

South Australia

## **Chiropractic and Osteopathy Practice (General) Regulations 2006**

under the *Chiropractic and Osteopathy Practice Act 2005*

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#### **1—Short title**

These regulations may be cited as the *Chiropractic and Osteopathy Practice (General) Regulations 2006*.

#### **2—Commencement**

These regulations will come into operation on the day on which section 5 of the *Chiropractic and Osteopathy Practice Act 2005* comes into operation.

#### **3—Interpretation**

In these regulations—

*Act* means the *Chiropractic and Osteopathy Practice Act 2005*;

*State* includes a Territory of Australia.

#### 4—Representative bodies

For the purposes of the definition of *representative body* in section 3(1) of the Act, each of the following is a representative body:

- (a) Chiropractors' Association of Australia (South Australia) Limited;
- (b) Council on Chiropractic Education Australasia Incorporated;
- (c) Australian Osteopathic Association;
- (d) Health Consumers Alliance of South Australia Incorporated.

#### 5—Annual report

- (1) For the purposes of section 24(2)(a)(iv) of the Act, the following information is to be included in the Board's annual report in relation to the relevant financial year:
  - (a) the number of persons registered in each category of registration;
  - (b) the number of persons in each category of registration registered with limited registration;
  - (c) the number of chiropractic or osteopathy services providers who have given notice to the Board under section 33(1) of the Act;
  - (d) the number of complaints received by the Board against registered persons, chiropractic or osteopathy services providers or persons who occupy positions of authority in corporate or trustee chiropractic or osteopathy services providers from persons of Aboriginal or Torres Strait Islander descent;
  - (e) the number of persons included on the register of persons who have been prohibited by order of the Board from carrying on business as a chiropractic or osteopathy services provider or occupying a position of authority in a corporate or trustee chiropractic or osteopathy services provider;
  - (f) the number of disciplinary proceedings commenced before the Board and the outcomes of those proceedings;
  - (g) a statement of whether codes of conduct or professional standards for registered persons, codes of conduct for chiropractic or osteopathy services providers or guidelines on continuing chiropractic or osteopathy education for chiropractors or osteopaths have been prepared or endorsed by the Board and, if so, a summary of the codes, standards or guidelines;
  - (h) a description of any committees established by the Board and the purposes for which they were established;
  - (i) the number of persons in each category of registration in respect of whom reports have been received by the Board under section 43(1) of the Act;
  - (j) the number of persons in each category of registration in respect of whom reports have been received by the Board under section 43(2) of the Act;
  - (k) the number and nature of orders made by the Board under section 45 of the Act;
  - (l) the number of persons in each category of registration who have submitted information to the Board under section 56(1) of the Act;

- (m) the number of persons in each category of registration in respect of whom notices have been received by the Board under section 62 of the Act;
  - (n) the number of claims in respect of which information has been provided to the Board under section 65(1) of the Act;
  - (o) the number of claims in respect of which information has been provided to the Board under section 65(2) of the Act;
  - (p) the number of persons found guilty of an offence against the Act, the nature of the offences and the penalties imposed.
- (2) Information presented in relation to the relevant financial year should be presented in a manner enabling it to be compared with statistical data from previous years.

#### **6—Authority conferred by registration as chiropractic or osteopathy student**

- (1) For the purposes of section 26(a) of the Act, registration on the chiropractic student register authorises the person to provide chiropractic under the supervision of a chiropractor.
- (2) For the purposes of section 26(b) of the Act, registration on the osteopathy student register authorises the person to provide osteopathy under the supervision of an osteopath.

#### **7—Use of certain titles or descriptions prohibited**

- (1) For the purposes of paragraph (e) of the definition of *prescribed word* in section 36(3) of the Act, the following words and expressions are prescribed in relation to registration on the register of chiropractors or register of osteopaths:
  - (a) subluxation;
  - (b) spinal manipulation;
  - (c) spinal adjustment;
  - (d) spinal specialist;
  - (e) manipulative specialist.
- (2) Section 36(1) of the Act does not apply in relation to the use of an expression prescribed by subregulation (1) (other than paragraph (a)) by a person registered as a physiotherapist under the *Physiotherapy Practice Act 2005* to describe himself or herself or a service that he or she provides.
- (3) Section 36(2) of the Act does not apply in relation to the use of an expression prescribed by subregulation (1) (other than paragraph (a)) by a person, in advertising or promoting a service that he or she provides, if the person uses that expression to describe a person who is registered as a physiotherapist under the *Physiotherapy Practice Act 2005*.

#### **8—Circumstances in which unqualified persons may provide restricted therapy**

Section 37(1) of the Act does not apply in relation to restricted therapy provided by an unqualified person visiting the State—

- (a) if—

- (i) the person has been engaged to provide chiropractic or osteopathy to persons visiting the State to participate in a sporting or cultural activity or event; and
  - (ii) the restricted therapy is provided to those persons only; and
  - (iii) the person is authorised to provide restricted therapy in a place outside the State pursuant to a licence, registration or other authority in force under the law of that place; or
- (b) if—
- (i) the person is participating in the conduct of a course of education or training related to chiropractic or osteopathy; and
  - (ii) the restricted therapy is provided only as part of that course; and
  - (iii) the restricted therapy is provided on not more than 14 days in a calendar year; and
  - (iv) the Board has been given prior notice that the person will be providing restricted therapy as part of the course; and
  - (v) the person is authorised to provide restricted therapy in a place outside the State pursuant to a licence, registration or other authority in force under the law of that place.

### **9—Obligation to report medical unfitness or unprofessional conduct of chiropractor, osteopath, chiropractic student or osteopathy student**

- (1) For the purposes of section 43(1) of the Act, the following information is required to be included in a report to the Board:
- (a) the diagnosis of the condition of the chiropractor, osteopath, chiropractic student or osteopathy student and its likely duration and prognosis;
  - (b) if the person making the report is of the opinion that the chiropractor, osteopath, chiropractic student or osteopathy student is or may be medically unfit to provide chiropractic or osteopathy only in a particular branch of chiropractic or osteopathy—a statement specifying the particular branch of chiropractic or osteopathy and the reasons for the opinion.
- (2) For the purposes of section 43(2) of the Act, the following information is required to be included in a report to the Board:
- (a) the date, time and place at which it is alleged the chiropractor, osteopath, chiropractic student or osteopathy student engaged in unprofessional conduct;
  - (b) the nature of the alleged unprofessional conduct.

### **10—Meaning of health product**

For the purposes of the definition of *health product* in section 54 of the Act, therapeutic goods within the meaning of the *Therapeutic Goods Act 1989* of the Commonwealth are declared to be health products for the purposes of Part 6 of the Act.

## **11—Meaning of health service**

For the purposes of the definition of *health service* in section 54 of the Act, each of the following services is declared to be a health service for the purposes of Part 6 of the Act:

- (a) acupressure;
- (b) acupuncture;
- (c) homeopathy;
- (d) massage therapy;
- (e) naturopathy;
- (f) nutritional therapy;
- (g) traditional Chinese medicine;
- (h) western herbal medicine.

## **12—Registered person etc must declare interest in prescribed business**

- (1) For the purposes of section 56(1) of the Act, the information that must be given to the Board by a person who has an interest in a prescribed business is—
  - (a) the full name and residential and postal address of the person who has the interest; and
  - (b) if the person who has the interest is a prescribed relative of a registered person—the relationship of the person to the registered person; and
  - (c) the name, address and nature of the prescribed business in which the person has the interest; and
  - (d) the nature of the interest and of any benefit derived from the interest; and
  - (e) if the interest consists of a shareholding in a prescribed business—the number, nominal value and class of shares held and particulars of any voting rights exercisable by the holder at a meeting of shareholders.
- (2) For the purposes of section 56(2) of the Act, details of the change in the information referred to in subregulation (1) must be given to the Board by the person.

## **13—Information relating to claim against registered person to be provided**

- (1) For the purposes of section 65(1)(a) and (2)(a) of the Act, the information relating to a claim referred to in that section to be provided to the Board within 30 days after the claim is made is—
  - (a) the nature of the chiropractic or osteopathy that is alleged to have been carried out negligently; and
  - (b) full details of the alleged negligence; and
  - (c) the address of the premises at which the negligence is alleged to have occurred; and
  - (d) the time at which and the date on which the negligence is alleged to have occurred; and

- (e) full details of the injury or loss suffered or allegedly suffered by the claimant as a result of the alleged negligence; and
  - (f) the date of the claim.
- (2) For the purposes of section 65(1)(b) and (2)(b) of the Act, the information relating to the claim referred to in that section to be provided to the Board within 30 days after any order is made by a court to pay damages or other compensation in respect of that claim or any agreement has been entered into for payment of a sum of money in settlement of that claim (whether with or without a denial of liability) is—
- (a) information adequate to identify the claim; and
  - (b) details of any change in information previously provided to the Board relating to the claim; and
  - (c) details of the order or agreement (including the amount ordered or agreed to be paid).

## **14—Fees**

- (1) The Board may fix—
- (a) fees or charges for the purposes of the Act;
  - (b) fees or charges for services provided by the Board in the exercise of its functions under the Act.
- (2) However, no fee may be charged for registration on the chiropractic student register or osteopathy student register.
- (3) The Board may recover a fee or charge fixed under this regulation by action in a court of competent jurisdiction as a debt due to the Board from the person liable for payment of the fee or charge.

## **Schedule 1—Revocation and transitional provision**

### **Part 1—Revocation of *Chiropractors Regulations 1992***

#### **1—Revocation of regulations**

The *Chiropractors Regulations 1992* are revoked.

### **Part 2—Transitional provision**

#### **2—Transitional matter**

A person who was a member of the Board immediately before the commencement of Schedule 1 clause 2(2) of the Act may continue to act as a member of the Board for the purpose of continuing and completing proceedings under the repealed Act.

## Legislative history

### Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Revocation of regulations

The *Chiropractic and Osteopathy Practice (General) Regulations 2006* were revoked by Sch 1 cl 1(b) of the *Health Practitioner Regulation National Law (South Australia) Regulations 2010* on 1.7.2010.

### Principal regulations

Year	No	Reference	Commencement
2006	195	<i>Gazette 27.7.2006 p2407</i>	27.7.2006: r 2