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WESTERN AUSTRALIA.

CHIROPRACTORS.

13° Elizabeth II., No. XXV.

No. 25 of 1964.¹

[As affected by Act No. 113 of 1965; and reprinted pursuant to the
Amendments Incorporation Act, 1938.]

**AN ACT to provide for Registration of Chiropractors,
the Training and Qualification of Persons as
Chiropractors, and the Practice of Chiropractic;
and for incidental and other purposes.**

[Assented to 4th November, 1964.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Chiropractors Act, 1964.* Short title.

2. This Act shall come into operation on a date to be fixed by proclamation.¹ Commence-
ment.

¹ Came into operation 1st July, 1966. See *Gazette* 10/6/66, p. 1599.

Arrangement.

3. The arrangement of this Act is as follows—

PART I.—PRELIMINARY PROVISIONS.

PART II.—CHIROPRACTORS REGISTRATION BOARD.

PART III.—FUNCTIONS AND POWERS OF BOARD.

PART IV.—REGISTRATION OF CHIROPRACTORS.

PART V.—MISCELLANEOUS PROVISIONS.

PART I.—PRELIMINARY PROVISIONS.

Interpre-
tation.

4. In this Act unless the context requires otherwise—

“Board” means the Chiropractors Registration Board constituted under this Act;

“chiropractic” means a system of palpating and adjusting the articulations of the human spinal column by hand only, for the purpose of determining and correcting, without the use of drugs or operative surgery, interference with normal nerve transmission and expression;

“chiropractor” means a person registered as a chiropractor under this Act;

“proclaimed method”, in relation to the practice of chiropractic, means a method of practising chiropractic recommended by the Board and declared by the Governor, by proclamation, to be a proclaimed method for the purposes of this Act;

“register” means the Register of Chiropractors kept pursuant to this Act;

“registrar” means the person who for the time being and from time to time is appointed by and holds office under the Board as registrar; and includes an acting registrar.

5. Subject to the Minister, this Act shall be administered by the Board. Adminis-
tration.

6. Nothing in this Act shall extend or apply to, or in any manner affect the practice of his profession by, or any rights or privileges of, a medical practitioner within the meaning of the Medical Act, 1894, or of a physiotherapist within the meaning of the Physiotherapists Act, 1950. Application
of Act.

PART II.—CHIROPRACTORS REGISTRATION
BOARD.

7. (1) For the purposes of this Act there shall be constituted a board by the name of the "Chiropractors Registration Board". Constitution
of Board.

(2) The Board shall consist of five members who shall be appointed by the Governor and of whom—

- (a) one shall be a person who is a practitioner within the meaning of the Legal Practitioners Act, 1893, nominated by the Attorney General;
- (b) two shall be persons who are engaged in the practice of chiropractic within the State and who, except in the case of the respective persons first appointed to office of member under this paragraph, are registered or entitled to be registered as chiropractors under this Act, nominated by the body known as the Western Australian branch of the Australian Chiropractors' Association; and
- (c) two shall be persons nominated by the Minister, of whom one at least is a person engaged in the practice of chiropractic within the State and who, except in the case of any person first appointed to office of member under this paragraph, is registered or entitled to be registered as a chiropractor under this Act.

(3) The nomination of the two members pursuant to paragraph (b) of subsection (2) of this section shall be made in the manner prescribed, but if no nomination or no sufficient nomination of persons for appointment as those members is made by the body referred to in that paragraph within fourteen days after the prescribed nomination day, the Governor may on the recommendation of the Minister appoint any person or persons, whether a chiropractor or not, as a member or as members of the Board as a representative or representatives of the body so referred to.

(4) The person referred to in paragraph (a) of subsection (2) of this section shall be the chairman of the Board, and any three members of the Board shall constitute a quorum.

Tenure of
office.

8. (1) A member of the Board shall be appointed to hold office for a period of three years from the date of his appointment, and unless disqualified by this Act any person retiring from membership on the Board shall be eligible for renomination and reappointment as a member of the Board.

(2) The exercise of a power or the performance of a function by the Board is not invalidated by reason only that there is a vacancy or vacancies in the membership of the Board.

(3) The appointment of a member is not invalidated and shall not be called into question by reason of a defect or irregularity in or in connection with his nomination.

Board to be
a body
corporate.

9. (1) The Board shall be a body corporate with perpetual succession and a common seal, and shall be capable of suing and being sued in its corporate name, and of acquiring, holding and disposing of real and personal property, and of doing and permitting all acts and things that are required by

this Act to be done or permitted by the Board or that are necessary or convenient to be done or permitted by the Board for the purpose of giving effect to this Act.

(2) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Board affixed to a document and shall presume that it was duly affixed.

(3) No act, matter or thing done or permitted to be done in good faith by the Minister or the Board or by any member of the Board, or by the registrar or any officer or servant of the Board, in the administration or intended administration of this Act, or in the exercise or performance or intended exercise or performance of any of his or its powers, functions or duties under this Act, shall subject the Minister or the Board or any member, or the registrar or any officer or servant of the Board or of the Crown, to any liability in respect thereof.

10. (1) The Governor may appoint a person to be the deputy of a member during the pleasure of the Governor. Deputies of members.

(2) A person appointed as a deputy shall have the same qualifications as are required in the case of the member of whom he is deputy, and in the event of the absence from a meeting of the Board of that member, the deputy is entitled to attend that meeting and when so attending shall be deemed to be a member.

11. (1) The first meeting of the Board shall be held on such day, at such place and at such time as the Minister shall appoint, but thereafter the Board shall meet on such days, at such place and at such time as the Board itself may decide. Meetings of the Board.

(2) At all meetings of the Board the chairman or in his absence his deputy, shall preside, but in the absence of both the chairman and his deputy from any meeting of the Board, the members present shall elect one of their number so present to be chairman of the meeting.

(3) Whenever the members are not unanimous as to any matter, such matter shall be decided by the majority of votes, and the decision so arrived at shall be the decision of the Board.

(4) Each member of the Board shall have one vote and the chairman presiding at any meeting of the Board shall have a deliberative vote only.

Resignation
or dis-
qualification.

12. (1) Any member of the Board may resign from the Board by notice in writing signed by him and delivered to the Minister.

(2) Any person who is or becomes bankrupt or insolvent or is convicted of an indictable offence or of an offence against this Act, or becomes permanently incapable of performing his duties as a member of the Board, or being a chiropractor is struck off the register, or becomes a person who would not be qualified to be appointed a member, shall be disqualified from being nominated or appointed or from continuing to hold office as a member of the Board.

Vacancies.

13. (1) The office of a member of the Board shall be vacated if the member—

- (a) is or has become disqualified under this Act;
- (b) is absent, except on leave granted by the Board, from three consecutive meetings of the Board;
- (c) dies; or
- (d) resigns his office pursuant to the provisions of this Act and the resignation is accepted.

(2) Where the office of a member of the Board becomes vacant, a person eligible for nomination and appointment under this Act shall be nominated and appointed in accordance with section seven of this Act to fill the vacancy, but the person so nominated and appointed to fill such vacancy shall hold office only for the unexpired portion of the term of office of his predecessor.

14. Each member and deputy of a member is entitled to such remuneration and travelling expenses while engaged with the approval of the Board on business of the Board as are prescribed.

Remuneration of members.

15. (1) The Board shall appoint a registrar, and may appoint such examiners and other officers and servants as it considers necessary to enable the Board to carry out its duties and functions.

Appointment of officers of the Board.

(2) The registrar shall also be the secretary of the Board.

(3) Any one or more members of the Board may be appointed as examiners in connection with examinations conducted by the Board, and any member so appointed shall be entitled to receive and shall be paid a fee at the same rate as that fixed for the payment of fees to persons, other than members of the Board, who are appointed examiners by the Board.

(4) The remuneration of the registrar, examiners, and other officers and servants of the Board shall be paid out of the funds of the Board, and shall be at such rates as the Board may from time to time determine.

16. (1) The funds of the Board shall consist of—

Funds of the Board.

- (a) the fees prescribed by or under this Act and payable to the Board;

- (b) grants (if any) by the Government of the State, and all gifts and donations made by any person to the Board, but subject to any trusts declared in relation thereto; and
- (c) all money or property that may come into the hands of, or be acquired by, the Board under and for the purposes of this Act.

(2) The funds of the Board may be applied by the Board for—

- (a) any of the purposes of this Act;
- (b) the furtherance of education and research in chiropractic; and
- (c) any other purpose approved by the Minister.

PART III.—FUNCTIONS AND POWERS OF BOARD.

Functions of
the Board.

17. The functions of the Board are—

- (a) to advise and make recommendations to the Minister in respect of any matter affecting or relating to the profession of chiropractic;
- (b) to exercise the powers conferred and carry out the duties imposed on the Board by this Act; and
- (c) generally, within the scope of the authority of the Board, to do whatever may be necessary in the opinion of the Board for the effective administration of this Act.

Rules of the
Board.

18. (1) Subject to this Act the Board may, with the approval of the Governor, make rules—

- (a) for regulating the meetings and proceedings of the Board;
- (b) for the custody and use of the common seal of the Board and the manner of authenticating documents issued by the Board;

- (c) prescribing the course of study and training, including practical experience, to be undertaken, and the examinations to be passed, by persons desiring to be registered as chiropractors under this Act, and determining the qualifications to be held by persons desirous of becoming students of chiropractic;
- (d) for regulating the holding of examinations and the appointment of examiners and for the issue of diplomas or certificates to persons passing the examinations;
- (e) for regulating the keeping of the register and record of students and the particulars to be entered therein or erased therefrom;
- (f) for regulating the manner of making any application and the issue of any licence, permit or certificate under this Act, and prescribing the forms thereof and any other forms required under this Act;
- (g) prescribing what diplomas, degrees or certificates of schools of chiropractic or other evidence of qualification will be recognised and accepted by the Board as a substitute for the examinations of the Board, and whether immediately or after further training;
- (h) prescribing the professional and ethical standards to be maintained by chiropractors and for regulating the manner of making to the Board any charge or complaint against or concerning a chiropractor or a student, and the inquiry by the Board into that charge or complaint, and for fixing penalties in relation thereto;
- (i) prescribing fees to be charged in respect of any matter, proceeding, examination, tuition and registration, and of the granting of any licence, permit, certificate or diploma under this Act, and in respect of any charge or complaint made to the Board;

- (j) relating to the registration (including the initial registration), suspension and de-registration of chiropractors; and
- (k) for any other matter that the Governor may declare to be a matter in respect of which rules may be made by the Board under this section.

(2) Where there is any inconsistency between the provisions of the rules and those of the regulations made under this Act, the regulation shall, to the extent of the inconsistency, prevail and the rule shall be void.

PART IV.—REGISTRATION OF CHIROPRACTORS.

Title of
chiropractor
not to be
used.
Amended by
No. 113 of
1965, s. 8.

19. After the coming into operation of this Act a person shall not use the title of chiropractor unless he is registered as a chiropractor under this Act and holds a licence to practise chiropractic issued to him by the Board.

Penalty: Two hundred dollars, and in addition a daily penalty of ten dollars for each day during which the offence is continued.

Registration.

20. (1) Subject to the provisions of this Act, and the rules and regulations made under this Act, a person who satisfies the Board that he has attained the age of twenty-one years and is a person of good character, and that he holds the qualifications prescribed by the rules as a qualification for registration is entitled to be registered under this Act as a chiropractor.

(2) Every person shall be entitled to be registered under this Act who satisfies the Board that at any time before the commencement of this Act—

- (i) he has for five years at least practised the calling of a chiropractor (the last two years of which were in Western Australia) and

has during that period used as his description the word, "chiropractor" alone or as a principal word of his description; and

- (ii) he has acquired such knowledge and has had in Western Australia such practical experience in chiropractic as in the opinion of the Board is sufficient to enable him to perform efficiently the duties of a chiropractor.

(3) No person shall be entitled to be registered as a chiropractor under subsection (2) of this section unless he makes application for registration within one year after the commencement of this Act.

21. (1) For the purposes of this Act there shall be kept by the registrar in the form and manner prescribed by the rules—

Register and record.

- (a) the Register of Chiropractors; and
- (b) the Record of Students.

(2) The Register of Chiropractors kept pursuant to this section shall be open to inspection by any person at the office of the registrar on the days and during the hours prescribed, on payment of the prescribed fee for such inspection.

PART V.—MISCELLANEOUS PROVISIONS.

22. (1) From time to time the Governor may, on the recommendation of the Board, by proclamation published in the *Government Gazette*, declare any method of practising chiropractic a proclaimed method for the purposes of this Act.

Proclaimed method.

(2) A proclamation made under this section may be cancelled or from time to time varied by a subsequent proclamation.

Registration
not to confer
certain
rights.

23. Registration under this Act shall not confer upon the person registered any right or authority—

- (a) to practise surgery or obstetrics, or to prescribe, compound, dispense or administer drugs or to administer anaesthetics; or
- (b) to assume or use any name, title or designation implying that he is qualified to practise, or is by law recognised, as a medical practitioner or pharmaceutical chemist.

General
penalty.
Amended by
No. 113 of
1965, s. 8.

24. A person who does not do a thing which by or under the provisions of this Act or the rules and regulations made under this Act he is required or directed to do, or who does or attempts to do a thing that by or under this Act or those rules and regulations he is prohibited from doing, commits an offence, and is liable on conviction to the penalty expressly mentioned as the punishment for the offence, or if a penalty is not so expressly mentioned, to a penalty not exceeding one hundred dollars.

Evidence.

25. (1) In all questions under this Act and the rules and regulations in any prosecution for any offence against this Act or those rules and regulations, a certificate under the hand of the registrar is *prima facie* evidence of the truth of the matter contained in that certificate.

(2) All courts, judges and other persons acting judicially shall take judicial notice of the appointment and signature of the registrar.

Offences to
be dealt with
summarily.

26. All offences under this Act or the rules and regulations may be prosecuted, heard and determined, and all penalties shall be enforced and recovered, summarily in accordance with the provisions of the Justices Act, 1902.

27. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters required or permitted to be prescribed or necessary or convenient to be prescribed for carrying out or giving effect to this Act, or for more effectually achieving the objects of this Act, and for facilitating the exercise and performance by the Board of its powers, functions and duties under this Act.

Regulations.
Amended by
No. 113 of
1965, s. 8.

(2) Regulations made by the Governor under this section may impose penalties, not exceeding forty dollars, in respect of any contravention of any of the regulations.

