[*Reprinted on the 3rd February, 1976, pursuant to the Acts Republication Act, 1967, as amended, and incorporating all amendments made prior to that date.*]

CHIROPODISTS ACT, 1950-1973

being

Chiropodists Act, 1950, No. 56 of 1950 [Assented to 7th December, 1950][1];

as amended by

Chiropodists Act Amendment Act, 1969, No. 87 of 1969 [Assented to 11th December, 1969][2];

and

Statute Law Revision Act, 1973, No. 77 of 1973 [Assented to 6th December, 1973].

An Act to provide for the registration of chiropodists and for other matters incidental thereto.

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

PART I

PART I

PRELIMINARY

Short title.
Citation amended by 77, 1973, s. 3 (1) (2nd Sched.).

1. This Act may be cited as the "Chiropodists Act, 1950-1973".

Commencement.

2. This Act shall come into operation on a day to be fixed by proclamation[1].

Arrangement of Act.
S. 3 amended by 77, 1973, s. 3 (1) (2nd Sched.).

3. This Act is divided into parts as follows:—

PART I—Preliminary. Sections 1 to 5.

PART II—Administration. Sections 6 to 21a.

PART III—Registration of chiropodists. Sections 22 to 34.

PART IV—Chiropody clinics. Sections 35 to 39.

PART V—Miscellaneous. Sections 40 to 47.

Interpretation.

4. In this Act, unless the context otherwise requires or some other meaning is clearly intended—

"the board" means The Chiropody Board of South Australia:

"chiropody" means the diagnosis and treatment by medical, surgical, electrical, mechanical or manual methods or by any proclaimed treatment of ailments or abnormal conditions of the parts of the human body below the knee:

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[1] Came into operation on 2nd July, 1951: *Gaz.* 10th May, 1951, p. 1033.
[2] Came into operation upon the expiration of six months after the day on which it was assented to: *see* No. 87, 1969, s. 2.

"chiropody clinic" means premises on which registered chiropodists are employed by an unregistered person, for the purpose of affording chiropody treatment either to members of the public or to any particular class of persons:

Def. inserted by 87, 1969, s. 3.

"diploma or certificate in chiropody of the South Australian Institute of Technology" means a diploma or certificate issued by, or under the authority of, the South Australian Institute of Technology certifying that the person named therein has successfully completed the course of training in chiropody conducted by that Institute:

"member" means member of the board and includes chairman:

"the register" means the register of chiropodists kept pursuant to this Act:

"registered chiropodist" means a person registered under this Act:

"proclaimed treatment" means any treatment which the Governor by proclamation declares to be a proclaimed treatment for the purpose of this Act.

Proclaimed treatment.

5. The Governor may by proclamation—

(*a*) declare any treatment applicable to the parts of the human body below the knee for the purpose of treating any ailment or abnormal condition thereof to be a proclaimed treatment for the purpose of this Act;

(*b*) revoke or vary any proclamation for the time being in force under this section.

PART II

ADMINISTRATION

The Chiropody Board of South Australia

Establishment of board.

6. (1) There shall be established a board to be called "The Chiropody Board of South Australia".

(2) The board shall be a body corporate with perpetual succession and a common seal, and may in its corporate name, sue, and be sued, purchase, hold and dispose of land and other property for the purposes of this Act.

(3) The board shall consist of six members appointed or elected in accordance with this Act.

(4) The board shall be deemed to be established on the day when the notice of the appointment of the first members thereof is published in the *Gazette*.

Members of board.

7. (1) The board shall consist of—

Para. (a) amended by 77, 1973, s. 3 (1) (2nd Sched.).

(*a*) an orthopaedic surgeon appointed by the Governor on the nomination of the Australian Medical Association (South Australian Branch);

Para. (b) amended by 87, 1969, s. 4 (a).

(*b*) a person appointed by the Governor on the nomination of the Council of the South Australian Institute of Technology;

(*c*) four other members (hereinafter called "chiropodist members") being persons practising chiropody as a means of livelihood, and appointed or elected as hereinafter provided.

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Subsec. (2) struck out by 87, 1969, s. 4 (b).

(3) Every chiropodist member shall be a registered chiropodist elected by registered chiropodists in accordance with this Act and the regulations.

Subsec. (3) amended by 87, 1969, s. 4 (c).

(4) At the first meeting held after the thirtieth day of June in each year and whenever a casual vacancy in the office of chairman occurs, the board shall elect one of its members to hold office as chairman until the next following thirtieth day of June and thereafter until his successor is elected.

Term of office.

8. (1) Subject to this Act, each member of the board shall hold office until the thirtieth day of June in the third year after the year of his appointment:

Subsec. (1) amended by 87, 1969, s. 5.

(2) A member appointed or elected to fill a casual vacancy shall hold office for the unexpired portion of the term of the member in whose place he was appointed.

(3) If the term of office of a member expires by effluxion of time before his successor is appointed or elected, he shall remain in office until his successor is appointed or elected.

Appointments to casual vacancies.

9. Upon the occurrence of a casual vacancy on the board a person shall be appointed or elected to the vacancy in the same manner as the member whose seat has become vacant.

Time and mode of elections and appointments.

10. (1) Every appointment or election of a member (not being a member appointed to fill a casual vacancy) shall be made or held during the period of two months preceding the last day of the term of his predecessor, and shall take effect as from the day following that last day.

Subsec. (1) amended by 87, 1969, s. 6.

(2) Every appointment or election of a member to fill a casual vacancy shall be made or held as soon as possible after the casual vacancy has occurred.

(3) An appointment or election shall not be invalid by reason only of any delay in making or holding it.

(4) If, within two months after the occurrence of a vacancy on the board, a person is not duly elected or appointed to fill that vacancy, the Governor may, if he thinks it expedient to do so, appoint a person to fill the vacancy, and every person so appointed shall hold office as if he had been duly elected or appointed at the proper time.

Casual vacancies.

11. If a member of the board—

(*a*) dies;

(*b*) resigns by written notice given to the Minister;

(*c*) ceases to reside in South Australia;

Para. (d) amended by 87, 1969, s. 7.

(*d*) becomes a bankrupt, makes an assignment or executes a deed of arrangement for the benefit of his creditors, or makes a composition with his creditors for less than one hundred cents in the dollar;

(*e*) absents himself without permission of the board from four consecutive meetings of the board and is declared by resolution of the board to have forfeited his seat;

(*f*) is removed from the board by the Governor pursuant to this Act;

(*g*) being an elected chiropodist member, ceases to be a registered chiropodist,

his seat shall thereupon become vacant.

Removal of members from board.

12. The Governor may remove any member of the board from his office for insanity, neglect of duty, incapacity, dishonourable conduct, or other cause deemed sufficient by the Governor.

The chairman.

13. The chairman shall preside at every meeting of the board at which he is present. In the absence of the chairman from any meeting, another member, chosen for the purpose by the majority of the members present and voting, shall preside.

Quorum.

14. Three members shall constitute a quorum of the board.

Defects in appointment not to invalidate proceedings of board.

15. (1) No act or proceeding of the board shall be invalid or illegal in consequence only of the number of the members not being complete at the time of such act or proceeding.

(2) All acts and proceedings of the board shall, notwithstanding the subsequent discovery of any defect in the election or appointment of any member thereof, or that any member was disqualified or disentitled to act, be as valid as if such member had been duly elected or appointed and was qualified and entitled to act, and as if the board had been properly and fully constituted.

Remuneration of members.

16. The members shall be entitled to receive out of the funds of the board such remuneration for their services and such travelling and other expenses as are approved by the Governor.

General powers of board.

17. The board may do all or any of the following things:—

(*a*) purchase or take on lease any land or buildings required for the offices of the board;

(*b*) sell, demise, exchange, mortgage or otherwise dispose of any real or personal property vested in it;

(*c*) borrow money for the provision of offices and furniture and for preliminary expenses;

(*d*) invest monies not presently required, in such securities and in such manner as the board determines;

Para. (e) inserted by 87, 1969, s. 8.

(*e*) appoint and dismiss officers and servants, to prescribe the conditions of their employment, and to provide for the payment of remuneration, allowances and expenses to them out of the funds of the board.

Accounts and audit.

18. (1) The board shall keep proper accounts of all its income and expenditure and shall prepare a statement of such income and expenditure and a balance-sheet at least once a year.

(2) The board shall, at all times, keep a copy of its last statement of income and expenditure and balance-sheet affixed in a conspicuous place in that part of its office which is open to the public.

Subsec. (3) amended by 87, 1969, s. 9.

(3) The board shall cause its accounts to be properly audited at least once a year by an auditor holding an auditor's licence under the Companies Act, 1962-1968[1].

[1] Now Companies Act, 1962-1974.

Registrar and officers.

19. (1) The board shall appoint a registrar and may appoint any other officers whom the board deems it necessary to appoint for the purposes of this Act.

(2) The registrar and officers shall act under the control of the board and shall receive such remuneration from the funds of the board as the board determines.

Meetings of board.

20. (1) The first meeting of the board shall be convened by the Minister and thereafter meetings shall be convened and held at the times and places determined by the board: Provided that the chairman may, on reasonable notice to members of the board, call a meeting at any time.

(2) Subject to the provisions of this Act, the business of the board shall be conducted in such manner as the board determines.

Examinations.

21. The board shall, as necessity arises, conduct practical examinations of persons who desire to undergo such examinations in order to qualify for registration.

Inspection of chiropodists' premises, etc.
S. 21a enacted by 87, 1969, s. 10.

21a. (1) An officer or servant of the board, acting under the authority in writing of the board, may enter and inspect the premises, and any equipment therein, used by a registered chiropodist in the practice of chiropody, and may report to the board upon the suitability of the premises and equipment for the practice of chiropody.

(2) A person shall not obstruct or impede an officer or servant of the board in the exercise of his powers or functions under subsection (1) of this section.

Penalty: Two hundred dollars.

(3) The board may, by notice in writing served personally or by post upon a registered chiropodist, direct him to carry out such instructions, specified in the notice, as the board deems necessary to ensure that the premises and equipment of the registered chiropodist are suitable for the proper practice of chiropody.

(4) A registered chiropodist shall, forthwith upon receipt of a notice served upon him under subsection (3) of this section, carry out the instructions specified therein.

Penalty: Two hundred dollars.

PART III

REGISTRATION OF CHIROPODISTS

The Register of Chiropodists

The Register of Chiropodists.

22. (1) The registrar shall keep a register to be called the "Register of Chiropodists" for the registration of persons as chiropodists under this Act.

(2) A person shall be registered by entering in the register his name and such other particulars relating to him as are prescribed by this Act, or by regulations, or directed by the board.

Mode of keeping register.

23. (1) The registrar shall, at all times, keep the register in such manner that it shows in alphabetical order according to surnames, the names of all

registered chiropodists, their addresses, the dates of registration, the descriptions and the dates of the qualifications in respect of which they are registered, and such other particulars as the board directs or as are prescribed by regulations.

(2) The register shall also show the firm name, business name, or other name or style under which each registered chiropodist carries on business.

Publication of register.

24. (1) A true copy of the register, certified by the registrar to be a true copy, shall in the month of January in every year be sent to the Minister; and the Minister shall forthwith publish in the *Gazette* at the expense of the board the names and addresses of all chiropodists mentioned in the register, and such other particulars as he deems fit.

Subsec. (2) amended by 87, 1969, s. 11.

(2) Any person may inspect the register on payment to the board of a fee of ten cents.

Alterations in register.

25. The registrar shall, from time to time—

(*a*) insert in the register any alterations which come to his knowledge in the name, address, or particulars of any person registered therein; and

(*b*) erase from the register the name of every deceased person; and

(*c*) erase from the register the name of any person de-registered pursuant to this Act; and

(*d*) insert in the register a note of the suspension of the registration of any person; and

(*e*) correct any clerical error in the register.

In the execution of these duties the registrar shall act in each case on any evidence which appears to him to be sufficient or on the direction of the board.

Additional qualifications.
S. 26 amended by 87, 1969, s. 12.

26. Every registered chiropodist who obtains any prescribed degree diploma or qualification other than that in respect of which he is registered shall be entitled, on application, to have such other degree, diploma, or qualification inserted in the register.

Registration of Chiropodists

Unregistered persons not to practise chiropody, etc.
S. 27 substituted by 87, 1969, s. 13.

27. (1) A person who is not registered as a chiropodist under this Act shall not, for fee or reward, practise chiropody.

Penalty: Two hundred dollars.

(2) A person who is not registered as a chiropodist under this Act shall not use or display the title or description "chiropodist", "podiatrist", "foot specialist", or "foot therapist" or any other title or description that might induce a member of the public reasonably to believe that that person is qualified or authorized to practise chiropody.

Penalty: Two hundred dollars.

(3) A person who is not registered as a chiropodist under this Act shall not make or permit any direct or indirect pretence or representation by words, conduct or any other means whatsoever, that he is qualified or authorized to practise chiropody.

Penalty: Two hundred dollars.

(4) In any proceedings for an offence against this section, a person who has practised chiropody shall be deemed to have done so for fee or reward unless the contrary is proved.

(5) This section does not apply to or in relation to a legally qualified medical practitioner or a person registered under the Physiotherapists Act, 1945-1966[1].

Application for registration.

28. (1) Every application for registration as a chiropodist shall be made in writing in the form prescribed by regulations and shall be addressed to the board and sent by post to or lodged with the registrar; and the statements made therein shall be verified by a statutory declaration made by the applicant.

(2) Every applicant for registration shall furnish the board with all particulars required to be entered in the register and with all such information as the board reasonably requires to enable it to decide the application.

Fees.
S. 29 amended by 87, 1969, s. 14.

29. Every applicant shall with his application pay to the board the prescribed application fee and the prescribed annual subscription. The annual subscription shall be returned to the applicant if his application for registration is refused.

Qualification for registration.

30. Subject to the provisions of this Act a person shall be entitled to be registered and receive a certificate as a registered chiropodist under this Act if he proves to the board that he—

(*a*) resides in the State; and

(*b*) is of good character; and

(*c*) (i) holds the diploma or certificate in chiropody of the South Australian Institute of Technology; or

Subpara. (i) amended by 87, 1969, s. 15 (a).

(ii) holds a certificate degree or diploma of any other society, institute or association in or outside of the State which in the board's opinion indicates that the holder has received a training in chiropody equal to that conducted by the South Australian Institute of Technology; or

Subpara. (ii) amended by 87, 1969, s. 15 (b).

(iii) within the period of three years immediately preceding the commencement of this Act, was for at least two years in the aggregate conducting a public practice in chiropody in the State for fee or reward; or

(iv) has before the commencement of this Act been *bona fide* engaged or employed for a period of at least four years or for periods amounting to four years in the aggregate as an operative chiropody assistant to a practising chiropodist and has passed a practical examination in chiropody to be conducted by the board.

Consideration of applications.

31. The board shall receive, consider, and decide all applications for registration under this Act.

De-registration and suspension.

32. (1) The board may de-register any person—

(*a*) who applies to the board in writing to de-register him; or

(*b*) whose registration has been obtained by fraud or misrepresentation; or

[1] Now Physiotherapists Act, 1945-1973.

(*c*) who has ceased to possess or does not possess the qualification in respect of which he was registered; or

(*d*) who, owing to mental defect is no longer capable of practising as a chiropodist; or

(*e*) who is twelve months in arrear in the payment of any subscription payable by him to the board under this Act.

(2) The board may de-register, or suspend for such period as it deems proper the registration of any person who—

(*a*) has been found guilty by the board of unprofessional conduct; or

(*b*) has been convicted of any offence against this Act or of any offence triable in the Supreme Court.

Re-registration.

33. If the board is satisfied that any person who has been de-registered still has the necessary qualifications for registration and that it is just to re-register him, it may re-register him.

Appeals against decisions of board.

34. (1) There shall be an appeal against any decision, order, or direction of the board given or made in the exercise or purported exercise of any of its powers or functions under this Act.

(2) The appeal shall lie to the Supreme Court, and, subject to subsection (5) of this section, shall be instituted within one month from the giving or making of the decision, order, or direction appealed against. The appeal shall be by way of rehearing.

(3) The Supreme Court may, on the hearing of the appeal, do any one or more of the following things, according to the nature of the case:—

(*a*) affirm, quash, or vary the decision, order, or direction appealed against, or substitute, or make or give any decision, order or direction which ought to have been made or given in the first instance;

(*b*) remit the subject matter of the appeal to the board for further consideration or further hearing;

(*c*) make any further or other order, as to costs or otherwise, which the case requires.

(4) The judges of the Supreme Court, in accordance with the provisions of the Supreme Court Act, 1935-1943[1], as to the making of rules of court, may make rules of court regulating the practice and procedure on such appeals.

(5) The board shall, if required by any person affected by any decision given by it, state in writing the reason for its decision. If the decision of the board is not given in writing in the first instance, the time within which an appeal may be instituted shall, if the appellant at the time of the decision requested that reasons for the decision should be given in writing, run from the time when the board first gives reasons for its decision in writing.

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[1] Now Supreme Court Act, 1935-1975.

PART IV

PART IV

CHIROPODY CLINICS

Licensing of chiropody clinics.

35. (1) Chiropody clinics may be licensed by the board in accordance with this Part.

(2) No person shall in any way represent that any premises are a licensed chiropody clinic unless those premises are for the time being licensed under this Part.

Subsec. (3) amended by 87, 1969, s. 16.

(3) Any person contravening subsection (2) of this section shall be guilty of an offence and liable to a fine not exceeding two hundred dollars.

Applications for licensing of clinics.

Subsec. (1) amended by 87, 1969, s. 17.

36. (1) An application for a licence for a chiropody clinic shall be made in writing addressed to the board and shall comply with any regulations in force relating thereto and shall be accompanied by the prescribed application fee and the prescribed annual licence fee.

(2) If the application for a licence is refused the annual fee shall be refunded to the applicant.

Granting of licence.

37. If the board is satisfied that the premises for which the licence is sought, are clean and suitable for use as a clinic, and that the applicant has proper equipment for the practice of chiropody, it shall grant the application and issue a licence to the applicant.

Annual fees for clinics.

S. 38 amended by 87, 1969, s. 18.

38. On the first day of July in each year there shall be payable in respect of every licensed chiropody clinic the prescribed annual licence fee; and if the fee is not paid on that date the clinic shall, unless the board for any reason which it deems sufficient, by resolution decides to the contrary, be deemed to be unlicensed.

Prohibition of employment of unregistered chiropodists in clinics.

S. 39 amended by 87, 1969, s. 19 (a), (b).

39. No person shall employ in a licensed chiropody clinic for the purpose of practising chiropody or assisting in the practice of chiropody any person other than a registered chiropodist.

Penalty: Forty dollars.

PART V

PART V

MISCELLANEOUS

Annual subscription.

Subsec. (1) amended by 87, 1969, s. 20.

40. (1) Every registered chiropodist shall on the first day of July in each year pay to the board the prescribed annual subscription.

(2) If the subscription due by a registered chiropodist is not paid within twenty-eight days after the said date the registration of the chiropodist shall be deemed to be suspended until payment unless the board for reasons that appear sufficient to it by resolution decides to the contrary.

Offences.

S. 41 amended by 87, 1969, s. 21.

41. Any person who—

(*a*) knowingly makes or causes to be made in the register any entry or alteration which is false or not authorized by law; or

(*b*) knowingly makes any false statement, written or oral, in connection with any application or any matter being dealt with or considered by the board; or

(*c*) falsely represents that he is registered under this Act, or that any premises are licensed as a clinic under this Act, or causes or permits any such false representation to be made,

shall be guilty of an offence, and liable to a fine not exceeding two hundred dollars.

Disability of unregistered person to sue for fees.

42. A person shall not be entitled to sue for, counterclaim for, or set off or recover any charge or fee for services in chiropody unless at the time when such services were rendered he was registered under this Act as a chiropodist or was the proprietor of a licensed chiropody clinic or was a legally qualified medical practitioner, or a physiotherapist registered under the Physiotherapists Act, 1945-1949[1].

Power of board to summon witnesses and take evidence.

43. (1) For the purpose of carrying out any duty or function under this Act, the board may—

(*a*) by summons signed by any member of the board, or by the registrar acting under the direction of the board, require the attendance of any person whom the board thinks fit to call before it;

(*b*) by notice in writing signed as aforesaid require any person to produce to the board any books, papers, or documents;

(*c*) inspect any books, papers, or documents produced before it, and retain them for such reasonable periods as it thinks fit, and make copies of or take any extracts from any of the contents thereof which are relevant to the matter being inquired into;

(*d*) examine witnesses on oath, affirmation, or declaration, which may be administered by any member of the board.

Subsec. (2) amended by 87, 1969, s. 22.

(2) If any person—

(*a*) who has been personally served with a summons to attend before the board, and whose reasonable expenses of attendance have been paid or tendered to him, neglects to attend in obedience to the summons; or

(*b*) who has been personally served with a notice to produce books, papers, and documents, and refuses or fails to comply with the notice; or

(*c*) wilfully insults the board or any member thereof; or

(*d*) misbehaves himself before the board; or

(*e*) interrupts the proceedings of the board; or

(*f*) being called as a witness before the board, refuses to be sworn or to affirm or declare; or

(*g*) being called as a witness before the board, refuses to answer any lawful question put to him by the board,

he shall be guilty of an offence and liable to a fine not exceeding one hundred dollars.

Application of penalties.

44. Any fines imposed under this Act shall be paid to the board and shall, together with fees and subscriptions received by the board under this Act be applied towards defraying the expenditure incurred by the board in administering this Act.

[1] Now Physiotherapists Act, 1945-1973.

Evidence of registration and non-registration.

45. A certificate signed by the registrar and stating that any person was or was not on any day mentioned in the certificate a registered chiropodist shall be *prima facie* evidence of the fact purporting to be certified.

Summary proceedings for offences.

46. Proceedings for offences against this Act may be heard and determined summarily.

Regulations.

47. (1) The Governor may, on the recommendation of the board, make regulations prescribing all matters which by this Act are required or permitted or necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without limiting the generality of the powers conferred by subsection (1) of this section the Governor may, on the recommendation of the board, make regulations—

(*a*) with respect to the procedure to be adopted in the conduct of the business of the board;

(*b*) prescribing forms to be used under this Act including the forms of applications, certificates of registration, licences for chiropody clinics, and the register;

(*c*) with respect to the conduct of examinations by the board and the fees to be paid by candidates at such examinations;

(*d*) prescribing the fees to be paid for the issue of any documents under this Act;

Para. (da) inserted by 87, 1969, s. 23 (a).

(*da*) prescribing the degrees, diplomas and qualifications that may be entered in the register pursuant to section 26 of this Act;

Para. (db) inserted by 87, 1969, s. 23 (a).

(*db*) prescribing a code of professional ethics to be observed and obeyed by all persons registered under this Act;

Para. (dc) inserted by 87, 1969, s. 23 (a).

(*dc*) prescribing the equipment and facilities to be provided by a person registered or licensed under this Act at the premises in which chiropody is practised;

Para. (dd) inserted by 87, 1969, s. 23 (a).

(*dd*) providing for the inspection of clinics and other premises in which chiropody is practised;

and

Para. (e) amended by 87, 1969, s. 23 (b).

(*e*) prescribing fines not exceeding one hundred dollars and recoverable summarily for breach of any regulations.