

Chiropractors and Osteopaths (Amendment) Bill

EXPLANATORY MEMORANDUM

Outline

The objective of this Bill is to make some “housekeeping” amendments to the **Chiropractors and Osteopaths Act 1978**.

Clause Notes

Clause 1 sets out the purposes of the Act.

Clause 2 provides for commencement of the Act on Royal Assent.

Clause 3 repeals section 1 (3) of the **Chiropractors and Osteopaths Act 1978** (“the Principal Act”). Section 1 (3) is the table of Parts, and its repeal reflects modern drafting practice.

Clause 4 inserts “21A” into section 8 (5) of the Principal Act. Section 8 (5) defines “chiropractic and osteopathy” in terms of those sections where the expression is used.

However, when new section 21A, which deals with advertising in relation to the practice of chiropractic and osteopathy, was inserted into the Principal Act by the **Chiropractors and Osteopaths (Amendment) Act 1987**, the need to include a cross reference to the new section in section 8 (5) was overlooked.

The proposed amendment corrects the oversight by including section 21A in the definition.

Clause 5 substitutes “sections 13 and 13A” for “section 13” in section 14 (1) of the Principal Act.

Prior to its replacement with a number of new provisions by the **Accident Compensation (Amendment) Act 1987**, section 13 of the Principal Act empowered the Chiropractors and Osteopaths Registration Board to inquire into the conduct of a person registered under the Act, and to impose certain penalties.

Section 14 went on to say that for the purposes of conducting such an inquiry, the Board had, *inter alia*, all the powers conferred by sections 14, 15, 16, 20 and 20A of the **Evidence Act 1958** (e.g. to administer oaths and to summons witnesses).

However, when section 13 was replaced by two new sections—sections 13 and 13A—by the **Accident Compensation (Amendment) Act 1987**, a consequential amendment was not made to section 14 of the Principal Act.

As a result, the Board now has all the powers under the Evidence Act mentioned earlier when conducting a minor inquiry under a new section 13, but no such powers when undertaking a major inquiry under new section 13A.

The proposed amendment to section 14 rectifies this anomaly.

