



Australian Capital Territory

# **Chiropractors and Osteopaths Act 1983**

**A1983-28**

**Republication No 7**

**Effective: 2 July 2006 – 8 January 2007**

Republication date: 2 July 2006

Last amendment made by A2004-60  
(republication for commenced expiry)

Not all amendments are in force: see last endnote  
Uncommenced repeal: see endnote 3

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Chiropractors and Osteopaths Act 1983* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 2 July 2006. It also includes any amendment, repeal or expiry affecting the republished law to 2 July 2006.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

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- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

# Chiropractors and Osteopaths Act 1983

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02/07/06

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Australian Capital Territory

# Chiropractors and Osteopaths Act 1983

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An Act to control the practice of chiropractic and osteopathy, and for related purposes

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## Part 1 Preliminary

### 1 Name of Act

This Act is the *Chiropractors and Osteopaths Act 1983*.

### **U** 3 Interpretation for Act

#### (1) In this Act:

*Note* A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

**board** means the Chiropractors and Osteopaths Board constituted under this Act.

**chairperson** means the chairperson of the board.

**deputy chairperson** means the deputy chairperson of the board.

**member** means a member of the board, and includes the chairperson.

**Mutual Recognition Act** means the *Mutual Recognition Act 1992* (Cwlth).

**physiotherapist** means a person registered as a physiotherapist under the *Physiotherapists Registration Act 1977*.

**qualification** includes a degree, certificate or diploma.

**register** means—

- (a) the register of chiropractors; or
- (b) the register of osteopaths;

as the case requires.

**registered** means registered under this Act.



**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 osteopaths or otherwise to authorise the practice of chiropractic or osteopathy.

(2) For this Act—

- (a) an individual shall be deemed to practise chiropractic or osteopathy if—
  - (i) he or she practises chiropractic or osteopathy personally on his or her own account or as a member of a firm; or
  - (ii) in the course of a business carried on by him or her, a person or persons employed by him or her is or are engaged in the practice of chiropractic or osteopathy; or
  - (iii) he or she is engaged in the practice of chiropractic or osteopathy 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 or osteopathy 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, for a firm, a member or members of the firm, is or are engaged in the practice of chiropractic or osteopathy.

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

#### **4 Competence to practise chiropractic or osteopathy**

For this Act, a person shall be taken to be competent to practise chiropractic or osteopathy only if the person—

- (a) has sufficient physical capacity, mental capacity and skill to practise chiropractic or osteopathy, as the case requires; and

- (b) has sufficient communication skills for practising chiropractic or osteopathy, as the case may be, including an adequate command of the English language.

## **5 Impairment**

- (1) For this Act, a person shall be taken to suffer from an impairment if the person suffers from any physical or mental impairment, disability, condition or disorder that detrimentally affects, or is likely to detrimentally affect, the person's physical or mental capacity to practise chiropractic or osteopathy, as the case may be.
- (2) For subsection (1), habitual drunkenness or addiction to a deleterious drug shall be taken to be a physical or mental disorder.

## Part 2                      The board

### 6                      Establishment and constitution of board

- (1) For this Act, there shall be a board to be known as the Chiropractors and Osteopaths Board.
- (2) The board shall consist of—
  - (a) a chairperson, and 2 other members, appointed in accordance with the *Health Professions Boards (Procedures) Act 1981*; and
  - (b) 2 members elected, as occasion requires, in accordance with the *Health Professions Boards (Elections) Act 1980*.
- (3) The chairperson and the other members shall each be a person who is, and for the period of 3 years immediately before his or her appointment has been, registered as a chiropractor or osteopath under the law of a State or Territory.
- (4) The chairperson shall be the executive officer of the board.

## **Part 3 Registration**

### **Division 3.1 Qualifications for registration**

#### **7 Registration based on qualifications and training**

- (1) A person is entitled to be registered as a chiropractor or osteopath if—
  - (a) the person is a graduate of a course of study and training in chiropractic or osteopathy, as the case requires, offered by—
    - (i) an Australian institution in a State or Territory, being a course that is accredited in writing by the board, or recognised by a registration authority in that State or Territory; or
    - (ii) an institution in a place outside Australia, being a course that is accredited in writing by the board; and
  - (b) the person has, if required by the board—
    - (i) passed, to the satisfaction of the board, an examination conducted by or on behalf of the board, in Australia or elsewhere, in accordance with a determination made, on the recommendation of the board, by the Minister for this paragraph; or
    - (ii) undertaken training or gained experience in practising chiropractic or osteopathy, as the case requires, in Australia for the period, not longer than 12 months, that the board determines.
- (2) The board shall not accredit a course offered by an institution in a place outside Australia unless the course is substantially equivalent to a course offered by an Australian institution in a State or Territory.

- (3) The entitlement under this section is an entitlement to registration that is not subject to any condition.
- (4) A determination under subsection (1) (b) (i) is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

## **8 Registration under mutual recognition principle**

- (1) A person who is licensed or 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 is entitled to be registered as a chiropractor or osteopath, respectively, under this Act.
- (2) If the person's licence or registration in the State or other Territory is not subject to any condition or restriction, the person's entitlement to registration under this Act is an entitlement to registration that is not subject to any condition.
- (3) If the person's licence or registration in the State or other Territory is subject to any condition or restriction, the person's entitlement to registration under this Act is an entitlement to registration subject to the conditions to which that licence or registration is subject or conditions appropriate to give effect to any restriction to which that licence or registration is subject.

## **9 Registration at discretion of board**

- (1) The board may register a person as a chiropractor or osteopath for the purpose of enabling an unmet area of need to be met if the board is satisfied that the person has suitable qualifications and experience to practise chiropractic or osteopathy, as the case requires, in that area of need.
- (2) The board may register a person as a chiropractor or osteopath for the purpose of enabling the person to fill a teaching or research position if—

- (a) the person has qualifications that the board considers appropriate for that purpose; and
  - (b) the application is supported, in writing, by the hospital, professional association, university or other educational or research institution by which it is proposed that the person be engaged for that purpose.
- (3) The board may register a person as a chiropractor or osteopath on a temporary basis—
  - (a) for the purpose of enabling the person to undertake training or to gain experience in practising chiropractic or osteopathy, as the case requires; or
  - (b) if it is satisfied that it is in the public interest to do so.
- (4) The board may impose any conditions on the registration of a person under this section that it considers appropriate.

## **10 Interim registration**

- (1) An applicant for registration may be granted interim registration if—
  - (a) the person is entitled to registration under section 7 but it is not practicable to wait until the board can consider the application; or
  - (b) the person would be entitled to registration under section 7 except for the fact that a degree or award to which the applicant is entitled has not yet been conferred or granted by the institution concerned.
- (2) A person authorised by the board for this section may grant interim registration in accordance with this section to an applicant for registration.

*Note* A fee may be determined under s 54 (Determination of fees) for this section.

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- (3) Interim registration granted to a person under this section remains in force from the time when it is granted until the person is given written notice that the board has—
- (a) granted him or her registration; or
  - (b) refused his or her application for registration; or
  - (c) cancelled the interim registration.
- (4) The board may cancel a person's interim registration for any reason that it considers proper and shall immediately give the person written notice of the cancellation.
- (5) A person who holds interim registration is for all purposes to be taken to be a registered chiropractor or registered osteopath, as the case requires.
- (6) If a person who is registered as a chiropractor or an osteopath held interim registration at the time of being so registered, the person's registration as a chiropractor or an osteopath, as the case may be, shall be taken to have occurred on the day he or she was granted interim registration.
- (7) Interim registration under this section shall be taken to have been granted by the board.

## **11 Conditions of registration in cases of impairment**

- (1) The board may impose conditions on a person's registration if the board is satisfied that the person suffers from an impairment and the conditions are reasonably required having regard to the impairment.
- (2) If conditions have been imposed on a person's registration under this section (including conditions imposed on a review under this section), the board may, if so requested by the person, review the conditions and, if it is satisfied that—
- (a) the person no longer suffers from the impairment; or
  - (b) the impairment has lessened;

the board may alter or remove the conditions or impose new conditions.

## **12 Refusal of registration if applicant convicted of offence**

- (1) The board may refuse an application for registration if—
  - (a) the applicant has been convicted in the ACT of an offence or has been convicted outside the ACT by a court for or in relation to an act or omission that would, had it taken place in the ACT, have constituted an offence; and
  - (b) the board is of the opinion that the conviction renders the person unfit in the public interest to practise chiropractic or osteopathy, as the case may be.
- (2) The board shall have regard to the nature of an offence and the circumstances in which it was committed in making a decision under subsection (1).
- (3) Subsection (1) does not apply in relation to a person who is entitled to registration under the Mutual Recognition Act and who has lodged with the board a notice under that Act, section 19.

## **13 Refusal of registration if applicant deregistered under foreign law**

- (1) The board may refuse an application for registration as a chiropractor or osteopath if the applicant's name has been removed from a foreign register of chiropractors or osteopaths, as the case may be, for any reason relating to—
  - (a) the conduct of the person as a chiropractor or osteopath, as the case may be; or
  - (b) the physical or mental capacity of the person to practise chiropractic or osteopathy, as the case requires.



- (2) A person's name shall be taken to have been removed from a foreign register of chiropractors or osteopaths, as the case may be, if it is removed from any register or roll established or kept under any law of any country, State or other Territory providing for the registration, licensing or certification of chiropractors or osteopaths under an Act.
- (3) Subsection (1) does not apply in relation to a person who is entitled to registration under the Mutual Recognition Act and who has lodged with the board a notice under that Act, section 19.

**14 Applicants to be competent and of good character**

- (1) The board shall not register a person as a chiropractor or osteopath unless satisfied that the person is competent to practise chiropractic or osteopathy, as the case requires, and is of good character.
- (2) Subsection (1) does not apply in relation to a person who is entitled to registration under the Mutual Recognition Act and who has lodged with the board a notice under that Act, section 19.

**15 Restriction on registration of deregistered or suspended persons**

- (1) If the registration of a person under this Act has been cancelled (otherwise than under section 23 or 27 (2)) or suspended (otherwise than under section 32 (2)) the person may not apply for re-registration or termination of the suspension, as the case may be, otherwise than under section 39.
- (2) Subsection (1) does not apply in relation to a person who is entitled to be re-registered under the Mutual Recognition Act and who has lodged with the board a notice under that Act, section 19.

## Division 3.2 Registration procedure

### 16 Applications for registration

- (1) This section applies to applications for registration other than applications by persons who are entitled to registration under the Mutual Recognition Act and who lodge with the board a notice under that Act, section 19.

- (2) The applicant must give the board a completed application form.

*Note 1* A fee may be determined under s 54 (Determination of fees) for this section.

*Note 2* If a form is approved under s 55 (Approved forms) for an application, the form must be used.

### 17 Applications to be considered and determined

The board shall consider each application under section 16 and shall determine the application by—

- (a) registering the applicant unconditionally or subject to conditions; or
- (b) refusing the application.

### 18 Registration of applicants

If a person who is applying for registration otherwise than under the Mutual Recognition Act—

- (a) complies with this Act; and
- (b) appears personally before the board or a nominee of the board in support of his or her application if required by the board to do so; and
- (c) is entitled to registration in accordance with this Act;

the board shall, subject to this Act, register the applicant.

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**20 Conditions of registration**

The conditions that the board may impose on registration at the time of registration include conditions relating to the duration of registration, the aspects of practice in which the person who is registered may be engaged and conditions relating to any other matters the board considers appropriate.

**Division 3.3 Registers of chiropractors and osteopaths**

**21 Registers**

- (1) The board shall keep—
  - (a) a register called the register of chiropractors; and
  - (b) a register called the register of osteopaths.
- (2) A register may be kept by electronic means.

**22 Particulars to be entered in register**

A person shall be registered by entering in the register—

- (a) the name of the person; and
- (b) the person's professional address or addresses in the ACT or, if he or she has no professional address in the ACT, the person's place of residence, whether within or outside the ACT; and
- (c) particulars of the qualifications entitling the person to be registered; and
- (d) the registration number allotted to the person; and
- (e) the date of registration; and
- (f) any condition to which the person's registration is subject; and
- (g) the other particulars (if any) prescribed under the regulations.

**23 Deregistration on basis of disciplinary action under foreign law**

- (1) The board shall cancel the registration of a person if satisfied that the name of a person who is registered under this Act has been removed from any register kept under a law of a State or another Territory for any reason relating to—
  - (a) the conduct of the person as a chiropractor or osteopath, as the case may be; or
  - (b) the physical or mental capacity of the person to practise chiropractic or osteopathy, as the case requires.
- (2) The board shall re-register a person whose registration has been cancelled under subsection (1) if—
  - (a) the name of a person is restored to the register referred to in that subsection; and
  - (b) the person applies to the board to be re-registered under this Act.
- (3) The board may cancel the registration of a chiropractor or osteopath if satisfied that the name of a person who is registered under this Act has been removed from any register kept under a law of a place outside Australia for any reason relating to—
  - (a) the conduct of the person as a chiropractor or osteopath, as the case may be; or
  - (b) the physical or mental capacity of the person to practise chiropractic or osteopathy, as the case requires.
- (4) The board may re-register a person whose registration has been cancelled under subsection (3) if the board is satisfied that it is appropriate in the circumstances to do so.

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**24 Imposition of conditions imposed under foreign law**

- (1) If the board is satisfied that, after a person has been registered under this Act, a condition has been imposed on the registration of the person as a chiropractor or osteopath under a law of a State or another Territory, the board shall impose a similar condition on the registration of the person as a chiropractor or osteopath, as the case requires, under this Act.
- (2) If the board is satisfied that, after a person has been registered under this Act, a condition has been imposed on the registration of the person as a chiropractor or osteopath under a law of a place outside Australia, the board may impose a similar condition on the registration of the person as a chiropractor or osteopath, as the case requires, under this Act.

**25 Cessation of registration**

A registered chiropractor or registered osteopath ceases to be registered—

- (a) when the board gives the person notice that his or her registration has been cancelled in accordance with this Act; or
- (b) if registration is conditional and the period of registration is specified in a condition—when that period ends.

**Division 3.4 Annual registration fees**

**26 Annual registration fee**

- (1) On or before 1 September in each year, a registered chiropractor or registered osteopath must pay to the Territory the annual registration fee determined under section 54 (Determination of fees) for the year.
- (2) The board shall send to each registered chiropractor or registered osteopath not less than 1 month before 1 September in each year, a notice requiring him or her to comply with subsection (1).

- (3) The liability of a registered chiropractor or registered osteopath for a fee payable by him or her under subsection (1) is not affected by a failure of the board to comply with subsection (2).

## **27                      Registration to be cancelled for nonpayment**

- (1) If a registered chiropractor or registered osteopath does not comply with section 26 (1), the board shall send to the chiropractor or osteopath a notice requiring him or her to pay the fee due under that subsection by a day specified in the notice and advising him or her that if the fee is not paid on or before that day his or her registration will be cancelled.
- (2) The board shall cancel the registration of a chiropractor or osteopath to whom a notice has been sent under subsection (1) and who has not paid the fee due by the day specified in the notice.

## **28                      Entitlement to re-registration on payment of fees**

- (1) A person whose registration has been cancelled for failure to pay the annual registration fee determined under section 54 (Determination of fees) is entitled to be re-registered if the person gives the board a completed application form and pays the fee.

*Note*            If a form is approved under s 55 (Approved forms) for an application, the form must be used.

- (2) The entitlement of a person to re-registration under this section is an entitlement to registration on the same terms and subject to the same conditions (if any) as applied to the person's registration immediately before the removal of his or her name from the register.
- (3) The board may refuse to re-register a person under this section if it is satisfied that the person is not competent to practise chiropractic or osteopathy or is not of good character.
- (4) An entitlement to re-registration under this section is subject to the provisions of this Act under which a person's name is authorised or required to be removed from the register.

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## **Division 3.5                      Miscellaneous**

### **29                      Certificate of registration**

- (1) If a person is registered, the board shall issue to the person a certificate of registration signed by the chairperson or deputy chairperson.
- (2) A certificate of registration shall state the provision under which the person specified in the certificate is entitled to be registered under this Act and any conditions to which his or her registration is subject.
- (3) A certificate of registration is evidence that the person specified in the certificate was registered on the date specified in the certificate.
- (4) If a certificate issued under subsection (1) to a registered chiropractor or registered osteopath has been stolen, lost or destroyed, the board must, on application by the registered chiropractor or registered osteopath, issue a duplicate certificate.

*Note*            A fee may be determined under s 54 (Determination of fees) for this section.

- (5) If—
  - (a) the board has given to a person written notice that his or her registration has been suspended or cancelled; and
  - (b) a period of 14 days has ended since the notice referred to in paragraph (a) was given;the person shall give his or her certificate of registration to the chairperson.
- (6) A person who, without reasonable excuse, contravenes subsection (5) commits an offence punishable, on conviction, by a fine not exceeding 5 penalty units.

- (7) If a person whose registration has been suspended gives his or her certificate of registration to the board, the board shall keep the certificate during the period of the suspension and return it to the person at the end of that period unless the person's registration has sooner been cancelled.
- (8) If, after a certificate of registration has been issued to a person—
  - (a) conditions are imposed on the registration of the person; or
  - (b) conditions imposed on the registration of the person are varied;the chairperson may, by written notice given to the person, require the person to give his or her certificate of registration to the chairperson within 14 days to enable a statement of the conditions imposed, or the conditions as varied, to be endorsed on the certificate.
- (9) A person who, without reasonable excuse, contravenes a notice under subsection (8) commits an offence punishable, on conviction, by a fine not exceeding 5 penalty units.

### **30                      Change of address to be notified**

If—

- (a) a change occurs in an address of a registered chiropractor or registered osteopath entered in the register under section 22 (1); or
- (b) a registered chiropractor or registered osteopath establishes a professional address, or an additional professional address, in the ACT;

the registered chiropractor or registered osteopath shall, within 1 month of the change or establishment notify the chairperson in writing accordingly.

Maximum penalty: 5 penalty units.



**31           Alteration of register**

- (1) The board shall remove from the register the name of—
  - (a) a registered chiropractor or registered osteopath who has died;  
or
  - (b) a registered chiropractor or registered osteopath whose registration has been cancelled.
- (2) Subject to subsection (3), the board may, from time to time, at the request of a person or on its own initiative, make any alterations to particulars in the register that are necessary.

*Note*       A fee may be determined under s 54 (Determination of fees) for this section.

**32           Inquiry by board**

- (1) The board shall hold an inquiry before—
  - (a) ordering the cancellation of the registration of a person; or
  - (b) imposing a condition on the registration of a person; or
  - (c) ordering the suspension of the registration of a person; or
  - (d) making an order under section 35 (2); or
  - (e) taking action under section 37; or
- (2) Pending the holding of an inquiry under subsection (1), the board may, by order served on the person to whom the inquiry relates, suspend temporarily the registration of the person.

**33           Effect of suspension**

A person whose registration has been suspended under section 32 (2), 34 or 35 (1) shall, during the period of the suspension, be deemed not to be registered.

## **Part 4** **Conduct of the practice of chiropractic or osteopathy**

### **34 Cancellation or suspension of registration**

The board may—

- (a) cancel the registration of a person; or
- (b) by order served on the person, suspend the registration of the person for the period the board considers appropriate;

if satisfied that—

- (c) the registration of the person was obtained by fraud or misrepresentation; or
- (d) the chiropractic or osteopathic qualification of the person has been withdrawn or cancelled by the body that granted it; or
- (e) the person has contravened a condition to which his or her registration under this Act is subject; or
- (f) the person has been convicted in the ACT or elsewhere of an offence punishable by imprisonment for more than 1 year or any offence that, in the opinion of the board, renders him or her unfit to practise as a chiropractor or osteopath, as the case may be; or
- (g) the person is guilty of habitual drunkenness, or addiction to deleterious drugs, that renders him or her unfit to practise chiropractic or osteopathy; or
- (h) the person has failed to exercise adequate judgment or care in practising chiropractic or osteopathy; or

- (i) the person has engaged in any conduct, whether occurring in practising chiropractic or osteopathy or not, that adversely affects practising chiropractic or osteopathy by the person; or
- (j) the person has contravened this Act; or
- (k) the person has engaged in any other improper or unethical conduct relating to practising chiropractic or osteopathy; or
- (l) the person is not competent to practise chiropractic or osteopathy.

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

### **35 Cancellation, suspension or restriction of right of practise on health grounds**

- (1) Subject to subsection (2), the board shall, when it is satisfied that the mental or physical condition of a person who is registered as a chiropractor or osteopath renders him or her unfit to practise chiropractic or osteopathy, as the case may be—
  - (a) cancel the registration of the person; or
  - (b) by order served on the person, suspend the registration of the person for the period the board considers appropriate.
- (2) The board may, instead of cancelling or suspending the registration of a person, if it is satisfied that the person is fit to provide some chiropractic or osteopathic services and that it would not be contrary to the public interest to make an order under this subsection, by order served on the person direct the person not to provide the chiropractic or osteopathic services specified, whether individually or otherwise, in the order.
- (3) If the board has made an order under subsection (2) in relation to a person, it may, if so requested by the person, review the order and, if

it is satisfied that the mental or physical condition of the person has changed since the order was made, amend or remove the order.

- (4) A person on whom an order under subsection (1) (b) or (2) has been served who provides a chiropractic or osteopathic service in contravention of that order shall, in providing the service, be deemed to be a person other than a registered chiropractor or registered osteopath.

### **36 Practising when registration suspended**

If a person whose registration as a chiropractor or osteopath has been suspended is convicted of an offence against section 40 or 41, the board may—

- (a) cancel the registration of the person; or
- (b) by order served on the person, suspend the registration of the person for any further period the board considers appropriate.

### **37 Power of board to caution, reprimand etc**

- (1) The board may do any 1 or more of the following in relation to the conduct of a registered chiropractor or registered osteopath:
- (a) caution or reprimand the chiropractor or osteopath;
  - (b) order that the chiropractor or osteopath seek and undergo medical or psychiatric treatment or counselling;
  - (c) impose on the chiropractor's or osteopath's registration any conditions relating to practising chiropractic or osteopathy the board considers appropriate;
  - (d) order that the chiropractor or osteopath complete specified educational courses.
- (2) Subsection (1) (d) does not apply in relation to a registered chiropractor or osteopath who obtained registration under this Act under the Mutual Recognition Act.

**38 Power of board to impose fines**

- (1) Subject to subsection (2), if the board finds that a registered chiropractor or registered osteopath has failed to comply with an order of the board under section 37 it may, by order served on the person, impose on him or her a fine not exceeding \$1 000.
- (2) The board shall not impose a fine under subsection (1) in relation to conduct for which a court has already imposed a fine or other penalty.
- (3) A fine imposed under this section shall be paid to the Territory within the time specified in the order imposing the fine.
- (4) If a person on whom the board has imposed a fine under subsection (1) fails to pay the fine by the time specified in the order, the board may—
  - (a) cancel the registration of the person; or
  - (b) by order served on the person, suspend the registration of the person for the period the board considers appropriate.

**39 Application for re-registration**

- (1) If the registration of a person has been cancelled, otherwise than under section 23 or 27 (2), or suspended, otherwise than under section 32, the person may apply for re-registration or termination of the suspension on the ground that, because of a specified change in the circumstances that has occurred since the date of the cancellation or suspension, it is just that he or she should be re-registered or his or her suspension should be terminated.
- (2) On application under this section the board may, if satisfied that, because of the change in circumstances, the person should be re-registered or his or her suspension should be terminated, order that the person be re-registered or that his or her suspension be terminated.

**40 Persons who may practise chiropractic or osteopathy**

- (1) A person other than a registered chiropractor or registered osteopath shall not practise chiropractic or osteopathy, as the case may be, for fee or reward.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) A registered chiropractor or registered osteopath shall not practise chiropractic or osteopathy, as the case may be, under a name other than the name under which the chiropractor or osteopath is registered.

Maximum penalty: 50 penalty units.

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

- (a) the person named in the certificate is not a registered chiropractor or registered osteopath; 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.

**41 Use of title of chiropractor or osteopath**

A person other than a registered chiropractor or registered osteopath 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 or her name) indicating or implying that he or she is a registered chiropractor or registered osteopath or that he or she is a person who practises, or is qualified to practise, chiropractic or osteopathy, as the case may be; or

- (b) hold himself or herself out, by advertisement or otherwise, as being qualified or authorised to practise, or as being a person who practises chiropractic or osteopathy, as the case may be.

Maximum penalty: 30 penalty units.

#### **42 Practice of chiropractic or osteopathy by companies etc**

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

Maximum penalty: 250 penalty units.

#### **43 Recovery of fees**

A person is not entitled to begin an action for the recovery from another person of fees or remuneration for a chiropractic or osteopathic service given to that other person, or a dependant of that other person, unless—

- (a) he or she has served on that other person, by delivery to that person personally or by post addressed to that person at his or her 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 or osteopathic service given, the date or dates when it was given and the person to whom it was given; and
- (b) 6 months has ended since that service of the account and the account is unpaid at the end of that period.

**44      Review of accounts for fees for chiropractic or osteopathic service**

- (1) A person liable to pay fees or remuneration for a chiropractic or osteopathic service may, within 6 months after the service on him or her of an account for the fees or remuneration in accordance with section 43, apply in writing to the board to review the account.
- (2) The board shall, on receipt of an application under subsection (1), review the account and certify, by writing signed by the chairperson or the deputy chairperson, the amount that, in the opinion of the board, is a reasonable amount of fees or remuneration for the chiropractic or osteopathic service.
- (3) The board shall, in a certificate referred to in subsection (2), set out the facts on which the certificate is based.
- (4) The board may request a person to give any information it considers necessary or desirable for the purpose of a review under this section and may fix a time within which the information should be given.
- (5) If a person does not give information requested by the board under subsection (4) within the time fixed by the board under that subsection, 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 given to the board under subsection (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 or osteopathic service and any other circumstances submitted by the person who gave the chiropractic or osteopathic service in relation to the provision of the chiropractic or osteopathic service.



- (8) The board shall send a copy of a certificate of the board under subsection (2) by post to the person who gave the chiropractic or osteopathic service at his or her professional address, or at 1 of his or her professional addresses, last known to the board.
- (9) In proceedings for the recovery of fees or remuneration in relation to a chiropractic or osteopathic service, a certificate of the board under subsection (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 or osteopathic service.

#### **45 Administration of estate of deceased chiropractor or osteopath**

On the death of a registered chiropractor or registered osteopath who was, at the time of his or her death, carrying on business as a chiropractor or osteopath—

- (a) an executor or executrix of the will of the deceased chiropractor or osteopath; or
- (b) an administrator, administratrix or trustee of the estate of the deceased chiropractor or osteopath;

may continue to carry on the business for 6 months or for any longer period that the board, on application by the executor, executrix, administrator, administratrix or trustee permits, if the practice of chiropractic or osteopathy in the business is carried on by a registered chiropractor or registered osteopath, as the case requires.

## **Part 5**                      **Miscellaneous**

### **Division 5.1**           **Review of decisions**

#### **46**                      **Review of decisions**

Application may be made to the administrative appeals tribunal for review of a decision of the board—

- (a) under section 9 (4), 11 (1) or 24 (2) to impose conditions on the registration of a person; or
- (b) under section 10 (4) to cancel the interim registration of a person; or
- (c) under section 11 (2) to refuse to review conditions imposed on the registration of a person; or
- (d) under section 11 (2) to refuse to alter or remove conditions imposed on the registration of a person; or
- (e) under section 11 (2) to impose new conditions on the registration of a person; or
- (f) under section 17 to refuse to register a person; or
- (g) under section 23 (4), 28 (3) or 39 to refuse to re-register a person; or
- (h) under section 23 (3), 34 (a), 35 (1) (a), 36 (a) or 38 (4) (a) to cancel the registration of a person; or
- (i) under section 32 (2), 34 (b), 35 (1) (b), 36 (b) or 38 (4) (b) to suspend the registration of a person; or
- (j) under section 35 (2) to make an order directing a person not to provide a chiropractic or osteopathic service; or

- (k) under section 35 (3) to refuse to review an order, or amend or remove an order, directing a person not to provide a chiropractic or osteopathic service; or
- (l) under section 37 to take any action of the kind referred to in that section in relation to a registered chiropractor or registered osteopath; or
- (m) under section 38 (1) to impose a fine on a registered chiropractor or registered osteopath; or
- (n) under section 39 (2) to refuse to terminate the suspension of registration of a chiropractor or osteopath; or
- (o) under section 44 (2) to certify the amount that, in the opinion of the board, is a reasonable amount of fees or remuneration for a chiropractic or osteopathic service; or
- (p) under section 45 to refuse to extend beyond 6 months the period when the executor or executrix of the will of a deceased chiropractor or osteopath, or the administrator, administratrix or trustee of the estate of a deceased chiropractor or osteopath, may continue the business of the deceased; or
- (q) under section 45 to fix a period longer than 6 months when the executor or executrix of the will of a deceased chiropractor or osteopath, or the administrator, administratrix or trustee of the estate of a deceased chiropractor or osteopath, may continue the business of the deceased.

#### **47 Notification of decisions**

- (1) If a decision of the kind referred to in section 46 (other than paragraph (b), (i), (j) or (m)) is made, the board shall give written notice of the decision—
  - (a) for a decision referred to in section 46 (a)—to the person on whose registration conditions have been imposed; or

- (b) for a decision referred to in section 46 (c) or (d)—to the person whose registration is subject to the condition; or
  - (c) for a decision referred to in section 46 (e)—to the person on whose registration the new conditions are imposed; or
  - (d) for a decision referred to in section 46 (f)—to the person whose application for registration has been refused; or
  - (e) for a decision referred to in section 46 (g)—to the person whose re-registration has been refused; or
  - (f) for a decision referred to in section 46 (h)—to the person whose registration has been cancelled; or
  - (g) for a decision referred to in section 46 (k)—to the person in relation to whom the order was made; or
  - (h) for a decision referred to in section 46 (l)—to the registered chiropractor or registered osteopath in relation to whom the action has been taken; or
  - (i) for a decision referred to in section 46 (n)—to the person whose registration has been suspended; or
  - (j) for a decision referred to in section 46 (o)—to the person who requested the review of the account; or
  - (k) for a decision referred to in section 46 (p) or (q) to the executor or executrix of the will of the deceased chiropractor or osteopath or the administrator, administratrix or trustee of the estate of the deceased chiropractor or osteopath.
- (2) A notice under section 10 (4) or subsection (1) shall be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

- (3) An order under section 32 (2), 34 (b), 35 (1) (b), 35 (2), 36 (b), 38 (1) or 38 (4) (b) shall have endorsed on it or attached to it a notice in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

## **Division 5.2            General**

### **48            Inspection of register**

- (1) A person may inspect, or obtain a certified copy of, an entry in the register.

*Note*        A fee may be determined under s 54 (Determination of fees) for this section.

- (2) The board may, on request by a registration authority and without payment by the registration authority of a fee, give a certified copy of the register to that registration authority.

### **49            Disclosure of pecuniary interest**

- (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 or her knowledge, disclose the nature of his or her interest at a meeting of the board.
- (2) A disclosure under subsection (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 in relation to that matter; or
  - (b) take part in any decision of the board in relation to that matter.

- (3) For the purpose of the making of a determination by the board under subsection (2) in relation to a member who has made a disclosure under subsection (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) If a member fails, without reasonable excuse, to comply with this section, the Minister shall remove the member from office.

## **50 Offences in relation to board**

A person shall not—

- (a) insult a member of the board in or in relation to the exercise of his or her functions as a member; or
- (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.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

## **51 Impartiality of board**

Subject to this Act, the chairperson or other member of the board shall not be subject to the direction of any other person in relation to any act or thing done in his or her capacity as chairperson or other member.

## **52 Publication of notice of decision**

- (1) The chairperson may prepare written notice of a decision of the board or of the administrative appeals tribunal on application for review of a decision of the board—

- (a) ordering the cancellation of the registration of a person; or
- (b) imposing a condition on the registration of a person; or
- (c) suspending, otherwise than under section 32 (2), the registration of a person; or
- (d) making an order under section 35 (2); or
- (e) taking action under section 37; or
- (f) imposing a fine on a person under section 38;

and the reasons for the decision, including the findings on material questions of fact.

- (2) The notice is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

- (3) The notice must not be notified until—

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

## **53 Publication of names etc of registered chiropractors and osteopaths**

- (1) As soon as practicable after 1 September in each year, the board must prepare a written notice containing the names and professional address (or addresses) of the chiropractors and osteopaths registered on that day.
- (2) The notice is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

## **54                      Determination of fees**

- (1) The Minister may, in writing, determine fees for this Act.

*Note*        The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

*Note*        A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

## **55                      Approved forms**

- (1) The board may, in writing, approve forms for this Act.

- (2) If the board approves a form for a particular purpose, the approved form must be used for that purpose.

*Note*        For other provisions about forms, see *Legislation Act 2001*, s 255.

- (3) An approved form is a notifiable instrument.

*Note*        A notifiable instrument must be notified under the *Legislation Act 2001*.

## **56                      Regulation-making power**

The Executive may make regulations for this Act.

*Note*        Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.



## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

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### 3 Legislation history

This Act was originally a Commonwealth ordinance—the *Chiropractors Registration Ordinance 1983* No 28 (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989* No 21, s 5 on 11 May 1989 (self-government day).

It was later renamed as the *Chiropractors and Osteopaths Act 1983* by the *Chiropractors and Osteopaths (Amendment) Act 1993* (see s 5).

After 11 May 1989 and before 10 November 1999, Acts commenced on their notification day unless otherwise stated (see *Australian Capital Territory (Self-Government) Act 1988* (Cwlth) s 25).

#### Legislation before becoming Territory enactment

##### **Chiropractors and Osteopaths Act 1983 No 28**

notified 29 September 1983

commenced 13 August 1984 (s 2 and Cwlth Gaz 1984 No S311)

as amended by

##### **Chiropractors Registration (Amendment) Ordinance 1986 No 66**

notified 24 October 1986

commenced 27 October 1986 (s 2 and Cwlth Gaz 1986 No S537)

##### **Self-Government (Consequential Amendments) Ordinance 1989 No 38 sch 1**

notified 10 May 1989 (Cwlth Gaz 1989 No S160)

s 1, s 2 commenced 10 May 1989 (s 2 (1))

sch 1 commenced 11 May 1989 (s 2 (2) and see Cwlth Gaz 1989 No S164)

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**Legislation after becoming Territory enactment****Health Services (Consequential Provisions) Act 1990 No 63 sch 1**

notified 28 December 1990 (Gaz 1990 No S102)  
s 1, s 2 commenced 28 December 1990 (s 2 (1))  
sch 1 commenced 31 January 1991 (s 2 (2) and see Gaz 1991 No S4)

**Self-Government (Consequential Amendments) Act 1991 No 53 pt 2 div 3**

notified 2 October 1991 (Gaz 1991 No S98)  
commenced 2 October 1991

**Health (Consequential Provisions) Act 1993 No 14 sch 1**

notified 1 March 1993 (Gaz 1993 No S23)  
commenced 1 March 1993 (s 2)

**Chiropractors and Osteopaths (Amendment) Act 1993 No 86**

notified 17 December 1993 (Gaz 1993 No S258)  
s 1, s 2 commenced 17 December 1993 (s 2 (1))  
remainder commenced 1 January 1994 (s 2 (2) and Gaz 1993 No S279)

**Statute Law Revision Act 1994 No 26 sch**

notified 31 May 1994 (Gaz 1994 No S93)  
commenced 31 May 1994 (s 2)

**Administrative Appeals (Consequential Amendments) Act 1994 No 60 sch 1**

notified 11 October 1994 (Gaz 1994 No S197)  
s 1, s 2 commenced 11 October 1994 (s 2 (1))  
sch 1 commenced 14 November 1994 (s 2 (2) and see Gaz 1994 No S250)

**Statute Law Revision (Penalties) Act 1994 No 81 sch**

notified 29 November 1994 (Gaz 1994 No S253)  
s 1, s 2 commenced 29 November 1994 (s 2 (1))  
sch commenced 29 November 1994 (s 2 (2) and Gaz 1994 No S269)

**Legislation (Consequential Amendments) Act 2001 No 44 pt 60**

notified 26 July 2001 (Gaz 2001 No 30)  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
pt 60 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

## Endnotes

4 Amendment history

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### **Health Professionals Legislation Amendment Act 2004 A2004-39 sch 5 pt 5.4, sch 9 pt 9.1**

notified LR 8 July 2004

s 1, s 2 commenced 8 July 2004 (LA s 75 (1))

sch 5 pt 5.4 commenced 7 July 2005 (s 2 and see Health Professionals Act 2004 A2004-38, s 2 and CN2005-11)

sch 9 pt 9.1 awaiting commencement (s 2 and see Health Professionals Act 2004 A2004-38, s 2 (as am by A2005-28 amdt 1.1; A2006-27 s 12))

*Note* default commencement under s 2: 9 January 2007.

### **Court Procedures (Consequential Amendments) Act 2004 A2004-60 sch 1 pt 1.7**

notified LR 2 September 2004

s 1, s 2 commenced 2 September 2004 (LA s 75 (1))

sch 1 pt 1.7 commenced 10 January 2005 (s 2 and see Court Procedures Act 2004 A2004-59, s 2 and CN2004-29)

as repealed by

### **Health Professionals Act 2004 A2004-38 s 136 (1) (a)**

notified LR 8 July 2004

s 1, s 2 commenced 8 July 2004 (LA s 75 (1))

s 136 (1) (a) awaiting commencement (s 2 as am by A2005-28 amdt 1.1; A2006-27 s 12)

*Note 1* default commencement: 9 January 2007 (s 2 (2))

*Note 2* default commencement under LA s 79 does not apply to this Act

## 4 Amendment history

### **Title**

title sub 1993 No 86 s 4

### **Name of Act**

s 1 am 1993 No 86 s 5

### **Commencement**

s 2 om 2001 No 44 amdt 1.695

**Interpretation for Act**

- s 3 am 1993 No 86 s 6, sch; ss renum R3 LA  
 def **board** am 1993 No 86 sch  
 def **chairperson** am 1993 No 86 sch  
 def **chiropractic** om 1993 No 86 s 6  
 def **chiropractor** om 1993 No 86 s 6  
 def **deputy chairperson** am 1993 No 86 sch  
 def **determined fee** ins 1993 No 86 s 6  
 om 2001 No 44 amdt 1.696  
 def **medical practitioner** am 1994 No 26 sch  
 om A2004-39 amdt 5.6  
 def **member** am 1993 No 86 sch  
 def **Mutual Recognition Act** ins 1993 No 86 s 6  
 def **physiotherapist** sub A2004-39 amdt 9.1  
 def **qualification** ins 1993 No 86 s 6  
 def **register** sub 1993 No 86 s 6  
 def **registration authority** am 1993 No 86 s 6  
 def **registered chiropractor** om 1993 No 86 s 6  
 def **tribunal** sub 1989 No 38 sch 1  
 am 1994 No 60 sch 1

**Competence to practise chiropractic or osteopathy**

- s 3A renum as s 4

**Impairment**

- s 3B renum as s 5

**Competence to practise chiropractic or osteopathy**

- s 4 orig s 4 renum as s 6  
 (prev s 3A) ins 1993 No 86 s 7  
 renum 1993 No 86 s 37

**Impairment**

- s 5 orig s 5 om 1986 No 86 s 5  
 (prev s 3B) ins 1993 No 86 s 7  
 renum 1993 No 86 s 37

**The board**

- pt 2 hdg am 1993 No 86 s 8

**Establishment and constitution of board**

- s 6 orig s 6 om 1986 No 66 s 5  
 ins 1993 No 86 s 11  
 renum as s 8 1993 No 86 s 37  
 (prev s 4) am 1986 No 66 s 4, sch; 1993 No 86 s 9  
 renum as s 6 1993 No 86 s 37  
 ss renum R3 LA

**Registration**

- pt 3 hdg am 1993 No 86 s 10

## Endnotes

### 4 Amendment history

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#### **Qualifications for registration**

div 3.1 hdg (prev pt 3 div 1 hdg) ins 1993 No 86 s 11  
renum R3 LA

#### **Registration based on qualifications and training**

s 7 orig s 7 om 1986 No 86 s 5  
ins 1993 No 86 s 11  
renum as s 9 1993 No 86 s 37  
(prev s 5) ins 1993 No 86 s 11  
renum as s 7 1993 No 86 s 37  
am 2001 No 44 amdt 1.697, amdt 1.698

#### **Registration under mutual recognition principle**

s 8 orig s 8 om 1986 No 86 s 5  
ins 1993 No 86 s 11  
renum as s 10 1993 No 86 s 37  
(prev s 6) ins 1993 No 86 s 11  
renum as s 8 1993 No 86 s 37

#### **Registration at discretion of board**

s 9 orig s 9 om 1986 No 86 s 5  
ins 1993 No 86 s 11  
renum as s 11 1993 No 86 s 37  
(prev s 7) ins 1993 No 86 s 11  
renum as s 9 1993 No 86 s 37

#### **Interim registration**

s 10 orig s 10 om 1986 No 86 s 5  
ins 1993 No 86 s 11  
renum as s 12 1993 No 86 s 37  
(prev s 8) ins 1993 No 86 s 11  
renum as s 10 1993 No 86 s 37  
am 2001 No 44 amdt 1.699

#### **Conditions of registration in cases of impairment**

s 11 orig s 11 om 1993 No 86 s 11  
(prev s 9) ins 1993 No 86 s 11  
renum as s 11 1993 No 86 s 37

#### **Refusal of registration if applicant convicted of offence**

s 12 orig s 12 om 1993 No 86 s 11  
(prev s 10) ins 1993 No 86 s 11  
renum as s 12 1993 No 86 s 37

#### **Refusal of registration if applicant deregistered under foreign law**

s 13 orig s 13 om 1993 No 86 s 11  
(prev s 11) ins 1993 No 86 s 11  
renum as s 13 1993 No 86 s 37

**Applicants to be competent and of good character**

s 14 orig s 14 om 1993 No 86 s 11  
 (prev s 12) ins 1993 No 86 s 11  
 renum as s 14 1993 No 86 s 38

**Applications to be considered and determined**

s 14A renum as s 17

**Registration of applicants**

s 14B renum as s 18

**Fee for registration pursuant to Mutual Recognition Act**

s 14C renum as s 19

**Conditions of registration**

s 14D renum as s 20

**Registers**

s 14E renum as s 21

**Particulars to be entered in register**

s 14F renum as s 22

**Deregistration on basis of disciplinary action under foreign law**

s 14G renum as s 23

**Imposition of conditions imposed under foreign law**

s 14H renum as s 24

**Cessation of registration**

s 14J renum as s 25

**Annual registration fee**

s 14K renum as s 26

**Registration to be cancelled for nonpayment**

s 14L renum as s 27

**Entitlement to re-registration on payment of fees**

s 14M renum as s 28

**Restriction on registration of deregistered or suspended persons**

s 15 orig s 15 renum as s 29 1993 No 86 s 37  
 (prev s 13) ins 1993 No 86 s 11  
 renum as s 15 1993 No 86 s 37

**Registration procedure**

div 3.2 hdg (prev pt 3 div 2 hdg) ins 1993 No 86 s 11  
 renum R3 LA

## Endnotes

4 Amendment history

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### **Applications for registration**

s 16 orig s 16 om 1993 No 86 s 13  
(prev s 14) ins 1993 No 86 s 11  
renum as s 16 1993 No 86 s 37  
am 2001 No 44 amdt 1.700

### **Applications to be considered and determined**

s 17 (prev s 14A) ins 1993 No 86 s 11  
renum 1993 No 86 s 37

### **Registration of applicants**

s 18 (prev s 14B) ins 1993 No 86 s 11  
renum 1993 No 86 s 37  
am 2001 No 44 amdt 1.701

### **Fee for registration pursuant to Mutual Recognition Act**

s 19 orig s 19 om 1993 No 86 s 16  
(prev s 14C) ins 1993 No 86 s 11  
renum 1993 No 86 s 37  
om 2001 No 44 amdt 1.702

### **Conditions of registration**

s 20 orig s 20 om 1993 No 86 s 16  
(prev s 14D) ins 1993 No 86 s 11  
renum 1993 No 86 s 37

### **Registers of chiropractors and osteopaths**

div 3.3 hdg (prev pt 3 div 3 hdg) ins 1993 No 86 s 11  
renum R3 LA

### **Registers**

s 21 orig s 21 om 1993 No 86 s 16  
(prev s 14E) ins 1993 No 86 s 11  
renum 1993 No 86 s 37

### **Particulars to be entered in register**

s 22 orig s 22 om 1993 No 86 s 16  
(prev s 14F) ins 1993 No 86 s 11  
renum 1993 No 86 s 37

### **Deregistration on basis of disciplinary action under foreign law**

s 23 orig s 23 om 1993 No 86 s 16  
(prev s 14G) ins 1993 No 86 s 11  
renum 1993 No 86 s 37

### **Imposition of conditions imposed under foreign law**

s 24 (prev s 14H) ins 1993 No 86 s 11  
renum 1993 No 86 s 37

### **Cessation of registration**

s 25 (prev s 14J) ins 1993 No 86 s 11



renum 1993 No 86 s 37

**Annual registration fees**

div 3.4 hdg (prev pt 3 div 4 hdg) ins 1993 No 86 s 11  
sub 2001 No 44 amdt 1.703

**Annual registration fee**

s 26 hdg sub 2001 No 44 amdt 1.704  
s 26 orig s 26 om 1993 No 86 s 19  
(prev s 14K) ins 1993 No 86 s 11  
renum 1993 No 86 s 37  
am 2001 No 44 amdt 1.705

**Cancellation, suspension or restriction of right of practise on health grounds**

s 26A renum as s 35

**Practising when registration suspended**

s 26B renum as s 36

**Power of board to caution, reprimand etc**

s 26C renum as s 37

**Power of board to impose fines**

s 26D renum as s 38

**Application for re-registration**

s 26E renum as s 39

**Registration to be cancelled for nonpayment**

s 27 (prev s 14L) ins 1993 No 86 s 11  
renum 1993 No 86 s 37

**Entitlement to re-registration on payment of fees**

s 28 (prev s 14M) ins 1993 No 86 s 11  
renum 1993 No 86 s 37  
am 2001 No 44 amdt 1.706, amdt 1.707

**Miscellaneous**

div 3.5 hdg (prev pt 3 div 5 hdg) ins 1993 No 86 s 11  
renum R3 LA

**Certificate of registration**

s 29 (prev s 15) am 1993 No 86 s 12, sch  
renum 1993 No 86 s 37  
am 1994 No 81 sch; 2001 No 44 amdt 1.708; ss renum R3 LA

**Change of address to be notified**

s 30 (prev s 17) am 1993 No 86 s 14, sch  
renum 1993 No 86 s 37  
am 1994 No 81 sch

## Endnotes

4 Amendment history

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### **Alteration of register**

s 31 (prev s 18) am 1993 No 86 s 15  
renum 1993 No 86 s 37  
am 2001 No 44 amdt 1.709, amdt 1.710

### **Inquiry by board**

s 32 (prev s 24) am 1993 No 86 s 17  
renum 1993 No 86 s 37

### **Effect of suspension**

s 33 orig s 33 om 1986 No 66 s 6  
(prev s 25) am 1993 No 86 s 18  
renum as s 33 1993 No 86 s 37

### **Conduct of the practice of chiropractic or osteopathy**

pt 4 hdg am 1993 No 86 s 20

### **Cancellation or suspension of registration**

s 34 orig s 34 om 1986 No 66 s 6  
(prev s 26) sub 1993 No 86 s 21  
renum as s 34 1993 No 86 s 37  
am 2001 No 44 amdt 1.711, amdt 1.712; pars renum R3 LA

### **Cancellation, suspension or restriction of right of practise on health grounds**

s 35 orig s 35 om 1986 No 66 s 6  
(prev s 26A) ins 1993 No 86 s 21  
renum as s 35 1993 No 86 s 37

### **Practising when registration suspended**

s 36 orig s 36 om 1986 No 66 s 6  
(prev s 26B) ins 1993 No 86 s 21  
renum as s 36 1993 No 86 s 37

### **Power of board to caution, reprimand etc**

s 37 orig s 37 om 1986 No 66 s 6  
(prev s 26C) ins 1993 No 86 s 21  
renum as s 37 1993 No 86 s 37

### **Power of board to impose fines**

s 38 orig s 38 om 1986 No 66 s 6  
(prev s 26D) ins 1993 No 86 s 21  
renum as s 38 1993 No 86 s 37

### **Application for re-registration**

s 39 orig s 39 om 1986 No 66 s 6  
(prev s 26E) ins 1993 No 86 s 21  
renum as s 39 1993 No 86 s 37

**Persons who may practise chiropractic or osteopathy**

s 40 hdg (prev s 27 hdg) am 1993 No 86 notes  
 s 40 orig s 40 om 1986 No 66 s 6  
 (prev s 27) am 1993 No 86 sch  
 renum as s 40 1993 No 86 s 37  
 am 1994 No 81 sch

**Use of title of chiropractor or osteopath**

s 41 hdg (prev s 28 hdg) am 1993 No 86 notes  
 s 41 orig s 41 om 1986 No 66 s 6  
 (prev s 28) am 1993 No 86 sch  
 renum as s 41 1993 No 86 s 37  
 am 1994 No 81 sch

**Practice of chiropractic or osteopathy by companies etc**

s 42 hdg (prev s 29 hdg) am 1993 No 86 notes  
 s 42 orig s 42 om 1986 No 66 s 6  
 (prev s 29) am 1993 No 86 sch  
 renum as s 42 1993 No 86 s 37  
 am 1994 No 81 sch

**Recovery of fees**

s 43 orig s 43 om 1986 No 66 s 6  
 (prev s 30) am 1993 No 86 sch  
 renum as s 43 1993 No 86 s 37  
 am A2004-60 amdt 1.30, amdt 1.31  
 (2), (3) exp 1 July 2006 (s 43 (3))

**Review of accounts for fees for chiropractic or osteopathic service**

s 44 hdg (prev s 31 hdg) am 1993 No 86 notes  
 s 44 orig s 44 om 1986 No 66 s 6  
 (prev s 31) am 1993 No 86 s 14  
 renum as s 44 1993 No 86 s 37

**Administration of estate of deceased chiropractor or osteopath**

s 45 hdg (prev s 32 hdg) am 1993 No 86 notes  
 s 45 orig s 45 om 1986 No 66 s 6  
 (prev s 32) sub 1993 No 86 sch  
 renum as s 45 1993 No 86 s 37

**Miscellaneous**

pt 5 hdg orig pt 5 hdg om 1986 No 66 s 6  
 (prev pt 6 hdg) renum 1994 No 26 sch

**Review of decisions**

div 5.1 hdg orig pt 5 div 1 hdg om 1986 No 66 s 6  
 (prev pt 6 div 1 hdg) sub 1993 No 86 s 22  
 renum as pt 5 div 1 hdg 1994 No 26 sch  
 renum as div 5.1 hdg R3 LA

## Endnotes

4 Amendment history

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### **Review of decisions**

s 46 orig s 46 om 1986 No 66 s 6  
(prev s 56) sub 1993 No 86 s 22  
renum as s 46 1993 No 86 s 37  
am 1994 No 60 sch 1; pars renum R3 LA

### **Notification of decisions**

s 47 orig s 47 om 1986 No 66 s 6  
(prev s 57) am 1989 No 38 sch 1  
sub 1993 No 86 s 22  
renum as s 47 1993 No 86 s 37  
am 1994 No 60 sch 1; pars renum R3 LA

### **General**

div 5.2 hdg orig pt 5 div 2 hdg om 1986 No 66 s 6  
(prev pt 6 div 1 hdg) sub 1993 No 86 s 22  
renum as pt 5 div 1 hdg 1994 No 26 sch  
renum as div 5.1 hdg R3 LA

### **Inspection of register**

s 48 orig s 48 om 1986 No 66 s 6  
(prev s 59) renum 1993 No 86 s 37  
am 2001 No 44 amdt 1.713

### **Disclosure of pecuniary interest**

s 49 orig s 49 om 1986 No 66 s 6  
(prev s 61) am 1993 No 86 sch  
renum 1993 No 86 s 37

### **Offences in relation to board**

s 50 orig s 50 om 1986 No 66 s 6  
(prev s 62) am 1993 No 86 sch  
renum 1993 No 86 s 37  
am 1994 No 81 sch

### **Impartiality of board**

s 51 orig s 51 om 1986 No 66 s 6  
(prev s 63) am 1993 No 86 sch  
renum 1993 No 86 s 37

### **Publication of notice of decision**

s 52 orig s 52 om 1986 No 66 s 6  
(prev s 65) am 1993 No 86 s 23, sch  
renum 1993 No 86 s 37  
am 1994 No 60 sch 1; 2001 No 44 amdts 1.714-1.717

**Publication of names etc of registered chiropractors and osteopaths**

s 53 hdg (prev s 66 hdg) am 1993 No 86 notes  
 s 53 orig s 53 om 1986 No 66 s 6  
 (prev s 66) am 1993 No 86 sch  
 renum 1993 No 86 s 37  
 sub 2001 No 44 amdt 1.718

**Determination of fees**

s 54 orig s 54 om 1986 No 66 s 6  
 (prev s 68) renum 1993 No 86 s 37  
 sub 2001 No 44 amdt 1.718

**Approved forms**

s 55 orig s 55 om 1986 No 66 s 6  
 (prev s 69) am 1989 No 38 sch 1  
 renum 1993 No 86 s 37  
 sub 2001 No 44 amdt 1.718

**Regulation-making power**

s 56 ins 2001 No 44 amdt 1.718

**Notification of decisions**

s 57 renum as s 47

**Miscellaneous**

pt 6 hdg renum as pt 5 hdg 1994 No 26 sch

**Payment of determined fees**

s 58 am 1989 No 38 sch 1; 1990 No 63 sch 1  
 om 1993 No 14 sch 1

**Evidence**

s 60 om 1986 No 66 s 7

**Annual reports**

s 64 om 1986 No 66 s 7

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

s 67 om 1991 No 53 s 4

**Determination of fees**

s 68 renum as s 54

**Approved forms**

s 69 renum as s 55

**Transitional**

pt 7 hdg om 1994 No 26 sch

**Transitional provisions**

s 70 om 1993 No 86 s 24

## Endnotes

5 Earlier republishings

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### Applications within 6 months of commencement of ordinance

s 71 om 1993 No 86 s 24

### Application of part 4

s 72 om 1993 No 86 s 24

## 5 Earlier republishings

Some earlier republishings were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republishings have also been published in printed format. These republishings are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 1993 No 86	31 January 1994
2	Act 1994 No 81	31 January 1995
3	A2001-44	18 July 2002
4	A2004-60	10 January 2005
5	A2004-60	7 July 2005
6	A2004-60	16 June 2006

## 6 Renumbered provisions

as made by Act 1993 No 86.

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3B	Impairment	5
4	Establishment and constitution of board	6
5	Registration based on qualifications and training	7
6	Registration under mutual recognition principle	8

<b>previous number</b>	<b>provision heading</b>	<b>renumbered or inserted as</b>
7	Registration at discretion of board	9
8	Interim registration	10
9	Conditions of registration in cases of impairment	11
10	Refusal of registration if applicant convicted of offence	12
11	Refusal of registration if applicant deregistered under foreign law	13
12	Applicants to be competent and of good character	14
13	Restriction on registration of deregistered or suspended persons	15
14	Applications for registration	16
14A	Applications to be considered and determined	17
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## Endnotes

6 Renumbered provisions

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previous number	provision heading	renumbered or inserted as
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68	Determination of fees	54
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**7 Uncommenced amendments**

The following amendments have not been included in this republication because they were uncommenced at the republication date:

<b>Health Professionals Legislation Amendment Act A2004-39 sch 9 pt 9.1</b>
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**Part 9.1                      Chiropractors and Osteopaths  
Act 1983****[9.1]      Section 3 (1), definition of *physiotherapist***

*substitute*

*physiotherapist* means a person registered as a physiotherapist under the *Health Professionals Act 2004*.

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