

# LEGISLATIVE ASSEMBLY

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Read 1° 10 October 1991

*(Brought in by Mr Kennan and Mr Roper)*

(No. 2)

## A BILL

to amend the **Chiropractors and Osteopaths Act 1978** to reconstitute the Chiropractors and Osteopaths Registration Board of Victoria and for other purposes.

### **Chiropractors and Osteopaths (Amendment) Act 1991**

The Parliament of Victoria enacts as follows:

#### **1. Purpose**

The main purposes of this Act are—

- 5
- (a) to reconstitute the Chiropractors and Osteopaths Registration Board of Victoria;
  - (b) to provide for alternate members of the Board;
  - (c) to make further provision for the qualifications and registration of chiropractors and osteopaths.

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Section headings appear in bold italics and are not part of the Act (see **Interpretation of Legislation Act 1984**).

**2. Commencement**

- (1) This Act, other than sections 3, 11 and 13, come into operation on the day on which it receives the Royal Assent.
- (2) Sections 3, 11 and 13 come into operation on a day or days to be proclaimed. 5

**3. Alteration of membership of Chiropractors and Osteopaths Registration Board**

For section 3 (2), (3), (4), (5) and (6) of the **Chiropractors and Osteopaths Act 1978** substitute—

- “(2) The Board is to consist of 9 members appointed by the Governor in Council of whom— 10
- (a) 3 are to be chiropractors registered under this Act and elected in accordance with sub-section (3);
- (b) one is to be an osteopath registered under this Act and elected in accordance with sub-section (4); 15
- (c) one is to be a person engaged in the teaching of chiropractic or osteopathy who is nominated by the Minister; 20
- (d) one is to be a member for the time being of the Royal Australian College of Surgeons who is practising orthopaedic surgery and who is nominated by the Minister;
- (e) one is to be a member for the time being of the Royal Australasian College of Physicians who is nominated by the Minister; 25
- (f) one is to be qualified to be admitted to practise as a barrister and solicitor of the Supreme Court of Victoria who is nominated by the Minister; 30
- (g) one is to be a person (not being a chiropractor, osteopath or medical practitioner) who has knowledge of the interest of the general public who is nominated by the Minister. 35

(3) The chiropractors mentioned in sub-regulation (2) (a) must be—

(a) registered under section 8; and

(b) permitted by this Act to use the title “chiropractor” or “chiropractor and osteopath”; and

(c) elected in accordance with sub-section (7) by those chiropractors and osteopaths of Victoria who are registered under section 8 and are permitted by this Act to use the title “chiropractor” or “chiropractor and osteopath”.

(4) The osteopaths mentioned in sub-regulation (2) (b) must be—

(a) registered under section 8; and

(b) permitted by this Act to use the title “osteopath”; and

(c) elected in accordance with sub-section (7) by those chiropractors and osteopaths of Victoria who are registered under section 8 and are permitted by this Act to use the title “osteopath”.

#### **4. Consequential amendment**

In section 3 (7) (b) (ii) of the **Chiropractors and Osteopaths Act 1978** for “paragraph (a)” substitute “paragraph (b)”.

#### **5. New section 3A inserted**

After section 3 of the **Chiropractors and Osteopaths Act 1978** insert—

##### **“3A. Alternate members**

(1) The Governor in Council may appoint a person nominated by the Minister to act as a member of the Board during any period or all periods when a member is unable to act as a member.

(2) A person appointed under sub-section (1) must

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have the same qualifications for appointment to the Board as the member in whose place the person is to act.

- (3) A person appointed to act in the place of a member appointed under section 3 (2) (a) or (b) is not required to be elected in accordance with that section but otherwise must be qualified in accordance with section 3 (2) (a) or (b). 5
- (4) A person appointed under sub-section (1) while acting in the place of a member has all the powers and may perform all the duties of the member for whom the person is acting. 10
- (5) The Governor in Council may at any time terminate an appointment under sub-section (1).” 15

**6. *Chairman***

For section 4 (1) of the **Chiropractors and Osteopaths Act 1978** substitute—

“(1) The Governor in Council may appoint a member of the Board to be chairman of the Board to hold office as chairman during the period that the person is a member of the Board.”. 20

**7. *Quorum***

For section 4 (4) of the **Chiropractors and Osteopaths Act 1978** substitute— 25

“(4) A quorum of the Board consists of—

- (a) in the case of an inquiry under section 13 or 13A, 3 members;
- (b) in any other case, a majority of the members for the time being holding office.”. 30

**8. *Board to prepare or adopt codes of practice***

Section 6 of the **Chiropractors and Osteopaths Act 1978** is amended as follows:

(a) omit the word “and” following paragraph (g);

(b) after paragraph (g) insert—

“(ga) prepare and publish or adopt codes of  
conduct about the practice of chiropractic  
and osteopathy; and”.

## 9. *Qualifications*

For section 8 (2) of the **Chiropractors and Osteopaths Act 1978** substitute—

“(2) The Board shall register an applicant if it is satisfied that—

(a) the applicant—

(i) holds a prescribed degree, diploma or other qualification; or

(ii) has passed a prescribed examination; or

(iii) has attained the prescribed level of competency, skill or experience; and

(b) the applicant is of good character; and

(c) the applicant has paid the prescribed fee for registration under this section.”.

## 10. *Repeal of Grandfather provision and consequential amendment*

In section 8 of the **Chiropractors and Osteopaths Act 1978**—

(a) Sub-section 4 is **repealed**; and

(b) In sub-section (5) after “6,” insert “8A,”.

## 11. *New section 8A inserted*

After section 8 of the **Chiropractors and Osteopaths Act 1978** insert—

### “8A. *Provisional registration*

(1) The registration of a person under section 8 is provisional unless the person has completed—

- (a) a period of 12 months or an aggregate period of 12 months post-graduate experience in the practice of chiropractic and osteopathy under the supervision of a chiropractor and osteopath registered under section 8; or 5
- (b) any other period of post-graduate experience in the practice of chiropractic and osteopathy approved by the Board—  
to the satisfaction of the Board. 10
- (2) The registration of a person remains provisional until the person has completed a period of post-graduate experience referred to in sub-section (1) (a) or (b) to the satisfaction of the Board.
- (3) A person who is provisionally registered must not practice in Victoria except— 15
- (a) under the supervision of a chiropractor and osteopath registered under this Act and approved by the Board; or
- (b) at any premises approved by the Board. 20
- Penalty applying to this sub-section 20 penalty units.
- (4) This section only applies to a person who is first registered under section 8 after the commencement of section 11 of the **Chiropractors and Osteopaths (Amendment) Act 1991**.”. 25

## **12. Regulations may incorporate codes of practice**

After section 25 (2) of the **Chiropractors and Osteopaths Act 1978** insert— 30

- “(3) Regulations made under this Act may apply, adopt or incorporate (with or without modification) any matter contained in a code of conduct prepared and published or adopted by the Board as in force at the time the regulations are made or at any time before then.”. 35

**13. *Savings and transitional***

- 5 (1) The Chiropractors and Osteopaths Registration Board of Victoria as constituted after the commencement of section 3 is to be taken to be the same body as the Board constituted immediately before that commencement and no act, matter or thing is affected by the reconstitution of the Board.
- 10 (2) The members of the Chiropractors and Osteopaths Registration Board of Victoria holding office immediately before the commencement of section 3 continue to hold office after that commencement as if appointed under the **Chiropractors and Osteopaths Act 1978** as amended by section 3.
- 15 (3) The term of appointment and the terms and conditions of appointment of any person continuing to hold office under sub-section (2) remains the same as those fixed by the Governor in Council in the instrument of appointment under section 3 of the **Chiropractors and Osteopaths Act 1978**.
- 20 (4) A member who is first appointed under section 3 (2) (a) of the **Chiropractors and Osteopaths Act 1978** as amended by section 3 may be appointed on the nomination of the Minister and without the requirement of election but otherwise must be qualified to be appointed under section 3 (2) (a) as amended by section 25 3.

