



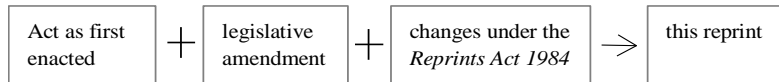
Western Australia

Chiropractors Act 1964

Reprinted as at 7 December 2001

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original Act and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Validation, transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the Act being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a section that was inserted, or has been amended, since the Act being reprinted was passed, editorial notes at the foot of the section give some history of how the section came to be as it is. If the section replaced an earlier section, no history of the earlier section is given (the full history of the Act is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Western Australia

Chiropractors Act 1964

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Western Australia

Reprinted under the
Reprints Act 1984 as
at 7 December 2001

Chiropractors Act 1964

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.

1. Short title

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

2. Commencement

This Act shall come into operation on a date to be fixed by proclamation¹.

[3. *Repealed by No. 10 of 1998 s. 76.*]

Part I — Preliminary provisions

4. Interpretation

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. Administration

Subject to the Minister, this Act shall be administered by the Board.

6. Application of Act

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*.

Part II — Chiropractors Registration Board

7. Constitution of Board

- (1) For the purposes of this Act there shall be constituted a board by the name of the “Chiropractors Registration Board”.
- (2) The Board shall consist of 5 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) 2 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) 2 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 2 members pursuant to subsection (2)(b) 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 14 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.

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- (4) The person referred to in subsection (2)(a) shall be the chairman of the Board, and any 3 members of the Board shall constitute a quorum.

8. Tenure of office

- (1) A member of the Board shall be appointed to hold office for a period of 3 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.

9. Board to be a body corporate

- (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. Deputies of members

- (1) The Governor may appoint a person to be the deputy of a member during the pleasure of the Governor.
- (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. Meetings of the Board

- (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.
- (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.

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12. Resignation or disqualification

- (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.

13. Vacancies

- (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 3 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 7 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. Remuneration of members

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.

15. Appointment of officers of the Board

- (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.
- (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. Funds of the Board

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

s. 16A

16A. Accounts

- (1) The Board shall cause to be kept proper accounts and records of the transactions and affairs of the Board and shall prepare financial statements in accordance with Australian Accounting Standards.
- (2) The financial statements shall be prepared on an accrual basis unless the Board determines otherwise.

[Section 16A inserted by No. 77 of 1987 s. 3.]

16B. Audit

The accounts and financial statements of the Board shall be audited at least once a year, at the expense of the Board, by an auditor appointed by the Board with the prior approval of the Minister.

[Section 16B inserted by No. 77 of 1987 s. 3.]

16C. Annual report

- (1) The Board shall on or before 31 October in each year make and submit to the Minister an annual report of its proceedings for the preceding year ending on 30 June together with a copy of the financial statements and the auditor's report.
- (2) The Minister shall cause a copy of each annual report, financial statements and auditor's report submitted under subsection (1) to be laid before each House of Parliament within 14 sitting days of that House after receipt of the report by the Minister.

[Section 16C inserted by No. 77 of 1987 s. 3.]

Part III — Functions and powers of Board

17. Functions of the Board

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.

18. Rules of the Board

- (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;

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- (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 deregistration 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.
- (1a) Before making rules with respect to a matter referred to in subsection (1)(g), the Board shall consult the Australasian Council on Chiropractic Education Limited.
- (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.

[Section 18 amended by No. 38 of 1980 s. 4.]

Part IV — Registration of chiropractors

19. Title of chiropractor not to be used

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: \$1 000 and in addition a daily penalty of \$50 for each day during which the offence is continued.

[Section 19 amended by No. 113 of 1965 s. 8(1); No. 38 of 1980 s. 5]

20. Registration

- (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 21 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 5 years at least practised the calling of a chiropractor (the last 2 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) unless he makes application for registration within one year after the commencement of this Act.

s. 20A

20A. Appeals

- (1) A person who is aggrieved —
 - (a) by the refusal of an application for registration;
 - (b) by the refusal of any application for approval, permission, or consent made pursuant to the rules made under this Act;
 - (c) by a condition imposed by the Board in relation to a consent; or
 - (d) by a decision of the Board in the exercise of its disciplinary powers,

may appeal to the Local Court against the decision of the Board within one month after receiving notice of the decision.

- (2) An appeal under this section may be instituted and dealt with in accordance with rules of the Local Court or, if in relation to any matter no such rule is applicable, in such manner as the Court may direct.
- (3) In determining an appeal under this section, the Local Court may —
 - (a) confirm, quash or vary the decision of the Board;
 - (b) remit the matter to the Board for re-hearing with or without directions;
 - (c) make such other order, including an order as to costs, as the Court thinks fit.

[Section 20A inserted by No. 38 of 1980 s. 6.]

21. Register and record

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

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

23. Registration not to confer certain rights

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.

24. General penalty

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 \$1 000.

[Section 24 amended by No. 113 of 1965 s. 8(1); No. 38 of 1980 s. 7.]

25. Evidence

- (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.

26. Proceedings for offences

Proceedings for an offence against this Act, the rules or the regulations shall be dealt with summarily in a court of summary jurisdiction.

[Section 26 inserted by No. 78 of 1995 s. 13.]

27. Regulations

- (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.
- (2) Regulations made by the Governor under this section may impose penalties, not exceeding \$500 in respect of any contravention of any of the regulations.

[Section 27 amended by No. 113 of 1965 s. 8(1); No. 38 of 1980 s. 8.]

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Notes

- ¹ This reprint is a compilation as at 7 December 2001 of the *Chiropractors Act 1964* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any previous reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Chiropractors Act 1964</i>	25 of 1964	4 Nov 1964	1 Jul 1966 (see s. 2 and <i>Gazette</i> 10 Jun 1966 p. 1599)
<i>Decimal Currency Act 1965</i>	113 of 1965	21 Dec 1965	s. 4-9: 14 Feb 1966 (see s. 2(2)); balance: 21 Dec 1965
Reprint of the <i>Chiropractors Act 1964</i> approved 26 Mar 1971 (includes amendments listed above)			
<i>Chiropractors Amendment Act 1980</i>	38 of 1980	5 Nov 1980	3 Dec 1980 (see s. 2)
<i>Acts Amendment (Financial provisions of regulatory bodies) Act 1987 s. 3</i>	77 of 1987	26 Nov 1987	1 Jan 1988 (see s. 2)
<i>Sentencing (Consequential Provisions) Act 1995 Pt. 10</i>	78 of 1995	16 Jan 1996	4 Nov 1996 (see s. 2 and <i>Gazette</i> 25 Oct 1996 p. 5632)
<i>Statutes (Repeals and Minor Amendments) Act (No. 2) 1998 s. 76</i>	10 of 1998	30 Apr 1998	30 Apr 1998 (see s. 2(1))

