

[AS REPORTED FROM THE HEALTH AND WELFARE COMMITTEE]

House of Representatives, 13 May 1982.

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

Hon. Mr Malcolm

CHIROPRACTORS

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A BILL INTITULED

An Act to provide for the registration and discipline of chiropractors

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows: 5

1. Short Title and commencement—(1) This Act may be cited as the Chiropractors Act *(1981)* 1982.

(2) This Act shall come into force on the 1st day of April 1983. 10

2. Interpretation—In this Act, unless the context otherwise requires,—

“Association” means the New Zealand Chiropractors’ Association Incorporated:

“Board” means the Chiropractic Board established by section 3 (1) of this Act:

“Certificate of temporary registration” means a certificate issued under section 23 of this Act:

“Chairman” means the Chairman of the Board appointed under section 5 of this Act: 20

“Medical Officer of Health” has the same meaning as in the Health Act 1956:

“Minister” means the Minister of Health:

“Professional misconduct”, in relation to a registered chiropractor, includes professional negligence: 25

“Register” means the Register of Chiropractors maintained under section 12 of this Act:

“Registered chiropractor” means a person registered as a chiropractor under this Act; and “registered” and “registration” have corresponding meanings: 30

“Secretary” means the Secretary to the Board appointed under section 6 of this Act.

Cf. 1960, No. 123, s. 2

PART I

ADMINISTRATION 35

3. Constitution of Board—(1) There shall continue to be a Board known as the Chiropractic Board which shall be the same Board as the Board of that name constituted under section 3 of the Chiropractors Act 1960.

(2) *(The Board shall consist of)* Notwithstanding anything in subsection (1) of this section, the Board shall hereafter consist of—

- 5 (a) Three registered chiropractors engaged in the practice of chiropractic in New Zealand nominated by the Association:
- (b) One registered chiropractor engaged in the practice of chiropractic in New Zealand:
- 10 (c) One barrister and solicitor of the High Court of New Zealand:
- (d) One registered medical practitioner who shall be appointed after consultation with the New Zealand Medical Association and the Association:
- 15 (e) One officer of the Department of Health nominated by the Director-General of Health.
- (3) The members of the Board shall be appointed by the Minister by notice published in the *Gazette*, and shall take office from the date of such notice or such later date as may be specified in the notice.
- 20 (4) The members of the Board specified in paragraphs (a) to (d) of subsection (2) of this section shall be appointed for a term of 3 years or such lesser term as may be specified in the notice of appointment, and may be reappointed from time to time, but no such person shall be eligible to be a member of
- 25 the Board for more than 6 consecutive years.
- (5) Notwithstanding subsection (4) of this section, every member shall, unless he sooner vacates his office under section 7 of this Act, continue in office until his successor comes into office.
- 30 (6) The persons holding office immediately before the commencement of this Act as members of the Chiropractic Board constituted under section 3 of the Chiropractors Act 1960 shall cease to hold office as such on the commencement of this Act.
- 35 (7) Any person to whom subsection (6) of this section applies and who is eligible to be appointed under subsection (2) of this section may be appointed to be a member of the Board, and any time spent as a member of the Board constituted under section 3 of the Chiropractors Act 1960
- 40 shall not be counted as membership of the Board for the purposes of subsection (4) of this section.

Cf. 1960, No. 123, s. 3 (1), (2), (5); 1961, No. 133, s. 3

4. Functions of Board—The functions of the Board shall be—

- (a) To advise and make recommendations to the Minister in respect of any matter relating to the education *(and registration)* , registration, and discipline 5
of chiropractors:
- (b) To receive applications for registration under this Act, and to authorise registration in proper cases:
- (c) To set and conduct examinations of candidates for registration under this Act: 10
- (d) To promote and encourage high standards of professional education and professional conduct among chiropractors:
- (e) Generally, within the scope of its authority, to do whatever may in its opinion be necessary for the 15 effective administration of this Act:
- (f) To perform such functions as may be conferred on it by this Act or any other enactment.

Cf. 1960, No. 123, s. 5

5. Chairman and Deputy Chairman—(1) At its first 20 meeting in the year 1983, and at its first meeting in each subsequent year, the Board shall elect 1 of its members to be its Chairman, and another to be its Deputy Chairman.

(2) Every person elected as Chairman or Deputy Chairman, unless he sooner resigns that office or vacates his 25 office as a member of the Board shall hold office until his successor is elected under this section, and shall be eligible for re-election.

(3) If any person who is for the time being holding office as Chairman or Deputy Chairman vacates office as a member of 30 the Board, an election to fill the vacancy in the office of Chairman or Deputy Chairman shall be held at the first meeting of the Board held after the vacancy on the Board has been filled.

(4) Where the office of Chairman or Deputy Chairman 35 becomes vacant in any other case, the Board shall elect 1 of its members to fill that vacancy as soon as practicable after its occurrence.

(5) During every vacancy in the office of Chairman, or while the Chairman is for any reason unable to perform his 40 functions, powers, and duties, the Deputy Chairman shall perform the functions, powers, and duties of the Chairman.

Cf. 1960, No. 123, s. 4 (1)

6. Secretary to Board—There shall from time to time be appointed under the State Services Act 1962 a Secretary to the Board who shall be an officer of the Department of Health.

5 Cf. 1960, No. 123, s. 6; 1966, No. 54, s. 2

7. Extraordinary vacancies—(1) Any member of the Board may at any time be removed from office by the Minister for disability, bankruptcy, neglect of duty, or misconduct proved to the satisfaction of the Minister, or may
10 resign his office by writing addressed to the Secretary.

(2) Every member of the Board who becomes ineligible for appointment to the Board under the provisions of section 3 of this Act under which he was appointed shall cease to be a member of the Board.

15 (3) If a member dies, resigns, is removed from office, or ceases to be a member in accordance with subsection (2) of this section,—

(a) The vacancy so created shall be filled in the manner in which the appointment to the vacant office was
20 originally made; and

(b) The person appointed to fill the vacancy shall be appointed for the residue of the term for which his predecessor was appointed.

Cf. 1960, No. 123, s. 3 (3), (4)

25 **8. Meetings of Board**—(1) The first meeting of the Board in the year 1983 shall be held at such time and place as the Minister shall appoint.

(2) Subsequent meetings of the Board shall be held at such times and places as the Chairman or the Board from time to
30 time appoints.

(3) At every meeting of the Board the quorum necessary for the transaction of business shall be 4 members, of whom 3 shall be chiropractors and 1 shall be not be a chiropractor.

35 (4) Every question before the Board shall be determined by a majority of the votes of the members present at the meeting of the Board.

(5) No member of the Board shall be entitled to be present or vote or otherwise participate in his capacity as a member of the Board at any part of a meeting of the Board where any
40 matter relating to his registration, suspension, or discipline under this Act is being considered.

(6) The presiding member shall have a deliberative vote, and, in the case of an equality of votes, shall also have a casting vote.

(7) The Chairman shall preside at all meetings of the Board at which he is present. 5

(8) If at any meeting the Chairman is not present, the Deputy Chairman shall preside at that meeting.

(9) In the absence of both the Chairman and the Deputy Chairman from any meeting of the Board, the members present shall elect 1 of their number to preside at that meeting, and the member presiding shall have all the powers of the Chairman for the purposes of that meeting. 10

(10) Subject to the provisions of this Act and of any regulations made under this Act, the Board may regulate its procedure in such manner as it thinks fit. 15

Cf. 1960, No. 123, s. 4

9. Substitutes for certain members—(1) The Minister may, on the nomination of the Association, appoint *(1 registered chiropractor as a substitute member of the Board, who)* 2 registered chiropractors as substitute members of 20
the Board, either of whom shall be entitled, in the absence from any meeting of the Board of any member specified in (paragraph (a) of) section 3 (2) (a) of this Act, to attend the meeting in his stead.

New

25

(1A) The Minister may appoint 1 registered chiropractor as a substitute member of the Board, who shall be entitled, in the absence of any meeting of the Board of the member specified in section 3 (2) (b) of this Act, to attend the meeting in his stead. 30

(2) Where any person appointed under subsection (1) or subsection (1A) of this section attends a meeting of the Board, he shall be deemed for the purposes of this Act to be a member of the Board, except that—

(a) He shall not act as Chairman or Deputy Chairman of 35 the Board; and

(b) He shall not be entitled to be present or vote on any matter arising under Part IV of this Act.

10. Committees—(1) The Board may from time to time appoint committees, consisting of 2 or more members of the Board and such other persons (if any) as the Board thinks fit, to inquire into and report to the Board on such matters within
5 the scope of its functions as are referred to them by the Board, or to exercise on behalf of the Board any of its functions or powers, and may from time to time delegate to any such committee any such function or power, other than the functions and powers conferred on the Board by sections 17,
10 18, and 23 and Part IV of this Act.

(2) Every committee appointed under this section shall be subject in all things to the control of the Board, and may at any time be discharged, altered, or reconstituted by the Board.

15 (3) Subject to any general or special directions given or conditions imposed by the Board, any committee to which any function or power is delegated under this section may exercise that function or power in the same manner and with the same effect as if it had been conferred directly by this Act
20 and not by delegation.

(4) Every committee purporting to act pursuant to any delegation under this section shall be presumed to be acting in accordance with the terms of the delegation, in the absence of proof to the contrary.

25 (5) Any delegation under this section may be revoked at any time.

(6) No delegation under this section shall prevent the exercise of any function or power by the Board.

11. Fees and allowances—(1) The Board, the Com-
30 plaints Assessment Committee, and every committee appointed by the Board are hereby declared to be statutory Boards within the meaning of the Fees and Travelling Allowances Act 1951.

(2) There may be paid to members of the Board, the
35 Complaints Assessment Committee, and any committee appointed by the Board, remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

40 Cf. 1960, No. 123, s. 8

PART II

REGISTRATION

12. Register of chiropractors—(1) The Board shall continue to maintain a register of chiropractors.

(2) The Secretary shall enter in the register the name and address of every person registered under this Act, and make such other entries as may be required, permitted, or directed to be entered by or under this Act. 5

(3) The Secretary shall keep the register open for public inspection during ordinary office hours at his office in Wellington.

(4) The Secretary shall, on payment of the prescribed fee (if any), supply a certified copy of any entry in the register to any person requesting it.

New

15

(5) The Board may from time to time cause the register or any part of it to be published in such form, whether abbreviated or otherwise, as it thinks fit, and may charge any person who wishes to purchase a copy of the register or part of the register such reasonable fee as it determines. 20

Cf. 1960, No. 123, s. 15

13. Persons registered under Chiropractors Act 1960 to be entitled to retain registration—Every person who was registered under the Chiropractors Act 1960 immediately before the coming into force of this Act shall, notwithstanding sections 14 and 15 of this Act, be entitled to remain on the register, and shall be deemed to be registered under this Act. 25

14. Qualifications of applicants for registration—

(1) Except as otherwise provided in this Act, every person shall, on payment of the prescribed fee, be entitled to be registered as a chiropractor, who satisfies the Board— 30

(a) That he has obtained one of the qualifications prescribed in the First Schedule to this Act; and

(b) That he has passed to the satisfaction of the Board such practical or other examinations as may from time to time be set or recognised by the Board. 35

New

(2) The Governor-General may from time to time, by Order in Council, amend the First Schedule to this Act by adding any qualification or institution to the list of qualifications and institutions set out in that Schedule, or omitting any qualification or institution from that list.

Cf. 1960, No. 123, s. 9; 1961, No. 133, s. 5; 1970, No. 54, s. 2

15. Character of applicant—No person shall be registered under this Act unless the Board is satisfied that the person is of good character and reputation and is a fit and proper person to be registered.

Cf. 1960, No. 123, s. 9 (5)

16. Applications for registration—Every application for registration under this Act shall be made in duplicate to the Secretary and shall—

- (a) Specify the full name, age, qualifications, and relevant experience of the applicant; and
- (b) Specify an address to which notices under this Act may be sent to the applicant; and
- (c) Be accompanied by the prescribed application fee (if any).

Cf. 1960, No. 123, s. 11

17. Applications to be considered by Board—(1) As soon as practicable after the receipt of an application for registration the Board shall consider the application, and shall give such directions to the Secretary in respect of it as it thinks fit and as are authorised by or under this Act.

(2) Before giving any such directions, the Board may, if it thinks fit, examine on oath or otherwise the person making the application, or any person objecting to it, or any other person, in respect of the application; and for the purposes of any such examination the Chairman may administer an oath to any person.

(3) The Board may also, if it thinks fit, require any person to verify by statutory declaration any statement made by him in respect of any application before the Board or any objection to any such application.

Cf. 1960, No. 123, s. 12

18. Registration—(1) If the Board, after considering any application in accordance with section 17 of this Act, considers that the applicant is entitled to be registered under this Act, it shall so direct, and the Secretary shall thereupon register that person and notify him accordingly. 5

(2) If the Board, after considering any such application, considers that the applicant is not entitled to be registered under this Act, it shall direct accordingly and shall direct the Secretary to notify the applicant in writing of the reasons for its direction. 10

Cf. 1960, No. 123, s. 14

19. Certificates of registration—Every registered chiropractor shall, on payment of the prescribed fee (if any), be entitled to receive a certificate of registration issued by or under the authority of the Board. 15

Cf. 1960, No. 123, s. 16

20. Chiropractor to notify change of address—(1) Every chiropractor who at any time changes his address appearing in the register shall, within 3 months thereafter, send to the Secretary a notice of his new address, and the Secretary shall accordingly amend the entry in the register relating to that person. 20

(2) Every registered chiropractor who, without reasonable cause, fails to comply with subsection (1) of this section commits an offence and is liable on summary conviction to a fine not exceeding \$50. 25

Cf. 1960, No. 123, s. 18

21. Revision of register—(1) The Secretary may at any time, and shall if the Board so directs, send to any registered chiropractor, by registered letter addressed to him at his last known address, an inquiry as to whether or not he desires to have his name retained in the register, or has ceased to practise. 30

(2) If no reply is received to the letter within 6 months after it has been posted, or if the letter is not delivered and is returned to the Secretary, the Board may direct the Secretary to remove from the register the name of the chiropractor to whom the letter was sent. 35

(3) If the Board has reason to believe that any chiropractor has died, it may direct the Secretary to remove the name of that person from the register. 40

(4) Any person whose name has been removed from the register under this section may apply to the Board to have his name restored to the register; and the Board shall direct the Secretary to restore to the register the name of that person.

5 Cf. 1960, No. 123, s. 19

22. Amendment of register on change of name and removal of name on request—(1) Where the Board is satisfied that a chiropractor has changed his name or that the name of any chiropractor is incorrectly stated in the register,
10 the Board shall direct the Secretary to correct any entry in the register relating to that chiropractor accordingly.

(2) The Board may at any time, if it thinks fit, on the written application of any registered chiropractor direct the Secretary to remove the name of that chiropractor from the
15 register.

23. Temporary registration—(1) Notwithstanding anything to the contrary in this Act, if the Board is satisfied that any person—

20 (a) Is or will be temporarily visiting New Zealand and proposes to practise as a chiropractor at any institution or place in New Zealand; and

(b) Has sufficient knowledge and experience to practise efficiently as a chiropractor in that institution or place subject to such restrictions (if any) as the
25 Board may specify; and

(c) Is of good character and reputation; and

(d) Has a reasonable command of the English language—the Board may, if it thinks fit, issue to him, on payment of the prescribed fee (if any), a certificate of temporary registration
30 entitling him to practise as a registered chiropractor in that institution or place subject to such restrictions (if any), and for such period, as may be specified in the certificate.

(2) The Board may from time to time, if it thinks fit, extend the period specified in any certificate of temporary
35 registration.

(3) Any such extension shall not take effect until it is endorsed on the certificate by the Secretary.

(4) The Board may at any time direct the Secretary to cancel any certificate of temporary registration.

40 (5) The holder of any certificate of temporary registration shall, while the certificate is in force, be deemed for all purposes to be a registered chiropractor.

- 24. Offences relating to registration**—Every person commits an offence and is liable on summary conviction to imprisonment for a term not exceeding 12 months or a fine not exceeding (\$500) \$1,000 who, for the purpose of obtaining any certificate under this Part of this Act (either for himself or for any other person),—
- (a) Either orally or in writing, makes any declaration or representation that, to his knowledge, is false or misleading in a material particular; or
 - (b) Produces to the Board or makes use of any document knowing it to contain any such declaration or representation; or
 - (c) Produces to the Board or makes use of any document knowing that it is not genuine.
- Cf. 1960, No. 123, s. 17

PART III

ANNUAL PRACTISING CERTIFICATES

- 25. Annual practising certificates for registered chiropractors**—(1) In this section, the term “year” means the period of 12 months beginning on the 1st of April in any year and ending on the 31st day of March in the following year.
- (2) Except as provided in subsection (7) of this section, no registered chiropractor shall be entitled to practise as a chiropractor in any year unless he is the holder of an annual practising certificate issued in respect of that year.
- (3) Every registered chiropractor commits an offence and is liable on summary conviction to a fine not exceeding \$200 who practises as a chiropractor in contravention of subsection (2) of this section.
- (4) The Board, on application made to it for the purpose by any registered chiropractor, and on payment of the prescribed fee, shall issue to him an annual practising certificate, which shall, subject to subsection (5) of this section, be in force during the year in respect of which it is issued.
- (5) If at any time during the currency of any such certificate its holder ceases to be registered under this Act, the certificate shall be deemed to be cancelled.

(6) Every person who is entitled to receive an annual practising certificate under this section shall be deemed to hold the certificate when he has duly applied for it to the Board and has paid the prescribed fee.

5 (7) Nothing in this section shall apply with respect to any person holding a certificate of temporary registration for the time being in force under section 23 of this Act.

Cf. 1960, No. 123, s. 28; 1961, No. 133, s. 7

PART IV

10

SUSPENSION AND DISCIPLINE

Suspension for Disability

26. Suspension from practice for disability—(1) Where the Board is satisfied that—

15 (a) Any registered chiropractor is unable to practise satisfactorily, because of some mental disability or the nature and extent of some physical disability that he has; and

20 (b) Because the registered chiropractor may attempt to practise, it is desirable in the public interest to prevent him from doing so,—

the Board may require the chiropractor to submit himself for a medical examination by a medical practitioner at the expense of the Board.

25 (2) The requirement to submit to a medical examination shall be communicated to the chiropractor by notice in writing under the hand of the Chairman served on the chiropractor; and the notice shall specify—

30 (a) The name and address of the medical practitioner by whom the Board has arranged to have the examination conducted; and

(b) The date before which the examination is to take place (being not less than 7 days after the notice is served on the chiropractor).

35 (3) Where a medical practitioner has examined a chiropractor under this section, the medical practitioner shall, as soon as practicable after the examination, make a written report to the Secretary as to the mental and physical condition of the chiropractor so far as it affects the capacity of the chiropractor to perform his professional duties satisfac-
40 torily.

(4) Where—

- (a) Notice has been served on a chiropractor in accordance with subsection (2) of this section; and
- (b) An examination has been carried out in accordance with subsection (3) of this section, or the date before 5 which the examination was to take place has expired; and
- (c) The Board has considered any report made to the Secretary under subsection (3) of this section; and
- (d) The Board has given the chiropractor a reasonable 10 opportunity to be heard on the matter; and
- (e) The Board is satisfied that—
 - (i) The chiropractor is unable to perform his professional duties satisfactorily because of some mental disability or the nature and extent of some 15 physical disability that he has; and
 - (ii) Because the chiropractor may attempt to practise it is necessary in the public interest to prevent him from doing so,—

the Board may suspend the chiropractor from practice. 20

(5) Any suspension imposed under this section may be revoked at any time by the Board.

(6) Every such suspension, or revocation of a suspension, shall be communicated to the chiropractor by notice in writing served on the chiropractor; and shall take effect on 25 being served.

(7) While a registered chiropractor is suspended under this section from practice, he shall be deemed for the purposes of this Act, other than this Part of this Act, not to be registered.

27. Limited practice in cases of disability— 30

(1) Where—

- (a) Paragraphs (a) to (d) of section 26 (4) of this Act have been complied with in respect of a registered chiropractor; and
- (b) The Board is satisfied that the chiropractor is unable to 35 practise satisfactorily, but considers that it would nevertheless not be contrary to the public interest to allow that chiropractor to practise under special conditions—

the Board may suspend the chiropractor from all practice 40 except practice in accordance with subsection (2) of this section.

(2) The Board may, under subsection (1) of this section, permit a chiropractor to practise for such period and subject to such conditions as to employment, supervision, and otherwise as it considers proper to permit or impose.

5 (3) Any suspension imposed under this section may be revoked at any time by the Board.

(4) Every suspension or permission under this section shall be communicated to the chiropractor by notice in writing served on the chiropractor; and shall take effect on being
10 served.

(5) A chiropractor on whom notice is served under subsection (4) of this section may practise only to the extent permitted under this section.

28. Notification of disability—(1) In this section—

15 “Hospital” means—

(a) Any institution within the meaning of the Hospitals Act 1957:

(b) Any licensed hospital within the meaning of Part V of the Hospitals Act 1957:

20 (c) Any institution within the meaning of the Mental Health Act 1911:

“Medical Superintendent”, in relation to any hospital, means—

25 (a) In the case of any institution or separate institution within the meaning of the Hospitals Act 1957, the medical officer (if any) who is in charge of that hospital:

30 (b) In the case of any licensed hospital within the meaning of Part V of the Hospitals Act 1957, the manager of that hospital if he is a registered medical practitioner:

(c) In the case of any institution within the meaning of the Mental Health Act 1911, the Medical Superintendent of that institution.

35 (2) In any case where a registered chiropractor is a patient of a hospital of which there is a Medical Superintendent, if the Medical Superintendent considers that the person is unable, because of some mental disability or the nature and extent of some physical disability that he has, to perform his
40 professional duties satisfactorily, and that because he may attempt to perform those duties, it is necessary in the public interest to prevent him from so doing, the Medical Superintendent shall forthwith give written notice to the Secretary to the Board of all the circumstances.

(3) In any case where a registered chiropractor is not a patient of a hospital of which there is a Medical Superintendent, if any registered medical practitioner is in attendance on that person and considers that the person is unable, because of some mental disability or the nature and extent of some physical disability that he has, to perform his professional duties satisfactorily and that, because he may attempt to perform those duties, it is necessary in the public interest to prevent him from so doing, the medical practitioner in attendance on that person shall forthwith give written notice to the Secretary to the Board of all the circumstances. 5 10

(4) In any case where the Medical Officer of Health considers that any registered chiropractor is unable, because of some mental disability or the nature and extent of some physical disability that he has, to perform his professional duties satisfactorily, and that, because he may attempt to perform those duties, it is necessary in the public interest to prevent him from so doing, the Medical Officer of Health shall forthwith give written notice to the Secretary to the Board of all the circumstances. 15 20

(5) In any case where any Medical Superintendent, registered medical practitioner, or Medical Officer of Health contemplates giving any such written notice to the Secretary (of) to the Board, he may seek whatever medical advice, 25 whether psychiatric or otherwise, he considers appropriate to assist him in forming his opinion.

(6) Any written notice given under any of subsections (2) to (4) of this section shall mention any difference between any such advice and the views of the Medical Superintendent, or registered medical practitioner, or Medical Officer of Health, as set out in the notice. 30

(7) Upon receipt of any such notice, the Secretary shall forthwith take all steps necessary to have it considered by the Board. 35

Discipline

29. Complaints Assessment Committee—(1) The Chairman may, from time to time, appoint, in relation to a particular case or (class of) particular cases, 3 registered chiropractors to be a Complaints Assessment Committee, and 40 may at any time revoke any such appointment or reconstitute any such Committee.

(2) The Chairman shall appoint one of the members of each Complaints Assessment Committee to be the chairman of that committee. 45

(3) Before making any such appointment, revocation, or reconstitution, the Chairman shall consult with at least 3 members of the Board, including the member who is a barrister and solicitor of the High Court and 2 members who

5 are registered chiropractors.

(4) The Chairman shall ensure that the registered chiropractor in respect of whom a complaint has been made under section 30 of this Act is informed of the general nature of the complaint and the intended membership of the

10 Complaints Assessment Committee that is to consider the complaint against him.

New

(4A) The chiropractor, on being informed under subsection (4) of this section of the intended membership of the

15 Complaints Assessment Committee, may request, giving reasons for his request, that the Chairman do not appoint one or more of the intended members as members of the Complaints Assessment Committee.

(4B) The Chairman's decision on any request under

20 subsection (4A) of this section shall be final.

(5) No member of the Board shall be appointed to be a member of the Complaints Assessment Committee.

Cf. 1960, No. 123, s. 7; 1961, No. 133, s. 4

30. Complaints against chiropractors—(1) Every per-

25 son who seeks to complain to the Board of the conduct of any registered chiropractor shall make the complaint to the Secretary.

(2) Every such complaint shall be in writing.

(3) When the Secretary has received any complaint under

30 this section, he shall refer the complaint to the Chairman who shall appoint a Complaints Assessment Committee in accordance with section 29 of this Act and refer the complaint to that Committee.

(4) Without limiting the provisions of subsection (1) of this

35 section, a complaint may be made under this section by any member of the Board or any person in the service of the Crown acting in his official capacity.

31. Investigation by Complaints Assessment Committee—(1) The Complaints Assessment Committee may require that the complaint be supported by such statutory declaration as it thinks fit.

(2) The Complaints Assessment Committee shall determine whether or not in its opinion the matter should be considered by the Board, and shall report its findings to the Chairman. 5

(3) Where the Complaints Assessment Committee has reported that in its opinion the matter should be considered by the Board, the Chairman shall forthwith cause a notice to be served on the chiropractor in accordance with section 33 (1) of this Act. 10

(4) Where the Complaints Assessment Committee has reported that in its opinion the matter should not be considered by the Board the Board may nevertheless, if it thinks fit, exercise its disciplinary powers under and in accordance with this Part of this Act. 15

32. Disciplinary powers of Board—(1) Subject to subsection (6) of this section, if the Board, after conducting a hearing in accordance with this Part of this Act, is satisfied, in respect of any registered chiropractor that that chiropractor— 20

(a) Has been convicted, whether before or after he became registered, by any Court in New Zealand or overseas of any offence punishable by imprisonment for a term of 6 months or more; or 25

(b) Has been guilty of professional misconduct; or

(c) Has been guilty of conduct unbecoming a chiropractor,— 30

the Board may, in its discretion, subject to subsections (3) and (6) of this section, (*by writing under the hand of the Chairman,*) and by way of penalty, do any one of the things authorised by subsection (2) of this section.

(2) In any case to which subsection (1) of this section applies, the Board may— 35

(a) Order that the name of the chiropractor be removed from the register:

(b) Order that the registration of the chiropractor be suspended for a period not exceeding 12 months: 40

New

5 (ba) Order that the chiropractor may, for a period not exceeding 3 years, practice only subject to such conditions as to employment, supervision, or otherwise as the Board may specify in the order:

(c) Impose on the chiropractor a fine not exceeding \$500:

(d) Order that the chiropractor be censured.

(3) Where the Board makes an order under paragraph (b), paragraph (ba), or paragraph (d) of subsection (2) of this

10 section, it may in addition impose a fine under paragraph (c) of that subsection.

(4) Where the Board is (inquiring into any act or omission) dealing with any matter that constitutes an offence for which

15 the person has been convicted by a Court, the Board shall not impose a fine pursuant to subsection (2) (c) or subsection (3) of this section.

(5) In any case to which subsection (1) of this section applies the Board may (, by writing under the hand of the Chairman,) order any such chiropractor to pay any costs and expenses of and incidental to the (inquiry) hearing by the Board.

(6) The Board shall not exercise any authority conferred by this section in respect of any offence committed by any person before the date of his registration, if at that date the Board was aware of his conviction in respect of the offence.

25 (7) While any order of suspension from practice under this section remains in force, the person shall be deemed for the purpose of this Act not to be registered; but forthwith on the expiry of the order his rights and privileges as a registered chiropractor shall be revived as from the date of the expiry.

30 (8) In any order under this section directing the name of any person to be removed from the register, or in any subsequent order of the Board, the Board may fix a time after which the person whose name is so removed may apply to have his name restored to the register.

35 (9) Every fine imposed, and all costs and expenses payable under this section shall be recoverable as a debt due to the Crown.

Cf. 1960, No. 123, s. 23 (2)

33. Procedure of Board in disciplinary matters—

(1) Before the Board exercises its powers under section 32 of this Act or this section, the Chairman shall cause to be served on the chiropractor concerned a notice—

(a) Stating that the Board or the Complaints Assessment 5

Committee has reason to believe that a ground exists entitling it to exercise its powers under section 32 of this Act; and

Struck Out

- (b) Specifying the ground with sufficient particularity to 10
enable him to answer it; and
- (c) Requiring him to answer it; and
- (d) Requiring him to appear before the Board on a date not less than 28 days after the date of service of the notice to show cause why the Board should not 15
exercise its powers under that section.

New

- (b) Containing such particulars as will clearly inform the chiropractor of the substance of the grounds believed to exist; and 20
- (c) Specifying a date, being not less than 28 days after the date of service of the notice, on which the Board intends to hear the matter.

(2) The notice under subsection (1) of this section may require the person to whom the notice is addressed to notify 25
the Board in writing, not later than a specified date before the date proposed for the hearing of the matter, as to whether or not he intends to appear before the Board at the hearing (*to show cause why the Board should not exercise its powers under section 32 of this Act.*) of the matter. 30

(3) If he fails to so notify his intention, he shall, notwithstanding section 34 (2) of this Act, be entitled to appear and be heard only on such conditions as to the payment of costs and expenses or otherwise as the Board thinks fit. 35

- (4) If any university or institution, having granted to any person a qualification that may be entered on the register under this Act, exercises any power conferred by law of removing the name of that person from the register in which the qualification is recorded, or any registering authority in any other country has removed the name of any registered chiropractor from any register of chiropractors maintained by it, and in either case the university, institution, or registering authority has notified the Board of the fact of the removal,—
- 10 (a) The Secretary shall make a note of the fact in the register; and
- (b) If the university, institution, or registering authority notifies to the Board the findings of fact on which the decision to remove the name was based, the findings may, if the Board thinks fit, be treated for the purposes of any inquiry or proceedings under this section as conclusive evidence of the facts found.
- 15 (5) In all proceedings under this section, the Board shall observe the rules of natural justice, and may receive evidence notwithstanding that it would not be admissible in a Court of law.
- (6) The decision of a majority of the members present at any proceedings held under this section shall be the decision of the Board.
- 25 (7) Unless the Board otherwise directs, proceedings held under this section shall not be open to the general public.

New

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- (7A) Every order of the Board under section 32 of this Act or under this section shall—
- 30 (a) Be committed to writing; and
- (b) Contain a statement of the reasons on which it is based; and
- (c) Contain a clear statement of the person's right to appeal against the order, and the time within which notice of such appeal must be given; and
- 35 (d) Be signed by the Chairman.
-
- (8) A copy of every order *(, decision, or determination)* of the Board under section 32 of this Act shall be served by the Secretary on the chiropractor in respect of whom it was made, and shall take effect from the day on which such service was effected, or such later date as may be specified in the order or determination.

34. Powers and rights of Board and persons involved in proceedings of Board—(1) The Board shall, for the purposes of any (*inquiry*) hearing under section 32 of this Act, have the same powers as are conferred on Commissions of Inquiry by section 4 and sections 4B to 9 of the Commissions of Inquiry Act 1908. 5

(2) Section 4 and sections 4B to 9 of the Commissions of Inquiry Act 1908 shall apply to all persons involved in any capacity in any (*inquiry*) hearing under section 32 of this Act as if it were an inquiry conducted by a Commission under that Act. 10

35. Appeals from decisions of Board—(1) Every person who is dissatisfied with the whole or any part of—

- (a) Any decision of the Board relating to an application by him for registration, other than a decision that the person has not passed any examination set by the Board under section 13 (b) of this Act; or 15
- (b) Any order of the Board directing his name to be removed from the register; or
- (c) Any order of the Board, made under any of sections 26, 27, or 32 of this Act, suspending his registration; or 20
- (d) Any order of the Board imposing a fine on him; or
- (e) Any order of the Board censuring him; or
- (f) Any order of the Board made under section 32 (5) or section 33 (3) of this Act requiring him to pay any costs or expenses— 25

may, within 28 days after notice of the decision or order has been communicated to him by the Secretary or within such further time as the High Court may allow on application made before or after the expiration of that period, appeal to the High Court against the decision or order, as the case may be. 30

(2) Every appeal under this section shall be heard and determined by the Administrative Division of the High Court in accordance with rules of Court and this section. 35

(3) The Court shall, as soon as practicable, hear the appeal, and may confirm, reverse, or modify the decision of the Board, or may refer the matter back to the Board in accordance with rules of Court, and may give any decision that the Board could have given under section 32 or section 33 (3) of this Act. 40

(4) Nothing in this section shall give the Court power to review any part of the Board's decision other than the part against which the appellant has appealed.

(5) Subject to any order of the Court every decision or
5 order of the Board against which an appeal is lodged shall continue in force and have effect according to its tenor pending the determination of the appeal.

(6) On any appeal under this section, the Court may make an order for the payment by the Board, or by the appellant, of
10 the costs incurred in respect of the appeal by the other party to the appeal.

Cf. 1960, No. 123, s. 24

36. Suspension to be entered in register—(1) The Secretary shall enter in the register at the entry for the
15 appropriate chiropractor the fact that any suspension has been imposed upon him under any of sections 26, 27, or 32 of this Act and the conditions (if any) relating to the suspension.

(2) Every entry made in the register under subsection (1) of this section shall be removed on the expiry of the period of
20 suspension, or the lifting of the suspension by the Board or the High Court.

37. Surrender of certificates—(1) Any person whose name is removed from the register or whose registration is suspended under this Part of this Act shall, within 14 days
25 after the date on which written notice of the removal or suspension has been given to him, deliver to the Secretary every current certificate that has been issued to him under this Act and has not been so delivered before that date.

(2) Every person commits an offence and is liable on
30 summary conviction to a fine not exceeding \$200 who wilfully fails to comply with subsection (1) of this section.

38. Publication of orders—Where—

(a) An order has been made by the Board under this Part of this Act in respect of any registered chiropractor, or
35 where the Board has, under section 26 or section 27 of this Act, suspended any registered chiropractor from practice, and no appeal therefrom has been brought within the time limited in that behalf; or

(b) An order has been made under this Act by any Court in respect of any registered chiropractor—
 the Secretary shall, if the Board in its discretion so directs, cause a notice stating the effect of the order to be published in the Gazette and the New Zealand Chiropractic Journal and such 5
 other publications as may be directed by the Board.

PART V

MISCELLANEOUS PROVISIONS

39. Certificates of Secretary to be evidence—A certificate under the hand of the Secretary to the effect that 10
 any person was or was not registered, or was or was not the holder of an annual practising certificate or a certificate of temporary registration at any particular time or during any period specified in the certificate, or as to any entry in the register, or as to any act or proceeding of the Board or of any 15
 committee of the Board, shall for all purposes be sufficient evidence of the matters specified in the certificate, in the absence of proof to the contrary.

Cf. 1960, No. 123, s. 31

**40. Penalty for false description of unregistered 20
 persons**—Every person commits an offence and is liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding *(\$500)* \$1,000, who—

- (a) Not being registered under this Act, describes himself 25
 or otherwise holds himself out as being a chiropractor or as being registered under this Act;
 or
- (b) Not being registered under this Act, uses or causes to be used in connection with his business, trade, calling, 30
 or profession, any written words, titles, initials, or abbreviations of words, titles, or initials, either alone or in combination with any other words, titles, initials, or abbreviations, intended to cause, or that may reasonably cause, any person to believe that he 35
 is a chiropractor or is registered under this Act; or

- (c) Knowing that some other person is not registered under this Act, and with intent to deceive, makes any statement or does any act calculated to suggest that such other person is a chiropractor or registered under this Act; or
- 5 (d) With intent to deceive, makes use of any certificate of registration issued to him or to any other person under this Act.

Cf. 1960, No. 123, s. 26; 1961, No. 133, s. 6

10 **41. Application of fees and payment of expenses incurred in administration of Act—**(1) All fees and other money received under this Act shall be paid into the Public Account to the credit of the Consolidated Account.

(2) All costs and expenses incurred in the administration of
15 this Act shall be paid out of money from time to time appropriated by Parliament for the purpose.

Cf. 1960, No. 123, ss. 23 (3), 33; 1961, No. 133, s. 8

42. Transfer of documents and rights relating to fees to Crown—(1) On the commencement of this Act—

20 (a) The Board and the Association shall make available to the Director-General of Health all accounts and documents in their possession relating to fees and other money received or owing under the Chiropractors Act 1960:

25 (b) All fees and other money payable under the Chiropractors Act 1960 to the Board or the Association shall become payable to the Crown.

(2) The Crown shall not be liable for any deficit or obligation incurred by the Board or the Association in respect
30 of any fees or other money received or payable under the Chiropractors Act 1960.

43. Service of notices—Any document required or authorised by this Act, or by any regulations made under this Act, to be served on any person may be served by delivering it
35 to that person, or by leaving it at his usual or last known place of residence or business, or posting it by registered letter addressed to him at his usual or last known place of residence or business; and if so posted, it shall be deemed to have been served at the time when the registered letter would be
40 delivered in the ordinary course of post.

44. Regulations—The Governor-General may from time to time, by Order in Council made on the advice of the Minister given after consultation with the Board, make regulations for all or any of the following purposes:

- (a) Prescribing the fees payable in respect of— 5
 - (i) Any application for registration under this Act:
 - (ii) The issue of certificates of registration and certificates of temporary registration, and annual practising certificates under this Act: 10
 - (iii) The issue of copies of certificates:
 - (iv) Supplying to chiropractors any documents obtained by them from the Board for the purpose of seeking registration overseas:
- (b) Exempting or providing for the exemption of any 15 chiropractor or class of chiropractor from liability to pay any such fees:
- (c) Regulating the procedure of the Board:
- (d) Providing for such matters as are contemplated by or 20 necessary for giving full effect to this Act and for its due administration.

Cf. 1960, No. 123, s. 34

45. Consequential amendments—(1) Section 39 (1) of the Medical and Dental Auxiliaries Act 1966 is hereby amended by repealing paragraph (a), and substituting the 25 following paragraph:

“(a) The Chiropractors Act 1981.”.

(2) Section 18 (5) of the Radiation Protection Act 1965 is hereby amended by omitting the expression “Chiropractors Act 1960”, and substituting the expression “Chiropractors 30 Act 1981”.

46. Repeals and revocations—(1) The enactments specified in Part I of the Second Schedule to this Act are hereby repealed.

(2) The regulations specified in Part II of the Second 35 Schedule to this Act are hereby revoked.

SCHEDULES

FIRST SCHEDULE

Section 14 (a)

RECOGNISED QUALIFICATIONS

- (a) A Diploma of Applied Science (Chiropractic) granted by the Preston Institute of Technology, Melbourne, Australia; or
- (b) A Doctor of Chiropractic degree granted by—
 - The Anglo-European College of Chiropractic, England
 - The Cleveland Chiropractic College, Missouri
 - The Canadian Memorial Chiropractic College, Canada
 - The International College of Chiropractic, Australia
 - The Logan Chiropractic College, Missouri
 - The Los Angeles College of Chiropractic, California
 - The National College of Chiropractic, Illinois
 - The Palmer College of Chiropractic, Iowa
 - The Sherman College of Straight Chiropractic, South Carolina
 - The Western States College of Chiropractic, Oregon

SECOND SCHEDULE

Section 46

ENACTMENTS REPEALED

The Chiropractors Act 1960:

ENACTMENTS REPEALED

- The Chiropractors Act 1960:
- The Chiropractors Amendment Act 1961:
- So much of the Schedule to the Radiation Protection Act 1965 as relates to the Chiropractors Act 1960:
- The Chiropractors Amendment Act 1966:
- The Chiropractors Amendment Act 1970.

REGULATIONS REVOKED

Title	Reference
The Chiropractors Regulations 1962	S.R. 1962/12
The Chiropractors Regulations 1962, Amendment No. 1	S.R. 1977/64
The Chiropractors Regulations 1962, Amendment No. 2	S.R. 1980/44
The Chiropractors Regulations 1962, Amendment No. 3	S.R. 1982/76