

Chiropractors Registration Ordinance 1983

No. 28 of 1983

TABLE OF PROVISIONS**PART I—PRELIMINARY****Section**

1. Short title
2. Commencement
3. Interpretation

PART II—THE CHIROPRACTIC BOARD

4. Establishment and constitution of Board
5. Deputy Chairman
6. Term of office
7. Resignation and vacation of office
8. Leave of absence
9. Remuneration
10. Protection of members

PART III—REGISTRATION AND QUALIFICATIONS

11. Register of Chiropractors
12. Persons entitled to apply for registration
13. Board to authorize registration
14. Registration
15. Certificate of registration
16. Chiropractor to notify address and pay annual fee
17. Change of address to be notified
18. Alteration of Register
19. Provisional registration
20. Temporary registration
21. Effect of provisional or temporary registration
22. Cancellation or suspension of registration
23. Suspension of registration on health grounds
24. Inquiry by Board
25. Effect of suspension
26. Application for re-registration

PART IV—THE CONDUCT OF THE PRACTICE OF CHIROPRACTIC

27. Persons who may practise chiropractic
28. Use of title of chiropractor
29. Practice of chiropractic by companies, &c.
30. Recovery of fees
31. Review of accounts for fees for chiropractic service
32. Administration of estate of deceased chiropractor

PART V—MEETINGS AND PROCEEDINGS*Division 1—Meetings*

33. Meetings

TABLE OF PROVISIONS—*continued*

Section	
34.	Presiding member
35.	Quorum
36.	Voting
37.	Records
38.	Motions and resolutions
39.	Board may determine procedures

Division 2—Proceedings

40.	Interpretation
41.	Minister may direct Board to conduct proceeding
42.	Conduct of proceedings
43.	Notice of proceedings
44.	Procedure
45.	Proceedings to be in public
46.	Board may inspect documents
47.	Powers of Board
48.	Representation
49.	Submissions
50.	Decisions
51.	Assistance
52.	Protection of witnesses, &c.
53.	Allowances to witnesses
54.	Failure of witness to attend
55.	Refusal to be sworn or answer questions

PART VI—MISCELLANEOUS

56.	Appeal
57.	Notification of decisions
58.	Payment of determined fees
59.	Inspection of Register
60.	Evidence
61.	Disclosure of pecuniary interest
62.	Offences in relation to Board
63.	Impartiality of Board
64.	Annual reports
65.	Publication of notice of decision
66.	Publication of registered chiropractors
67.	Amendment of <i>Seat of Government (Administration) Ordinance 1930</i>
68.	Power of Minister to determine fees
69.	Regulations

PART VII—TRANSITIONAL

70.	Transitional provisions
71.	Applications within 6 months of commencement of Ordinance
72.	Application of Part IV

Chiropractors Registration Ordinance 1983

No. 28 of 1983

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 22 September 1983.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

NEAL BLEWETT
Minister of State for Health

An Ordinance to provide for the registration of persons engaged in the practice of chiropractic, and for other related purposes

PART I—PRELIMINARY

Short title

1. This Ordinance may be cited as the *Chiropractors Registration Ordinance 1983*.¹

Commencement

2. This Ordinance shall come into operation on a date to be fixed by the Minister of State for Territories and Local Government by notice published in the *Gazette*.

Interpretation

3. (1) In this Ordinance, unless the contrary intention appears—
- “Board” means the Chiropractic Board constituted under this Ordinance;
 - “Chairman” means the Chairman of the Board;
 - “chiropractic” means the application of manipulation to the articulations of the human body for the purpose of preventing, alleviating or correcting a physical disability or abnormality, and includes osteopathy;

“chiropractor” means a person engaged in the practice of chiropractic or osteopathy;

“Deputy Chairman” means the Deputy Chairman of the Board;

“medical practitioner” means a person registered as a medical practitioner under the *Medical Practitioners Registration Ordinance 1930*;

“member” means a member of the Board, and includes the Chairman;

“physiotherapist” means a person registered as a physiotherapist under the *Physiotherapists Registration Ordinance 1977*;

“Register” means The Register of Chiropractors kept in accordance with section 11;

“registered” means registered under this Ordinance;

“registered chiropractor” means a person who is for the time being registered;

“registration authority” means a person or body empowered by or under a law of a State, Territory or place outside Australia to register chiropractors or otherwise to authorize the practice of chiropractic;

“Tribunal” means the Administrative Appeals Tribunal established by the *Administrative Appeals Tribunal Act 1975*.

(2) A reference in a provision of this Ordinance to a determined fee shall be read as a reference to the fee determined under section 68 for the purposes of that provision.

(3) For the purposes of this Ordinance—

(a) a natural person shall be deemed to practise chiropractic if—

- (i) he practises chiropractic personally on his own account or as a member of a firm;
- (ii) in the course of a business carried on by him, a person or persons employed by him is or are engaged in the practice of chiropractic; or
- (iii) he is engaged in the practice of chiropractic as a person employed in a business carried on by another person (including a company) or by a firm; and

(b) a company or a firm shall be deemed to practise chiropractic if, in the course of a business carried on by the company or firm, a person or persons employed by the company or firm or, in the case of a firm, a member or members of the firm, is or are engaged in the practice of chiropractic.

(4) Nothing in this Ordinance applies to or in relation to the carrying on by a person, in accordance with the laws of the Territory, of the business or profession of medical practitioner or physiotherapist.

PART II—THE CHIROPRACTIC BOARD**Establishment and constitution of Board**

4. (1) For the purposes of this Ordinance, there shall be a Board to be known as the Chiropractic Board.

(2) The Board—

(a) is a body corporate with perpetual succession;

(b) shall have a common seal; and

(c) may sue and be sued in its corporate name.

(3) All courts, judges and persons acting judicially shall take judicial notice of the seal of the Board affixed to a document and shall presume that it was duly affixed.

(4) The Board shall consist of the Chairman, and 4 other members, appointed by the Minister.

(5) The Chairman and the other members shall each be a person who is a registered chiropractor.

(6) The Chairman shall be the executive officer of the Board.

(7) The performance of the functions, or the exercise of the powers, of the Board is not affected by reason only of there being a vacancy or vacancies in the membership of the Board.

Deputy Chairman

5. (1) The members of the Board shall, from time to time, as occasion requires, elect one of their number to be the Deputy Chairman of the Board.

(2) Forthwith after the election of the Deputy Chairman of the Board, the Chairman shall inform the Minister in writing of the election of the Deputy Chairman.

(3) The Deputy Chairman holds office for a period of 12 months from the date of his election, unless he sooner ceases to be a member, and is eligible for re-election.

(4) The Deputy Chairman may resign his office of Deputy Chairman by writing signed by him and delivered to the Chairman.

(5) Subject to this Ordinance, the Deputy Chairman has, and may exercise, all the powers and may perform all the functions of the Chairman.

Term of office

6. (1) Subject to this Ordinance, each member shall hold office for such period, not exceeding 3 years, as is specified in the instrument of his appointment, but is eligible for re-appointment.

(2) A person who has attained the age of 65 years shall not be appointed or re-appointed as a member and a person shall not be appointed or re-appointed

as a member for a period that extends beyond the date on which he will attain the age of 65 years.

Resignation and vacation of office

7. (1) The Chairman or other member may resign his office of Chairman or member, as the case may be, by writing signed by him and delivered to the Minister.

(2) The Minister may at any time remove a member from office for misbehaviour or physical or mental incapacity.

(3) If a member—

- (a) becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (b) is convicted in Australia of an offence punishable by imprisonment for one year or longer;
- (c) is absent without leave granted under section 8 from 3 consecutive meetings of the Board; or
- (d) ceases to be a registered chiropractor,

the Minister shall remove the member from office.

Leave of absence

8. (1) The Minister may grant leave of absence to the Chairman upon such terms and conditions as the Minister determines.

(2) The Chairman may grant leave of absence to another member for such period, not exceeding one year, and upon such terms and conditions as the Chairman determines.

Remuneration

9. (1) Subject to this section, a member is not entitled to be paid in respect of any duties or functions performed by him in his capacity as a member.

(2) A member is entitled to reimbursement for any expenses reasonably incurred by him in the performance of his duties and functions in his capacity as a member.

Protection of members

10. No action or suit shall be brought or maintained against a member for or in respect of any act or thing done in good faith by the member in his capacity as a member.

PART III—REGISTRATION AND QUALIFICATIONS

Register of Chiropractors

11. The Board shall keep a register called “The Register of Chiropractors”.

Persons entitled to apply for registration

12. (1) In this section, "qualification" includes degree, certificate or diploma.

(2) A person is entitled to apply to the Board for registration if he is a fit and proper person to be registered as a chiropractor, he has an adequate knowledge of the English language and—

- (a)** he is entitled to practise as a chiropractor in a State or another Territory under a law of that State or Territory relating to the practice of chiropractic; or
- (b)** he holds a qualification in chiropractic—
 - (i)** that is granted by an institution in a place outside Australia and that would entitle him to practise as a chiropractor in that place; and
 - (ii)** that is a qualification declared by the Minister, on the recommendation of the Board, by notice published in the *Gazette*, to be an acceptable qualification.

(3) An application for registration shall be in writing and shall be lodged with the Board.

(4) The Board may require an applicant to attend personally before the Board and, if the applicant fails to attend as required, may refuse the application.

Board to authorize registration

13. Subject to sub-section 12 (4), where a person has lodged an application with the Board under sub-section 12 (3) and the Board is satisfied that the person—

- (a)** is entitled to apply for registration; and
- (b)** has paid the determined fee,

the Board shall authorize the registration of the person.

Registration

14. (1) Where the Board authorizes the registration of a person, registration shall be effected by entering in the Register—

- (a)** the name of the person;
- (b)** the person's professional address or addresses in the Territory or, if he has no professional address in the Territory, his place of residence, whether within or outside the Territory;
- (c)** particulars of the person's qualifications;
- (d)** the registration number allotted to the person; and
- (e)** the date of registration.

(2) An entry in the Register shall be signed by the Chairman or, in his absence, the Deputy Chairman.

Certificate of registration

15. (1) Where a person is registered, the Board shall cause to be issued to the person a certificate of registration under the hand of the Chairman or Deputy Chairman.

(2) A certificate of registration issued under sub-section (1) is evidence that the person specified in the certificate was registered on the date specified in the certificate.

(3) Where a certificate issued under sub-section (1) has been destroyed or lost, the Board shall, on payment of the determined fee, cause to be issued to the registered chiropractor a duplicate certificate.

(4) Where a person ceases to be registered, the Chairman may, by notice in writing given to the person at his professional address, or at one of his professional addresses, as last recorded in the Register, or at his last known place of residence, require him, within 14 days after receipt of the notice, to deliver his certificate of registration to the Board.

(5) A person shall not, without reasonable excuse, refuse or fail to comply with a notice given under sub-section (4).

Penalty: \$100.

(6) Sub-section (5) does not apply in relation to a person who satisfies the Board that—

- (a) the certificate has been destroyed; or
- (b) after diligent search, the person has been unable to find the certificate.

Chiropractor to notify address and pay annual fee

16. (1) A registered chiropractor shall, on or before 1 September in each year—

- (a) notify the Board of his professional address or addresses in the Territory or, if he has no professional address, of his place of residence; and
- (b) pay the determined fee.

(2) Where a registered chiropractor does not comply with the provisions of sub-section (1), the Board shall cause to be sent to the chiropractor a notice requiring the chiropractor to comply with the provisions of paragraphs (1) (a) and (b) within one month of the date of the notice and advising him that if he does not do so, his registration will be cancelled.

(3) A notice under sub-section (2) shall be posted to the chiropractor at his professional address, or at one of his professional addresses, as last recorded in the Register, or at his last known place of residence.

(4) Where a chiropractor to whom a notice under sub-section (2) has been sent does not comply with the requirements of the notice the Board shall cancel his registration.

(5) Where a chiropractor whose registration has been cancelled under sub-section (4)—

(a) notifies the Board of his professional address or addresses in the Territory or, if he has no professional address in the Territory, of his place of residence; and

(b) pays the determined fee referred to in paragraph (1) (b), within 12 months after the date on which his registration was so cancelled, the Board shall re-register the chiropractor.

Change of address to be notified

17. Where—

(a) a change occurs in an address of a registered chiropractor entered in the Register under sub-section 14 (1) or notified to the Board under section 16; or

(b) a registered chiropractor establishes a professional address, or an additional professional address, in the Territory,

the registered chiropractor shall, within one month of the change or establishment, as the case may be, notify the Chairman in writing accordingly.

Penalty: \$100.

Alteration of Register

18. (1) The Board shall cause to be removed from the Register the name of a registered chiropractor who has died.

(2) Subject to sub-section (3), the Board may, from time to time, at the request of a person or of its own accord, make such alterations to particulars in the Register as are necessary.

(3) The Board shall not make an alteration to particulars in the Register at the request of a person unless the Board is satisfied that the determined fee has been paid.

Provisional registration

19. (1) Upon application by a person who has lodged an application for registration with the Board under sub-section 12 (3), and upon payment of the determined fee, the Chairman may grant provisional registration to the person.

(2) Provisional registration granted under this section shall, subject to sub-section (3), remain in force for a period of 3 months from the date of the grant and shall not be renewed.

(3) Where, within the period of 3 months referred to in sub-section (2), the Board makes a decision on the application under section 12, the provisional registration ceases to be in force.

Temporary registration

20. (1) Subject to this section, upon application by a person who—

(a) is registered as a chiropractor in a State or another Territory; and

(b) wishes to carry on the practice of chiropractic in the Territory on behalf of a registered chiropractor,
and upon payment of the determined fee, the Chairman may grant temporary registration to the person.

(2) Temporary registration granted under this section shall remain in force for a period of 3 months from the date of the grant and, subject to this section, may, upon application by the person to whom temporary registration was granted, and upon payment of the determined fee, be renewed for a further period of 3 months.

(3) Temporary registration shall not be granted or renewed under this section where the applicant has been temporarily registered for a total period of 6 months during the period of 24 months immediately preceding the date of his application for temporary registration or renewal, as the case may be.

Effect of provisional or temporary registration

21. (1) A person who has been granted provisional registration shall, while the registration remains in force, be deemed to be registered for the purposes of section 23 and Part IV.

(2) A person who has been granted temporary registration shall, while the registration remains in force, be deemed to be registered for the purposes of sub-sections 22 (1) and (3), section 23 and Part IV.

Cancellation or suspension of registration

22. (1) The Board may order the cancellation of the registration of a person—

- (a) whose registration has been obtained by fraud or misrepresentation;
- (b) whose qualification is withdrawn or cancelled by the body which granted it;
- (c) whose registration in a State or another Territory is cancelled, suspended or otherwise withdrawn on a ground other than the non-payment of a fee;
- (d) who, being a person whose registration is suspended, is convicted of an offence against section 27 or 28;
- (e) who is convicted in the Territory or elsewhere of an offence punishable by imprisonment for a period of one year or longer or any other offence that renders the person unfit to practise as a chiropractor; or
- (f) who is guilty of any conduct that renders him unfit to practise as a chiropractor.

(2) In the case of a person to whom paragraph (1) (c), (e) or (f) applies, the Board may, instead of ordering the cancellation of the registration of the person—

- (a) order the suspension of the registration of the person for such period as it thinks fit; or
- (b) reprimand the person.

(3) Where a person who is registered is found by the Board to have been guilty of habitual drunkenness or addiction to a drug, the Board may—

- (a) order the suspension of the registration of the person for such period as it thinks fit; or
- (b) reprimand the person.

Suspension of registration on health grounds

23. (1) The Board shall, where it is satisfied that the mental or physical condition of a registered chiropractor is such as to render him unfit to practise chiropractic, make an order suspending the registration of that person.

(2) The Board shall, within 12 months of the making of an order under this section and thereafter at intervals not exceeding 12 months, or, subject to sub-section (3), at any other time if so requested by the person in respect of whom the order was made, review that order and, where the Board is satisfied that the mental or physical condition of that person has changed since the making of the order, it may set aside that order.

- (3) Where the Board—
- (a) makes an order under this section; or
 - (b) reviews an order made under this section,

the person in respect of whom the order was made shall not be entitled to—

- (c) a review of the order; or
- (d) a further review of the order,

as the case requires, within a period of 3 months from the date of the order or review.

Inquiry by Board

24. (1) The Board shall hold an inquiry before—
- (a) ordering the cancellation of the registration of a person;
 - (b) ordering the suspension of the registration of a person;
 - (c) reprimanding a person; or
 - (d) making an order in pursuance of sub-section 23 (1).

(2) Pending the holding of an inquiry under sub-section (1), the Board may suspend temporarily the registration of the person to whom the inquiry relates.

Effect of suspension

25. A person whose registration has been suspended under section 22, sub-section 23 (1) or sub-section 24 (2) shall, during the period of the suspension, be deemed not to be registered.

Application for re-registration

26. (1) Where the registration of a person has been cancelled, otherwise than under sub-section 16 (4), or suspended, otherwise than under sub-section 23 (1) or 24 (2), the person may apply for re-registration or termination of the suspension, as the case may be, on the ground that, by reason of a specified

change in the circumstances that has occurred since the date of the cancellation or suspension, it is just that he should be re-registered or his suspension should be terminated.

(2) Upon an application under this section the Board may, if it is satisfied that, by reason of the change in circumstances, the person should be re-registered or his suspension should be terminated, order that the person be re-registered or that his suspension be terminated, as the case requires.

PART IV—THE CONDUCT OF THE PRACTICE OF CHIROPRACTIC

Persons who may practise chiropractic

27. (1) A person other than a registered chiropractor shall not practise chiropractic for fee or reward.

Penalty: \$1,000.

(2) A registered chiropractor shall not practise chiropractic under a name other than the name under which the chiropractor is registered.

Penalty: \$250.

(3) In proceedings for an offence against sub-section (1) or (2), a certificate given by the Chairman that—

- (a) the person named in the certificate is not a registered chiropractor; or
- (b) the name of a person named in the certificate is the name under which that person is registered,

is evidence of that fact.

Use of title of chiropractor

28. A person other than a registered chiropractor shall not—

- (a) take or use, either alone or in combination with any other words or letters, the title of chiropractor or osteopath or a name, title, addition or description (including initials or letters placed after his name) indicating or implying that he is a registered chiropractor or that he is a person who practises, or is qualified to practise, chiropractic; or
- (b) hold himself out, by advertisement or otherwise, as being qualified or authorized to practise chiropractic or as being a person who practises chiropractic.

Penalty: \$1,000.

Practice of chiropractic by companies, &c.

29. A company or a firm shall not practise chiropractic unless all the employees of the company, or all the members and employees of the firm, engaged in the practice of chiropractic are registered chiropractors.

Penalty: \$2,000.

Recovery of fees

30. (1) A person is not entitled to commence an action for the recovery from another person of fees or remuneration for a chiropractic service given to that other person, or a dependant of that other person, unless—

- (a) he has served or caused to be served on that other person, by delivery to that person personally or by post addressed to that person at his last-known place of residence, an account for the fees or remuneration setting out the amount claimed, a brief statement of the nature of the chiropractic service given, the date or dates on which it was given and the person to whom it was given; and
- (b) a period of 6 months has elapsed since that service of the account and the account is unpaid at the end of that period.

(2) Notwithstanding sub-section (1), an action for the recovery of fees or remuneration for a chiropractic service may be commenced without the service of an account for those fees or that remuneration in accordance with that sub-section or, if such an account has been so served, before the elapsing of the period of 6 months since the service of the account, if the action is one in which an application could, but for that sub-section, be made for an order under Part II of the Arrest on Mesne Process Act, 1902 of the State of New South Wales in its application to the Territory.

Review of accounts for fees for chiropractic service

31. (1) A person liable to pay fees or remuneration for a chiropractic service may, within 6 months after service upon him of an account for the fees or remuneration in accordance with section 30, apply in writing to the Board to review the account.

(2) The Board shall, on receipt of an application under sub-section (1), review the account and certify, under the hand of the Chairman or the Deputy Chairman, the amount which, in the opinion of the Board, is a reasonable amount of fees or remuneration for the chiropractic service.

(3) The Board shall, in a certificate referred to in sub-section (2), set out the facts on which the certificate is based.

(4) The Board may request a person to furnish such information as it thinks necessary or desirable for the purpose of a review under this section and may fix a time within which the information should be furnished.

(5) If a person does not furnish information requested by the Board under sub-section (4) within the time fixed by the Board under that sub-section, the Board may proceed to review the account for fees or remuneration without that information.

(6) In reviewing an account for fees or remuneration under this section, the Board is not required to conduct a formal hearing, but the Board shall provide the parties to the application with any information furnished to the Board under sub-section (4).

(7) In reviewing an account for fees or remuneration under this section, the Board shall have regard to the time occupied in giving, and the nature of, the chiropractic service and any other circumstances submitted by the person who gave the chiropractic service with respect to the provision of the chiropractic service.

(8) The Board shall cause a copy of a certificate of the Board under sub-section (2) to be sent by post to the person who gave the chiropractic service at his professional address, or at one of his professional addresses, last known to the Board.

(9) In proceedings for the recovery of fees or remuneration in respect of a chiropractic service, a certificate of the Board under sub-section (2) in relation to that service is evidence that the amount certified in the certificate is a reasonable amount of fees or remuneration for the chiropractic service.

Administration of estate of deceased chiropractor

32. Upon the death of a registered chiropractor who was at the time of his death carrying on business as a chiropractor, an executor, administrator or trustee of his estate may continue the business for a period of 6 months or for such longer period as the Board, on application by the executor, administrator or trustee, permits, if the practice of chiropractic in the business is carried on by a registered chiropractor.

PART V—MEETINGS AND PROCEEDINGS

Division 1—Meetings

Meetings

33. (1) The Board shall hold such meetings as are necessary for the performance of its functions.

(2) The Chairman may, at any time, by notice in writing to the other members, convene a meeting of the Board at the time and place specified in the notice.

(3) The Minister may, by notice in writing to each member, direct that a meeting of the Board be held at the time and place specified in the notice.

(4) Where, at any time, a majority of the members requests the Chairman in writing to convene a meeting of the Board, the Chairman shall convene a meeting of the Board in accordance with the request.

(5) The Board may invite a person to attend a meeting of the Board for the purpose of advising or informing the Board on any matter.

Presiding member

34. (1) The Chairman shall preside at all meetings of the Board at which he is present.

(2) In the absence of the Chairman from any meeting, the Deputy Chairman shall preside.

(3) In the absence of the Chairman and the Deputy Chairman from any meeting, the members present and constituting a quorum shall elect one of their number to preside at the meeting.

Quorum

35. (1) At a meeting of the Board, a quorum consists of the member presiding at the meeting and such number of other members as, together with the member so presiding, constitutes a majority of the Board.

(2) In this section, "majority" means a majority of members calculated on the basis of the total membership of the Board, including any vacancies in the membership.

Voting

36. (1) Subject to this section, questions arising at a meeting of the Board shall be determined by a majority of the votes of the members present and voting.

(2) At a meeting at which he is presiding, the Chairman or the Deputy Chairman has a deliberative vote, and, in the event of an equality of voting, a casting vote.

(3) If, at a meeting at which the Chairman or the Deputy Chairman is not presiding, the members present differ upon a question, the determination of that question shall be postponed until the next meeting.

(4) Voting at a meeting shall be by show of hands or, if a vote by ballot is called for by a member present at the meeting, by ballot.

Records

37. (1) The Board shall keep records of its meetings, proceedings and decisions.

(2) Upon the signing of the record of any meeting by the member presiding at a subsequent meeting, that record shall be treated by the Board as binding and conclusive.

Motions and resolutions

38. (1) A motion shall not be proposed at a meeting unless notice in writing of the motion has been given to the Chairman at least 7 days before the date fixed for holding the meeting.

(2) The Chairman shall cause a motion of which notice has been given to him under sub-section (1) to be included in the notice convening the meeting.

(3) No resolution passed, or any act, matter or thing done or authorized to be done, by or at any meeting shall be rescinded, amended, cancelled or revoked at any subsequent meeting unless a notice of the proposed rescission, amendment, cancellation or revocation has been given in the notice convening that meeting.

Board may determine procedures

39. Subject to this Ordinance, the procedure for the purposes of a meeting shall be as the Board determines.

Division 2—Proceedings

Interpretation

40. In this Division—

“barrister and solicitor” has the same meaning as in the *Legal Practitioners Ordinance 1970*;

“proceeding” means an inquiry by the Board under section 24.

Minister may direct Board to conduct proceeding

41. (1) The Minister may, by notice in writing to the Chairman or, in the absence of the Chairman, the Deputy Chairman direct that the Board conduct a proceeding in relation to the matter specified in the notice.

(2) Where the Minister gives a direction under sub-section (1) that the Board conduct a proceeding, the Board shall conduct the proceeding accordingly.

(3) Nothing in this section shall be construed as limiting the power of the Board to conduct a proceeding without a direction being given by the Minister under sub-section (1).

Conduct of proceedings

42. (1) The Chairman or, in his absence, the Deputy Chairman shall preside at a hearing of a proceeding before the Board.

(2) The Board shall not conduct a hearing of a proceeding unless the number of members present for the purpose of conducting that hearing, together with the Chairman or the Deputy Chairman presiding at the hearing, constitutes a majority of the members of the Board.

Notice of proceedings

43. (1) The Board shall not begin the hearing of a proceeding unless the Chairman has caused a notice in writing to be served on each party to the proceeding.

(2) A notice under sub-section (1) shall—

- (a) state the date, time and place of the hearing of the proceeding;
- (b) identify the provisions of the Ordinance under which the proceeding is instituted;
- (c) contain, where practicable, a statement of the matters to be considered at the hearing of the proceeding; and
- (d) be served on each party to the proceeding a reasonable time before the date referred to in paragraph (a).

(3) A notice under sub-section (1) may be served on a person by delivery to that person personally or by post addressed to that person at his professional or residential address last known to the Chairman or the Deputy Chairman.

Procedure

44. (1) In a proceeding before the Board—

- (a) the proceeding shall be conducted with as little formality and technicality, and with as much expedition, as the requirements of this Ordinance and of every other relevant enactment and a proper consideration of the matters before the Board permit; and
- (b) the Board is not bound by the rules of evidence but may inform itself of any matter in such manner as it thinks appropriate.

(2) The Chairman or Deputy Chairman presiding at a hearing of a proceeding before the Board may, in respect of a matter not dealt with by this Ordinance, give directions as to the procedure to be followed at or in connection with the hearing.

(3) In this section, "enactment" means—

- (a) an Act;
- (b) an Ordinance; or
- (c) an instrument (including rules, regulations or by-laws) made under an Act or an Ordinance,

and includes an enactment as amended by another enactment.

Proceedings to be in public

45. (1) Subject to this section, the hearing of a proceeding before the Board shall be in public.

(2) Where the Board is satisfied that it is desirable to do so by reason of the confidential nature of any evidence or matter or for any other reason, the Board may—

- (a) direct that a hearing or part of a hearing shall take place in private and give directions as to the persons who may be present;
- (b) give directions prohibiting or restricting the publication of evidence given before the Board, whether in public or in private, or of matters contained in documents lodged with the Board or received in evidence by the Board; and
- (c) give directions prohibiting or restricting the disclosure to some or all of the parties to a proceeding of evidence given before the Board, or the contents of a document lodged with the Board, in relation to the proceedings.

(3) A person shall not refuse or fail to comply with a direction given by the Board in pursuance of paragraph (2) (b) or (c).

Penalty: \$1,000 or imprisonment for 6 months.

Board may inspect documents

46. The Board may inspect any books, documents or writings that are relevant to a proceeding before the Board, and may retain such books, documents or writings, and may make copies of such parts of them as it thinks fit for the purposes of that proceeding.

Powers of Board

47. (1) The Board may for the purposes of a proceeding before it—

- (a) take evidence on oath or affirmation;
- (b) proceed in the absence of a party who has had reasonable notice of the proceeding; and
- (c) adjourn the proceeding from time to time.

(2) The Chairman may, for the purposes of the hearing of a proceeding before the Board—

- (a) summon a person to appear before the Board at that hearing to give evidence and to produce such documents (if any) as are referred to in the summons;
- (b) require a person appearing before the Board at that hearing to give evidence either to take an oath or to make an affirmation; and
- (c) administer an oath or affirmation to a person so appearing before the Board.

(3) A summons under this section may be served on a person by delivery to that person personally or by post addressed to that person at his professional or residential address last known to the Chairman or the Deputy Chairman.

Representation

48. (1) At the hearing of a proceeding before the Board, a party to the proceeding may appear in person or may be represented by some other person.

(2) A person summoned to appear before the Board under section 47 may request that he be represented by some other person and, upon such request being made, the Board may allow the person to be so represented.

Submissions

49. Subject to section 45, the Board shall ensure that every party to a proceeding before the Board is given a reasonable opportunity to present his case and, in particular, to inspect any documents to which the Board proposes to have regard in reaching a decision in the proceeding and to make submissions in relation to those documents.

Decisions

50. (1) Where the Board has concluded the hearing of a proceeding before it, the Board shall make a decision and shall prepare and furnish to each party to the proceeding a statement in writing setting out the decision, the findings on material questions of fact, referring to the evidence or other material on which those findings were based, and giving the reasons for the decision.

(2) Where the members are divided in opinion as to the decision to be made—

- (a) if there is a majority of the one opinion—the decision shall be made according to the opinion of the majority; or
- (b) in any other case—the decision shall be made according to the opinion of the Chairman.

Assistance

51. The Attorney-General may appoint a barrister and solicitor to assist the Board in a proceeding before it.

Protection of witnesses, &c.

52. (1) A person who represents a party in a proceeding before the Board has the same protection and immunity as a barrister and solicitor has in appearing for a party in proceedings in the Supreme Court.

(2) A witness in a proceeding before the Board has the same protection as a witness in proceedings in the Supreme Court.

Allowances to witnesses

53. (1) A person who attends for the purpose of giving evidence before the Board is entitled to receive such fees and travelling expenses in accordance with the scale in the Second Schedule to the Public Works Committee Regulations as in force from time to time under the *Public Works Committee Act 1969* as the Chairman determines.

(2) Subject to this section, fees and expenses payable to a person in accordance with sub-section (1) are payable—

- (a) in the case of a person who attends before the Board, whether on summons or not, by reason of a request by a person other than an officer of the Capital Territory Health Commission—by the person at whose request the first-mentioned person attended; or
- (b) in any other case—by the Capital Territory Health Commission.

(3) Where, in a case to which paragraph (2) (a) applies, it was, in the opinion of the Board, reasonable for the request by reason of which the person attended before the Board to have been made, the Board may order that the fees and expenses of the person shall be paid, in whole or in part, by the Capital Territory Health Commission.

(4) Where the Board makes an order under sub-section (3) for the payment of fees and expenses, the fees and expenses are payable by the Capital Territory Health Commission.

Failure of witness to attend

54. A person served with a summons to appear as a witness before the Board shall not, without reasonable excuse—

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

- (b) fail to appear and report himself from day to day unless excused, or released from further attendance, by a member.

Penalty: \$1,000 or imprisonment for 6 months.

Refusal to be sworn or to answer questions

55. (1) A person appearing as a witness before the Board shall not, without reasonable excuse—

- (a) when required in pursuance of section 47 either to take an oath or make an affirmation—refuse or fail to comply with the requirement;
- (b) refuse or fail, except as provided by section 57 of the *Evidence Ordinance 1971*, to answer a question that he is required to answer by the member presiding; or
- (c) refuse or fail to produce a document that is relevant to the proceeding before the Board and that he was required to produce by a summons served on him under this Ordinance.

Penalty: \$1,000 or imprisonment for 6 months.

(2) A statement or disclosure made before the Board by a witness is not, except in proceedings for giving false testimony at the hearing of a proceeding by the Board, admissible in evidence against him in civil or criminal proceedings in a court.

PART VI—MISCELLANEOUS

Appeal

56. (1) Application may be made to the Tribunal for a review of a decision of the Board—

- (a) refusing to authorize the registration, or to order the re-registration, of a person;
- (b) refusing to terminate the suspension of a person or to set aside an order made under sub-section 23 (1);
- (c) ordering the cancellation of the registration of a person;
- (d) ordering the suspension, otherwise than under sub-section 24 (2), of the registration of a person;
- (e) reprimanding a person; or
- (f) refusing to permit an extension of the period under section 32.

(2) Application may be made to the Tribunal for a review of a decision of the Chairman refusing to grant temporary registration to a person or refusing to renew a temporary registration.

Notification of decisions

57. (1) Where the Board makes a decision—

- (a) refusing to authorize the registration of, or to re-register, a person;
- (b) refusing to terminate the suspension of a person or to set aside an order made under sub-section 23 (1); or

(c) refusing to permit an extension of the period under section 32, or the Chairman makes a decision refusing to grant, or to renew, temporary registration, the Board or the Chairman, as the case may be, shall cause a statement in writing to be given to the person whose interests are adversely affected by the decision setting out the decision, the findings on material questions of fact, referring to the evidence or other material on which those findings were based, and giving the reasons for the decision.

(2) A statement under sub-section (1) or section 50 shall include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1975*, a person whose interests are adversely affected by the decision to which the statement relates is entitled to apply to the Tribunal for a review of the decision.

(3) The validity of a decision to which a statement under sub-section (1) or section 50 relates shall not be taken to be affected by a failure to comply with sub-section (2).

Payment of determined fees

58. Where a determined fee is payable under this Ordinance, the determined fee shall be paid to the Capital Territory Health Commission.

Inspection of Register

59. (1) A person may, on payment of the determined fee—

- (a) inspect an entry in the Register; and
- (b) obtain a certified copy of an entry in the Register.

(2) The Board may, on request by a registration authority and without payment by the registration authority of a fee, forward a certified copy of the Register to that registration authority.

Evidence

60. (1) A document that purports to be signed by the Chairman or Deputy Chairman shall be taken to be so signed unless the contrary is proved.

(2) A document that purports to be a record of the terms of a decision of the Board, and to be certified by the Chairman or Deputy Chairman to be a true record of the decision is, in any proceedings, evidence of the decision.

Disclosure of pecuniary interest

61. (1) A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Board shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Board.

(2) A disclosure under sub-section (1) shall be recorded in the minutes of the meeting of the Board and the member shall not, unless the Minister or the Board otherwise determines—

(a) be present during any deliberation of the Board with respect to that matter; or

(b) take part in any decision of the Board with respect to that matter.

(3) For the purpose of the making of a determination by the Board under sub-section (2) in relation to a member who has made a disclosure under sub-section (1), a member who has a direct or indirect pecuniary interest in the matter to which the disclosure relates shall not—

(a) be present during any deliberation of the Board for the purpose of making the determination; or

(b) take part in the making by the Board of the determination.

(4) Where a member fails, without reasonable excuse, to comply with this section, the Minister shall remove the member from office.

Offences in relation to Board

62. A person shall not—

(a) insult a member of the Board in or in relation to the exercise of his powers or functions as a member;

(b) interrupt the proceedings of the Board; or

(c) create a disturbance, or take part in creating or continuing a disturbance, in or near a place where the Board is sitting.

Penalty: \$1,000 or imprisonment for 6 months.

Impartiality of Board

63. Subject to this Ordinance, the Chairman or other member of the Board shall not be subject to the direction of any other person in respect of any act or thing done in his capacity as Chairman or other member.

Annual reports

64. The Chairman shall, as soon as practicable after 30 June in each year, prepare and furnish to the Minister a report of the operations of the Board during the year ending on that date.

Publication of notice of decision

65. (1) The Chairman may, if he thinks fit, cause a notice of a decision of the Board or of the Tribunal on application for review of a decision of the Board—

(a) ordering the cancellation of the registration of a person;

(b) ordering the suspension, otherwise than under sub-section 24 (2), of the registration of a person; or

(c) reprimanding a person,

and the reasons for the decision, including the findings on material questions of fact, to be published in the *Gazette*.

(2) A notice of a decision shall not be published under sub-section (1) until—

- (a) the period within which an application may be made to the Tribunal for review of the decision has expired; and
- (b) if an application for review of the decision is made, the Tribunal has given its decision on the application.

Publication of registered chiropractors

66. The Board shall, as soon as practicable after 1 September in each year, cause to be published in the *Gazette* a notice containing the names of all chiropractors registered under this Ordinance on that day and the professional address, or professional addresses, if any, of each of those chiropractors.

Amendment of *Seat of Government (Administration) Ordinance 1930*

67. The Second Schedule to the *Seat of Government (Administration) Ordinance 1930* is amended by inserting in Part 2, before the words—

“*Cigarette Containers (Labelling) Ordinance 1972*”,

the words—

“*Chiropractors Registration Ordinance 1983*”.

Power of Minister to determine fees

68. The Minister may, by notice in writing published in the *Gazette*, determine fees for the purposes of this Ordinance.

Regulations

69. The Minister may make regulations, not inconsistent with this Ordinance, prescribing all matters which by this Ordinance are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance.

PART VII—TRANSITIONAL

Transitional provisions

70. Notwithstanding the provisions of sub-section 4 (5), a person who, at the date of commencement of this Ordinance—

- (a) practises, and for the period of 2 years immediately preceding that date has practised, chiropractic in the Territory; and
- (b) is entitled to apply for registration,

shall be deemed—

- (c) to be eligible for appointment under section 4; and
- (d) to have been, for the purposes of paragraph 7 (3) (d), registered on the date of his appointment.

Applications within 6 months of commencement of Ordinance

71. Notwithstanding the provisions of sub-section 12 (2), a person is entitled to apply to the Board for registration if he is a fit and proper person to be registered as a chiropractor, he has an adequate knowledge of the English language and—

- (a) he lodges an application with the Board in accordance with sub-section 12 (3) within 6 months after the date of commencement of this Ordinance; and
- (b) he has, within the period of 5 years immediately preceding the date on which he lodges his application with the Board, practised chiropractic in the Territory for a period of, or periods totalling, not less than 3 years.

Application of Part IV

72. (1) Subject to sub-section (2), Part IV does not apply until the expiration of 6 months after the date of commencement of this Ordinance to or in relation to a person who, immediately before the commencement of this Ordinance, was practising chiropractic in the Territory.

(2) If, within the period of 6 months after the date of commencement of this Ordinance, a person referred to in sub-section (1) applies to the Board for registration, Part IV does not apply to or in relation to that person until the Board has determined the application.

NOTE

1. Notified in the *Commonwealth of Australia Gazette* on 29 September 1983.