

CHIROPODISTS REGISTRATION ACT.

Act No. 17, 1962.

Elizabeth II, An Act to make provision for the registration of
No. 17, 1962 chiropodists; to regulate the qualifications for and the effect of such registration; to provide for the constitution of a Chiropodists Registration Board and to define the powers and functions of that Board; and for purposes connected therewith. [Assented to, 21st May, 1962.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title
and com-
mencement.

1. (1) This Act may be cited as the "Chiropodists Registration Act, 1962".

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Interpre-
tation.

2. In this Act, unless the context or subject-matter otherwise indicates or requires—

"Board" means the Chiropodists Registration Board constituted under this Act.

"Chiropodist" means a person registered under this Act.

"Chiropody" means the care of the toe-nails or the treatment of their disorders or the treatment of superficial excrescences of the feet.

"Member" means a member of the Board.

"Prescribed" means prescribed by this Act or by the regulations.

"Register"

“Register” means the register of chiropodists under this No. 17, 1962 Act.

“Regulations” means regulations under this Act.

“Secretary” means the secretary to the Board.

3. There shall be constituted a Board to be called the Chiropodists Registration Board, which shall have and may exercise and discharge the powers, authorities, duties and functions conferred and imposed upon the Board by or under this Act.

4. (1) The Board first constituted under this Act shall consist of seven members who shall be appointed by the Governor.

(2) Of the members so appointed—

- (a) two shall be medical practitioners, one of whom shall be nominated for appointment by the Senate of the University of Sydney, and the other by the Council of the University of New South Wales;
- (b) four shall be persons (not being medical practitioners), engaged in the practice or teaching of chiropody, nominated for appointment by The Australian Chiropody Association;
- (c) one shall be nominated for appointment by the Minister.

(3) The members of the Board first constituted under this Act shall, subject to the provisions of this Act, hold office until the constitution of the Board referred to in subsection one of section five of this Act.

5. (1) On and from the first day of January, one thousand nine hundred and sixty-four, the Board shall consist of seven members, of whom—

- (a) two shall be medical practitioners appointed by the Governor, one of whom shall be nominated for appointment by the Senate of the University of Sydney, and the other by the Council of the University of New South Wales;

(b)

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(b) three shall be chiropodists (not being medical practitioners) elected by chiropodists;

(c) two shall be appointed by the Governor on the nomination of the Minister, one of whom shall be a chiropodist (not being a medical practitioner).

(2) (a) The members referred to in paragraphs (a) and (c) of subsection one of this section are in this Act referred to as the "appointed members".

(b) The members referred to in paragraph (b) of subsection one of this section are in this Act referred to as the "elected members".

Qualifica-
tion of
members of
the Board.

6. A person of or above the age of sixty-five years shall not be qualified for appointment or election to the Board.

Elected
members.

7. (1) All elections of elected members shall be held and conducted in the manner prescribed.

(2) Elections of elected members shall be held during the month of November in the year one thousand nine hundred and sixty-three and in each third year thereafter.

(3) The persons elected at any such election shall assume office as elected members on the first day of January next after their election and, subject to the provisions of this Act, shall hold office for a period of three years and shall be eligible for re-election.

Appointed
members.

8. The appointed members of the Board shall, subject to this Act, hold office for a period of three years, and shall be eligible for re-appointment.

Public
Service
Act not to
apply to
appointment.

9. The provisions of the Public Service Act, 1902, or of any Act amending that Act, shall not apply to any appointment of members of the Board, and such members shall not in their capacity as members of the Board be subject to the provisions of any such Act.

Remunera-
tion of
members.

10. Each member of the Board shall, if he is not a member of the public service, be paid such fees as the Governor may direct.

11.

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11. (1) The Governor shall appoint one of the members No. 17, 1962
as the President of the Board. President.

(2) The President, when present, shall preside at all meetings of the Board.

In the absence of the President from any meeting, another member, chosen for the purpose by the majority of members present and voting, shall preside.

(3) The person presiding for the time being shall have a casting vote as well as a deliberative vote.

12. A member shall be deemed to have vacated his office Vacation of office.
if—

- (a) he dies;
- (b) he resigns his office by writing under his hand addressed to the Governor;
- (c) he becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts;
- (d) he is absent without the leave of the Board from three consecutive meetings of the Board of which reasonable notice has been given to him either personally or in the ordinary course of post;
- (e) he is removed from office by the Governor;
- (f) he attains the age of seventy years; or
- (g) being a chiropodist, his registration under this Act is suspended or cancelled or his name is for any reason removed from the register.

13. The Governor may, for any cause which appears to him to be sufficient, remove any member from office. Power of Governor to remove from office.

14. (1) Where a casual vacancy occurs in the office of a member, a person shall be appointed by the Governor to fill the vacant office. Casual vacancies.

(2)

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(2) (a) Where the casual vacancy occurs in the office of a member appointed on the nomination of the Minister or one of the bodies referred to in subsection two of section four or subsection one of section five of this Act, the person appointed to the vacant office shall have the like qualification as his predecessor and shall be appointed on the nomination of the Minister or the body by which his predecessor was nominated, as the case may be.

(b) Where the casual vacancy occurs in the office of an elected member the person appointed to the vacant office shall be a chiropractor (not being a medical practitioner) and such person shall be deemed to be an elected member.

(3) A member appointed under the authority of this section shall hold office for the balance of his predecessor's term of office, but shall be eligible for re-appointment.

Quorum,
etc.

15. (1) At any meeting of the Board four members shall form a quorum.

(2) The procedure for the calling of meetings of the Board and for the conduct of business at such meetings shall, subject to any regulations in relation thereto and to this Act, be as determined by the Board.

Ordinary
meetings
of Board.

16. An ordinary meeting of the Board shall be called in each calendar month by notice sent to the President and to each other member of the Board at least seven days before the date of such meeting.

Defects in
appoint-
ments
not to
invalidate
the pro-
ceedings of
the Board.

17. (1) No act or proceeding of the Board shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken or commenced there was a vacancy in the office of any member.

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

18.

18. No matter or thing done or suffered by the Board, or by any member or by the secretary, bona fide in the execution, or intended execution, of this Act, or the exercise or discharge, or intended exercise or discharge, of any of its or his powers or duties, shall subject the Board or any member, or the secretary, or any other person, or the Crown, to any liability in respect thereof.

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Protection
of the
Board and
others from
liability.

19. The Governor may from time to time under and subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts, appoint a secretary to the Board and such other officers as he may deem necessary for the purposes of this Act.

Appoint-
ments.

20. Subject to this Act, the powers and duties of the Board shall be—

Powers and
duties of
Board.

- (a) to determine the character, subjects and conduct of examinations qualifying persons to become chiropodists and to appoint examiners;
- (b) to decide upon the places where and the days and times on and at which examinations are to be held;
- (c) to issue and cancel certificates of registration;
- (d) to suspend the registration of any person under this Act and to annul such suspension;
- (e) to cancel the registration of any person under this Act and to annul such cancellation; and
- (f) generally, to do any other act or exercise any other power or perform any other duty necessary for carrying the provisions of this Act into effect.

21. (1) The Board shall keep a register, to be called the "Register of Chiropodists for New South Wales".

Register.

(2)

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(2) A person shall be registered by the entering in the register of—

- (a) his full name and address;
- (b) the date upon which he is registered;
- (c) particulars of the qualification or qualifications in respect of which his registration is granted.

(3) There may also be entered in the register in respect of any chiropodist, subject to payment of any fee which may be prescribed in relation to the entry—

- (a) particulars of such further or additional qualifications possessed by such chiropodist as the Board may direct;
- (b) particulars of any certificate, diploma, membership, degree, license, letters, testimonial or other title, status, document or description which such chiropodist is authorised by the Board to use in relation to himself as a chiropodist;
- (c) such other particulars and matters as are directed or authorised by this Act or the regulations to be so entered.

(4) The register shall at all reasonable times be open to inspection at the office of the Board by any person on payment of the prescribed fee.

(5) The secretary shall, as early as possible each year, transmit a list of the names and addresses entered in the register to the Minister and if the Minister so directs, such list shall be printed and published by the Government Printer as soon as possible.

Qualifica-
tions for
registra-
tion.

22. (1) Any person who proves to the satisfaction of the Board that he is of good character and has attained the age of twenty years shall upon payment of the prescribed registration fee be entitled to be registered as a chiropodist if—

- (a) he has completed the prescribed course of training and passed the examinations referred to in paragraph (a) of section twenty of this Act; or
- (b)

- (b) at the commencement of this Act he has completed No. 17, 1962 the course of training conducted by and received the diploma of The Australian Chiropody Association; or
- (c) before the commencement of this Act he had entered upon the course of training conducted by The Australian Chiropody Association and after such commencement receives the diploma of that association; or
- (d) he is the holder of a diploma or a certificate of competency in chiropody obtained by examination after a course of study and training from any body in New South Wales recognised by the Board; or
- (e) he is the holder of a recognised certificate as hereinafter defined and has passed such examination as the Board may in any particular case require; or
- (f) he establishes to the satisfaction of the Board that he had been bona fide engaged in New South Wales in the practice of chiropody before the day upon which Her Majesty's assent to this Act is signified, and for a period of, or periods totalling, at least twelve months during the period of two years immediately preceding the commencement of this Act.

(2) Any certificate, diploma, membership, degree, license, letters, testimonial or other title, status or document granted by any body, association or institution in any country, whether British or foreign (other than New South Wales) and which is recognised by the Board as furnishing sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of chiropody in New South Wales, shall be deemed to be a recognised certificate for the purposes of this Act.

(3) No person referred to in paragraph (f) of subsection one of this section shall be entitled to be registered as a chiropodist unless he makes application for registration within twelve months after the commencement of this Act or within such further time as the Board may in any particular case allow.

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Provisional
registra-
tion.

23. (1) When a person has applied to be registered, the President of the Board, or, in his absence from the City of Sydney, any other member authorised generally in that behalf by the Board, upon being satisfied that such person—

- (a) is entitled to be registered under this Act; or
- (b) (i) is of good character;
- (ii) is entitled to a diploma or a certificate of competency in chiropody obtained by examination after a course of study and training from any body in New South Wales recognised by the Board for the purpose of paragraph (d) of subsection one of section twenty-two of this Act; and
- (iii) will have such diploma or certificate of competency conferred upon or granted to him in due course according to the practice in conferring diplomas or granting certificates of competency, as the case may be, of the body so recognised from which he is to obtain such diploma or certificate of competency,

may on payment of the prescribed registration fee, grant to such person a certificate of provisional registration in or to the effect of the prescribed form.

(2) Where a person has obtained a certificate of provisional registration he shall be deemed to be registered under this Act—

- (a) where the person has attained the age of twenty years—
 - (i) until the date stated in such certificate as the date upon which the certificate expires; or
 - (ii) until such later date as is fixed by the Board,

the date so stated or fixed being not later than three months after the granting of such certificate; or
- (b) where the person has not attained the age of twenty years, until he attains that age:

Provided

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Provided that if the Board, before the date so stated or **No. 17, 1962** fixed, has reason to believe that such person should not have been granted a certificate of provisional registration, it may, without prejudice to his application to be registered under this Act, cancel such certificate; and such person shall thereupon cease to be deemed to be registered under this Act.

(3) A person to whom a certificate of provisional registration has been granted and who has not attained the age of twenty years shall not practise chiropractic except under the personal supervision of a chiropractor.

(4) If a person to whom a certificate of provisional registration has been granted becomes registered under this Act, his registration shall, unless otherwise decided by the Board, date from the granting of such certificate.

24. (1) Every chiropractor shall in or before the month **Annual** of March in each year pay to the secretary a roll fee of **roll fee.** such amount as may be prescribed for the following year commencing on the first day of July.

(2) If any chiropractor does not pay the prescribed roll fee before the thirty-first day of March in any year the Board shall forthwith notify him by registered letter addressed to him at the address appearing in the register that if the fee be not paid before the first day of July next following his name will be removed from the register. If any chiropractor who has been so notified fails to pay such fee before the said first day of July, the Board shall remove his name from the register.

(3) If the name of any chiropractor is removed from the register under this section, the Board shall, upon application in the prescribed form, restore his name to the register upon payment of such fees as are prescribed by regulations. The regulations may provide for the waiver of such part of the fees as the Board may in a particular case deem proper.

(4) Together with the roll fee the chiropractor shall furnish particulars of his address for entry in the register.

(5) Where the name of a chiropractor has been removed from the register and until the name has been restored thereto, the chiropractor shall be deemed not to be registered under this Act.

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No. 17, 1962 25. (1) The Board shall cause to be removed from the register the names of—

Removal of names of deceased chiropodists, etc.

- (a) every deceased chiropodist;
- (b) every chiropodist who has ceased to possess or does not possess the qualifications in respect of which he was registered;
- (c) every chiropodist who has become a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts.

(2) Every district registrar under the Registration of Births Deaths and Marriages Act 1899, as amended by subsequent Acts (including the Registrar-General in respect of deaths registered in the district of Sydney), upon registering the death of any chiropodist, shall transmit notice of such death to the secretary at Sydney and the Board shall, upon receipt of such notice, cause the name of such chiropodist to be removed from the register.

(3) Every such district registrar shall be entitled to receive a fee of two shillings for each such notification and subsection two of section fifteen of the said Act, as so amended, shall extend to such fees.

Removal of name on account of misconduct, etc.

26. (1) Where the Board after inquiry is satisfied that a chiropodist—

- (a) has been convicted, either in New South Wales of a felony or misdemeanour, or elsewhere of an offence which, if committed in New South Wales, would have been a felony or misdemeanour; or
- (b) has been guilty of habitual drunkenness or of addiction to any deleterious drug; or
- (c) has used any certificate, diploma, membership, degree, license, letters, testimonial or other title, status, document or description in relation to himself as a chiropodist or in his practice as such, other than

than those (if any) which the Board has authorised, **No. 17, 1962**
in pursuance of paragraph (b) of subsection three
of section twenty-one of this Act, to be entered in
respect of such chiropodist in the register; or

- (d) has been guilty of misconduct in his practice as a
chiropodist which renders him unfit in the public
interest to practise chiropody,

the Board may reprimand or caution such person or may
remove his name from the register or suspend his registration
for such period as the Board shall think fit.

(2) In the case of a conviction for an offence as
aforesaid, no person shall have his name removed from the
register or have his registration suspended on account thereof
if such offence does not, either from its trivial nature or from
the circumstances under which it was committed, render such
person unfit in the public interest to practise chiropody.

(3) In making any such inquiry, the Board shall sit
as in open court, and the person charged shall be afforded an
opportunity of defence either in person or by counsel.

(4) Every person, other than a member of the police
force or a member of the public service, who makes a
complaint to the Board in respect of any matter referred to
in subsection one of this section shall deposit with the Board
the sum of five pounds at the time of lodging his complaint.

If after considering the complaint the Board is of opinion
that the complaint is vexatious or frivolous in its nature it
shall so declare, and thereupon the sum so deposited shall be
forfeited.

In the absence of such declaration the sum so deposited
shall be refunded to the complainant.

(5) Whenever the registration of a chiropodist is
suspended under the provisions of this section the secretary
shall enter in the register a memorandum of that fact and of
the date and cause thereof.

(6)

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(6) Any person aggrieved by the removal of his name from the register or by the suspension of his registration or by any refusal or failure to register his name in the register may, within three months after the date on which notice is given to him by the secretary that his name has been so removed or his registration suspended, or within six months after the date on which he applied to be registered, as the case may be, appeal against the removal or suspension or the refusal or failure, as the case may be, to the District Court having jurisdiction in the district within which such person resides or practises as a chiropodist.

(7) Any such appeal shall be in the nature of a rehearing and shall be made in accordance with rules of court.

(8) The District Court may make such order as it deems fit and such order shall be final, and without appeal, and the Board shall give effect thereto.

Restoration
of name to
register.

27. Where the Board directs the removal from the register of the name of any person, the name of that person shall not be again entered on the register, except by direction of the Board or by order of a court of competent jurisdiction. The Board may, if it thinks fit in any case, direct the secretary to restore to the register any name removed therefrom without fee, or on payment of such fee, not exceeding the prescribed registration fee, as the Board may from time to time direct, and the secretary shall restore the name accordingly.

Prohibition
on practice
of
chiropody
by un-
registered
persons.

28. (1) As on and from the expiration of one year after the commencement of this Act no person other than a chiropodist shall—

(a) for fee or reward practise chiropody; or

(b) take or use any name, initials, word, title, addition, symbol or description which, having regard to the circumstances in which it is taken or used, indicates, or is capable of being understood to indicate, or is calculated to lead persons to infer, that he is registered under this Act as a chiropodist, or take or use the name or title of chiropodist.

(2)

(2) Nothing in this section shall operate to prevent— No. 17, 1962

- (a) the practice of chiropody by a medical practitioner ;
- (b) the practice of chiropody at any public or private hospital, where such practice is carried on under the supervision of a chiropractor or medical practitioner or by a member of the nursing staff of such hospital in respect of a person undergoing treatment, other than chiropody, in any such hospital ;
or
- (c) the practice of chiropody or the taking or using of the name or title of chiropractor by a corporation which employs only chiropractors to perform the work of chiropody undertaken by such corporation.

29. Any person who wilfully makes or causes to be made any false entry in or falsification of the register, and any person who wilfully procures or attempts to procure himself or any other person to be registered under this Act by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either verbally or in writing, and any person aiding or assisting therein, shall be guilty of a misdemeanour and shall, on conviction, be liable to be imprisoned for a period not exceeding twelve months.

False entries in register, misrepresentation, etc.

30. The Board may examine any person upon oath or take a solemn declaration from any person for the purposes of this Act, and if any person wilfully makes any false statement upon such examination or in such declaration, or utters or attempts to utter, or put off as true before the Board any false, forged or counterfeit certificate, diploma, license, letter, testimonial or other document or writing he shall be guilty of a misdemeanour and shall on conviction be liable to be imprisoned for a period not exceeding twelve months.

Board may examine witnesses on oath.

31.

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Penalty.

31. Any person who contravenes any of the provisions of this Act for which a penalty is not expressly provided or who contravenes any provision of the regulations shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding fifty pounds.

All informations for offences against this Act and the regulations shall be laid by the secretary or by some other person appointed by the Board for the purpose either generally or in any particular case, or a member of the police force.

All such penalties may be recovered before any stipendiary magistrate or any two justices in petty sessions.

Documents
under hand
of secretary
to be prima
facie
evidence.

32. A document purporting to be a certificate under the hand of the secretary and stating any one or more of the following matters—

- (a) that any person was or was not on any date or during any period mentioned in the certificate registered under this Act; or
- (b) that on any date or during any period mentioned in the certificate the registration of any person was suspended,

shall in all courts and before all persons and bodies authorised by law to receive evidence, be prima facie evidence of the facts stated.

Prima facie
evidence of
entry in
register may
be given in
all courts.

33. (1) Prima facie evidence of any entry in the register may be given in all courts and before all such persons and bodies as aforesaid by production of a document purporting to be a true copy of such entry, and certified as such by a person purporting to be the secretary.

(2) An entry in the register shall be prima facie evidence in all courts and before all such persons and bodies as aforesaid of the truth of all matters contained in it.

34.

34. (1) The fees payable under this Act or the regulations No. 17, 1962 shall be paid to the secretary who shall transmit them to the Treasurer to be carried to the Consolidated Revenue Fund. ^{Fees and} expenses.

(2) The expenses of the Board in carrying out the administration of this Act shall be paid out of moneys provided by Parliament.

35. (1) The Governor, on the recommendation of the Board, may make regulations not inconsistent with this Act for or with respect to—

- (a) regulating the proceedings of the Board;
- (b) certificates of registration and provisional registration under this Act;
- (c) prescribing the manner in which a complaint in respect of any matter referred to in subsection one of section twenty-six of this Act may be preferred to the Board;
- (d) prescribing the procedure to be followed at and any matters incidental to the holding of an inquiry in respect of any complaint as aforesaid;
- (e) prescribing the course of training for all persons desiring to be registered under this Act;
- (f) regulating and supervising the conduct and prescribing the standard of examinations and the remuneration of examiners;
- (g) prescribing the fees to be paid under this Act;
- (h) all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act.

(2)

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(2) Such regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of such publication or from a later date to be specified in the regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is then in session, and, if not, then within fourteen sitting days after the commencement of the next session.

(3) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House disallowing any regulation or part thereof, the regulation or part shall thereupon cease to have effect.
