

WESTERN AUSTRALIA.

CHIROPODISTS.

6° Elizabeth II., No. XXXVIII.

No. 38 of 1957.¹

(Affected by Act No. 113 of 1965.)

[As amended by Act No. 65 of 1967, assented to 5th December, 1967; and reprinted pursuant to the Amendments Incorporation Act, 1938.]

AN ACT to provide for the Training, Qualification and Registration of Persons as Chiropodists and the Practice of Chiropody; and matters incidental thereto.

[Assented to 18th November, 1957.]

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

1. This Act may be cited as the *Chiropodists Act, 1957-1967*.

Short title
and citation.
Amended by
No. 65 of
1967, s. 1.

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

Commence-
ment.

¹ Proclaimed to come into operation 4/1/60. See *Gazette* 18/12/59, p. 3338.

Interpreta-
tion.
Amended by
No. 65 of
1967, s. 2.

3. In this Act, unless the context requires other-
wise—

“Board” means the Chiropodists Registration Board constituted pursuant to the provisions of this Act;

“chiropodist” means a person registered pursuant to the provisions of this Act;

“chiropody” means the diagnosis and treatment by medical, surgical, electrical, mechanical or manual methods of ailments or abnormal conditions of the parts of the human body below the level of the ankle as come within the accepted province of the chiropodist;

“medical practitioner” means a medical practitioner registered pursuant to the provisions of the Medical Act, 1894;

“physiotherapist” means a physiotherapist registered pursuant to the provisions of the Physiotherapists Act, 1950;

“register” means the Register of Chiropodists kept pursuant to this Act;

“registrar” means the person who for the time being and from time to time is appointed by and holds office under the Board as Registrar.

Adminis-
tration.

4. Subject to the Minister, this Act shall be administered by the Board.

Registration.

5. (1) The Board shall appoint a Registrar, who shall also be the Secretary of the Board, and may appoint such examiners and other officers and servants as it considers necessary to enable the Board to carry out its duties and functions.

(2) The remuneration of the Registrar, examiners and other officers and servants of the Board shall be paid out of the funds of the Board.

6. (1) A Board to be called "The Chiropodists' The Board. Registration Board" shall be constituted for the purposes of this Act.

(2) The Board shall be appointed by the Governor and shall consist of—

the Commissioner of Public Health or a medical practitioner nominated by him;

a medical practitioner appointed by the Governor; and

three chiropodists selected from a panel of four nominated by the West Australian Association of Chiropodists Incorporated and appointed by the Governor.

(3) The Board shall elect its own Chairman, and three members shall constitute a quorum.

(4) The Board shall be a body corporate with perpetual succession and a common seal, and shall be capable of suing and being sued in its corporate name, and of acquiring, holding, and disposing of real and personal property, and of doing and permitting all things which are required by this Act to be done by the Board, or which are necessary and convenient to be done by the Board for the purpose of giving effect to this Act. Board to be a body corporate.

(5) No act or proceeding of the Board shall be invalid or be prejudiced by reason only of the fact that at the time when such act or proceeding is done, taken or commenced, there is a vacancy in the office of the Board.

(6) No act, matter or thing done or permitted to be done in good faith by the Board or by any member of the Board, or by the Registrar or any officer or servant of the Board, in the administration or intended administration of this Act, or in the exercise or performance or intended exercise or performance of any of its or his powers or duties under this Act, shall subject to the Board or any member, or the Registrar or any officer or servant of the Board or of the Crown to any liability in respect thereof. Protection of Board, etc., from liability.

Funds.

7. (1) The funds of the Board shall consist of—
- (a) such fees as are prescribed by the rules and regulations and as are payable to and received by the Board;
 - (b) all gifts, devises, bequests and donations made to the Board, but subject to any trusts declared in relation thereto; and
 - (c) all money or property which may come into the hands of, or be acquired by, the Board under and for any of the purposes of this Act.

(2) The funds of the Board may be applied by the Board—

- (a) for any of the purposes of this Act;
- (b) the furtherance of education and research into chiropody; and
- (c) any other purpose approved by the Minister.

Rules.
Amended by
No. 65 of
1967, s. 3.

8. (1) Subject to this Act, the Board may, with the approval of the Governor, make rules—

- (a) for regulating the meetings and proceedings of the Board;
- (b) prescribing the course of training of and the examinations to be passed by persons desiring to be registered as chiropodists and determining the qualifications to be held by persons desiring to be recognised as students;
- (c) for the regulating of the register;
- (d) for regulating the manner of making any charge or complaint to the Board against a chiropodist, and the holding of an inquiry by the Board into the charge or complaint;
- (e) prescribing the fees to be charged for any registration, license, tuition, examination, certificate or other matter under this Act;

(f) for prescribing the manner in which the seal of the Board may be affixed to documents, and the manner in which documents issued by the Board may be authenticated;

(g) [*Deleted by No. 65 of 1967, s. 3.*]

(2) Where there is conflict or inconsistency between the provisions of the rules and those of the regulations, to the extent of the conflict or inconsistency the latter shall prevail and the former shall be void.

9. For the purposes of this Act there shall be kept by the Registrar in the form and manner prescribed the register of chiropodists.

Register and record.

10. (1) Subject to the provisions of this Act and the rules and regulations, a person who proves to the satisfaction of the Board that he is a person of good character, and has attained the age of twenty-one years shall be entitled to be registered as a chiropodist and issued by the Board with a license authorising him to practice chiropody if—

Qualifications.
Amended by No. 65 of 1967, s. 4.

(a) he has completed the prescribed course of training, and passed the prescribed examinations set by the Board, or holds qualifications of any university, board, association, society or body recognised by the Board; or

(b) he was *bona fide* engaged in the practice of chiropody in the State for at least twenty-four months during the period of five years immediately preceding the commencement of this Act.

(2) Where the Board—

(a) refuses to register a person as a chiropodist;

(b) causes the name of a chiropodist to be removed from the register;

(c) refuses to restore to the register the name of a person whose name has previously been removed from the register; or

(d) refuses to issue or cancels, a licence to practice chiropody,

the person aggrieved by the decision of the Board may, within three months after the date of the decision appeal against that decision to a Court of Petty Sessions constituted by a Stipendiary Magistrate.

(3) On the hearing of an appeal against a decision of the Board, the Court of Petty Sessions may affirm the decision of the Board or allow the appeal, and the Board shall give effect to the decision of the Court according to its tenor.

(4) The procedure of a Court of Petty Sessions in relation to an appeal made under this section shall be as prescribed by the Rules of Court, or in the absence of those Rules, as the Court determines, and at the hearing of any appeal the Court may make such order as to costs as it thinks fit.

Prohibition
of practise
unless
registered.

11. After the commencement of this Act, a person shall not practise chiropody, nor use the title of chiropodist or foot specialist, unless he is registered as such and holds a license to do so issued to him by the Board.

Certain
persons
excluded
from Act.

12. A person shall not be required to register under this Act, nor shall it be unlawful for him to diagnose and treat ailments or abnormalities of the structure of the human body below the ankle, by reason only of the fact that—

(a) he is a registered medical practitioner; or

(b) he is a registered physiotherapist.

Application.

13. Nothing in this Act shall extend or apply to, or in any manner affect, the practise of his profession by, or any rights or privileges of, a medical practitioner or a physiotherapist.

14. [*Repealed by No. 65 of 1967, s. 5.*]

15. A person who commits a breach of the provisions of this Act, or the rules or regulations, commits an offence, and is liable, where no other penalty is provided, to a penalty not exceeding fifty dollars.

Offences.
Amended by
No. 113 of
1965, s. 8.

16. The Governor may make regulations prescribing fees and forms and all matters required or permitted to be prescribed, or necessary or convenient to be prescribed for facilitating the carrying out or giving effect to this Act, and without limiting the generality of the foregoing provisions of this section, may make regulations—

Regulations.

- (a) relating to the registration and deregistration of chiropodists;
- (b) regulating the training of persons in chiropody and prescribing the classes to be attended and the examinations to be passed and the minimum age at which training may be commenced;
- (c) relating to the tenure of office of members of the Board;
- (d) relating to payment of fees and travelling allowances to members of the Board;
- (e) relating to the issue, cancellation, removal and replacement of licenses;
- (f) prescribing qualifications of universities, boards, associations, societies and bodies for the purpose of section ten of this Act;
- (g) regulating and prohibiting the method and manner in which a chiropodist may make known the place or places where and the fact that he is practising chiropody;
- (h) prohibiting a person who is not a chiropodist from representing directly or indirectly or holding himself out as being a chiropodist or practising chiropody.

Validity of
Board re
appoint-
ments, etc.
Added by
No. 65 of
1967, s. 6.

17. In order to resolve any doubt as to the validity of the constitution of the Board and its functions, it is hereby declared that all appointments made or purported to have been made of members of the Board, and all functions which have been discharged or which purport to have been discharged by the Board pursuant to the provisions of this Act, since the fourth day of January, nineteen hundred and sixty and which but for this section, may have been of doubtful validity are ratified as lawful and valid.
