

*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence*

ALLAN PICKERING,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 10 May, 1962.*

## New South Wales



ANNO UNDECIMO

## ELIZABETHÆ II REGINÆ

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Act No.       , 1962.

An Act to make provision for the registration of 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.

BE



*Chiropodists Registration.*

**B**E 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 :—

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

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

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

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

15 "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.

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

"Register" means the register of chiropodists under this Act.

"Regulations" means regulations under this Act.

25 "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. Chiropodists Registration Board.



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*Chiropodists Registration.*

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

(2) Of the members so appointed—

- 5 (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;
- 10 (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.

15 (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.

20 5. (1) On and from the first day of January, one <sup>Subsequent</sup> thousand nine hundred and sixty-four, the Board shall consist <sup>Boards.</sup> of seven members, of whom—

- 25 (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) three shall be chiropodists (not being medical practitioners) elected by chiropodists;
- 30 (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)



*Chiropodists Registration.*

(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".

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

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

(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.

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. Appointed members.

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. Public Service Act not to apply to appointment.

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. Remuneration of members.

11.



*Chiropodists Registration.*

11. (1) The Governor shall appoint one of the members President.  
as the President of the Board.

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

5 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.

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

(a) he dies;

(b) he resigns his office by writing under his hand  
addressed to the Governor;

15 (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 subse-  
quent Acts;

20 (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

25 (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 Power of  
him to be sufficient, remove any member from office. Governor  
to remove  
from  
office.

30 14. (1) Where a casual vacancy occurs in the office of a Casual  
member, a person shall be appointed by the Governor to fill vacancies.  
the vacant office.

(2)



*Chiropodists Registration.*

(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 chiropodist (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.

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

Quorum, etc.

(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.

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.

Ordinary meetings of 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.

Defects in appointments not to invalidate the proceedings of the Board.

(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.



*Chiropodists Registration.*

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. 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. Appointments.
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.



*Chiropodists Registration.*

(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;
- 5 (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—

- 10 (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;
- 15 (c) such other particulars and matters as are directed or authorised by this Act or the regulations to be so entered.
- 20

(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.

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—

- 30 (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
- 35 (b)

Qualifications for registration.



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*Chiropodists Registration.*

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- (b) at the commencement of this Act he has completed the course of training conducted by and received the diploma of The Australian Chiropody Association ; or
- 5 (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
- 10 (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
- 15 (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
- 20 (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.
- 25 (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
- 30 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.
- 35 (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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*Chiropodists Registration.*

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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—

Provisional  
registra-  
tion.

- 5 (a) is entitled to be registered under this Act; or
- (b) (i) is of good character;
- 10 (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
- 15 (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
- 20 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.

25 (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—
- 30 (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
- 35 (b) where the person has not attained the age of twenty years, until he attains that age:

**Provided**



*Chiropodists Registration.*

Provided that if the Board, before the date so stated or 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 chiropody except under the personal supervision of a chiropodist.

(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 chiropodist shall in or before the month of March in each year pay to the secretary a roll fee of such amount as may be prescribed for the following year commencing on the first day of July.

(2) If any chiropodist 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 chiropodist 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 chiropodist 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 chiropodist shall furnish particulars of his address for entry in the register.

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



*Chiropodists Registration.*

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;
- 5 (b) every chiropodist who has ceased to possess or does not possess the qualifications in respect of which he was registered;
- 10 (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  
15 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  
20 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.

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

Removal of name on account of misconduct, etc.

- 25 (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
- 30 (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



*Chiropodists Registration.*

than those (if any) which the Board has authorised, 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

- 5 (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  
10 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  
15 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.

- 20 (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.

- 25 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  
30 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)



*Chiropodists Registration.*

(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.

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.

Restoration of name to register.

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

Prohibition on practice of chiropody by un-registered persons.

- (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)



*Chiropodists Registration.*

(2) Nothing in this section shall operate to prevent—

- (a) the practice of chiropody by a medical practitioner ;
- 5 (b) the practice of chiropody at any public or private hospital, where such practice is carried on under the supervision of a chiropodist 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
- 10 (c) the practice of chiropody or the taking or using of the name or title of chiropodist by a corporation which employs only chiropodists to perform the work of chiropody undertaken by such corporation.

29. Any person who wilfully makes or causes to be made  
15 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  
20 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  
25 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  
30 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.



*Chiropodists Registration.*

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.

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

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

- 15 (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,

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

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.

25 (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.



*Chiropodists Registration.*

34. (1) The fees payable under this Act or the regulations shall be paid to the secretary who shall transmit them to the Treasurer to be carried to the Consolidated Revenue Fund. <sup>Fees and expenses.</sup>

(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— <sup>Regulations.</sup>

- 10 (a) regulating the proceedings of the Board;
- (b) certificates of registration and provisional registration under this Act;
- 15 (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;
- 20 (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;
- 25 (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.



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*Chiropodists Registration.*

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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
  - 5 (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.
- 10 (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.

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1962

[1s. 8d.]



No. , 1962.

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## A BILL

To make provision for the registration of 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.

[MR. SHEAHAN;—11 April, 1962.]

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BE



*Chiropodists Registration.*

**B**E 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 :—

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

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

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

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

15 "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.

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

"Register" means the register of chiropodists under this Act.

"Regulations" means regulations under this Act.

25 "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. Chiropodists Registration Board.



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*Chiropodists Registration.*

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

(2) Of the members so appointed—

- 5 (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;
- 10 (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.

15 (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 <sup>Subsequent</sup> <sub>Boards.</sub> thousand nine hundred and sixty-four, the Board shall consist of seven members, of whom—

- 25 (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) three shall be chiropodists (not being medical practitioners) elected by chiropodists;
- 30 (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)



*Chiropodists Registration.*

(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".

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

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

(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.

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. Appointed members.

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. Public Service Act not to apply to appointment.

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. Remuneration of members.

11.



*Chiropodists Registration.*

11. (1) The Governor shall appoint one of the members President.  
as the President of the Board.

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

5 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.

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

(a) he dies;

(b) he resigns his office by writing under his hand  
addressed to the Governor;

15 (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 subse-  
quent Acts;

20 (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 sixty-five years; or

25 (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 Power of  
him to be sufficient, remove any member from office. Governor  
to remove  
from  
office.

30 14. (1) Where a casual vacancy occurs in the office of a Casual  
member, a person shall be appointed by the Governor to fill vacancies.  
the vacant office.

(2)



*Chiropodists Registration.*

(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 chiropodist (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.

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

(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.

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. **Ordinary meetings of 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. **Defects in appointments not to invalidate the proceedings of the Board.**

(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.



*Chiropodists Registration.*

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  
5 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.

Protection of the Board and others from liability.

19. The Governor may from time to time under and  
10 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.

Appointments.

20. Subject to this Act, the powers and duties of the  
15 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;
- 20 (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;
- 25 (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  
30 "Register of Chiropodists for New South Wales".

Register.

(2)



*Chiropodists Registration.*

(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;
- 5 (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—

- 10 (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  
15 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  
20 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  
25 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.

22. (1) Any person who proves to the satisfaction of the  
30 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  
35

(b)

Qualifications for registration.



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*Chiropodists Registration.*

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- (b) at the commencement of this Act he has completed the course of training conducted by and received the diploma of The Australian Chiropody Association ; or
- 5 (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
- 10 (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
- 15 (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.
- 20
- 25 (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
- 30 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 sub-
- 35 section 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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*Chiropodists Registration.*

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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—

Provisional  
registra-  
tion.

- 5 (a) is entitled to be registered under this Act; or
- (b) (i) is of good character;
- (ii) has attained the age of twenty years;
- 10 (iii) 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
- 15 (iv) 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
- 20 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.

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

- (a) the date stated in such certificate as the date upon which the certificate expires; or
- 30 (b) 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 :

Provided that if the Board, before the date so stated or fixed, has reason to believe that such person should not have  
35 been granted a certificate or provisional registration, it may, without



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*Chiropodists Registration.*

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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) 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 chiropodist shall in or before the month of March in each year pay to the secretary a roll fee of such amount as may be prescribed for the following year commencing on the first day of July. <sup>Annual roll fee.</sup>

(2) If any chiropodist 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 chiropodist 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 chiropodist 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 chiropodist shall furnish particulars of his address for entry in the register.

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



*Chiropodists Registration.*

- 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;
- 5 (b) every chiropodist who has ceased to possess or does not possess the qualifications in respect of which he was registered;
- 10 (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
- 15 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
- 20 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.
- 26.** (1) Where the Board after inquiry is satisfied that a chiropodist—
- Removal of name on account of misconduct, etc.
- 25 (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
- 30 (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



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*Chiropodists Registration.*

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than those (if any) which the Board has authorised, 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

- 5 (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  
10 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  
15 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.

- 20 (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.

- 25 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  
30 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)



*Chiropodists Registration.*

(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  
5 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  
10 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  
15 deems fit and such order shall be final, and without appeal, and the Board shall give effect thereto.

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  
20 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  
25 time direct, and the secretary shall restore the name accordingly.

Restoration of name to register.

28. (1) As on and from the expiration of one year after the commencement of this Act no person other than a chiropodist shall—  
30 (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  
35 registered under this Act as a chiropodist, or take or use the name or title of chiropodist.

Prohibition on practice of chiropody by un-registered persons.

(2)



*Chiropodists Registration.*

(2) Nothing in this section shall operate to prevent—

- (a) the practice of chiropody by a medical practitioner ;
- 5 (b) the practice of chiropody at any public or private hospital, where such practice is carried on under the supervision of a chiropodist 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
- 10 (c) the practice of chiropody or the taking or using of the name or title of chiropodist by a corporation which employs only chiropodists to perform the work of chiropody undertaken by such corporation.

29. Any person who wilfully makes or causes to be made  
15 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  
20 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  
25 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  
30 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.



*Chiropodists Registration.*

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. Penalty.

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.

10 All such penalties may be recovered before any stipendiary magistrate or any two justices in petty sessions. 01

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

- 15 (a) that any person was or was not on any date or during any period mentioned in the certificate registered under this Act; or 21
- (b) that on any date or during any period mentioned in the certificate the registration of any person was 02
- 20 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.

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

(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.



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*Chiropodists Registration.*

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**34.** (1) The fees payable under this Act or the regulations shall be paid to the secretary who shall transmit them to the Treasurer to be carried to the Consolidated Revenue Fund. <sup>Fees and expenses.</sup>

(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— <sup>Regulations.</sup>

- 10 (a) regulating the proceedings of the Board;
- (b) certificates of registration and provisional registration under this Act;
- 15 (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;
- 20 (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;
- 25 (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.



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*Chiropodists Registration.*

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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
- 5 (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.

10 (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.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1962

[1s. 9d.]



# CHIROPODISTS REGISTRATION BILL, 1962.

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## EXPLANATORY NOTE.

THE objects of this Bill are—

- (a) to constitute a Chiropodists Registration Board ;
- (b) to provide for registration of chiropodists by the Board ;
- (c) to enable the Board to conduct examinations qualifying persons for registration as chiropodists ;
- (d) to grant to the Board, subject to appeal to the District Court, disciplinary powers over chiropodists ;
- (e) to prohibit unregistered persons from practising chiropody for fee or reward, subject to certain exemptions in respect of medical practitioners, nurses and certain other persons ;
- (f) to make provisions incidental and ancillary to the foregoing.



CONFIDENTIAL - SECURITY INFORMATION

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No. , 1962.

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# A BILL

To make provision for the registration of 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.

[MR. SHEAHAN;—11 April, 1962.]

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BE



*Chiropodists Registration.*

**B**E 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 :—

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

Short title and commencement.

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

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

Interpretation.

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

15 "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.

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

"Register" means the register of chiropodists under this Act.

"Regulations" means regulations under this Act.

25 "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.

Chiropodists Registration Board.



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*Chiropodists Registration.*

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

(2) Of the members so appointed—

- 5 (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;
- 10 (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.

15 (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.

20 5. (1) On and from the first day of January, one <sup>Subsequent</sup> thousand nine hundred and sixty-four, the Board shall consist <sup>Boards.</sup> of seven members, of whom—

- 25 (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) three shall be chiropodists (not being medical practitioners) elected by chiropodists;
- 30 (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)



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*Chiropractors Registration.*

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(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".

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

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

(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.

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. Appointed members.

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. Public Service Act not to apply to appointment.

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. Remuneration of members.

11.



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*Chiropodists Registration.*

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**11.** (1) The Governor shall appoint one of the members President.  
as the President of the Board.

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

5 (3) 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.

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

(a) he dies;

(b) he resigns his office by writing under his hand  
addressed to the Governor;

15 (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 subse-  
quent Acts;

20 (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 sixty-five years; or

25 (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 Power of  
him to be sufficient, remove any member from office. Governor  
to remove  
from  
office.

30 **14.** (1) Where a casual vacancy occurs in the office of a Casual  
member, a person shall be appointed by the Governor to fill vacancies.  
the vacant office.

(2)



*Chiropodists Registration.*

(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 chiropodist (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.

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

(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.

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. Ordinary meetings of 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. Defects in appointments not to invalidate the proceedings of the Board.

(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.



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*Chiropodists Registration.*

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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.

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.

Appointments.

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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*Chiropodists Registration.*

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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;
- 5 (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—

- 10 (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,  
15 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  
20 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  
25 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.

**22.** (1) Any person who proves to the satisfaction of the  
30 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—

- 35 (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)

Qualifica-  
tions for  
registra-  
tion.



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*Chiropodists Registration.*

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- (b) at the commencement of this Act he has completed the course of training conducted by and received the diploma of The Australian Chiropody Association ; or
- 5 (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
- 10 (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
- 15 (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.
- 20
- 25 (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
- 30 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.



*Chiropodists Registration.*

23. (1) When a person has applied to be registered, the Provisional registration.  
 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—

- 5 (a) is entitled to be registered under this Act; or
- (b) (i) is of good character;
- (ii) has attained the age of twenty years;
- 10 (iii) 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
- 15 (iv) 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
- 20 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.

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

- (a) the date stated in such certificate as the date upon which the certificate expires; or
- 30 (b) 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 :

Provided that if the Board, before the date so stated or fixed, has reason to believe that such person should not have  
 35 been granted a certificate or provisional registration, it may, without



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*Chiropodists Registration.*

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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) If a person to whom a certificate of provisional  
5 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 chiropodist shall in or before the month  
of March in each year pay to the secretary a roll fee of  
10 such amount as may be prescribed for the following year  
commencing on the first day of July. Annual roll fee.

(2) If any chiropodist 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  
15 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 chiropodist  
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  
20 register.

(3) If the name of any chiropodist is removed from  
the register under this section, the Board shall, upon appli-  
cation in the prescribed form, restore his name to the register  
upon payment of such fees as are prescribed by regulations.  
25 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 chiropodist shall  
furnish particulars of his address for entry in the register.

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



*Chiropodists Registration.*

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;
- 5 (b) every chiropodist who has ceased to possess or does not possess the qualifications in respect of which he was registered;
- 10 (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 15 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 20 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.

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

Removal of name on account of misconduct, etc.

- 25 (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
- 30 (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



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*Chiropodists Registration.*

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than those (if any) which the Board has authorised, 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

- 5 (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  
10 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  
15 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.

20 (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.

25 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  
30 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)



*Chiropodists Registration.*

(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.

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.

Restoration of name to register.

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

Prohibition on practice of chiropody by un-registered persons.

- 30 (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
- 35 or use the name or title of chiropodist.

(2)



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*Chiropodists Registration.*

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(2) Nothing in this section shall operate to prevent—

- (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 chiropodist 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 chiropodist by a corporation which employs only chiropodists 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.**



*Chiropodists Registration.*

**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.

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

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

Documents under hand of secretary to be prima facie evidence.

- 15 (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
- 20 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.

**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.

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

(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.**



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*Chiropodists Registration.*

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**34.** (1) The fees payable under this Act or the regulations shall be paid to the secretary who shall transmit them to the Treasurer to be carried to the Consolidated Revenue Fund. <sup>Fees and expenses.</sup>

(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— <sup>Regulations.</sup>

- 10 (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;
- 15 (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;
- 20 (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;
- 25 (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.



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*Chiropodists Registration.*

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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
  - 5 (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.
- 10 (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.