

**AUSTRALIAN CAPITAL TERRITORY
CHIROPRACTORS AND OSTEOPATHS ACT 1983
DETERMINATION NO. 169 OF 1996**

EXPLANATORY STATEMENT

The *Chiropractors and Osteopaths Act 1983* (the Act) provides for the registration of persons engaged in the practice of Chiropractic and or Osteopathy. Section 54 of the Act provides for the Minister to determine fees for the purposes of the Act and publish that determination in the ACT Gazette.

Fees for the purposes of the Act were determined by determination No. 104 of 1994 and notified in the ACT Special Gazette No.S147, Thursday 7 July 1994.

Registration fees for the purposes of paragraph 16(2)(b), section 19, subsection 26(1) and paragraph 28(2)(b) have been increased to reflect a gradual move towards full cost recovery for services provided by the Board. Determined fees for subsections 10(2), 29(3), 31(3), and paragraphs 48(1)(a) and 48(1)(b) remain unchanged as they are consistent with fees for similar provisions in other health registration legislation and appear at this time to be at cost recovery level.

1. Paragraph 16(2)(b), fee for registration pursuant to section 7 and fee for registration at the discretion of the Board pursuant to section 9.

Registration under the provisions of sections 7 and 9 relate to persons who apply for initial registration with the ACT Chiropractors and Osteopaths Board, that means, applicants are not registered with a registration authority in another Australian State or Territory

Entitlement to registration under section 7 is not subject to any conditions, which means that the person meets all the requirements for full registration. Entitlement to registration at the discretion of the Board under section 9, however, is subject to such conditions as the Board considers appropriate.

Section 16 of the Act requires that applications for registration other than applications by persons who are entitled to registration pursuant to the *Mutual Recognition Act* be accompanied by the determined fee payable under paragraph 16(2)(b).

The determined fee for unconditional registration and registration at the discretion of the Board as determined by determination No 104 of 1994 which was notified in the ACT Special Gazette No S147 on 7 July 1994 was \$109 00. The fee for the purposes of paragraph 16(2)(b), for registration pursuant to section 7 and fee for registration at the discretion of the Board pursuant to section 9, is now set at \$220.00. This fee reflects a gradual move towards full cost recovery for services provided by the Board

2. Section 19, Registration fee under mutual recognition provisions.

Section 8 of the Act makes provision for a person who is registered as a chiropractor or osteopath under the law in force in a State or another Territory that is a participating jurisdiction within the meaning of the *Mutual Recognition Act* to registration under the *Chiropractors and Osteopaths Act 1983*.

Persons seeking registration under the mutual recognition principle are required to pay the fee determined under section 19 of the Act.

The registration fee under the mutual recognition provisions as determined by determination No. 104 of 1994 which was notified in the ACT Special Gazette No. S147 on 7 July 1994 was \$109.00. The fee for the purposes of section 19 registration under these provisions is set at \$220.00. This fee reflects a gradual move towards full cost recovery for services provided by the Board.

3. Subsection 26(1), annual registration fee.

Subsection 26(1) of the Act requires a registered Chiropractor or Osteopath to pay the determined fee on or before 1 September in each year. The payment of this fee entitles the registered chiropractor or osteopath's name to remain on the Register of Chiropractors or Osteopaths as the case may be, kept by the Board in accordance with section 21. This entitles the person to practise as a chiropractor or osteopath as the case may be in the Territory for the next 12 months.

Where a registered chiropractor or osteopath fails to pay the determined fee under subsection 26(1) the Board, under the provisions of subsection 27(2) of the Act, is required to cancel the registration of the person.

The determined annual fee as determined by determination No. 104 of 1994 which was notified in the ACT Special Gazette No. S147 on 7 July 1994 was \$109.00. The fee for registration under subsection 26(1) is set at \$180.00. This fee reflects a gradual move towards full cost recovery for services provided by the Board and covers administrative costs associated with sending renewal notices to registered chiropractors and osteopaths, processing and receipting procedures, maintenance of the Register, publication of names and addresses of persons registered under the Act etc.

4. Paragraph 28(2)(b) entitlement to re-registration fee

A person whose registration has been cancelled for failure to pay the determined fee under subsection 26(1) is entitled to be re-registered under the provisions of section 28 if he or she makes application for registration in a form approved by the Board and pays the determined fee under paragraph 28(2)(b). Entitlement to re-registration under these provisions is on the same terms and conditions as applied to the person's registration immediately before the removal of his or her name from the Register.

The determined fee for entitlement to re registration as determined by determination No. 104 of 1994 which was notified in the ACT Special Gazette No. S147 on 7 July 1994 was \$109.00. The fee for the purposes of subsection 28(1) is set at \$180.00 which is equivalent to the annual practicing fee. This fee also reflects a gradual move towards full cost recovery for services provided by the Board.

5. Subsection 10(2), entitlement to interim registration.

Under section 10 of the Act, interim registration may be granted to a person where the applicant is entitled to full registration under the provisions of section 7 but where it is not practicable to wait until the Board can consider the application, or where the person would be entitled to registration under section 7 except for the fact that the degree or award to which the applicant is entitled has not yet been conferred or granted by the institution concerned

A person authorised by the Board for the purposes of section 10, may grant an applicant for registration interim registration on payment of the fee determined under subsection 10(2)

Interim registration remains in force until such time as the Board grants the person registration, has notified the person that his or her application for registration has been refused or cancels the person's interim registration. A person who holds interim registration is for all purposes to be taken to be a registered chiropractor or osteopath.

The determined fee for entitlement to interim registration as determined by determination No. 104 of 1994 which was notified in the ACT Special Gazette No. S147 on 7 July 1994 was \$20.00. This fee remains unaltered as it is consistent with the fee determined for the same provision in other health registration legislation and covers the administrative costs associated with granting interim registration

6. Subsection 29(3), fee for duplicate certificate.

Under the provisions of section 29 of the Act, the Board is required to issue to a person who is registered as a chiropractor or osteopath, a certificate of registration signed by the chairperson or deputy chairperson. The certificate is to state the provision by virtue of which the person is entitled to be registered and set out any conditions to which the person's registration is subject.

Where a person's certificate of registration has been lost or destroyed the Board may, subject to certain conditions issue a duplicate certificate to the person subject to the payment of the determined fee under subsection 29(3)

For this provision the determined fee as determined by determination No 104 of 1994 which was notified in the ACT Special Gazette No. S147 on 7 July 1994 was \$30 00. This fee remains unaltered as it is consistent with the determined fee for this provision in other health registration legislation and appears at this time to reflect the cost associated

with providing a duplicate certificate. This covers printing and administrative costs associated with providing this service.

7. Subsection 31(3), fee for alteration of particulars in the register.

Under the provisions of section 31 of the Act the Board may, from time to time, at the request of the person or of its own accord, make such alterations to particulars in the Register as are necessary. Such alterations allow for amendment of incorrect particulars, addition of relevant information, removal of names of people who have died or who have ceased to become registered or to alter particulars pursuant to disciplinary orders.

The Board is not entitled to make an alteration to particulars in the Register at the request of a person unless satisfied that the determined fee under subsection 31(3) has been paid. The determined fee for this provision determined by determination No. 104 of 1994 as notified in the ACT Gazette No. S147 on 7 July 1994 was \$10.00. This fee remains unaltered as it is consistent with the determined fee for this provision in other health registration legislation and appears at this time to reflect the cost associated with making such alterations.

8. Paragraph 48(1)(a), fee to inspect an entry in the register.

Under paragraph 48(1)(a) of the *Chiropractors and Osteopaths Act 1983* a person may on payment of the determined fee inspect an entry in the Register. The determined fee for this provision determined by determination No. 104 of 1994 as notified in the ACT Special Gazette No. S147 on 7 July 1994 was \$5.00. The determined fee for the purposes of paragraph 48(1)(a) remains unaltered as it is consistent with the determined fee for this provision in other health registration legislation and appears at this time to reflect the cost associated with providing this service.

9. Paragraph 48(1)(b), fee to obtain a certified copy of an entry in the register.

Under paragraph 48(1)(b) of the *Chiropractors and Osteopaths Act 1983* a person may on payment of the determined fee obtain a certified copy of an entry in the Register. The determined fee for this provision determined by determination No. 104 of 1994 as notified in the ACT Special Gazette No. S147 on 7 July 1994 was \$10.00. The determined fee for the purposes of paragraph 48(1)(b) remains unaltered as it is consistent with the determined fee for this provision in other health registration legislation and appears at this time to reflect the cost associated with providing this service.

10. A comparative chart for ease of reference is attached

<input type="checkbox"/>	1994/95 1995/96 Fee	1996/97 Fee
Chiropractors and Osteopaths Act 1983		
Paragraph 16(2)(b) application fee for registration pursuant to section 7 and section 9	109.00	220.00
Section 19 fee for registration under the Mutual Recognition principle	109.00	220.00
Subsection 26(1) annual registration fee	109.00	180.00
Paragraph 28(2)(b) entitlement to re-registration subject to payment of fee	109.00	180.00
Subsection 10(2) entitlement to interim registration subject to payment of fee	20.00	20.00
Subsection 29(3) fee for duplicate certificate	30.00	30.00
Subsection 31(3) fee for alteration to the register	10.00	10.00
Paragraph 48(1)(a) fee to inspect an entry in the register	5.00	5.00
Paragraph 48(1)(b) fee to obtain a certified copy of an entry in the register	10.00	10.00