



New South Wales

Chiropractors Regulation 2007

under the

Chiropractors Act 2001

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Chiropractors Act 2001*.

REBA MEAGHER, M.P.,
Minister for Health

Explanatory note

The object of this Regulation is to remake, without any major changes in substance, the *Chiropractors Regulation 2002*, which is repealed on 1 September 2007 by section 10 (2) of the *Subordinate Legislation Act 1989*. The new Regulation deals with the following matters:

- (a) procedures for meetings of the Chiropractors Registration Board (*the Board*),
- (b) advertising of chiropractic services,
- (c) excluding certain offences relating to traffic and parking from the requirement that offences be notified to the Board,
- (d) requiring certain information about insurance arrangements to be furnished in an annual return by a chiropractor,
- (e) procedures for notifying that a registered chiropractor has become a mentally incapacitated person,
- (f) procedures for appeals on a point of law where the Board deals with a complaint against a registered chiropractor,
- (g) the qualifications required of a chiropractor appointed to sit on the Chiropractors Tribunal,
- (h) fees for inspection of the Register or recording additional information in the Register.

This Regulation is made under the *Chiropractors Act 2001*, in particular section 132 (the general regulation-making power) and the sections referred to in the Regulation.

This Regulation comprises or relates to matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

Contents

	Page
Part 1 Preliminary	
1 Name of Regulation	3
2 Commencement	3
3 Definitions	3
Part 2 Proceedings of Board	
4 Proceedings of Board at ordinary meetings	4
5 Special and urgent meetings	4
6 Lack of quorum	4
Part 3 Advertising	
7 Advertising	5
Part 4 Miscellaneous	
8 Excluded offences	6
9 Additional information to be included in annual return	7
10 Notice of mental incapacity of registered chiropractor	7
11 Appeal on point of law: section 77	7
12 Qualification of chiropractor sitting on Tribunal	8
13 Fee for inspection of Register	8
14 Fee for additional information to be recorded in Register	8
15 Savings	8

Chiropractors Regulation 2007

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Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Chiropractors Regulation 2007*.

2 Commencement

This Regulation commences on 1 September 2007.

Note. This Regulation replaces the *Chiropractors Regulation 2002* which is repealed on 1 September 2007 under section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

patient means a person to whom medical treatment or other medical services are provided.

the Act means the *Chiropractors Act 2001*.

(2) Notes in this Regulation do not form part of this Regulation.

2007 No 339

Clause 4 Chiropractors Regulation 2007

Part 2 Proceedings of Board

Part 2 Proceedings of Board

4 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.

5 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.

6 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.

Part 3 Advertising

7 Advertising

A person must not advertise chiropractic services in a manner that:

- (a) is false, misleading or deceptive, or
- (b) creates an unjustified expectation of beneficial treatment, or
- (c) promotes the unnecessary or inappropriate use of chiropractic services.

Maximum penalty: 10 penalty units.

2007 No 339

Clause 8 Chiropractors Regulation 2007

Part 4 Miscellaneous

Part 4 Miscellaneous

8 Excluded offences

- (1) Sections 20 (1) (a), 21 (1) (a) and 22 of the Act do not apply in respect of an excluded offence.
- (2) An excluded offence is not relevant for the purposes of clause 4 of Schedule 1 to the Act.
- (3) In this clause, *excluded offence* means any offence relating to the parking of motor vehicles or any offence under the road transport legislation (within the meaning of the *Road Transport (General) Act 2005*) except for the following offences:
 - (a) an offence under section 42 (1) of the *Road Transport (Safety and Traffic Management) Act 1999* relating to driving a motor vehicle negligently on a road or road related area if the registered chiropractor is, by way of penalty, sentenced to imprisonment or fined a sum of not less than \$200,
 - (b) an offence under section 42 (2) of the *Road Transport (Safety and Traffic Management) Act 1999* relating to driving a motor vehicle on a road or road related area furiously, recklessly or at a speed or in a manner dangerous to the public,
 - (c) any offence under section 171 (2) of the *Road Transport (General) Act 2005* (which relates to refusing to comply with a requirement to produce a driver licence, or to state name and home address, or stating a false name and home address),
 - (d) any offence under section 12 (1) of the *Road Transport (Safety and Traffic Management) Act 1999* (which relates to driving etc while under the influence of alcohol or any other drug),
 - (e) any offence under section 25A (1), (2) or (3) of the *Road Transport (Driver Licensing) Act 1998* (which relates to driving while unlicensed and other relevant matters),
 - (f) any offence under section 70 of the *Road Transport (Safety and Traffic Management) Act 1999* (which relates to failing to stop and give assistance after an accident),
 - (g) any offence under section 9 of the *Road Transport (Safety and Traffic Management) Act 1999* (which relates to presence of prescribed concentration of alcohol in person's blood),
 - (h) any offence under section 43 of the *Road Transport (Safety and Traffic Management) Act 1999* (which relates to menacing driving),

- (i) any other offence under the road transport legislation if the court orders the disqualification of the registered chiropractor from holding a driver licence.

9 Additional information to be included in annual return

For the purposes of section 20 (1) (l) of the Act, the following information is to be specified in a return:

- (a) the name of any insurer who has issued a policy of professional indemnity insurance to the registered chiropractor that is current at the time that the chiropractor furnishes the return,
- (b) the maximum amount for which the registered chiropractor is insured by such a policy of insurance.

10 Notice of mental incapacity of registered chiropractor

- (1) For the purposes of section 23 of the Act, the person required to cause notice of mental incapacity to be given to the Registrar is:
 - (a) in the case of a registered chiropractor who is a mentally incapacitated person and becomes a patient at an institution because of that incapacity—the medical superintendent of the institution, or
 - (b) in the case of a registered chiropractor who is a mentally incapacitated person because of being a protected person under the *Protected Estates Act 1983*—the Protective Commissioner.
- (2) Notice for the purposes of section 23 of the Act is to be given by telephone within 1 day, and by post within 7 days, after the registered chiropractor is admitted to the institution or becomes a protected person, and is to specify the following:
 - (a) the name and residential address of the chiropractor,
 - (b) the date on which the chiropractor was admitted to the institution at which the chiropractor is a patient or became a protected person.

11 Appeal on point of law: section 77

An appeal referred to in section 77 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 section 77 (1), 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.

2007 No 339

Clause 12 Chiropractors Regulation 2007

Part 4 Miscellaneous

12 Qualification of chiropractor sitting on Tribunal

For the purposes of section 101 (3) (b) of the Act, the prescribed qualification for a registered chiropractor appointed by the Board to sit on the Tribunal is 7 years standing as a registered chiropractor (which may include time as a chiropractor registered under the *Chiropractors and Osteopaths Act 1991*).

13 Fee for inspection of Register

For the purposes of clause 21 (4) of Schedule 1 to the Act, the prescribed fee (being the maximum amount for an inspection of the Register) is \$20.

14 Fee for additional information to be recorded in Register

For the purposes of clause 22 (3) of Schedule 1 to the Act, the prescribed fee (being the fee for recording additional particulars in the Register) is \$20.

15 Savings

Any act, matter or thing that, immediately before the repeal of the *Chiropractors Regulation 2002*, had effect under that Regulation, is taken to have effect under this Regulation.

BY AUTHORITY
