NORTHERN TERRITORY OF AUSTRALIA

HEALTH PRACTITIONERS AND ALLIED PROFESSIONALS REGISTRATION ACT

As in force at 17 September 1996

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 17 September 1996

HEALTH PRACTITIONERS AND ALLIED PROFESSIONALS REGISTRATION ACT

An Act to provide for the registration of persons engaged in certain categories of health and allied practice, and for related purposes

Part I Preliminary

1 Short title

This Act may be cited as the *Health Practitioners and Allied Professionals Registration Act*.

2 Commencement

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3 Application

This Act binds the Crown not only in right of the Territory but also, so far as the legislative power of the Legislative Assembly permits, in all its other capacities.

4 Interpretation

(1) In this Act, unless the contrary intention appears:

appointed member, in relation to a Board, means a person appointed under section 6(1)(b) or (1A)(b) to be a member of the Board.

approved means approved by the Board.

Board means the Board, established under section 5(1) for a category or categories of health practice.

category of health practice means the practice of:

(a) Aboriginal health work;

(b) chiropractic;

(c) occupational therapy;

(d) osteopathy;

(e) physiotherapy; or

(f) psychology,

whether or not the practice is exclusively concerned with the health of a person.

Chairman, in relation to a Board, means the person who is, by virtue of section 8(1), the Chairman of the Board.

conditional registration means conditional registration under section 25(1).

full registration means full registration under section 24.

practising certificate means a practising certificate issued under section 30(1) and includes a renewal of a practising certificate issued under section 30(5).

practitioner means a person who is registered to practise in a category of health practice.

provisional registration means provisional registration under section 26(2).

register means a register maintained under section 22.

Registrar, in relation to a Board or a category of health practice, means the person appointed under section 21(1) to be the Registrar of the Board or for that category.

registration means full, conditional or provisional registration.

registration certificate means a registration certificate issued under section 27(2).

Secretary means the Chief Executive Officer, as defined in the *Public Sector Employment and Management Act*, of the Department primarily responsible under the Minister for the administration of this Act established under that Act.

this Act includes the Regulations.

Tribunal means the Health Practitioners and Allied Professionals Tribunal established under section 58(1).

(2) This Act shall be construed so that:

(a) the Board;

(b) the Chairman;

(c) an appointed member; or

(d) the Registrar,

does not have any power or function in relation to or in connection with a category of health practice other than:

(e) in the case of the Board – the category or categories of health practice for which it;

(f) in the case of the Chairman – the category or categories of health practice for which the Board of which he is the Chairman;

(g) in the case of an appointed member – the category or categories of health practice for which the Board of which he is such a member; and

(h) in the case of the Registrar – the category or categories of health practice for which the Board of which he is the Registrar,

is established.

Part II Board

5 Establishment of Board

(1) There is established by this Act a Board for each category of health practice other than the categories of chiropractic and osteopathy, for which categories, together, there is hereby established a single Board.

(2) The Board shall be known by the generic name given to persons practising in the category or categories of health practice for which it is established followed by the words "Registration Board".

(3) The Board:

(a) is a body corporate with perpetual succession;

(b) shall have a common seal; and

(c) is capable, in its corporate name, of acquiring, holding and disposing of real, leasehold and personal property and of suing and being sued.

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

6 Composition of Board

(1) Subject to subsection (1A), the Board shall consist of:

(a) the Chairman; and

(b) 4 persons appointed by the Minister by notice in the *Gazette*, of whom:

(i) 3 shall be registered or qualified for registration in; and

(ii) one shall be appointed to represent the public interest in relation to,

the category of health practice for which the Board is established.

(1A) The Board established by section 5(1) for the categories of health practice of chiropractic and osteopathy shall consist of:

(a) the chairman; and

(b) 5 persons appointed by the Minister by notice in the *Gazette*, of whom:

(i) 2 shall be registered or qualified for registration in the category of health practice of chiropractic;

(ii) 2 shall be registered or qualified for registration in the category of health practice of osteopathy; and

(iii) one shall be appointed to represent the public interest in relation to both these categories of health practice.

(3) The exercise of a power or the performance of a function of the Board is not affected by reason only of there being a vacancy or vacancies in the membership of the Board.

7 Period of appointment

(1) Subject to this Act, an appointed member holds office until the expiration of such period, not exceeding 3 years, as is specified in the instrument of his appointment, but is eligible for re-appointment for one further period not exceeding 3 years.

(2) Where a period of appointment is not specified in the instrument of appointment of an appointed member, he holds office, subject to this Act, for 3 years.

8 Chairman

(1) The Secretary or his nominee is the Chairman of the Board.

(2) The Chairman shall preside at all meetings of the Board.

9 Resignation of appointed members

An appointed member may resign his office by notice in writing delivered to the Minister.

10 Dismissal of appointed members

(1) The Minister may terminate the appointment of an appointed member for inability, inefficiency, misbehaviour or physical or mental incapacity.

(2) Where an appointed member:

(a) is absent, except on leave granted by the Board, from 2 consecutive meetings of the Board;

(b) being an appointed member referred to in section 6(1)(b)(i) or (1A)(b)(i) or(ii), ceases to be registered or qualified for registration as required by that section; or

(c) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit,

the Minister shall terminate the appointment of the appointed member.

11 Acting appointment

(1) Where an appointed member is or is expected to be absent from duty or from the Territory, the Minister may appoint a person who has the same qualifications for appointment as the appointed member to act as an appointed member during the absence.

(2) The Minister may at any time terminate an appointment made under this section.

(3) The validity of a decision of the Board shall not be questioned in any proceedings on a ground arising from the fact that the occasion for the appointment of a person purporting to be appointed under this section had not arisen or that an appointment under this section had ceased to have effect.

12 Disclosure of interest

(1) An appointed member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Board, otherwise than as a member of, and in common with the other members of, an incorporated company consisting of not less than 25 persons and of which he is not a director, shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Board.

(2) A disclosure under subsection (1) shall be recorded in the minutes of the Board, and the appointed member shall:

(a) not, while he has that interest, take part after the disclosure in any deliberation or decision of the Board in relation to that matter; and

(b) be disregarded for the purpose of constituting a quorum of the Board in relation to that matter.

13 Meetings of Board

(1) The Registrar shall, by notice in writing delivered to each member of the Board, call such meetings of the Board as are necessary for the exercise of its powers and the performance of its functions but so that, unless the Minister otherwise directs, the interval between one meeting and the next does not exceed 3 months.

(2) The Minister may, at any time, by notice in writing, direct the Chairman to convene a meeting of the Board and the Chairman shall convene the meeting accordingly.

(3) At a meeting of the Board:

(a) subject to subsection (3A), the Chairman and 2 appointed members constitute a quorum;

(b) a question arising shall be determined by a majority of the votes of the members present and voting and in the event of an equality of votes the matter shall be taken to have been defeated; and

(c) subject to this Act, the Board shall determine the procedure to be followed at or in connection with the meeting.

(3A) At a meeting of the Board established by section 5(1) for the categories of health practice of chiropractic and osteopathy, a quorum shall include at least one appointed member registered in the category of chiropractic when the Board is considering a matter relating to that category of health practice and at least one appointed member registered in the category of osteopathy when the board is considering a matter relating to that category of health practice.

(4) The Board shall keep records of its meetings.

14 Functions of Board

The functions of the Board are to determine, in relation to the category or categories of health practice for which it is established, but subject to the approval of the Minister:

(a) the qualifications, where they are not prescribed, for registration of persons as; and

(b) the appropriate standards of conduct by,

practitioners.

15 Powers of Board

(1) Subject to this Act, the Board has power to do all things that are necessary or convenient to be done for or in connection with or incidental to the exercise of its powers and the performance of its functions.

(2) Without limiting the generality of subsection (1), the Board, for the purpose of exercising its powers or performing its functions in relation to the category or categories of health practice for which it is established, including the powers conferred on it elsewhere in this Act:

(a) may authorize or refuse to authorize the full or conditional registration of persons in accordance with this Act;

(b) may issue registration and practising certificates;

(c) may receive, hear and investigate complaints against practitioners;

(d) shall cause to be maintained registers of practitioners;

(e) may take proceedings against a person who contravenes or fails to comply with this Act;

(f) may cancel or suspend a registration or practising certificate;

(g) may punish by way of fine or reprimand a person who contravenes or fails to comply with this Act; and

(h) shall investigate any matter referred to it by the Minister and report on it to him.

16 Delegation

(1) The Board may, by instrument in writing, delegate to a person any of its powers and functions under this Act, other than this power of delegation.

(2) A power or function delegated under this section, when exercised or performed by the delegate, shall, for the purposes of this Act, be deemed to have been exercised or performed by the Board.

(3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the Board.

17 Annual reports

The Board shall, as soon as practicable after 31 December in each year, prepare and furnish to the Minister a report on its activities during the year ending on that date.

18 Confidentiality

A member of the Board shall not disclose information obtained in the course of his duties as such a member unless that disclosure is made in the course of those duties.

19 Protection of members, &c.

Where a member of the Board or a person commits an act or makes an omission in good faith in:

(a) the exercise or purported exercise of a power; or

(b) the performance or purported performance of a function,

under this Act for the purpose of giving effect to the provisions or objects of this Act, or for discharging an obligation placed upon the member or person by this Act, no action, claim or demand, either civil or criminal, in respect of that act or omission lies, or shall be commenced or allowed, against the member or person.

20 Determination of fees

The Minister may, by notice in the *Gazette*, determine the fees payable in respect of any matter or thing under this Act, and a fee so determined shall be payable to the Board accordingly.

Part III Registration, &c.

Division 1 Registration

21 Appointment of Registrar

(1) The Minister may, for the purposes of this Act, appoint a person to be the Registrar of the Board.

(2) The Registrar shall act under the control of the Chairman.

22 Registers

(1) The Registrar shall maintain registers for, respectively:

(a) the full registration;

(b) the conditional registration; and

(c) the provisional registration,

of practitioners.

(2) The Registrar shall, as soon as practicable after 1 January in each year, cause to be published in the *Gazette* a true copy of the registers referred to in subsection (1)(a) and (b), which publication shall be prima facie evidence of the full registration or conditional registration, as the case may be, in the category of health practice to which the register relates of the persons named in the publication.

(3) A person may, during normal business hours, inspect a register maintained under this section.

23 Application for registration

A person may apply to the Board for full registration in the category or a category of health practice for which the Board is established, which application shall be:

(a) in the approved form; and

(b) accompanied by:

(i) the prescribed fee; and

(ii) evidence, satisfactory to the Board, that the person:

(A) holds the relevant qualifications prescribed in Part IV; and

(B) is medically fit,

to practise in the category and:

(C) is of good fame and character.

24 Registration

Subject to section 25(1), the Board may determine an application under section 23 by:

(a) where the applicant complies with section 23(b)(ii)(A), (B) and (C) – authorizing; or

(b) in any other case – refusing to authorize,

his full registration.

25 Conditional registration

(1) Where a person who has made an application under section 23 complies with section 23(b)(ii)(A), (B) or (C), the Board may determine the application by:

(a) authorizing; or

(b) refusing to authorize,

his conditional registration.

(2) A practitioner whose name is entered in a register of conditional registration is entitled to practise in the category of health practice to which the register relates subject to such conditions as are imposed by the Board and endorsed on his registration certificate.

(3) A practitioner whose name is entered in a register of conditional registration may, at any time, apply to the Board for full registration.

26 Provisional registration

(1) Where a person:

(a) has made an application under section 23 to the Board; and

(b) the Board has not made a determination under section 24 or 25(1) in relation to the application,

he may apply to the Chairman, or an appointed member nominated by the Chairman for the purpose, for provisional registration.

(2) The Chairman or appointed member, as the case may be, shall determine an application under subsection (1) by:

(a) where the Chairman or appointed member is satisfied that the person has the qualifications referred to in section 23(b)(ii)(A), is medically fit to practise and is of good fame and character – authorizing; or

(b) in any other case – refusing to authorize,

the provisional registration.

(3) A practitioner whose name is entered in a register of provisional registration is entitled to practise in the category of health practice to which the register relates without restriction until:

(a) the expiry date on the registration certificate issued in relation to his provisional registration; or

(b) the expiration of 3 months after the date on which the certificate was issued,

whichever first occurs.

27 Method of registration

(1) Where the Board authorizes the full or conditional registration, or the Chairman or the appointed member referred to in section 26 authorizes the provisional registration, of a person, the Registrar shall enter in the appropriate register:

(a) the name of the person;

(b) his professional address or addresses, if any, in the Territory or, if he has no professional address, his place of residence, whether in the Territory or elsewhere;

(c) particulars of his qualifications referred to in section 23(b)(ii)(A);

(d) his registration number;

(e) the date of his registration;

(f) the conditions, if any, of his registration; and

(g) such other particulars, if any, as are prescribed.

(2) As soon as practicable after the registration under this section of a person, the Registrar shall, on payment to him of the prescribed fee, issue to the person a registration certificate in the approved form.

28 Restoration of name to register

(1) Where a person's name has, for any reason, been removed from a register, he may apply in the approved form, accompanied by the prescribed fee, to the Board for restoration of his name to the register.

(2) The Board shall determine an application under subsection (1) by:

(a) authorizing; or

(b) refusing to authorize,

the restoration of the applicant's name to the register.

29 Notice of refusal to authorize registration, &c.

Where:

(a) the Board refuses under section 24(b), 25(1)(b) or 28(2)(b) to authorize, respectively, the full registration, the conditional registration or the restoration to a register of the name; or

(b) the Chairman or an appointed member referred to in section 26 refuses under section 26(2)(b) to authorize the provisional registration,

of a person, the Board, Chairman or appointed member, as the case may be, shall:

(c) record the reasons for its or his refusal;

(d) serve on the person not later than 7 days after so refusing, notice of its or his determination; and

(e) where the person so requests, supply the person with a copy of its or his reasons for the refusal.

Division 2 Practising certificates

30 Practising certificate

(1) The Registrar shall, as soon as practicable after a person first becomes a practitioner as a consequence of having full or conditional registration, issue to the person a practising certificate.

(2) A practising certificate shall:

(a) be in the approved form;

(b) take effect on the date on which it is expressed to take effect; and

(c) expire on 31 December next following the date on which it takes effect.

(3) The Registrar shall, before 31 October in each year, serve notice in writing on the holder of a practising certificate advising him of his obligation to renew the certificate.

(4) The holder of a practising certificate may, before 31 December in each year, apply in the approved form accompanied by the prescribed fee to the Registrar for the renewal of his certificate.

(5) Where the Registrar receives an application under subsection (4), he shall, as soon as practicable, issue a renewal of the certificate.

(6) Where the holder of a practising certificate who has been served with a notice under subsection (3) fails to apply, before 31 March next following the service of the notice, for the renewal of his certificate, the Registrar shall remove his name from the register to which the certificate relates.

31 Certificates to be displayed, &c.

(1) A practitioner shall display his registration certificate and, except where he is provisionally registered, his current practising certificate in a conspicuous position at the place where he usually practises.

Penalty: $200.

(2) A practitioner may:

(a) where he practises in more than one place; or

(b) where his original registration certificate or practising certificate is destroyed, damaged, lost or stolen,

apply in the approved form accompanied by the prescribed fee to the Registrar for the issue of a duplicate registration certificate or duplicate practising certificate.

(3) Where the Registrar receives an application under subsection (2)(a), he shall, where he is satisfied that the applicant practises in more than one place, issue to him a duplicate registration certificate or duplicate practising certificate, as the case may be.

(4) Where the Registrar receives an application under subsection (2)(b), he may, where he is satisfied that the applicant's original registration certificate or practising certificate has been destroyed, damaged, lost or stolen, issue to him a duplicate registration certificate or duplicate practising certificate, as the case may be.

32 Proof of registration

(1) A registration certificate is prima facie evidence that the person specified in the certificate was registered in the category of health practice to which the certificate relates on the date specified in the certificate.

(2) In all courts and before all persons and bodies authorized to receive evidence, a document purporting to be a certificate under the hand of the Chairman and stating that a person was or was not registered on the date or dates, or during the period, mentioned in the document is prima facie evidence of the matter so stated.

33 Alteration of register

(1) A practitioner who changes the address supplied with his application for registration shall promptly notify the Registrar of the change.

(2) The Registrar shall remove from a register the name of a practitioner who dies or who requests his name to be removed and may make such alterations to the particulars recorded in the register as he thinks fit.

Part IV Qualifications for registration

34 Qualifications for registration as Aboriginal health worker

For the purposes of section 23(b)(ii)(A), the prescribed qualification for full registration in the category of health practice of Aboriginal health work is:

(a) the basic skills certificate for Aboriginal health workers awarded by the Department primarily responsible under the Minister for the administration of this Act; or

(b) a qualification that is, in the opinion of the Board, equivalent to the qualification referred to in paragraph (a).

35 Qualifications for registration as chiropractor

(1) For the purposes of section 23(b)(ii)(A), the prescribed qualifications for full registration in the category of practice of chiropractic are:

(a) a qualification specified in column 2 of Part A of Schedule 1 awarded by the institution specified in column 1 of that Part opposite to that qualification;

(b) a qualification from a college specified in Part B of Schedule 1 which is approved by the Council on Chiropractic Education in the United States of America or Canada; or

(c) a qualifying pass in an examination in chiropractic approved from time to time by the Board,

and such relevant experience in chiropractic as the Board thinks necessary.

(2) The Board may refuse to register an applicant who is otherwise qualified for full registration in the category of health practice of chiropractic:

(a) if the applicant has been refused registration as a chiropractor in a place outside the Territory; or

(b) where the applicant was qualified to be registered as a chiropractor 5 years before the date of his application and

during those 5 years has not been registered as such under this Act and has not been registered as a chiropractor in a place outside the Territory.

38 Qualifications for registration as occupational therapist

For the purposes of section 23(b)(ii)(A), the prescribed qualifications for full registration in the category of health practice of occupational therapy are approved qualifications and experience acceptable for full membership of a member association of the Australian Association of Occupational Therapists.

39 Qualification for registration as osteopath

(1) For the purposes of section 23(b)(ii)(A), the prescribed qualifications for full registration in the category of health practice of osteopathy are:

(a) a qualification specified in column 2 of Schedule 2 awarded by the institution specified in column 1 of that Schedule opposite to that qualification; or

(b) a qualifying pass in an examination in osteopathy approved from time to time by the Board,

and such relevant experience in osteopathy as the Board thinks necessary.

(2) The Board may refuse to register an applicant who is otherwise qualified for full registration in the category of health practice of osteopathy:

(a) if the applicant has been refused registration as an osteopath in a place outside the Territory; or

(b) where the applicant was qualified to be registered as an osteopath 5 years before the date of his application and during those 5 years has not been registered as such under this Act and has not been registered as an osteopath in a place outside the Territory.

40 Qualifications for registration as physiotherapist

For the purposes of section 23(b)(ii)(A), the prescribed qualifications for full registration in the category of health practice of physiotherapy are approved qualifications and experience acceptable for full membership of the Australian Physiotherapy Association.

41 Qualifications for registration as psychologist

For the purposes of section 23(b)(ii)(A), the prescribed qualifications for full registration in the category of health practice of psychology are approved qualifications and experience acceptable for full membership of the Australian Psychological Society.

44 Overseas qualifications, &c., in lieu of other qualifications, &c.

For the purposes of section 23(b)(ii)(A), and notwithstanding sections 34 to 43 inclusive, the prescribed qualifications for full registration in a category of health practice, other than Aboriginal health work, where the applicant is not otherwise qualified under this Part to be so registered, are approved overseas qualifications and experience acceptable to the Council of the Overseas Professional Qualifications for the purposes of that category of health practice.

Part V Regulation of practitioners

Division 1 Discipline of practitioners

45 Interpretation

For the purposes of this Division, ***disciplinary action*** by the Board means:

(a) the cancellation or suspension under section 47(1) of the registration of a practitioner;

(b) the cancellation or suspension under section 48 of the registration in the Territory of a practitioner; or

(c) the imposition of a fine on, or reprimanding of, a practitioner under section 49(1).

46 Complaint against practitioner

(1) A person may, by notice in writing, lodge with the Registrar a complaint against a practitioner, which notice shall be accompanied by:

(a) subject to subsection (2), the prescribed fee; and

(b) where the Registrar so requires, a statutory declaration verifying the complaint.

(2) Where a person lodging under subsection (1) a complaint against a practitioner satisfies the Registrar that he would suffer undue financial hardship if required to pay the prescribed fee referred to in that subsection, the Registrar may waive the payment of that fee.

(3) The Registrar shall, as soon as practicable after a complaint and, where he so requires, the accompanying statutory declaration verifying the complaint is lodged under subsection (1), submit the complaint and accompanying statutory declaration, if any, to the Board and the Board shall, not later than 3 months after that complaint and accompanying statutory declaration, if any, were so lodged, consider the complaint.

47 Cancellation, &c., of registration

(1) Subject to this Act, the Board may, in its discretion after its consideration under section 46(3) of a complaint, cancel or suspend, for a period specified by the Board, the registration of the practitioner to whom the complaint relates where it is satisfied that he:

(a) has been guilty of unprofessional conduct;

(b) has been found guilty, whether in the Territory or elsewhere, of an offence that renders him unfit to practise as such a practitioner;

(c) is addicted to drugs or intoxicating liquor so that he is unfit to practise as such a practitioner;

(d) is suffering from a disability, whether mental or physical, that would prevent him from efficiently practising as such a practitioner; or

(e) has obtained registration by fraud or misrepresentation in a material particular.

(2) Where the Board finds, in relation to a complaint under section 46(1), that there are:

(a) no reasonable grounds for the complaint – the prescribed fee referred to in section 46(1)(a) accompanying the complaint is forfeited to the Territory; or

(b) reasonable grounds for the complaint, whether or not it cancels or suspends the registration of the practitioner against whom the complaint was made – it shall refund the prescribed fee referred to in section 46(1)(a).

48 Cancellation, &c., of registration outside the Territory

Where the registration of a practitioner to practise in a category of health practice, however described, under a law in force in a State or another Territory of the Commonwealth is cancelled or suspended for reasons which would be grounds for the cancellation or suspension under section 47(1) of his registration in the Territory, the Board may cancel or suspend, for such period as it thinks fit, his registration in the Territory.

49 Power to fine or reprimand

(1) Where the Board is satisfied that a practitioner has been guilty of unprofessional conduct but that, in all the circumstances of the case, the cancellation or suspension of his registration is not appropriate, it may:

(a) impose on him a fine not exceeding $1,000; or

(b) reprimand him.

(2) A fine imposed under subsection (1)(a) is a debt due and payable by the practitioner to the Board.

50 Inquiry to be held

(1) Subject to subsection (2), the Board shall not take disciplinary action against a practitioner:

(a) on a ground specified in section 47(1)(a), (c), (d) or (e) unless it has conducted an inquiry in accordance with Division 2; or

(b) on a ground specified in section 47(1)(b) unless it has given the practitioner a reasonable opportunity to make oral or written submissions to it.

(2) The Board may take disciplinary action against a practitioner on a ground referred to in subsection (1) without first conducting an inquiry in accordance with Division 2 or allowing submissions to be made where it:

(a) is satisfied that its failure to take the action might substantially increase the danger to the public; and

(b) intends to hold such an inquiry, or give the practitioner the opportunity to make submissions, as the case may be, as soon as practicable after taking the action.

51 Notification to practitioner

(1) The Board shall, as soon as practicable after taking disciplinary action against a practitioner, serve a notice in writing on the practitioner advising him of:

(a) the action; and

(b) the reasons for the action,

so taken and, where applicable, the requirement specified in subsection (2) or (3).

(2) In the case of a disciplinary action under section 47(1) or 48, the notice under subsection (1) shall include a requirement that the practitioner surrender his registration certificate and practising certificate to the Board before the date specified in the notice.

(3) In the case of a disciplinary action under section 49(1)(a), the notice under subsection (1) shall include a requirement that the fine be paid before such date, being not earlier than 14 days after the date of service of the notice, as is specified in the notice.

(4) Where a practitioner on whom a notice referred to in subsection (3) has been served fails to pay the fine before the date specified in the notice, the Board:

(a) may suspend his registration for such period, not exceeding 6 months, as it thinks fit; and

(b) shall, as soon as practicable after such suspension, serve a notice in writing on the practitioner:

(i) advising him of the suspension; and

(ii) requiring him to surrender his registration certificate and practising certificate to the Board before the date specified in the notice.

(5) Subject to subsection (6) and section 57, where the Board suspends under subsection (4)(a), or cancels or suspends under section 47(1) or 48, the registration of a practitioner, the Registrar shall remove the name of the practitioner from the register.

(6) Where the Registrar has, in pursuance of subsection (5), removed from the register the name of a practitioner whose registration has been suspended, he shall, as soon as practicable after the expiration of the period of suspension, reinsert the name and issue to the practitioner a registration certificate.

(7) Where the name of a practitioner is removed in accordance with this Act from a register, the practising certificate held by the practitioner is thereby cancelled.

(8) A practitioner shall comply with and not contravene a requirement contained in a notice referred to in subsection (2) or (4)(b)(ii) served on him.

Penalty: $500.

Division 2 Inquiries

52 Notice of inquiry

The Board shall not hold an inquiry concerning a practitioner unless notice in writing of its intention to hold the inquiry, containing particulars of the reason for the inquiry, has been served on him not later than 10 days before the holding of the inquiry.

53 Conduct of inquiry

(1) Subject to this Division, the procedure at an inquiry shall be as determined by the Board.

(2) In conducting an inquiry, the Board shall not be bound by the rules of evidence but may inform itself on any matter in such manner as it thinks fit.

(3) A practitioner the subject of an inquiry, or his representative, may:

(a) cross-examine a witness who gives evidence against the practitioner; and

(b) call a witness to give evidence for the practitioner.

(4) A practitioner the subject of an inquiry may give evidence and address the Board on his own behalf.

54 Power to send for witnesses and documents

(1) The Board may, in relation to an inquiry, by notice in writing served on a person, require the attendance of the person before it at a time and place specified in the notice and then and there to give evidence and to produce any books, documents and writings in his custody or control which he is required by the notice to produce.

(2) A person shall comply with and not contravene a notice under subsection (1) served upon him.

Penalty: $1,000 or imprisonment for 6 months.

55 Representation

(1) A practitioner the subject of an inquiry may be represented at the inquiry by:

(a) a legal practitioner; or

(b) an agent.

(2) A legal practitioner or an agent appearing before the Board at an inquiry has the same liabilities, protection and immunity as a legal practitioner has in appearing for a party in proceedings before the Supreme Court.

56 Evidence

(1) A person appearing before the Board to give evidence at an inquiry shall, where required by the Chairman to give sworn evidence, take an oath or make an affirmation.

(2) The Chairman may:

(a) administer an oath or affirmation to a person appearing before the Board to give evidence at an inquiry; and

(b) require a person to answer any question.

(3) Subject to subsection (4), a person shall comply with and not contravene a requirement under subsection (1) or (2)(b).

Penalty for an offence against this subsection: $1,000 or imprisonment for 6 months.

(4) A witness appearing at an inquiry has the same liabilities, protection and immunity as a witness in proceedings before the Supreme Court.

Division 3 Effect of disciplinary action

57 Effect of disciplinary action

(1) Disciplinary action under section 47(1) taken by the Board after conducting an inquiry under Division 2 takes effect:

(a) at the expiration of 28 days after the notice under section 51(1) which relates to the action was served on the practitioner, unless he has, within that period, appealed under Part VI against the action; or

(b) where the Board is satisfied that it is appropriate and so specifies in the notice, on the date of service on the practitioner of the notice under section 51(1).

(2) A disciplinary action referred to in section 45(b) takes effect on the date of service of the notice under section 51(1) which relates to the action on the practitioner.

Part VI Health Practitioners and Allied Professionals Tribunal

58 Health Practitioners and Allied Professionals Tribunal

(1) The Minister may, by notice in the *Gazette*, from time to time establish a tribunal, to be known as the Health Practitioners and Allied Professionals Tribunal, to hear and determine an appeal under section 59.

(2) The Tribunal shall consist of:

(a) a legal practitioner, who shall be the Chairman of the Tribunal, nominated by the Chief Executive Officer, within the meaning of the *Public Sector Employment and Management Act*, of the Northern Territory Attorney-General's Department established under that Act; and

(b) 2 other persons appointed by the Minister.

(3) The persons appointed under subsection (2)(b) to be members of the Tribunal shall:

(a) have practised for not less than 5 years in the category or a category of health practice for which the Board, the decision of which is the subject of the appeal, is established; and

(b) be selected by the Minister from persons nominated by the professional association, if any, for the category.

59 Appeals

A person aggrieved by:

(a) a decision under this Act of the Board;

(b) a refusal under section 24, 25, 26 or 28; or

(c) disciplinary action within the meaning of section 45 taken by the Board,

may appeal to the Tribunal against that decision, refusal or disciplinary action.

60 Form, &c., of appeals

An appeal under section 59 shall:

(a) be in writing;

(b) in the case of an appeal against disciplinary action – be accompanied by the notice under section 51(1) which relates to the action; and

(c) be made, and a copy served on the Board, not later than 28 days after:

(i) in the case of an appeal against disciplinary action – the notice under section 51(1) which relates to the action; or

(ii) in any other case – written advice of the decision or refusal appealed against,

was served on the appellant.

61 Determination of appeal

(1) Where a person appeals under section 59, the Tribunal shall conduct a hearing into the decision, refusal or disciplinary action appealed against.

(2) For the purposes of subsection (1), the Tribunal hearing an appeal has all the powers, duties and functions of the Board in relation to the matter the subject of the appeal and shall determine the appeal by:

(a) confirming or disallowing;

(b) varying in such manner as it thinks fit; or

(c) by substituting its own decision for,

the decision, refusal or disciplinary action appealed against.

62 Effect of determination

(1) Where the Tribunal determines under section 61(2) an appeal, the determination takes effect on the date specified by the Tribunal in its determination.

(2) The relevant Registrar shall do such things as are necessary to give effect to a determination of the Tribunal.

Part VII Offences

63 Misrepresentation

A person who knowingly obtains registration in a category of health practice by a representation that is false in a material particular is guilty of an offence.

Penalty: $1,000 or imprisonment for 6 months.

64 Practitioner to be registered

A person shall not:

(a) practise as a practitioner; or

(b) advertise himself as, or otherwise hold himself out to be, qualified, willing, able or entitled to practise as a practitioner,

in a category of health practice unless he is:

(c) registered as a practitioner; and

(d) the holder of a current practising certificate or provisionally registered,

in that category.

Penalty: $1,000 or imprisonment for 6 months.

65 Use of title, &c.

(1) A person shall not use in a document, sign or notice a title or combination of words likely to suggest or imply that he is qualified to practise in a category of health practice unless he is registered in that category.

(2) A practitioner shall not use or permit to be used in a document, sign or notice used in connection with his practice, a qualification that he claims to have, unless the qualification is written in full.

Penalty for an offence against this section: $1,000 or imprisonment for 6 months.

66 Regulatory offences

An offence of contravening or failing to comply with section 63, 64 or 65 is a regulatory offence.

Part VIII Miscellaneous

67 Service of documents

A notice or other document which, under this Act, is required or permitted to be served on a person, may be so served by:

(a) handing or tendering it to him;

(b) properly addressing and posting it by pre-paid post to him at his last-known or usual place of abode or business; or

(c) leaving it with some person, who has apparently attained the age of 16 years, at the person's last-known or usual place of abode or business.

68 Guidelines

The Board may, in relation to the category or a category of health practice for which it is established, in such manner as it thinks fit, publish guidelines relating to the practise of the category in relation to:

(a) a code of ethics;

(b) professional conduct;

(c) confidentiality of patients' records;

(d) clinical standards of the practice, including equipment used and the layout and construction of premises;

(e) referrals to medical practitioners;

(f) clinical research; and

(g) advertising by practitioners.

69 Regulations

The Administrator may make regulations, not inconsistent with this Act, prescribing matters:

(a) required or permitted by this Act to be prescribed; or

(b) necessary or convenient to be prescribed for carrying out or giving effect to this Act,

and in particular for prescribing the qualifications and experience required for registration as a practitioner.

Part IX Transitional

71 Registration of certain chiropractors

(1) Notwithstanding section 23, a person who was, immediately before the commencement of this Act, ordinarily practising in the Territory as a chiropractor but who would not under that section, but for this subsection, be entitled to apply to the Board for full registration in that category of health practice because he does not hold the relevant qualifications prescribed under Part IV, may apply under that section for full registration and the Board shall accept and consider his application.

(2) Where the Board considers that a person referred to in subsection (1) is sufficiently qualified by experience or otherwise to continue to practise as a chiropractor, it may, in its discretion and on being satisfied that he complies with section 23(b)(ii)(B) and (C), authorize the person's full registration and the Registrar shall, in substitution for the entry in the register referred to in section 27(1)(c), record such information relating to the person's qualifications and experience as the Board directs.

Schedule 1 Chiropractic qualifications

section 35(1)

PART A

Column 1 Institution	Column 2 Award
Chiropractic and Osteopathic College of SA Incorporated	Diploma in Chiropractic and Osteopathy [Awarded prior to 31 December, 1979]
Chiropractic and Osteopathic Institute Incorporated	Diploma in Chiropractic and Osteopathy [Awarded prior to 31 December, 1979]
International College of Chiropractic, Preston Institute of Technology, Victoria	Diploma in Applied Science (Human Biology) and Diploma in Applied Science (Chiropractic) [Awarded prior to 1 January, 1982]
Phillip Institute of Technology, Victoria	Bachelor of Applied Science Degree. Degree in Chiropractic [Awarded after 31 December, 1981]
Sydney College of Chiropractic Ltd with the: (a) University of NSW or (b) University of Sydney or (c) University of Adelaide or (d) University of Melbourne or (e) University of Queensland	Graduate Diploma in Chiropractic [Awarded after 30 November, 1983] and Bachelor of Science (Anatomy)
Chiropractic College of Australasia, Melbourne Sydney College of Chiropractic, Ashfield, New South Wales	Diploma of Chiropractic [Awarded prior to 1978] Diploma of Chiropractic [Awarded prior to 1979]
Sydney College of Chiropractic Limited, Ashfield, New South Wales	Diploma of Doctor of Chiropractic [Awarded prior to 1986]
Pax Chiropractic College	Diploma of Doctor of Chiropractic [Awarded prior to 1970]

PART B

Anglo European College of Chiropractic
Canadian Memorial Chiropractic College
Cleveland College of Chiropractic (Kansas City)
Cleveland College of Chiropractic (Los Angeles)
Life Chiropractic College
Logan Chiropractic College
Los Angeles College of Chiropractic
New York Chiropractic College
North Western College of Chiropractic
Palmer College of Chiropractic
Texas Chiropractic College
Western States Chiropractic College

Schedule 2 Osteopathy qualifications

section 39

Column 1 Institution	Column 2 Award
Phillip Institute of Technology, Victoria	Bachelor of Applied Science Degree. Degree in Osteopathy [Awarded after 31 December, 1990]
The International Colleges of Osteopathy, Randwick, NSW, with the:	
(a) University of NSW or	Graduate Diploma in Osteopathy and Bachelor of Science (Anatomy)
(b) University of Sydney or	
(c) University of Adelaide or	
(d) University of Melbourne or	
(e) University of Queensland	
British School of Osteopathy, London	Diploma of Osteopathy
London College of Osteopathic Medicine, London	Licentiate in Osteopathy
The European School of Osteopathy, Maidstone, Kent	Diploma of Osteopathy

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz* = *Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced
od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

***Health Practitioners and Allied Professionals Registration Act 1985* (Act No. 48, 1985)**
Assent date 26 September 1985
Commenced 17 March 1986 (*Gaz* G9, 5 March 1986, p 4)

***Statute Law Revision Act 1986* (Act No. 64, 1986)**
Assent date 19 December 1986
Commenced 19 December 1986

***Statute Law Revision Act 1987* (Act No. 9, 1987)**
Assent date 27 May 1987
Commenced 27 May 1987

***Health Practitioners and Allied Professionals Registration Amendment Act 1989* (Act No. 3, 1989)**
Assent date 14 March 1989
Commenced 7 April 1989 (*Gaz* S17, 7 April 1989)

***Health Practitioners and Allied Professionals Registration Amendment Act 1993* (Act No. 5, 1993)**
Assent date 18 Mar 1993
Commenced 30 April 1993 (*Gaz* S42, 30 April 1993)

***Public Sector Employment and Management (Consequential Amendments) Act 1993* (Act No. 28, 1993)**
Assent date 30 June 1993
Commenced 1 July 1993 (s 2, s 2 *Public Sector Employment and Management Act 1993* (Act No. 11, 1993 and *Gaz* S53, 29 June 1993)

***Sentencing (Consequential Amendments) Act 1996* (Act No. 17, 1996)**
Assent date 19 April 1996
Commenced s 7: 19 April 1996; rem: 1 July 1996 (s 2, s 2 *Sentencing Act 1995* (Act No. 39, 1995) and *Gaz* S15, 13 June 1996)

Statute Law Revision Act 1996 **(Act No. 42, 1996)**

Assent date	17 September 1996
Commenced	17 September 1996

3 LIST OF AMENDMENTS

s 3	amd No. 3, 1989, s.4
s 4	amd No. 9, 1987 s. 2; No. 3, 1989, s 5; No. 5, 1993, s 4; No. 28, 1993, s 3
s 5	amd No. 3, 1989, s 6
s 6	amd No. 3, 1989, s 7
s 10	amd No. 3, 1989, s 8
s 13	amd No. 3, 1989, s 9
s 14	amd No. 3, 1989, s 10
s 15	amd No. 3, 1989, s 11
s 23	amd No. 3, 1989, s 12
s 34	amd No. 9, 1987, s 2
s 35	sub No. 3, 1989, s 13
s 36 – 37	rep No. 5, 1993, s 5
s 38	amd No. 64, 1986, s 4
s 39	sub No. 3, 1989, s 14
ss 42 – 43	rep No. 5, 1993, s 5
s 47	amd No. 17, 1996, s 6
s 57	amd No. 3, 1989, s 15
s 58	amd No. 3, 1989, s 16; No. 42, 1996, s 6
s 68	amd No. 3, 1989, s 17
s 70	rep No. 3, 1989, s 18
sch 1 – 2	ins No. 3, 1989, s 19