

South Australia

## **Chiropodists Regulations 2004**

under the *Chiropodists Act 1950*

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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Chiropodists Regulations 2004*.

### 2—Commencement

These regulations will come into operation on 1 September 2004.

### 3—Interpretation

In these regulations, unless the contrary intention appears—

*Act* means the *Chiropodists Act 1950*;

*chiropodist* means a registered chiropodist;

*public notice* means a notice published in a newspaper circulating generally throughout the State;

*registrar* means the person for the time being holding or acting in the office of registrar of the board;

*voter* means a chiropodist who is eligible to vote in elections under these regulations.

## Part 2—Election of chiropodist members of board

### 4—Elections to be conducted by registrar

An election to be held for the purposes of section 7 of the Act will be conducted by the registrar in accordance with these regulations.

### 5—Public notice of election

The registrar must—

- (a) in consultation with the board, determine a timetable for an election; and
- (b) publish the timetable by public notice setting out—

- (i) 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; and
- (ii) the date on or before which the registrar will post ballot papers to voters; and
- (iii) the date (not being less than 14 days or more than 21 days after the date fixed under subparagraph (ii)) by which completed ballot papers must be returned to the registrar.

## **6—Eligibility to vote**

A chiropodist is entitled to vote in an election under these regulations if—

- (a) his or her name appeared on the register on the day immediately preceding publication of public notice of the election timetable; and
- (b) his or her registration was not, on that day, subject to suspension.

## **7—Nominations**

- (1) A chiropodist is eligible to be a candidate for election as a member of the board if he or she is entitled to vote in the election.
- (2) A nomination of a candidate for election must—
  - (a) be in a form approved by the registrar; and
  - (b) be signed by the candidate and 2 other chiropodists who are eligible to vote in the election; and
  - (c) be received by the registrar not later than the hour fixed in the public notice of the election timetable for the closure of nominations.

## **8—Election without ballot**

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 public notice, declare the candidates to be elected as members of the board.

## **9—Election with ballot**

If the number of candidates nominated exceeds the number of vacancies to be filled by election, a ballot must be held in accordance with these regulations to fill the relevant vacancies.

## **10—Ballot papers**

- (1) The registrar must provide each voter with—
  - (a) a ballot paper initialled by the registrar or by a person authorised for that purpose by the registrar; and
  - (b) an unmarked envelope; and
  - (c) a second envelope addressed to the registrar in which to return the completed ballot paper.
- (2) The names of the candidates must appear on the ballot paper in alphabetical order of surname.

- (3) The registrar may provide a voter with a ballot paper and envelopes by posting them to the voter 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 ballot papers provided to voters, material provided by the candidate promoting the candidate's election as a member of the board.
- (2) Such material must be provided to the registrar on or before the date of closure of nominations.
- (3) The material—
  - (a) must not include more than 200 words or more than 1 photograph;
  - (b) may be printed by the registrar in such form as the registrar thinks fit.

### **12—Voting**

To vote in an election, a voter—

- (a) must indicate on the ballot paper the candidate to whom the voter 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 ballot paper); and
- (b) must place the ballot 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 election timetable 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 ballot 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 2 or more candidates have an equal number of votes and 1 or more of them must be excluded, the registrar must determine the question by lot.

### **15—Public notice of election results**

The registrar must, by public notice, declare the successful candidates in the ballot to be elected as members of the board.

## **Part 3—Registration**

### **16—Additional qualifications**

For the purposes of section 26 of the Act, the following qualifications are prescribed:

- (a) a degree or diploma related to the practice of chiropody conferred by a university;
- (b) a degree, diploma or other qualification related to health conferred by an educational or training institution recognised by the board;
- (c) membership of a State or Territory association or other body affiliated with the Australian Podiatry Council;
- (d) a qualification achieved by successful completion of an examination approved by the board of the Australasian Academy of Podiatric Sports Medicine or the Australasian College of Podiatric Surgeons.

### **17—Application for registration**

For the purposes of section 28(1) of the Act, the form set out in Schedule 1 is prescribed.

### **18—Fees**

For the purposes of section 29 of the Act, the fees set out in Schedule 2 are prescribed.

### **19—Display of certificate of registration**

A chiropodist must, at each premises at which he or she practises chiropody, display his or her current certificate of registration (or a copy of that certificate) in such a manner and position that the certificate is likely to attract the attention of patients who consult the chiropodist.

Maximum penalty: \$100.

### **20—Notification of change of practice address**

A chiropodist must, within 14 days of any change in the address at which the chiropodist practises chiropody, notify the board in writing of the change.

Maximum penalty: \$100.

## **Part 4—Chiropody practice**

### **21—Code of professional ethics**

The Code set out in Schedule 3 is prescribed as a code of professional ethics to be observed and obeyed by all chiropodists.

## 22—Prescribed equipment and facilities

- (1) In this regulation—
- premises* means any room or area within a building that is used by a chiropractor for the practice of chiropractic and includes mobile premises.
- (2) A chiropractor must not practise chiropractic except in premises that comply with this regulation and are provided with the equipment and facilities prescribed by this regulation.
- Maximum penalty: \$100.
- (3) Premises (other than mobile 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 1 room that is set aside for the purposes of, and is suitable for, the practice of chiropractic.
- (4) A room that is set aside for the practice of chiropractic must be—
- (a) at least 4 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 chiropractic.
- (5) Premises in which a chiropractor practises chiropractic must—
- (a) be supplied with hot and cold running water; and
  - (b) be equipped with sterile surgical instruments and equipment that are suitable and necessary for practising chiropractic.

## 23—Hygienic storage of dressings and medicinal substances

A chiropractor must store dressings and medicinal substances used in the practice of chiropractic in hygienic conditions inside a suitable storage unit.

Maximum penalty: \$100.

## 24—Chiropractic in hospitals, nursing homes or private homes

- (1) A chiropractor must not practise chiropractic in a hospital, nursing home or private home except in a room that complies with this regulation.
- Maximum penalty: \$100.
- (2) A room in a hospital, nursing home or private home to be used for the practice of chiropractic must—
- (a) be suitable for that purpose; and

- (b) be adequately lit; and
  - (c) in the case of a room in a hospital or nursing home—
    - (i) be adequately ventilated; and
    - (ii) be maintained in a clean and hygienic condition.
- (3) A chiropodist must not practise chiropody in a private home unless the area immediately surrounding the patient is in a clean and hygienic condition or is covered with a clean cover sheet.  
Maximum penalty: \$100.
- (4) A chiropodist who practises chiropody in a hospital, 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 or home.
- Maximum penalty: \$100.

## **Part 5—Board administration**

### **25—Minutes to be kept of board meetings**

The board must cause accurate minutes to be kept of the business conducted at its meetings.

### **26—Common seal and execution of documents**

- (1) The registrar has custody of the common seal of the board.
- (2) The common seal of the board must not be affixed to any document except by the authority of a resolution of the board and in the presence of 1 member of the board and of the registrar.
- (3) 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.

## Schedule 1—Application for registration

To: The Chiropractic Board of South Australia

I ..... of .....  
apply to be registered as a chiropractor under the *Chiropractors 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—Fees

1 Application for registration	\$180
2 Annual subscription	\$180

## Schedule 3—Chiropractic Code

### 1—Short title

This code may be cited as the *Chiropractic Code 2004*.

### 2—Prohibition on publication of derogatory or untrue statements

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



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

A chiropodist must not display within premises at which the chiropodist practises chiropody 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.

### **4—Employed chiropodists not to approach former employer's patients**

A chiropodist who is, or has been, employed by another chiropodist 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.

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

- (1) A chiropodist must not, without the approval of the board—
  - (a) permit his or her name to appear on foot appliances, preparations, shoes or other articles that are offered for sale to the public; or
  - (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.
- (2) A chiropodist must not—
  - (a) 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; or
  - (b) make any statement or give any interview or a report relating to the practice of chiropody or to diseases or treatments of the feet that is intended for publication or public broadcast.
- (3) Subclause (2) does not operate to prevent—
  - (a) the chairman of The Chiropody Board of South Australia; or
  - (b) the president of the Australian Podiatry Association (South Australia); or
  - (c) the Head of Podiatry at an academic institution approved by the board; or
  - (d) a person authorised by the president of the Australian Podiatry Association (South Australia),

acting in his or her own name in that capacity.

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

A chiropodist 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 a person other than a partner or employee of the chiropodist.

## **7—Prohibition on sharing profits with unregistered person etc**

A chiropodist must not—

- (a) enter into an agreement with a person who is not a chiropodist for the sharing of profits from the practice of chiropody; or
- (b) by his or her assistance or co-operation, enable a person who is not a chiropodist to practise chiropody in contravention of section 27 of the Act.

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

A chiropodist must—

- (a) do his or her utmost to maintain and uphold the honour and status of the chiropody profession; and
- (b) refrain from 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.

# **Schedule 4—Revocation of *Chiropodists Regulations 1989***

## **1—Revocation**

The *Chiropodists Regulations 1989* are revoked.

### **Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

## **Made by the Governor**

on the recommendation of The Chiropody Board of South Australia and with the advice and consent of the Executive Council  
on 26 August 2004

No 180 of 2004

DHSCS04/52