days after the Registrar receives the notice.

(2) The President may, by notice in writing to the Registrar, call an urgent meeting of the Board for any purpose and any such urgent meeting is to be held within 3 days after the Registrar receives the notice.

(3) The Registrar must give each member at least 24 hours' notice in writing of the time and place of any special or urgent meeting.

Lack of quorum

22. If at the expiration of 30 minutes after the time appointed for any meeting of the Board a quorum is not present, the meeting and all business stand adjourned to the next meeting or to such other date as may be fixed by the members present.

Notice of motion

23. (1) Notice of every motion or resolution intended to be proposed at any meeting (other than a special or urgent meeting) is to be given to the Registrar in writing at least 14 days before that meeting and a copy of the notice must be embodied in the agenda papers to be sent to each member.

(2) Any motion must be seconded by a member before being discussed at the meeting.

Meeting of voting at meetings

24. Any question submitted to a meeting of the Board is to be decided on the voices unless a show of hands is demanded by any member, in which case the show of hands will be taken.

Service of documents

25. Any document required by the Act or this Regulation to be served on a person (whether the word "serve", "give" or "send" is used) may be served in person or by post.

Form of summons

26. (1) The form of a summons by a member of a Professional Standards Committee or the Chiropractors and Osteopaths Tribunal to a person to appear in proceedings before the Committee or Tribunal and to give evidence may be in or to the effect of Form 1 in Schedule 1.

(2) The form of a summons by a member of such a Committee or the Tribunal to a person to appear in proceedings before the Committee or Tribunal to give evidence and to produce documents may be in or to the effect of Form 2 in Schedule 1.

SCHEDULE 1—FORMS

Form 1

(Cl. 26 (1))

SUMMONS TO ATTEND AS A WITNESS

(Chiropractors and Osteopaths Act 1991)

To:

(name)

.....

(address)

You are hereby required to appear in proceedings before a Professional Standards Committee*/the Chiropractors and Osteopaths Tribunal* (*delete whichever is inapplicable*) for the purpose of giving evidence:

(a) at

(address where proceedings are to be held)

(b) on at

.....

Member of Committee/Tribunal

.....

Date

NOTE: Clause 2 (4) of Schedule 3 to the Chiropractors and Osteopaths Act 1991 provides as follows:

(4) A person served with a summons to appear in any such proceedings and to give evidence must not, without reasonable excuse:

(a) fail to attend as required by the summons; or

(b) fail to attend from day to day unless excused, or released from further attendance, by a member of the Committee or Tribunal.

Maximum penalty: 20 penalty units.

Form 2

(Cl. 26 (2))

SUMMONS TO ATTEND AS A WITNESS AND TO PRODUCE DOCUMENTS

(Chiropractors and Osteopaths Act 1991)

To:

(name)

.....

(address)

You are hereby required to appear in proceedings before a Professional Standards Committee*/the Chiropractors and Osteopaths Tribunal* (delete whichever is inapplicable)

(a) at

(address where proceedings are to be held)

(b) on at

for the purposes of giving evidence and to produce the documents described or specified in the appendix.

.....

Member of Committee/Tribunal

.....

Date

NOTE: Clause 2 (4) of Schedule 3 to the Chiropractors and Osteopaths Act 1991 provides as follows:

(4) A person served with a summons to appear in any such proceedings and to give evidence must not, without reasonable excuse:

- (a) fail to attend as required by the summons; or
(b) fail to attend from day to day unless excused, or released from further attendance, by a member of a Committee or the Tribunal.

Maximum penalty: 20 penalty units.

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Clause 2 (5) of that Schedule also provides that a person appearing in proceedings to give evidence must not, without reasonable excuse, fail to produce a document that the person is required to produce by that clause (Maximum penalty: 20 penalty units).

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SCHEDULE 1—FORMS**EXPLANATORY NOTE**

The object of this Regulation is to prescribe certain matters under the Chiropractors and Osteopaths Act 1991 (which repeals the Chiropractic Regulation 1979). In particular, the Regulation prescribes (or provides for) the following matters:

- * the courses of training which qualify a person for registration as a chiropractor or osteopath
- * the fees to accompany applications for registration
- * the fees in relation to the register kept by the Chiropractors and Osteopaths Registration Board
- * the remuneration of members of a Professional Standards Committee and the Chiropractors and Osteopaths Tribunal

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- * advertising by chiropractors and osteopaths
 - * the timing of appeals against decisions of a Committee or the Tribunal
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