



New South Wales

# Chiropractors and Osteopaths Regulation 1997

under the

Chiropractors and Osteopaths Act 1991

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Chiropractors and Osteopaths Act 1991*.

A Refshauge

Minister for Health

## Explanatory note

The object of this Regulation is to repeal and remake, with various changes in substance, the provisions of the *Chiropractors and Osteopaths Regulation 1991*. The new Regulation deals with the following matters:

- (a) the registration of chiropractors and osteopaths (Part 2),
- (b) advertising by chiropractors and osteopaths (Part 3),
- (c) proceedings of the Chiropractors and Osteopaths Registration Board (Part 4),
- (d) other matters of a minor, consequential and ancillary nature (Parts 1 and 5).

This Regulation is made under the *Chiropractors and Osteopaths Act 1989*, including section 65 (the general regulation making power) and various other sections referred to in the Regulation.

This Regulation is made in connection with the staged repeal of subordinate legislation under the *Subordinate Legislation Act 1989*.

**1997 No 425**

Chiropractors and Osteopaths Regulation 1997

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Clause 1           Chiropractors and Osteopaths Regulation 1997

Part 1             Preliminary

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## **Chiropractors and Osteopaths Regulation 1997**

### **Part 1     Preliminary**

#### **1   Name of Regulation**

This Regulation is the *Chiropractors and Osteopaths Regulation 1997*.

#### **2   Commencement**

This Regulation commences on 1 September 1997.

#### **3   Definitions**

In this Regulation:

*appropriate fee*, in relation to a particular provision of the Act or this Regulation, means the fee set out in Schedule 1 in relation to that provision.

*approved* means approved by the Board.

*the Act* means the *Chiropractors and Osteopaths Act 1991*.

#### **4   Notes**

The explanatory note and table of contents do not form part of this Regulation.

## Part 2 Registration of chiropractors and osteopaths

### 5 Certain students exempt from registration

A person who manipulates the joints of the human spinal column (including its immediate articulations) is exempt from the operation of section 4 of the Act, but only while the person does so:

- (a) in connection with a course leading towards a degree, diploma or other award that qualifies the person for registration as
  - (i) a medical practitioner under the *Medical Practice Act 1992*, or
  - (ii) a physiotherapist under the *Physiotherapists Registration Act 1945*, and
- (b) under the direct instruction and personal supervision of:
  - (i) a registered medical practitioner under the *Medical Practice Act 1992*, or
  - (ii) a registered practitioner under the *Chiropractors and Osteopaths Act 1991*, or
  - (iii) a registered physiotherapist under the *Physiotherapists Registration Act 1945*.

### 6 Courses of training for chiropractors: section 9

For the purposes of section 9 (a) of the Act, the prescribed courses of training are the following:

- (a) a course in respect of which a diploma, certificate or other academic award specified in Column 1 of Schedule 2 may be conferred or awarded by the institution specified opposite that award in Column 2 of that Schedule, and
- (b) a course completed on or before 31 August 1981 in respect of which the person concerned has been or may be admitted by the Council of the International College of Chiropractic, South Melbourne, Victoria, to a Diploma of Applied Science (Human Biology) and a Diploma of Applied Science (Chiropractic).

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Clause 7           Chiropractors and Osteopaths Regulation 1997

Part 2             Registration of chiropractors and osteopaths

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### **7 Courses of training for osteopaths: section 10**

For the purposes of section 10 (a) of the Act, the prescribed courses of training are as follows:

- (a) a course undertaken at:
  - (i) the University of New South Wales, or
  - (ii) the University of Adelaide, or
  - (iii) the University of Queensland,  
in respect of which the University concerned may confer a Bachelor of Science (Anatomy), being a course undertaken along with the course conducted by the International Colleges of Osteopathy, New South Wales, in respect of which that institution may confer a Graduate Diploma in Osteopathy (Grad Dip Ost),
- (b) the course undertaken at the Phillip Institute of Technology, Victoria, in respect of which that institution may confer a Bachelor of Applied Science (Osteopathy),
- (c) the course undertaken at the Royal Melbourne Institute of Technology, Victoria, in respect of which that institution may confer:
  - (i) the degree of Bachelor of Applied Science (Osteopathy), or
  - (ii) the degree of Bachelor of Applied Science (Clinical Science) and the degree of Bachelor of Osteopathic Science,
- (d) the course undertaken at the Sydney College of Osteopathy in respect of which that institution may confer:
  - (i) a Diploma of Osteopathy, or
  - (ii) a Diploma of Doctor of Osteopathy.

### **8 Applications for registration: sections 9, 10, 11 and 14**

- (l) An application under section 9, 10, 11 or 14 of the Act:
  - (a) must be in an approved form, and
  - (b) must be lodged with the Registrar, and
  - (c) must be accompanied by the appropriate fee.

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- (3) Any such fee (or such proportion of the fee as the Registrar may determine) is to be refunded to the applicant if the application is refused.

### **9 Applications for examinations**

- (1) An application to sit for an examination arranged by the Board:
- (a) must be in an approved form, and
  - (b) must be lodged with the Registrar, and
  - (c) must be accompanied by the appropriate fee.
- (2) In addition to the application fee, the fee for sitting for an examination arranged by the Board must be paid to the Registrar not less than 14 days before the date of the examination.

### **10 Certificates of registration**

- (1) On the registration of a person as a chiropractor, osteopath or chiropractor and osteopath, the Registrar must issue a certificate of registration to that person.
- (2) If satisfied that an existing certificate of registration has been lost, destroyed or mutilated, the Registrar may issue a replacement certificate of registration, clearly marked as such, on the payment of the appropriate fee.
- (3) A person must not, without reasonable excuse, fail to surrender his or her certificate of registration to the Registrar:
- (a) within 14 days after the person's name is removed from the register, or
  - (b) within 14 days after the person's registration is suspended.

Maximum penalty: 5 penalty units.

### **11 New address of registered practitioner**

If the Registrar receives particulars of a new address from a registered practitioner, the Registrar must note those particulars in the register.

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Clause 12          Chiropractors and Osteopaths Regulation 1997

Part 2              Registration of chiropractors and osteopaths

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**12 Particulars to be entered in register: section 17**

For the purposes of section 17 (2) (d) of the Act, the particulars to be entered in the register are to include the languages spoken by the registered practitioner concerned.

**13 Due date and final date for payment of annual roll fee: section 18**

- (1) For the purposes of section 18 (1) of the Act, the due date is 31 March.
- (2) For the purposes of section 18 (3) of the Act, the final date is 30 June.
- (3) An application to restore a practitioner's name to the register:
  - (a) must be in an approved form, and
  - (b) must be lodged with the Registrar, and
  - (c) must be accompanied by the appropriate fee.
- (4) The Board may waive the payment of the whole or part of any fee under section 18 of the Act in such cases as the Board thinks proper.



## **Part 3 Advertising**

### **14 Advertising**

A registered practitioner must not advertise, or cause to be advertised, any material relating to the registered practitioner's practice of chiropractic or osteopathy if the material:

- (a) is false, misleading or deceptive, or
- (b) creates an unjustified expectation of beneficial treatment, or
- (c) promotes the unnecessary or inappropriate use of the services of the registered practitioner, or
- (d) claims or implies superiority for the registered practitioner in the practice of chiropractic or osteopathy.

Maximum penalty: 5 penalty units.

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Clause 15          Chiropractors and Osteopaths Regulation 1997

Part 4              Proceedings of the Board

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### **Part 4          Proceedings of the Board**

#### **15 Proceedings of Board at ordinary meetings**

- (1) Unless otherwise determined by the Board, a meeting of the Board is to be held each month.
- (2) However, at least 8 meetings of the Board must be held during any period of 12 months.
- (3) The Registrar must give each member at least 3 days' notice in writing of the time and place of a meeting, together with a copy of the agenda for the meeting.

#### **16 Special and urgent meetings**

- (1) The President or any 3 members may, by notice in writing to the Registrar, call a special meeting of the Board, and any such special meeting is to be held within 7 days after the Registrar receives the notice.
- (2) The President may, by notice in writing to the Registrar, call an urgent meeting of the Board for any purpose, and any such urgent meeting is to be held within 3 days after the Registrar receives the notice.
- (3) The Registrar must give each member at least 24 hours' notice in writing of the time and place of any special or urgent meeting.

#### **17 Lack of quorum**

If at the expiration of 30 minutes after the time appointed for any meeting of the Board a quorum is not present, the meeting and all business stand adjourned to the next meeting or to such other date as may be fixed by the members present.

#### **18 Notice of motion**

- (1) Notice of each motion or resolution intended to be proposed at any meeting (other than a special or urgent meeting):
  - (a) must be given to the Registrar in writing at least 14 days before that meeting, and
  - (b) must be included in the agenda for the meeting.
- (2) Any motion must be seconded by a member before being discussed at the meeting.

**19 Method of voting at meetings**

Any question submitted to a meeting of the Board is to be decided on the voices unless a show of hands is demanded by any member, in which case a show of hands must be taken.

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Clause 20      Chiropractors and Osteopaths Regulation 1997

Part 5          Miscellaneous

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**Part 5      Miscellaneous**

**20   Fees**

The fees set out in Schedule 1 are prescribed for the purposes of the provisions of the Act and this Regulation set out in that Schedule.

**21   Payment of members of Committee: section 35**

For the purposes of section 35 (7) of the Act, a member of a Professional Standards Committee is entitled to be paid such remuneration as the Minister may from time to time determine.

**22   Appeals against decisions of Committee: section 42**

For the purposes of section 42 (1) of the Act, the prescribed time within which an appeal may be made to the Tribunal against any finding or exercise of power referred to in that subsection is the time ending 21 days after notice of the reasons for the finding or exercise of power is given to the appellant.

**23   Appeals against decisions of Committee: section 43**

- (1) An appeal referred to in section 43 (2) of the Act is to be made:
  - (a) by causing a notice of appeal, specifying the grounds on which the appeal is made, to be given to the Chairperson (or, if a Deputy Chairperson is nominated under that subsection in that regard, to the Deputy Chairperson so nominated), and
  - (b) by causing a copy of the notice of appeal to be given to each other party to the proceedings from which the appeal has arisen.
- (2) For the purposes of section 43 (2) of the Act, the prescribed time within which an appeal on a point of law may be made to the Chairperson (or, if a Deputy Chairperson is nominated under that subsection in that regard, to the Deputy Chairperson so nominated) is the time between the referral of the complaint and the commencement of the inquiry.

**24 Payment of ordinary members of Tribunal: section 44**

For the purposes of section 44 (8) of the Act, a member of the Tribunal is entitled to be paid such remuneration as the Minister may from time to time determine.

**25 Payment of Chairperson and Deputy Chairperson of Tribunal: section 45**

For the purposes of section 45 (5) of the Act, the Chairperson or a Deputy Chairperson of the Tribunal is entitled to be paid at the same rate as a witness who gives expert evidence in the Supreme court.

**26 Payment of examiners**

An examiner appointed by the Board is entitled to be paid remuneration at such rate as the Board may from time to time determine.

**27 Appeals against decisions of Tribunal: section 52**

For the purposes of section 52 (1) and (5) of the Act, the prescribed time within which an appeal may be made to the Supreme Court against a decision or exercise of power referred to in that subsection is the time ending:

- (a) on the date occurring 21 days after the date on which notice of the Tribunal's reasons for the finding or exercise of power is given to the appellant, or
- (b) on such later date as the Supreme Court may allow in a particular case.

**28 Service of documents**

Any document required by the Act or this Regulation to be served on a person (whether the word "serve", "give" or "send" is used) may be served in person or by post.

**29 Repeal**

- (1) The *Chiropractors and Osteopaths Regulation 1991* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Chiropractors and Osteopaths Regulation 1991*, had effect under that Regulation continues to have effect under this Regulation.

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Chiropractors and Osteopaths Regulation 1997

Schedule 1 Fees

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**Schedule 1 Fees**

(Clause 20)

<b>Provision of Act</b>	<b>Fee</b>
Section 9 ( <i>Registration as a chiropractor</i> ) .....	\$145
Section 10 ( <i>Registration as an osteopath</i> ) .....	\$145
Section 11 ( <i>Registration as a chiropractor and osteopath</i> )	\$145
Section 14 (1) (c) ( <i>Temporary registration as a chiropractor, osteopath or chiropractor and osteopath</i> ) .....	\$145
Section 17 (3) ( <i>Registration of additional particulars</i> ) .....	\$10
Section 17 (4) ( <i>Supply extract of particulars on register</i> ) ..	\$10
Section 17 (5) ( <i>Permit inspection of register</i> ) .....	\$10
Section 18 (1) ( <i>Annual roll fee</i> ) .....	\$124
Section 18 (6) ( <i>Restoration of practitioner's name to register</i> ) .....	\$145
<b>Provision of Regulation</b>	<b>Fee</b>
Clause 9 (1) ( <i>Application to sit for examination</i> ) . . . . .	\$50
Clause 9 (2) ( <i>Sit for examination</i> ) .....	\$270
Clause 10 (2) ( <i>Replacement certificate of registration</i> ) .....	\$20

## Schedule 2 Qualifications

(Clause 6)

**Table**

<b>Column 1</b>	<b>Column 2</b>
Doctor of Chiropractic	Canadian Memorial Chiropractic College, Toronto, Ontario, Canada
Diploma of Chiropractic (not being a Diploma of Chiropractic awarded for any postgraduate accreditation course)	Chiropractic College of Australasia, Melbourne, Victoria (if the course of training was completed before 2 April 1979)
Degree of Doctor of Chiropractic	Cleveland Chiropractic College, Kansas City, Missouri, USA
Degree of Doctor of Chiropractic	Los Angeles College of Chiropractic, Glendale, California, USA
Degree of Doctor of Chiropractic	National College of chiropractic, Lombard, Illinois, USA
Degree of Doctor of Chiropractic	Northwestern College of Chiropractic, St Paul, Minnesota, USA
Degree of Doctor of Chiropractic	Palmer College of Chiropractic (formerly called the Palmer School of Chiropractic), Davenport, Iowa, USA
Diploma of Chiropractic	Sydney College of Chiropractic, Ashfield, New South Wales
Diploma of Chiropractic entitling the recipient to the use of the title of Doctor of Chiropractic	Sydney College of Chiropractic Limited (formerly called the Sydney College of Chiropractic), Ashfield, New South Wales
Diploma of Chiropractic (awarded in 1967 or 1968)	Pax College of Chiropractic, Sydney, New South Wales
Degree of Bachelor of Applied Science (Chiropractic)	Phillip Institute of Technology, Victoria
Graduate Diploma in Chiropractic	Sydney College of Chiropractic Limited (formerly called the Sydney College of Chiropractic), Ashfield, New South Wales

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## Schedule 2 Qualifications

**Table—continued**

<b>Column 1</b>	<b>Column 2</b>
Doctor of Chiropractic	Anglo European College of Chiropractic, Bournemouth, UK
Diploma in Chiropractic and Osteopathy (awarded before 31 December 1979)	Chiropractic and Osteopathic College of SA Incorporated
Diploma in Chiropractic and Osteopathy (awarded before 31 December 1979)	Chiropractic and Osteopathic Institute Incorporated
Degree of Doctor of Chiropractic	Cleveland College of Chiropractic, Los Angeles, California, USA
Degree of Doctor of Chiropractic	Life Chiropractic College, Marietta, Georgia, USA
Degree of Doctor of Chiropractic	Life Chiropractic College, San Lorenzo, California, USA
Degree of Doctor of Chiropractic	Logan Chiropractic College, Chesterfield, Missouri, USA
Degree of Doctor of Chiropractic	New York Chiropractic College, Glen Head, New York, USA
Degree of Doctor of Chiropractic	Palmer College of Chiropractic, West Sunnyvale, California, USA
Degree of Doctor of Chiropractic	Texas Chiropractic College, Pasadena, Texas, USA
Degree of Doctor of Chiropractic	Western States Chiropractic College, Portland, Oregon, USA
Degree of Master of Chiropractic	Macquarie University, New South Wales
Degree of Bachelor of Applied Science (Chiropractic)	Royal Melbourne Institute of Technology, Victoria
Degrees of Bachelor of Applied Science (Clinical Science), Bachelor of Chiropractic Science	Royal Melbourne Institute of Technology,
Degree of Doctor of Chiropractic	Parker College of Chiropractic, Dallas, Texas, USA