

South Australia

## **Chiropodists Regulations 1989**

under the *Chiropodists Act 1950*

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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Chiropodists Regulations 1989*.

### 2—Commencement

These regulations will come into operation on 1 March, 1989.

### 3—Revocation

The *Chiropodists Regulations 1951* (see *Gazette 20.9.1951 p735*) are revoked.

### 4—Interpretation

In these regulations, unless the contrary intention appears—

*the Act* means the *Chiropodists Act 1950*.

#### Note—

For definition of divisional penalties (and divisional expiation fees) see Appendix.

## Part 2—Election of members of board

### 5—Interpretation

In this Part, unless the contrary intention appears—

*the registrar* means the registrar appointed by the board pursuant to section 19 of the Act.

### 6—Publication of notice of election

- (1) The registrar must publish in a daily newspaper circulating throughout the State a notice setting out the timetable for each election held pursuant to these regulations.
- (2) The timetable must be determined by the registrar in consultation with the board.
- (3) The notice must include the following information—
  - (a) the date (not being less than 14 days after the date of publication of the notice) and the hour by which nominations must be received by the registrar;
  - (b) the date on or before which the registrar will post voting papers to chiropodists;
  - (c) the date (not being less than 14 days nor more than 21 days after the date fixed under paragraph (b)) by which completed voting papers must be returned to the registrar.

### 7—Eligibility to vote

A person whose name appeared on the register on the day preceding the day on which the notice was published, and whose registration was not subject to suspension, is entitled to vote at the election.

### 8—Nominations

A nomination of a candidate for election must be—

- (a) in a form approved by the registrar; and
- (b) signed by the candidate; and
- (c) signed by two other chiropodists; and
- (d) received by the registrar not later than the hour fixed in the notice for the closure of nominations.

### 9—Election without ballot

- (1) If the number of candidates nominated is the same or less than the number of vacancies to be filled by election the registrar must by notice in a daily newspaper circulating throughout the State declare the candidates to be elected to the board.
- (2) If the number of candidates nominated is greater than the number of vacancies to be filled, the following regulations will apply.

## **10—Voting papers**

- (1) The registrar must provide each chiropodist with—
  - (a) a voting paper and an unmarked envelope; and
  - (b) a second envelope addressed to the registrar in which to return the completed voting paper.
- (2) The names of the candidates must appear on the voting paper in alphabetical order of surname.
- (3) Every voting paper must be initialled by the registrar or by a person authorised for that purpose by the registrar.
- (4) The registrar may provide a chiropodist with a voting paper and envelopes by posting them to the chiropodist at his or her last known address.

## **11—Electoral material**

- (1) Subject to this regulation, the registrar must, at the request of a candidate, include with voting papers provided to chiropodists, material provided by the candidate promoting the candidate's election to the board.
- (2) Such material must be provided to the registrar on or before the date of closure of nominations.
- (3) The material must not include—
  - (a) more than 200 words; nor
  - (b) more than one photograph,and may be printed by the registrar in such form as he or she thinks fit.

## **12—Voting**

A chiropodist who wishes to vote at an election—

- (a) must indicate on the voting paper the candidate to whom the chiropodist gives his or her first preference and may indicate the order of his or her preference for the other candidates (if any) in accordance with instructions appearing on the voting paper; and
- (b) must place the voting paper in the unmarked envelope provided, place the envelope inside the second envelope addressed to the registrar, seal the second envelope and sign it; and
- (c) must print his or her full name in block letters next to the signature; and
- (d) must return the envelope to the registrar not later than the date fixed in the notice for the closure of the poll.

## **13—Scrutineers**

The registrar may permit such scrutineers (who are not candidates for election to the board) as he or she thinks fit to be present at the counting of votes.

**14—Counting of votes**

The following provisions apply to the counting of votes at an election:

- (a) after counting first preferences, the candidate with the fewest first preferences must be excluded;
- (b) if more candidates remain than the number of vacancies to be filled, each voting paper counted to the excluded candidate must be counted to the candidate (if any) next in order of the voter's preference;
- (c) this process must be continued until the number of candidates remaining equals the number of vacancies to be filled;
- (d) in the event that two or more candidates have an equal number of votes and one or more of them must be excluded, the registrar must determine the question by lot.

**15—Declaration of election**

When the number of candidates remaining is equal to the number of vacancies to be filled, the registrar must (within 14 days of the date fixed in the notice for the closure of the poll) by notice in a daily newspaper circulating throughout the State declare that the candidate or candidates has or have been elected to the board.

**Part 3—Administration****16—Proceedings of the board**

- (1) The board will cause accurate minutes to be kept of the business conducted at its meetings.
- (2) The registrar will have custody of the common seal.
- (3) The common seal must not be affixed to any document except by the authority of a resolution of the board and in the presence of one member of the board and of the registrar.
- (4) Where an apparently genuine document purports to bear the common seal of the board, it will be presumed in legal proceedings, in the absence of proof to the contrary, that the document has been duly executed by the board.

**Part 4—Registration of chiropodists****17—Application for registration**

An application for registration as a chiropodist under section 28 of the Act must be made in the form set out in the Schedule 1.

**18—Fees**

The following fees are prescribed for the purposes of sections 29 and 40 of the Act in relation to registration as a chiropodist:

- |                         |           |
|-------------------------|-----------|
| (a) application fee     | \$175.00  |
| (b) annual subscription | \$175.00. |

## 19—Display of certificate of registration

- (1) A registered chiropractor must display his or her current certificate of registration or a copy of the certificate at each of the premises at which he or she practises chiropractic.
- (2) The notice must be displayed in a manner and position that is likely to attract the attention of patients who consult the chiropractor.

## 20—Notification of change of address of practice

A registered chiropractor must advise the board in writing within 14 days of any change of address of any premises at which he or she practises chiropractic.

## 21—Prescribed additional qualifications

The following degrees, diplomas and qualifications are prescribed pursuant to section 26 of the Act:

- (a) any University degree or diploma related to the practice of chiropractic; and
- (b) any health degree, diploma or other qualification from an institution recognised by the board; and
- (c) membership of any association established in any State of the Commonwealth affiliated with the Australian Podiatry Council; and
- (d) any qualification achieved by an examination approved by the board of the Australian Academy of Podiatric Sports Medicine or the Australian College of Surgical Podiatrists.

# Part 5—Equipment and facilities

## 22—Interpretation

In this Part, unless the contrary intention appears—

*premises* means those rooms or areas within a building that are used by a chiropractor for the practice of chiropractic.

## 23—Prescribed equipment and facilities

- (1) Subject to this Part, a chiropractor must not practise chiropractic in any premises unless those premises comply with the requirements of this regulation and are provided with the equipment and facilities prescribed by this regulation.
- (2) The premises in which a chiropractor practises chiropractic must include—
  - (a) a waiting or reception room furnished with adequate seating for patients; and
  - (b) at least one room that is set aside and is suitable for the practice of chiropractic.
- (3) The premises must be supplied with hot and cold running water.
- (4) Every room set aside for the practice of chiropractic must be—
  - (a) at least four square metres in area; and
  - (b) adequately lit and ventilated; and
  - (c) provided with hygienic storage space for dressings and medicinal substances; and

- (d) provided with sufficient power outlets for the safe operation of electrical equipment; and
  - (e) maintained in a clean and hygienic condition; and
  - (f) equipped with a patient chair, bench or couch of a type approved by the board for the practice of chiropody.
- (5) The premises in which a chiropodist practises chiropody must be equipped with sterile surgical instruments and equipment that are suitable and necessary for practising chiropody.

## **24—Nursing homes etc**

- (1) Chiropody practised at a hospital or nursing home must be performed in a suitable room that is adequately lit and ventilated and is maintained in a clean and hygienic condition.
- (2) Chiropody practised in a private home must be performed in a suitable room with adequate lighting and the area immediately surrounding the patient must be in a clean and hygienic condition or covered with a clean coversheet.
- (3) A chiropodist who treats a patient at a hospital or nursing home or private home must ensure—
  - (a) that all dressings and medicinal substances that he or she uses to treat patients have been hygienically stored; and
  - (b) that suitable surgical instruments and equipment that are sterile are available for his or her use at the hospital, nursing home or private home.
- (4) A chiropodist must not practise chiropody in contravention of this regulation.

## **25—Mobile clinics**

Regulation 23 applies in relation to chiropody practised from mobile premises except that—

- (a) a waiting or reception room is not required; and
- (b) a room set aside for the practice of chiropody is not required.

## **26—Hygienic storage of dressings etc**

A chiropodist must store dressings and medicinal substances in hygienic conditions inside a suitable storage unit.

# **Part 6—The Chiropody Code**

## **27—Code of professional ethics**

Chiropodists must comply with the code of professional ethics set out in Schedule 2.

## Part 7—Miscellaneous

### 28—Fines

Any person who contravenes or fails to comply with these regulations is guilty of an offence.

Penalty: Division 11 fine.

## Schedule 1—Application for registration

(Regulation 17)

To: The Chiropody Board of South Australia

I ..... of .....  
apply to be registered as a chiropodist under the *Chiropodists Act 1950* and provide the following information:

- (a) Full name of applicant .....
- (b) Date of birth .....
- (c) Place of residence .....
- (d) Length of residence in South Australia.....
- (e) Full particulars of any certificates, degrees, or diplomas held.....  
.....
- (f) If in, or intending to be in, public practice for fee or reward—
  - (i) Name under which you practise, or intend to practise .....
  - (ii) Address of practice or intended practice.....
  - (iii) Date or intended date of commencement of practice.....
  - (iv) If not in practice for whole of previous financial year, indicate period of public practice.....
- (g) Name and address of two referees .....

Note: The applicant must enclose two character references with this application.

## Schedule 2—The Chiropody Code

### 1—Citation

This code may be referred to as *the Chiropody Code*.

### 2—Interpretation

In this code, unless the contrary intention appears—

***the Act*** means the *Chiropodists Act 1950*;

***country town*** means a municipality or township (as defined in the *Local Government Act 1934*) the whole of which is situated more than 32 kilometres from the General Post Office, Adelaide;

***premises*** includes mobile clinics.



### **3—Advertising**

A chiropodist must not advertise his or her services or professional practice otherwise than in accordance with this code.

### **4—Prohibition on publication of derogatory or untrue statements**

- (1) A chiropodist must not publish or cause the publication of—
  - (a) any statement derogatory of any other chiropodist with respect to the practice of his or her profession; or
  - (b) any false or misleading statement relating to the practice of chiropody.
- (2) Subclause (1)(a) does not apply to statements made by a chiropodist where he or she is required by law to give evidence before any court, tribunal, or other body.

### **5—Publication of notices**

- (1) A chiropodist may advertise—
  - (a) that he or she has taken over the practice of another chiropodist, or that another chiropodist has taken over his or her practice; or
  - (b) that he or she has commenced practice or has moved the place of his or her practice; or
  - (c) that he or she has commenced or ceased practice in partnership with another chiropodist; or
  - (d) that he or she has ceased or resumed practice.
- (2) The advertisement must—
  - (a) appear only in the public or professional notice columns of a newspaper or journal circulating in the State; and
  - (b) appear over a period not longer than three months; and
  - (c) not contain any information other than the following:
    - (i) the name of the chiropodist and the address where he or she may be consulted;
    - (ii) the chiropodist's qualifications as set out in the register kept pursuant to the Act;
    - (iii) the chiropodist's hours of attendance;
    - (iv) the chiropodist's telephone number;
    - (v) the title "Podiatrist", "Chiropodist", or a combination of those titles; and
  - (d) not—
    - (i) contain any unusual printing; or
    - (ii) appear more than once in any issue of the newspaper or journal; or
    - (iii) contain any graphic display; or
    - (iv) exceed a single column in width or more than three centimetres in depth; or

- (v) appear in a type size or density exceeding 12 point light face.

## **6—Advertising in country newspapers**

- (1) A chiropodist who visits a country town for professional purposes may publish a notice in a newspaper or journal circulating in that town.
- (2) The notice must not contain any information other than the following:
  - (a) the name of the chiropodist and the address where he or she may be consulted in that country town; and
  - (b) the chiropodist's qualifications as set out in the register kept pursuant to the Act; and
  - (c) the chiropodist's hours of attendance at the country town; and
  - (d) the chiropodist's times of arrival at, and departure from, the country town; and
  - (e) the chiropodist's telephone number; and
  - (f) the title "Podiatrist", "Chiropodist" or a combination of those titles.
- (3) A notice published under this clause must comply with the requirements of clause 5(2)(d) of this code, except that where it is necessary to advertise visits to more than one country town, the notice may exceed three centimetres in depth.

## **7—Display of signs etc**

A chiropodist must not display any sign or plate in relation to his or her professional practice otherwise than in accordance with this code.

## **8—Restrictions on display of signs or plates**

- (1) A chiropodist may display a sign or plate in each of the following places:
  - (a) attached to the outside of any premises in which he or she carries on practice; and
  - (b) where the chiropodist is the occupant of a portion only of a building in which he or she carries on practice, attached to or painted on an interior access door in such a building.
- (2) The sign or plate must—
  - (a) not exceed an overall length of 50 centimetres nor a height of 30 centimetres;
  - (b) not contain letters that exceed eight centimetres in height;
  - (c) not contain any information other than the following:
    - (i) the name of the chiropodist; and
    - (ii) the chiropodist's qualifications as set out in the register kept pursuant to the Act; and
    - (iii) the chiropodist's hours of attendance; and
    - (iv) the chiropodist's telephone number; and

- (v) the title "Podiatrist", "Chiropodist" or a combination of those titles (but so that the title is next to the name of the chiropodist and is not in a type size larger than the type size of the name of the chiropodist); and
  - (vi) where the chiropodist is the occupant of a portion only of a building in which he or she carries on practice, a description of the precise location of the chiropodist's premises within the building.
- (3) A chiropodist may display an additional sign or plate (not exceeding an overall length of 100 centimetres or a height of 20 centimetres) outside of any premises in which he or she carries on practice bearing the title "Podiatrist", "Chiropodist" or a combination of those titles.
- (4) Where a chiropodist has taken over a practice formerly carried on by another chiropodist, and carries on his or her practice in the premises where that other chiropodist formerly practised, the chiropodist may display the name of such other chiropodist on a sign or plate outside the premises for a period of one year from the time when he or she took over the practice, but that sign or plate must comply with the requirements of subclause (2) relating to size and lettering.
- (5) Where a chiropodist is the occupant of a portion only of a building the chiropodist may, with the prior approval of the board, permit his or her name to be displayed—
  - (a) in a directory of occupants maintained in the building; and
  - (b) on such other signs or notices (that do not exceed an overall length of 100 centimetres or a height of 20 centimetres) that are necessary to enable members of the public to locate the chiropodist's rooms.
- (6) A chiropodist must not display in connection with his or her professional premises—
  - (a) any sign or plate that the board has directed the chiropodist to remove; or
  - (b) any showcase or similar display exhibiting items for sale.

## **9—Display of signs in country towns**

A chiropodist who intends visiting a country town for professional purposes may at any time within two weeks before commencing to consult in that town, attach a sign not exceeding 50 centimetres in length and 30 centimetres in height outside of the premises where he or she intends practising, stating the chiropodist's days and hours for attendance in that town.

## **10—Prohibition on display of fees**

A chiropodist must not display within his or her professional premises any sign setting out the fees payable for particular services provided by him or her that is visible to a person outside of those premises.

## **11—Directory entries**

A chiropodist must not cause his or her name to appear in a telephone or other directory in a type more prominent than that ordinarily used for private subscribers.

## **12—Appointment cards**

- (1) A chiropodist may issue an appointment card to his or her patients.

- (2) The card may state the chiropractor's name, address, telephone number, qualifications (as set out in the register kept pursuant to the Act) and any details relating to the relevant appointment.

### **13—Posting of notices to patients**

A chiropractor may send a notice in relation to his or her professional practice to his or her patients or to another chiropractor.

### **14—Employed chiropractors not to approach former employer's patients**

A chiropractor who is, or has been, employed by another chiropractor must not approach any patient that the employee has attended during his or her employment for the purpose of informing the patient that he or she intends leaving or has left his or her employment.

### **15—Prohibition on personal endorsements etc**

- (1) Subject to subclause (2), no chiropractor may—
- (a) permit his or her name to appear on foot appliances, preparations, shoes or other articles that are offered for sale to the public;
  - (b) permit any personal recommendation of any medical, surgical or other appliance or any medicinal or other preparation to be published in writing or by means of the electronic media;
  - (c) permit any letter or report of any interview in relation to diseases or treatments of the feet to be published under his or her name, except in such official or technical publications as are approved by the board;
  - (d) make any statement or give any interview or a report relating to the practice of chiroprody or to diseases or treatments of the feet that is intended for publication or public broadcast.
- (2) Paragraphs (c) and (d) of subclause (1) do not operate to prevent—
- (a) the chairman of The Chiroprody Board of South Australia; or
  - (b) the president of the Australian Podiatry Association (South Australia); or
  - (c) the Head of Chiroprody at an academic institution approved by the board; or
  - (d) any person authorised by the chairman of the board or the president of the Australian Podiatry Association (South Australia),
- from acting in his or her own name in that capacity.

### **16—Prohibition on soliciting patients etc**

A chiropractor must not—

- (a) solicit patients or work; or
- (b) pay a commission, or any other form of remuneration or give a discount to any person for the introduction of patients; or
- (c) share fees with any other person who is not a partner or employee of the chiropractor.

## **17—Prohibition on sharing profits with unregistered persons etc**

A chiropodist must not—

- (a) enter into any agreement with an unregistered person for the sharing of profits from the practice of chiropody; or
- (b) by his or her assistance or co-operation, enable an unregistered person to practice chiropody for fee or reward, contrary to section 27 of the Act.

## **18—Honour and status of profession to be upheld etc**

Every chiropodist must—

- (a) do his or her utmost to maintain and uphold the honour and status of the chiropody profession; and
- (b) refrain from any conduct that is or may be detrimental to the honour or interests of the chiropody profession or is calculated to bring the profession into disrepute.

## Legislative history

### Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes.

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
1989	23	<i>Gazette 16.2.1989 p475</i>	1.3.1989: r 2
1995	78	<i>Gazette 10.5.1995 p2052</i>	1.7.1995: r 2
1996	66	<i>Gazette 9.5.1996 p2467</i>	1.7.1996: r 2
1997	135	<i>Gazette 22.5.1997 p2664</i>	1.7.1997: r 2
1998	146	<i>Gazette 25.6.1998 p2725</i>	1.7.1998: r 2
1999	115	<i>Gazette 17.6.1999 p3125</i>	1.7.1999: r 2
2000	39	<i>Gazette 18.5.2000 p2611</i>	1.7.2000: r 2
2001	22	<i>Gazette 22.3.2001 p1042</i>	1.7.2001: r 2
2002	41	<i>Gazette 6.6.2002 p2101</i>	1.7.2002: r 2
2003	22	<i>Gazette 13.3.2003 p950</i>	1.7.2003: r 2
2003	147	<i>Gazette 12.6.2003 p2500</i>	12.6.2003: r 2
<b>2004</b>	<b>12</b>	<b><i>Gazette 4.3.2004 p649</i></b>	<b>1.7.2004: r 2</b>

### Provisions varied

New entries appear in bold.

Provision	How varied	Commencement
Pt 1	heading relocated to precede r 1 by 147/2003 Sch 1	12.6.2003
Pt 4		
r 18	varied by 78/1995 r 3	1.7.1995
	varied by 66/1996 r 3	1.7.1996
	varied by 135/1997 r 3	1.7.1997
	varied by 146/1998 r 3	1.7.1998
	varied by 115/1999 r 3	1.7.1999
	varied by 39/2000 r 3	1.7.2000
	varied by 22/2001 r 3	1.7.2001
	varied by 41/2002 r 3	1.7.2002
	varied by 22/2003 r 4	1.7.2003
Sch 1	heading substituted by 147/2003 Sch 1	12.6.2003

## Appendix—Divisional penalties and expiation fees

At the date of publication of this reprint divisional penalties and expiation fees are, as provided by section 28A of the *Acts Interpretation Act 1915*, as follows:

Division	Maximum imprisonment	Maximum fine	Expiation fee
1	15 years	\$60 000	—
2	10 years	\$40 000	—
3	7 years	\$30 000	—
4	4 years	\$15 000	—
5	2 years	\$8 000	—
6	1 year	\$4 000	\$300
7	6 months	\$2 000	\$200
8	3 months	\$1 000	\$150
9	—	\$500	\$100
10	—	\$200	\$75
11	—	\$100	\$50
12	—	\$50	\$25

*Note: This appendix is provided for convenience of reference only.*