



AUSTRALIAN CAPITAL TERRITORY

# Chiropractors and Osteopaths (Amendment) Act 1993

No. 86 of 1993

## TABLE OF PROVISIONS

Section

### PART I—PRELIMINARY

1. Short title
2. Commencement
3. Principal Act

### PART II—AMENDMENTS OF PRINCIPAL ACT

4. Long title
5. Short title
6. Interpretation
7. Insertion—
  - 3A. Competence to practise chiropractic or osteopathy
  - 3B. Impairment
8. Heading to Part II
9. Establishment and constitution of Board
10. Heading to Part III
11. Substitution—
  - Division 1—Qualifications for registration*
  5. Registration based on qualifications and training
  6. Registration under mutual recognition principle

**TABLE OF PROVISIONS—continued**

## Section

- 7. Registration at discretion of Board
  - 8. Interim registration
  - 9. Conditions of registration in cases of impairment
  - 10. Refusal of registration where applicant convicted of offence
  - 11. Refusal of registration where applicant deregistered under foreign law
  - 12. Applicants to be competent and of good character
  - 13. Restriction on registration of deregistered or suspended persons
    - Division 2—Registration procedure*
    - 14. Applications for registration
    - 14A. Applications to be considered and determined
    - 14B. Registration of applicants
    - 14C. Fee for registration pursuant to Mutual Recognition Act
    - 14D. Conditions of registration
      - Division 3—Registers of chiropractors and osteopaths*
      - 14E. Register
      - 14F. Particulars to be entered in Register
      - 14G. Deregistration on basis of disciplinary action under foreign law
      - 14H. Imposition of conditions imposed under foreign law
      - 14J. Cessation of registration
        - Division 4—Annual fees*
        - 14K. Annual fee payable
        - 14L. Registration to be cancelled for non-payment
        - 14M. Entitlement to re-registration on payment of fees
          - Division 5—Miscellaneous*
12. Certificate of registration
13. Repeal
14. Change of address to be notified
15. Alteration of Register
16. Repeal
17. Inquiry by Board
18. Effect of suspension
19. Repeal
20. Heading to Part IV
21. Insertion—
  - 26. Cancellation or suspension of registration
  - 26A. Cancellation, suspension or restriction of right of practise on health grounds
  - 26B. Practising when registration suspended
  - 26C. Power of Board to caution, reprimand etc.
  - 26D. Power of Board to impose fines

**TABLE OF PROVISIONS—continued**

Section	
	26E. Application for re-registration
22.	Substitution— <i>Division 1—Review of decisions</i> 56. Review of decisions 57. Notification of decisions <i>Division 2—General</i>
23.	Publication of notice of decision
24.	Repeal
25.	Further amendments
	<b>PART III—TRANSITIONAL PROVISIONS</b> <i>Division 1—Savings</i>
26.	Register
27.	Continuation of registration
28.	Persons granted provisional registration
29.	Failure to pay annual fee under repealed provisions
30.	Applications for registration
31.	Continuation of inquiries and reviews
32.	Complaints relating to previous conduct
33.	Existing orders <i>Division 2—Transfer of registration</i>
34.	Transfer of registration
35.	Review of decision
36.	Return of certificate of registration
	<b>PART IV—MISCELLANEOUS</b>
37.	Renumbering of provisions

**SCHEDULE  
FURTHER AMENDMENTS**





AUSTRALIAN CAPITAL TERRITORY

## **Chiropractors and Osteopaths (Amendment) Act 1993**

No. 86 of 1993

---

---

### **An Act to amend the *Chiropractors Registration Act 1983* and for related purposes**

*[Notified in ACT Gazette S258: 17 December 1993]*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

#### **PART I—PRELIMINARY**

##### **Short title**

1. This Act may be cited as the *Chiropractors and Osteopaths (Amendment) Act 1993*.

##### **Commencement**

2. (1) Section 1 and this section commence on the day on which this Act is notified in the *Gazette*.

(2) The remaining provisions commence on a day, or respective days, fixed by the Minister by notice in the *Gazette*.

(3) If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

### **Principal Act**

3. In this Act, “Principal Act” means the *Chiropractors Registration Act 1983*.<sup>1</sup>

## **PART II—AMENDMENTS OF PRINCIPAL ACT**

### **Long title**

4. The long title of the Principal Act is omitted and the following long title substituted:

“An Act to control the practice of chiropractic and osteopathy and for related purposes”.

### **Short title**

5. Section 1 of the Principal Act is amended by omitting “*Registration*” and substituting “*and Osteopaths*”.

### **Interpretation**

6. Section 3 of the Principal Act is amended—

(a) by omitting the definition of “Register” and substituting the following definition:

“ ‘Register’ means—

- (a) the Register of Chiropractors; or
- (b) the Register of Osteopaths;

as the case requires;”;

(b) by omitting from subsection (1) the definitions of “chiropractic”, “chiropractor” and “registered chiropractor”;

(c) by omitting from the definition of “registration authority” in subsection (1) “chiropractors or otherwise to authorize the practice of chiropractic” and substituting “chiropractors or osteopaths or otherwise to authorise the practice of chiropractic or osteopathy”;

(d) by inserting in subsection (1) the following definitions:

“ ‘determined fee’ means the fee determined under section 68 for the purposes of the provision in which the expression occurs;

‘Mutual Recognition Act’ means the *Mutual Recognition Act 1992* of the Commonwealth;

‘qualification’ includes a degree, certificate or diploma;”;

(e) by omitting subsection (2).

### **Insertion**

7. After section 3 of the Principal Act the following sections are inserted in Part I:

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

“3A. For the purposes of 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.

#### **Impairment**

“3B. (1) For the purposes of 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 which 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 the purposes of subsection (1), habitual drunkenness or addiction to a deleterious drug shall be taken to be a physical or mental disorder.”.

#### **Heading to Part II**

8. The heading to Part II of the Principal Act is amended by omitting “**CHIROPRACTIC**” and substituting “**CHIROPRACTORS AND OSTEOPATHS**”.

**Establishment and constitution of Board**

9. Section 4 of the Principal Act is amended by omitting from subsection (1) “Chiropractic” and substituting “Chiropractors and Osteopaths”.

**Heading to Part III**

10. The heading to Part III of the Principal Act is amended by omitting “AND QUALIFICATIONS”.

**Substitution**

11. Sections 11, 12, 13 and 14 of the Principal Act are repealed and the following Divisions and heading substituted:

*“Division 1—Qualifications for registration*

**Registration based on qualifications and training**

“5. (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 the purposes of this paragraph and published in the *Gazette*; or
  - (ii) undertaken training or gained experience in practising chiropractic or osteopathy, as the case requires, in Australia for such period, not exceeding 12 months, as 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.

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

“6. (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.

### **Registration at discretion of Board**

“7. (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 such conditions on the registration of a person under this section as it considers appropriate.

### **Interim registration**

“8. (1) An applicant for registration may be granted interim registration where—

- (a) the person is entitled to registration under section 5 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 5 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 the purposes of this section may, on payment of the determined fee, grant to an applicant for registration interim registration in accordance with this section.

“(3) Interim registration granted to a person under this section remains in force from the time at which it is granted until the person is given notice in writing that the Board has—

- (a) granted him or her registration;
- (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 notice in writing 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) Where 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 on which he or she was granted interim registration.

“(7) Interim registration under this section shall be taken to have been granted by the Board.

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

“9. (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) Where 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.

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

“10. (1) The Board may refuse an application for registration if—

- (a) the applicant has been convicted in the Territory of an offence or has been convicted outside the Territory by a court for or in respect of an act or omission that would, had it taken place in the Territory, 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 pursuant to the Mutual Recognition Act and who has lodged with the Board a notice under section 19 of that Act.

**Refusal of registration where applicant deregistered under foreign law**

“11. (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 pursuant to the Mutual Recognition Act and who has lodged with the Board a notice under section 19 of that Act.

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

“12. (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 pursuant to the Mutual Recognition Act and who has lodged with the Board a notice under section 19 of that Act.

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

“13. (1) Where the registration of a person under this Act has been cancelled (otherwise than under section 14G or subsection 14L (2)) or suspended (otherwise than under subsection 24 (2)) the person may not apply for re-registration or termination of the suspension, as the case may be, otherwise than under section 26E.

“(2) Subsection (1) does not apply in relation to a person who is entitled to be re-registered pursuant to the Mutual Recognition Act and who has lodged with the Board a notice under section 19 of that Act.

***“Division 2—Registration procedure***

**Applications for registration**

“14. (1) This section applies to applications for registration other than applications by persons who are entitled to registration pursuant to the Mutual Recognition Act and who lodge with the Board a notice under section 19 of that Act.

“(2) An application for registration to which this section applies shall—

- (a) be in a form approved by the Board; and
- (b) be accompanied by the determined fee.

**Applications to be considered and determined**

“14A. The Board shall consider each application under section 14 and shall determine the application by—

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

**Registration of applicants**

“14B. Where a person who is applying for registration otherwise than under the Mutual Recognition Act—

- (a) complies with section 14;
- (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, cause the applicant to be registered.

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

“14C. A person who applies for registration under this Act pursuant to the Mutual Recognition Act shall pay the determined fee.

**Conditions of registration**

“14D. 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—Registers of chiropractors and osteopaths*****Register**

“14E. (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.

**Particulars to be entered in Register**

“14F. A person shall be registered 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 or she has no professional address in the Territory, the person’s place of residence, whether within or outside the Territory;
- (c) particulars of the qualifications entitling the person to be registered;
- (d) the registration number allotted to the person;
- (e) the date of registration;
- (f) any condition to which the person’s registration is subject; and
- (g) such other particulars, if any, as are prescribed.

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

“14G. (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.

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

“14H. (1) Where 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) Where 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.

#### **Cessation of registration**

“14J. 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 expires.

#### ***Division 4—Annual fees***

#### **Annual fee payable**

“14K. (1) A registered chiropractor or registered osteopath, as the case requires, shall, on or before 1 September in each year, pay the Territory the determined fee.

“(2) The Board shall cause to be sent to each registered chiropractor or registered osteopath, as the case requires, 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).

### **Registration to be cancelled for non-payment**

“14L. (1) Where a registered chiropractor or registered osteopath does not comply with subsection 14K (1), the Board shall cause to be sent 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.

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

“14M. (1) A person whose name has been removed from the Register for failure to pay an annual fee is entitled to be re-registered if he or she makes application in accordance with this section and pays the determined fee.

“(2) An application for re-registration under this section shall—

- (a) be in a form approved by the Board; and
- (b) be accompanied by the determined fee.

“(3) 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.

“(4) 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.

“(5) An entitlement to re-registration under this section is subject to the provisions of this Act pursuant to which a person’s name is authorised or required to be removed from the Register.

***“Division 5—Miscellaneous”.***

**Certificate of registration**

**12.** Section 15 of the Principal Act is amended—

(a) by inserting after subsection (1) the following subsection:

“(1A) A certificate of registration shall state the provision by virtue of 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.”;

(b) by omitting from subsection (2) “issued under subsection (1)”;

(c) by omitting from subsection (3) “issued under subsection (1)”;  
and

(d) by omitting subsections (4) to (6), inclusive, and substituting the following subsections:

“(4) Where—

(a) the Board has given to a person notice in writing that his or her registration has been suspended or cancelled; and

(b) a period of 14 days has elapsed since the notice referred to in paragraph (a) was given;

the person shall deliver his or her certificate of registration to the Chairperson.

“(5) A person who, without reasonable excuse, contravenes subsection (4) is guilty of an offence punishable, on conviction, by a fine not exceeding \$500.

“(6) Where a person whose registration has been suspended delivers his or her certificate of registration to the Board, the Board shall retain the certificate during the period of the suspension and return it to the person at the expiration of that period unless the person’s registration has sooner been cancelled.

“(7) Where, 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 notice in writing given to the person, require the person to deliver 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.

“(8) A person who, without reasonable excuse, contravenes a notice under subsection (7) is guilty of an offence punishable, on conviction, by a fine not exceeding \$500.”.

### **Repeal**

- 13. Section 16 of the Principal Act is repealed.

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

- 14. Section 17 of the Principal Act is amended—

- (a) by omitting from paragraph (a) “14” and substituting “14F”;
- (b) by omitting from paragraph (a) “or notified to the Board under section 16”; and
- (c) by omitting the penalty provision at the foot of the section and substituting the following penalty provision:

“Penalty: \$500.”.

### **Alteration of Register**

- 15. Section 18 of the Principal Act is amended by omitting from subsection (1) all the words after “name” and substituting the following:

“of—

- (a) a registered chiropractor or registered osteopath who has died; or
- (b) a registered chiropractor or registered osteopath whose registration has been cancelled.”.

### **Repeal**

- 16. Sections 19, 20, 21, 22 and 23 of the Principal Act are repealed.

### **Inquiry by Board**

- 17. Section 24 of the Principal Act is amended—

- (a) by omitting paragraphs (1) (b), (c) and (d) and substituting the following paragraphs:

“(b) imposing a condition on the registration of a person;

- (c) ordering the suspension of the registration of a person;
  - (d) making an order under subsection 26A (2);
  - (e) taking action under section 26C; or”; and
- (b) by omitting from subsection (2) all the words after “may” and substituting “, by order served on the person to whom the inquiry relates, suspend temporarily the registration of the person”.

#### **Effect of suspension**

18. Section 25 of the Principal Act is amended by omitting “section 22, subsection 23 (1) or subsection 24 (2)” and substituting “subsection 24 (2), section 26 or subsection 26A (1)”.

#### **Repeal**

19. Section 26 of the Principal Act is repealed.

#### **Heading to Part IV**

20. The heading to Part IV of the Principal Act is amended by inserting “**OR OSTEOPATHY**” after “**CHIROPRACTIC**”.

#### **Insertion**

21. Before section 27 of the Principal Act the following sections are inserted in Part IV:

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

“26. 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 such period as the Board thinks fit;

if satisfied that—

- (c) the registration of the person was obtained by fraud or misrepresentation;
- (d) the chiropractic or osteopathic qualification of the person has been withdrawn or cancelled by the body which granted it;
- (e) the person has contravened a condition to which his or her registration under this Act is subject;
- (f) the person has been convicted in the Territory 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;

- (g) the person is guilty of habitual drunkenness, or addiction to deleterious drugs, that renders him or her unfit to practise chiropractic or osteopathy;
- (h) the person has failed to exercise adequate judgment or care in practising chiropractic or osteopathy;
- (j) 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;
- (k) the person has contravened this Act or the regulations;
- (m) the person has engaged in any other improper or unethical conduct relating to practising chiropractic or osteopathy; or
- (n) the person is not competent to practise chiropractic or osteopathy.

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

“26A. (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 such period as the Board thinks fit.

“(2) The Board may, instead of cancelling or suspending the registration of a person, where 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) Where 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 paragraph (1) (b) or subsection (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.

### **Practising when registration suspended**

“26B. Where a person whose registration as a chiropractor or osteopath has been suspended is convicted of an offence against section 27 or 28, 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 such further period as the Board thinks fit.

### **Power of Board to caution, reprimand etc.**

“26C. (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 such conditions relating to practising chiropractic or osteopathy as the Board considers appropriate;
- (d) order that the chiropractor or osteopath complete specified educational courses.

“(2) Paragraph (1) (d) does not apply in relation to a registered chiropractor or osteopath who obtained registration under this Act pursuant to the Mutual Recognition Act.

### **Power of Board to impose fines**

“26D. (1) Subject to subsection (2), where the Board finds that a registered chiropractor or registered osteopath has failed to comply with an order of the Board under section 26C 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 respect of 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) Where 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 such period as the Board thinks fit.

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

“26E. (1) Where the registration of a person has been cancelled, otherwise than under section 14G or subsection 14L (2), or suspended, otherwise than under section 24, 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 or she should be re-registered or his or her suspension should be terminated.

“(2) Upon application under this section the Board may, if satisfied that, by reason 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, as the case requires.”.

### **Substitution**

**22.** Sections 56 and 57 of the Principal Act are repealed and the following Division and heading substituted:

#### ***“Division 1—Review of decisions***

### **Review of decisions**

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

- (a) under subsection 7 (4), 9 (1) or 14H (2) to impose conditions on the registration of a person;
- (b) under subsection 8 (4) to cancel the interim registration of a person;
- (c) under subsection 9 (2) to refuse to review conditions imposed on the registration of a person;
- (d) under subsection 9 (2) to refuse to alter or remove conditions imposed on the registration of a person;
- (e) under subsection 9 (2) to impose new conditions on the registration of a person;

- (f) under section 14A to refuse to register a person;
- (g) under subsection 14G (4) or 14M (4) or section 26E to refuse to re-register a person;
- (h) under subsection 14G (3), section 26, subsection 26A (1), section 26B or subsection 26D (4) to cancel the registration of a person;
- (j) under subsection 24 (2), section 26, subsection 26A (1), section 26B or subsection 26D (4) to suspend the registration of a person;
- (k) under subsection 26A (2) to make an order directing a person not to provide a chiropractic or osteopathic service, as the case may be;
- (m) under subsection 26A (3) to refuse to review an order, or amend or remove an order, directing a person not to provide a chiropractic or osteopathic service, as the case may be;
- (n) under section 26C to take any action of the kind referred to in that section in relation to a registered chiropractor or registered osteopath;
- (o) under subsection 26D (1) to impose a fine on a registered chiropractor or registered osteopath;
- (p) under subsection 26E (2) to refuse to terminate the suspension of registration of a chiropractor or osteopath;
- (q) under subsection 31 (2) to certify the amount which, in the opinion of the Board, is a reasonable amount of fees or remuneration for a chiropractic or osteopathic service;
- (r) under section 32 to refuse to extend beyond 6 months the period during which 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
- (s) under section 32 to fix a period longer than 6 months during which 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.

**Notification of decisions**

“57. (1) Where a decision of the kind referred to in section 56 (other than paragraph (b), (j), (k) or (o)) is made, the Board shall, within 28 days after the date of the decision, give notice in writing of the decision—

- (a) in the case of a decision referred to in paragraph 56 (a)—to the person on whose registration conditions have been imposed;
- (b) in the case of a decision referred to in paragraph 56 (c) or (d)—to the person whose registration is subject to the condition;
- (c) in the case of a decision referred to in paragraph 56 (e)—to the person on whose registration the new conditions are imposed;
- (d) in the case of a decision referred to in paragraph 56 (f)—to the person whose application for registration has been refused;
- (e) in the case of a decision referred to in paragraph 56 (g)—to the person whose re-registration has been refused;
- (f) in the case of a decision referred to in paragraph 56 (h)—to the person whose registration has been cancelled;
- (g) in the case of a decision referred to in paragraph 56 (m)—to the person in relation to whom the order was made;
- (h) in the case of a decision referred to in paragraph 56 (n)—to the registered chiropractor or registered osteopath in relation to whom the action has been taken;
- (j) in the case of a decision referred to in paragraph 56 (p)—to the person whose registration has been suspended;
- (k) in the case of a decision referred to in paragraph 56 (q)—to the person who requested the review of the account; or
- (m) in the case of a decision referred to in paragraph 56 (r) or (s) 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 subsection 8 (4) or subsection (1) of this section, or under section 31 of the *Health Professions Boards (Procedures) Act 1981*, shall—

- (a) include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1989*, an application may be made to the Administrative Appeals Tribunal for a review of the decision to which the notice relates; and

- (b) except where subsection 26 (11) of that Act applies—include a statement to the effect that a person whose interests are affected by the decision may request a statement under section 26 of that Act.

“(3) An order under subsection 24 (2), paragraph 26 (b) or 26A (1) (b), subsection 26A (2), paragraph 26B (b), subsection 26C (1) or paragraph 26D (4) (b) shall—

- (a) have endorsed on it or attached to it a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1989*, an application may be made to the Administrative Appeals Tribunal for a review of the decision to make the order; and
- (b) except where subsection 26 (11) of the *Administrative Appeals Tribunal Act 1989* applies—have endorsed on it or attached to it a statement to the effect that a person whose interests are affected by the decision may request a statement under section 26 of that Act.

“(4) The validity of a decision referred to in subsection (2) or (3) is not to be taken to be affected by a failure to comply with that subsection.

**“Division 2—General”.**

**Publication of notice of decision**

**23.** Section 65 of the Principal Act is amended by omitting paragraphs (1) (b) and (c) and substituting the following paragraphs:

- “(b) imposing a condition on the registration of a person;
- (c) suspending, otherwise than under subsection 24 (2), the registration of a person;
- (d) making an order under subsection 26A (2);
- (e) taking action under section 26C; or
- (f) imposing a fine on a person under section 26D;”.

**Repeal**

**24.** Sections 70, 71 and 72 of the Principal Act are repealed.

**Further amendments**

**25.** The Principal Act is amended as set out in the Schedule.

**PART III—TRANSITIONAL PROVISIONS*****Division 1—Savings*****Register**

**26.** The Register to be kept under section 14E of the Principal Act as amended by this Act is a continuation of the Register kept under section 11 of the Principal Act before the commencement of this Act.

**Continuation of registration**

**27.** A person who, immediately before the commencement of this Act, was registered as a chiropractor under the Principal Act continues to be registered under the Principal Act as amended by this Act on the same terms and subject to the same conditions as applied to his or her registration immediately before the commencement of this Act.

**Persons granted provisional registration**

**28.** A person who, immediately before the repeal of section 19 of the Principal Act by this Act, held provisional registration under that section shall, on the commencement of this Act, be taken to be a person who has been granted interim registration in accordance with section 8 of the Principal Act as amended by this Act.

**Failure to pay annual fee under repealed provisions**

**29. (1)** A failure by a registered chiropractor to pay a fee that became payable by him or her under section 16 of the Principal Act as in force immediately before the commencement of this Act shall be taken to be a failure to pay a fee that became payable under section 14K of the Principal Act as amended by this Act.

**(2)** A chiropractor who was not registered under the Principal Act immediately before the commencement of this Act because his or her registration was cancelled for a failure by the person to pay a fee that had become payable by him or her under section 16 of the Principal Act as in force immediately before the commencement of this Act shall be taken to have had his or her registration cancelled for a failure to pay a fee which had become payable by him or her under section 14K of the Principal Act as amended by this Act.

### **Applications for registration**

**30.** An application for registration under the Principal Act as in force immediately before the commencement of this Act that had not been determined before the commencement of this Act shall be taken to be an application for registration under the Principal Act as amended by this Act and any inquiry or investigation for the purposes of the application may be continued or completed.

### **Continuation of inquiries and reviews**

**31. (1)** The provisions of the Principal Act as in force immediately before the commencement of this Act continue to apply in relation to an inquiry or review commenced under the Principal Act and pending immediately before the commencement of this Act.

**(2)** Any order, decision or determination resulting from an inquiry or review to which this section applies shall be taken to have been made under the Principal Act as amended by this Act and to have effect accordingly.

### **Complaints relating to previous conduct**

**32. (1)** Subject to subsection (2), an inquiry may be held under the Principal Act as amended by this Act with respect to conduct or any other matter or thing that occurred before, or partly before and partly after, the commencement of this Act.

**(2)** An inquiry referred to in subsection (1) may only be held if it is an inquiry that could have been held under the Principal Act in force immediately before the commencement of this Act.

### **Existing orders**

**33.** An order having effect under a provision of the Principal Act repealed by this Act is, by this section, converted to an equivalent order under the Principal Act as amended by this Act.

### ***Division 2—Transfer of registration***

#### **Transfer of registration**

**34. (1)** On the commencement of this Act, the Board shall review the registration of all registered chiropractors in the Register continued under section 26 of this Act and, if the Board considers that a registered chiropractor would not be entitled to registration as a chiropractor under section 5 of the Principal Act as amended by this Act, the Board shall, by notice in writing served on the registered chiropractor, require him or her to show cause why his or her registration should not be transferred to registration as an osteopath.

**(2)** Where a registered chiropractor who has been served with a notice under subsection (1) fails to establish, to the satisfaction of the Board, that his or her registration should not be transferred, the Board shall transfer his or her registration unless it considers that there is good reason why the practitioner's registration should not be transferred.

**(3)** The Board shall give a registered chiropractor on whom a notice has been served under subsection (1) an opportunity to make submissions to the Board on the question of whether his or her registration should be transferred and the Board shall consider any submissions made by the chiropractor.

#### **Review of decision**

**35. (1)** Application may be made to the Administrative Appeals Tribunal for review of a decision by the Board under subsection 34 (2) to transfer the registration of a chiropractor.

**(2)** Where the Board makes a decision of a kind referred to in subsection (1) it shall, within 28 days after the date of the decision, give notice in writing of the decision to the registered chiropractor.

**(3)** A notice under subsection (2) shall—

- (a)** include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1989*, an application may be made to the Administrative Appeals Tribunal for a review of the decision to which the notice relates; and
- (b)** except where subsection 26 (11) of that Act applies—include a statement to the effect that a person whose interests are affected by the decision may request a statement under section 26 of that Act.

(4) The validity of a decision referred to in subsection (1) is not to be taken to be affected by a failure to comply with subsection (3).

#### **Return of certificate of registration**

**36. (1)** A person whose registration as a chiropractor is transferred under subsection 34 (2) shall, within 14 days after receipt of a notice under subsection 35 (2), deliver his or her former certificate of registration as a chiropractor to the Chairperson.

(2) A person who, without reasonable excuse, contravenes subsection (1) is guilty of an offence punishable, on conviction, by a fine not exceeding \$500.

### **PART IV—MISCELLANEOUS**

#### **Renumbering of provisions**

**37. (1)** The amended Act is further amended as provided by this section.

(2) The sections of the amended Act are renumbered in a single series so that they bear consecutive Arabic numerals.

(3) Any provision of the amended Act that refers to a section of that Act that has been renumbered by subsection (2) is amended by omitting that reference and substituting a reference to the section as so renumbered.

(4) A reference in a provision of a law of the Territory made before the commencement of this section (whether or not that provision has commenced), or in any instrument or document, to a section of the amended Act that has been renumbered by subsection (2) shall (except as regards the operation of the section before it was so renumbered) be construed as a reference to that section as so renumbered.

(5) In this section, “amended Act” means the Principal Act as amended by sections 4 to 25 (inclusive).

---

**SCHEDULE**  
**FURTHER AMENDMENTS**

**Subsection 3 (1) (definition of “Board”)—**

Omit “Chiropractic”, substitute “Chiropractors and Osteopaths”.

**Subsection 3 (1) (definition of “Chairman”)—**

Omit “Chairman” (wherever occurring), substitute “Chairperson”.

**Subsection 3 (1) (definition of “Deputy Chairman”)—**

Omit “Chairman” (wherever occurring), substitute “Chairperson”.

**Subsection 3 (1) (definition of “member”)—**

Omit “Chairman”, substitute “Chairperson”.

**Paragraph 3 (3) (a)—**

Insert “or osteopathy” after “chiropractic” (first occurring).

**Subparagraph 3 (3) (a) (i)—**

- (a) Insert “or she” after “he”.
- (b) Insert “or her” after “his”.
- (c) Insert “or osteopathy” after “chiropractic”.

**Subparagraph 3 (3) (a) (ii)—**

- (a) Insert “or her” after “him” (wherever occurring).
- (b) Insert “or osteopathy” after “chiropractic”.

**Subparagraph 3 (3) (a) (iii)—**

- (a) Insert “or she” after “he”.
- (b) Insert “or osteopathy” after “chiropractic”.

**Paragraph 3 (3) (b)—**

Insert “or osteopathy” after “chiropractic” (wherever occurring).

**Paragraph 4 (2) (a)—**

Omit “Chairman”, substitute “Chairperson”.

**Subsection 4 (5)—**

- (a) Omit “Chairman”, substitute “Chairperson”.
- (b) Insert “or osteopath” after “chiropractor”.

**SCHEDULE—continued**

**Subsection 4 (6)—**

Omit “Chairman”, substitute “Chairperson”.

**Subsection 15 (1)—**

Omit “Chairman”, substitute “Chairperson” (wherever occurring).

**Subsection 15 (3)—**

Insert “or registered osteopath” after “chiropractor”.

**Paragraph 17 (a)—**

Insert “or registered osteopath” after “chiropractor”.

**Paragraph 17 (b)—**

Insert “or registered osteopath” after “chiropractor”.

**Section 17—**

- (a) Insert “or registered osteopath” after “chiropractor” (last occurring).
- (b) Omit “one”, substitute “1”.
- (c) Omit “Chairman”, substitute “Chairperson”.

**Subsection 27 (1)—**

- (a) Insert “or registered osteopath” after “chiropractor”.
- (b) Insert “or osteopathy, as the case may be,” after “chiropractic”.

**Subsection 27 (2)—**

- (a) Insert “or registered osteopath” after “chiropractor” (first occurring).
- (b) Insert “or osteopathy, as the case may be,” after “chiropractic”.
- (c) Insert “or osteopath” after “chiropractor” (last occurring).

**Subsection 27 (3)—**

Omit “Chairman”, substitute “Chairperson”.

**Paragraph 27 (3) (a)—**

Insert “or registered osteopath” after “chiropractor”.

**Section 28—**

Insert “or registered osteopath” after “chiropractor” (first occurring).

**SCHEDULE**—continued**Paragraph 28 (a)**—

- (a) Insert “or her” after “his”.
- (b) Insert “or she” after “he” (wherever occurring).
- (c) Insert “or registered osteopath” after “chiropractor” (last occurring).
- (d) Insert “or osteopathy, as the case may be,” after “chiropractic”.

**Paragraph 28 (b)**—

- (a) Insert “or herself” after “himself”.
- (b) Omit all the words after “practise”, substitute “, or as being a person who practises chiropractic or osteopathy, as the case may be”.

**Section 29**—

- (a) Insert “or osteopathy” after “chiropractic” (wherever occurring).
- (b) Insert “or registered osteopaths, as the case requires,” after “chiropractors”.

**Subsection 30 (1)**—

Insert “or osteopathic” after “chiropractic” (first occurring).

**Paragraph 30 (1) (a)**—

- (a) Insert “or she” after “he”.
- (b) Insert “or her” after “his”.
- (c) Insert “or osteopathic” after “chiropractic”.

**Subsection 30 (2)**—

Insert “or osteopathic” after “chiropractic”.

**Subsection 31 (1)**—

- (a) Insert “or osteopathic” after “chiropractic”.
- (b) Insert “or her” after “him”.

**Subsection 31 (2)**—

- (a) Omit “Chairman” (wherever occurring), substitute “Chairperson”.
- (b) Insert “or osteopathic” after “chiropractic”.

**SCHEDULE—continued**

**Subsection 31 (7)—**

Insert “or osteopathic” after “chiropractic” (wherever occurring).

**Subsection 31 (8)—**

Omit “service at his professional address, or at one of his”, substitute “or osteopathic service at his or her professional address, or at 1 of his or her”.

**Subsection 31 (9)—**

Insert “or osteopathic” after “chiropractic” (wherever occurring).

**Section 32—**

Repeal the section, substitute the following subsection:

**Administration of estate of deceased chiropractor**

“32. 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 a period of 6 months or for such longer period as 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.”.

**Subsection 61 (1)—**

Insert “or her” after “his” (wherever occurring).

**Paragraph 62 (a)—**

Insert “or her” after “his”.

**Section 63—**

- (a) Omit “Chairman” (wherever occurring), substitute “Chairperson”
- (b) Insert “or her” after “his”.

**SCHEDULE**—continued**Subsection 65 (1)**—

- (a) Omit “Chairman”, substitute “Chairperson”.
- (b) Insert “or she” after “he”.

**Section 66**—

Insert “or osteopaths” after “chiropractors” (wherever occurring).

**Paragraph 70 (a)**—

Insert “or osteopathy” after “chiropractic”.

**Paragraph 70 (d)**—

Insert “or her” after “his”.

**NOTE**

1. Reprinted as at 30 June 1991. See also Act No. 53, 1991; No. 14, 1993.

**NOTE ABOUT SECTION HEADINGS**

On the day on which the *Chiropractors Registration Act 1983* is amended by this Act, headings to sections of the Principal Act are altered as set out in the following table:

Section	Alteration
27	Insert “ <b>or osteopathy</b> ” after “ <b>chiropractic</b> ”.
28	Insert “ <b>or osteopath</b> ” after “ <b>chiropractor</b> ”.
29	Insert “ <b>or osteopathy</b> ” after “ <b>chiropractic</b> ”.
31	Insert “ <b>or osteopathic</b> ” after “ <b>chiropractic</b> ”.
32	Insert “ <b>or osteopath</b> ” after “ <b>chiropractor</b> ”.
66	Insert “ <b>or osteopaths</b> ” after “ <b>chiropractors</b> ”.

*[Presentation speech made in Assembly on 21 October 1993]*