

**AUSTRALIAN CAPITAL TERRITORY  
CHIROPRACTORS AND OSTEOPATHS ACT 1983  
DETERMINATION NO. 104 OF 1994**

**EXPLANATORY STATEMENT**

The *Chiropractors and Osteopaths Act 1983* provides for the registration of suitably qualified chiropractors and osteopaths and related purposes, and for the Minister to determine fees for the purpose of the Act and to publish that determination in the ACT Gazette.

The provision which allowed the Minister to determine fees under the Act was previously provided for by section 68 of the *Chiropractors Registration Act 1983*. However, it should be noted that with the enactment of amendments to the *Chiropractors Registration Act 1983* on 1 January 1994, the title of the Act changed to *Chiropractors and Osteopaths Act 1983* and some sections of the Act were repealed while new sections have been included. As a consequence of the repeal and inclusion of some provisions there has been an extensive renumbering of sections of the Act, and this power is now provided for under section 54 of the *Chiropractors and Osteopaths Act 1983*.

This instrument:

(a) revokes all existing fees and determinations under the *Chiropractors Registration Act 1983* which relate to:

1. Subsection 13(b), fee for application for registration;
2. Subsection 15(3), fee for a duplicate certificate;
3. Paragraph 16(1)(b), annual fee;
4. Paragraph 16(5)(b), entitlement to re registration subject to payment of fee;
5. Subsection 18(3), alteration of register;
6. Subsection 19(1), provisional registration;
7. Subsections 20(1) and 20(2), temporary registration;
8. Paragraph 59(1)(a), inspect an entry in the register;
9. Paragraph 59(1)(b), obtain a certified copy of an entry in the register; and

(b) sets fees for equivalent provisions or new provisions under the *Chiropractors and Osteopaths Act 1983* as per the attached schedule.

**The following explanatory statements refer to the above numbered items and to the new provision as noted in the attached schedule.**

1. Section 13 of the *Chiropractors Registration Act 1983*, which included subsection 13(b) and provided for the determined fee to be paid when an application for registration was submitted, was repealed by the amendments which came into effect on 1 January 1994. The determined fee of \$106.00 for registration was published in the ACT Gazette No. S174, Monday 30 August 1993, being Determination No. 118 of 1993.

The repealed section 13 has now been replaced by a new section 16 which provides for lodgement of applications for registration other than applications by persons who are entitled to registration under the mutual recognition provisions.

Paragraph 16(2)(b) of the *Chiropractors and Osteopaths Act 1983* provides for a determined fee to be paid when an application for full registration is made subject to the provisions of the new section 7; or an application is made for registration at the discretion of the Board subject to provisions of the new section 9.

The fee for this purpose has been set at \$109.00 which has been indexed in accordance with Consumer Price Index (CPI) increases.

2. Subsection 15(3) of the *Chiropractors Registration Act 1983* provided for a duplicate certificate to be issued to a chiropractor where the original had been lost or destroyed, subject to the payment of the determined fee. The determined fee for this purpose was set at \$20.00, and published in the ACT Gazette No. S114, 14 October 1991.

This provision is now provided for under subsection 29(3) in the amended Act. It should be noted that there is an inconsistency between the various ACT Health Registration Boards as to the fee charged for this provision. In the interest of aligning all fees for similar provisions for all ACT Health Registration Boards, the fee has now been set at \$30.00. This amount is consistent with subsection 26(3) of the *Medical Practitioners Act 1930* which was increased by Determination No. 111 of 1993 and published in the ACT Gazette No. S174 of 30 August 1993.

3. Paragraph 16(1)(b) of the *Chiropractors Registration Act 1983*, which required a registered chiropractor to notify the Board of his or her professional address or addresses in the Territory and to pay the determined annual registration renewal fee, was repealed and has been replaced by subsection 26(1) in the *Chiropractors and Osteopaths Act 1983*. This subsection requires a registered chiropractor or registered osteopath to pay to the Territory, on or before 1 September in each year, the determined fee.

The existing annual fee of \$106.00 was determined by Determination No. 118 of 1993 and published in the ACT Gazette No. S174, Monday 30 August 1993.

The fee for this purpose has been set at \$109.00 which has been indexed in accordance with Consumer Price Index (CPI) increases.

4. The entitlement for a chiropractor to re-registration where registration was cancelled for failure to pay the annual fee was provided for in subsection 16(5) of the *Chiropractors Registration Act 1983* and was subject to the payment of the determined fee under paragraph 16(5)(b).

With the repeal of section 16(5), and to ensure this provision is available to both chiropractors and osteopaths, a similar provision has been included in paragraph 28(2)(b) of the amended Act.

The fee for this has been set at \$109.00 which is consistent with both the annual renewal registration fee and the fee for registration under the mutual recognition provisions.

5. Subsection 18(3) of the *Chiropractors Registration Act 1983* provided for the payment of a determined fee in respect to alterations made to particulars in the register which may be made from time to time at the request of the person concerned. This provision is now provided for under subsection 31(3) of the *Chiropractors and Osteopaths Act 1983*.

The fee for alteration to entries in the register is \$10.00 and notification of this was published in the ACT Gazette No. S114, 14 October 1991. There is no increase to this fee.

6. Subsection 19 (1) of the *Chiropractors Registration Act 1983* provided for the granting of provisional registration to allow time for the Board to consider a person's application for full registration. Provisional registration could be granted for a period of not more than three months. The determined fee for provisional registration is \$5.00 and was last published in the Commonwealth Gazette No. S316, Monday 13 August 1984.

This provision is now replaced by section 10 of the amended Act and provides for the granting of interim registration to a person who is entitled to full registration but where it is not practical to wait until the Board can consider the application. Subsection 10(2) of the amended Act provides for interim registration to be granted subject to the payment of a determined fee. This fee has been set at \$20.00 to make it consistent with those of other Boards.

7. Subsections 20(1) and 20(2), which provided for 'temporary' registration and extension of 'temporary registration' in the *Chiropractors Registration Act 1983*, were also repealed and are now covered by the provisions of section 9 in the new Act, 'Registration at the discretion of the Board'. The new provisions enable the Board to register a person on a temporary basis for the purposes of enabling the person to undertake training or gain experience in the practise of chiropractic or osteopathy, or if the Board is satisfied that it is in the public interest to do so.

The determined fee for 'temporary' registration was set at \$50.00 and was published in the ACT Gazette No. S114, 14 October 1991.

Paragraph 16(2)(b) requires that payment of the determined fee should be made at time of application. The fee has been increased to \$109.00, and is equivalent to the fee payable for initial registration, registration under mutual recognition provisions and the annual practising fee. The administrative costs associated with granting temporary

registration have in the past been equal to if not more costly than the granting of full registration. Therefore it is appropriate that the fee be set at a similar level.

8. Paragraph 59(1)(a) of the *Chiropractors Registration Act 1983* provided for a person, upon the payment of a determined fee, to inspect an entry in the register. The determined fee was set at \$5.00 per entry and notified in the ACT Gazette No. S114 of 14 October 1991.

This provision is now provided for under paragraph 48(1)(a) of the amended Act. There is no increase in the fee.

9. Paragraph 59(1)(b) of the *Chiropractors Registration Act 1983* provided for a person, upon the payment of a determined fee, to obtain a certified copy of an entry in the register. The fee was set at \$10.00 per entry and was notified in the ACT Gazette No. S114, 14 October 1991.

This provision is now provided for under paragraph 48(1)(b) of the amended Act. This fee has not been increased.

10. A new category of registration has been introduced pursuant to the *Mutual Recognition Act 1992*. This category is included in section 8 of the *Chiropractors and Osteopaths Act 1983*, and the provision for the payment of a determined fee for applications for registration under mutual recognition provisions is provided for by section 19 of the Act.

The fee for the purpose of registration under the mutual recognition provisions is set at \$109.00 which is equivalent the determined fee for the annual fee.

<b>Chiropractors Registration Act 1983 (Old Act)</b>	<b>Old Fee</b>	<b>Chiropractors and Osteopaths Act 1983 (New Act)</b>	<b>New Fee</b>
Subsection 13(b) application for registration	\$106.00	Paragraph 16(2)(b) application fee for registration other than under mutual recognition provisions	\$109.00
Subsection 15(3) fee for a duplicate certificate	\$20.00	Subsection 29(3) fee for a duplicate certificate	\$30.00
Paragraph 16(1)(b) annual registration fee	\$106.00	Subsection 26(1) annual registration fee	\$109.00
Paragraph 16(5)(b) entitlement to re-registration subject to payment of fee	\$106.00	Paragraph 28(2)(b) entitlement to re-registration subject to payment of fee	\$109.00
Subsection 18 (3) alteration of register	\$10.00	Subsection 31(3) alteration of register	\$10.00
Subsection 19 (1) provisional registration	\$5.00	Subsection 10(2) entitlement to interim registration subject to payment of fee	\$20.00
Subsections 20(1) and 20(2) temporary registration and extension of temporary registration	\$50.00	Paragraph 16(2)(b) registration at the discretion of the Board	\$109.00
Paragraph 59(1)(a) inspect an entry in the register	\$5.00	Paragraph 48(1)(a) inspect an entry in the register	\$5.00
Paragraph 59(1)(b) obtain a certified copy of an entry in the register	\$10.00 per entry	Paragraph 48(1)(b) obtain a certified copy of an entry in the register	\$10.00
Not Applicable	N/A	Section 19 fee for registration under mutual recognition provisions	\$109.00