



Western Australia

## **Medical Practitioners Regulations 2008**

Compare between:

[30 Aug 2010, 00-d0-01] and [01 Oct 2010, 00-e0-01]



## Medical Practitioners Regulations 2008

### 1. Citation

These regulations are the *Medical Practitioners Regulations 2008*.

### 2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Medical Practitioners Act 2008* section 3 comes into operation.

[*Regulation 2 correction in Gazette 5 Dec 2008 p. 5087.*]

### 3. Application

An application for registration under section 30, 31, 32, 33, 34, 35 or 38 of the Act must be accompanied by the following evidence —

- (a) evidence of the identity of the applicant;
- (b) evidence that the applicant is not affected by the use of, or dependence on, a drug to such an extent that his or her ability to practise medicine is, or is likely to be, affected adversely;
- (c) evidence that the applicant has not been refused registration elsewhere.

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**4. Prescribed period of internship or supervised clinical practice**

For the purposes of section 30(2)(f) of the Act, the period of internship or supervised clinical practice prescribed is 48 weeks.

**5. Specialties and titles prescribed**

For the purposes of sections 37(1) and 38(10) of the Act, the branches of medicine listed in column 1 of the Table are prescribed as a specialty and the title specified in column 2 of that Table opposite a specialty is prescribed as the title of that specialty (if any) and as the title under which that specialty may be practised.

**Table**

<b>Specialty prescribed</b>	<b>Title of specialty</b>
Anaesthesia	Anaesthetist
Anatomical Pathology (including Cytopathology and Forensic Pathology)	Anatomical Pathologist
Cardiology	Cardiologist
Cardio-thoracic Surgery	Cardio-thoracic Surgeon
Chemical Pathology	Chemical Pathologist
Clinical Genetics	Geneticist
Clinical Pharmacology	Pharmacologist
Community Child Health	
Dermatology	Dermatologist
Diagnostic Radiology	Diagnostic Radiologist
Diagnostic Ultrasound	
Emergency Medicine	Physician - Emergency Medicine
Endocrinology	Endocrinologist
Gastroenterology and Hepatology	Gastroenterologist and Hepatologist

<b>Specialty prescribed</b>	<b>Title of specialty</b>
General Medicine	Physician - General Medicine
General Paediatrics	Paediatrician
General Pathology	Pathologist
General Practice	General Practitioner
General Surgery	General Surgeon
Geriatric Medicine	Geriatrician
Gynaecological Oncology	Gynaecological Oncologist
Haematology	Haematologist
Immunology	Immunologist
Immunology and Allergy	
Infectious Diseases	Physician - Infectious Diseases
Intensive Care Medicine	Physician - Intensive Care Medicine
Maternal-Fetal Medicine	
Medical Administration	Medical Administrator
Medical Oncology	Medical Oncologist
Microbiology	Microbiologist
Nephrology	Nephrologist
Neurology	Neurologist
Neurosurgery	Neuro Surgeon
Nuclear Medicine	
Obstetrics and Gynaecology	Obstetrician and Gynaecologist
Obstetrics and Gynaecological Ultrasound	
Occupational Medicine	Physician - Occupational Medicine
Ophthalmology	Ophthalmologist
Oral and Maxillofacial Surgery	
Orthopaedic Surgery	Orthopaedic Surgeon
Otolaryngology – Head and Neck Surgery	
Paediatric Surgery	Paediatric Surgeon

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<b>Specialty prescribed</b>	<b>Title of specialty</b>
Pain Medicine	Anaesthetist - Pain Medicine
Palliative Medicine	Physician - Palliative Medicine
Plastic and Reconstructive Surgery	Plastic and Reconstructive Surgeon
Psychiatry	Psychiatrist
Public Health Medicine	
Radiation Oncology	Radiation Oncologist
Rehabilitation Medicine	
Reproductive Endocrinology and Infertility	
Respiratory and Sleep Medicine	Physician - Respiratory and Sleep Medicine
Rheumatology	Rheumatologist
Urogynaecology	Urogynaecologist
Urology	Urologist
Vascular Surgery	Vascular Surgeon

**6. Requirements for specialty**

For the purposes of section 38(2)(b)(i) and (3)(e)(i) of the Act, the qualification listed in column 2 of the Table is a prescribed qualification for the specialty specified in column 1 of that Table opposite that qualification.

**Table**

<b>Specialty</b>	<b>Australian or New Zealand qualification</b>
Anaesthesia	Fellowship of the Australian and New Zealand College of Anaesthetists (FANZCA)

<b>Specialty</b>	<b>Australian or New Zealand qualification</b>
Anatomical Pathology (including Cytopathology and Forensic Pathology)	Fellowship of the Royal College of Pathologists of Australia (FRCPA)
Cardiology	Fellowship of the Royal Australasian College of Physicians (FRACP)
Cardio-thoracic Surgery	Fellowship of the Royal Australasian College of Surgeons (FRACS)
Chemical Pathology	Fellowship of the Royal College of Pathologists of Australia (FRCPA)
Clinical Genetics	Fellowship of the Royal Australasian College of Physicians (FRACP)
Clinical Pharmacology	Fellowship of the Royal Australasian College of Physicians (FRACP)
Community Child Health	Fellowship of the Royal Australasian College of Physicians (FRACP)
Dermatology	Fellowship of the Australasian College of Dermatologists (FACD)
Diagnostic Radiology	Fellowship of the Royal Australian and New Zealand College of Radiologists (FRANZCR)
Diagnostic Ultrasound	Fellowship of the Royal Australian and New Zealand College of Radiologists (FRANZCR)

<b>Specialty</b>	<b>Australian or New Zealand qualification</b>
Emergency Medicine	Fellowship of the Australasian College for Emergency Medicine (FACEM)
Endocrinology	Fellowship of the Royal Australasian College of Physicians (FRACP)
Gastroenterology and Hepatology	Fellowship of the Royal Australasian College of Physicians (FRACP)
General Medicine	Fellowship of the Royal Australasian College of Physicians (FRACP)
General Paediatrics	Fellowship of the Royal Australasian College of Physicians (FRACP)
General Pathology	Fellowship of the Royal College of Pathologists of Australia (FRCPA)
General Practice	Fellowship of the Australian College of General Practitioners (FACGP)
General Surgery	Fellowship of the Royal Australasian College of Surgeons (FRACS)
Geriatric Medicine	Fellowship of the Royal Australasian College of Physicians (FRACP)
Gynaecological Oncology	Fellowship of the Royal Australian and New Zealand College of Obstetricians and Gynaecologists (FRANZCOG)



<b>Specialty</b>	<b>Australian or New Zealand qualification</b>
Haematology	Fellowship of the Royal College of Pathologists of Australia (FRCPA) or Fellowship of the Royal Australasian College of Physicians (FRACP)
Immunology	Fellowship of the Royal College of Pathologists of Australia (FRCPA)
Immunology and Allergy	Fellowship of the Royal Australasian College of Physicians (FRACP)
Infectious Diseases	Fellowship of the Royal Australasian College of Physicians (FRACP)
Intensive Care Medicine	Fellowship of the Joint Faculty of Intensive Care Medicine (FJFICM)
Maternal-Fetal Medicine	Fellowship of the Royal Australian and New Zealand College of Obstetricians and Gynaecologists (FRANZCOG)
Medical Administration	Fellowship of the Royal Australasian College of Medical Administrators (FRACMA)
Medical Oncology	Fellowship of the Royal Australasian College of Physicians (FRACP)
Microbiology	Fellowship of the Royal College of Pathologists of Australia (FRCPA)
Nephrology	Fellowship of the Royal Australasian College of Physicians (FRACP)

<b>Specialty</b>	<b>Australian or New Zealand qualification</b>
Neurology	Fellowship of the Royal Australasian College of Physicians (FRACP)
Neurosurgery	Fellowship of the Royal Australasian College of Surgeons (FRACS)
Nuclear Medicine	Fellowship of the Royal Australasian College of Physicians (FRACP) or Fellowship of the Royal Australian and New Zealand College of Radiologists (FRANZCR)
Obstetrics and Gynaecology	Fellowship of the Royal Australian and New Zealand College of Obstetricians and Gynaecologists (FRANZCOG)
Obstetrics and Gynaecological Ultrasound	Fellowship of the Royal Australian and New Zealand College of Obstetricians and Gynaecologists (FRANZCOG)
Occupational Medicine	Fellowship of the Australasian Faculty of Occupational Medicine (FAFOM)
Ophthalmology	Fellowship of the Royal Australian and New Zealand College of Ophthalmologists (FRANZCO)

Specialty	Australian or New Zealand qualification
Oral and Maxillofacial Surgery	Fellowship of the Royal Australasian College of Dental Surgeons (Oral and Maxillofacial Surgery) (FRACDS(OMS))
Orthopaedic Surgery	Fellowship of the Royal Australasian College of Surgeons (FRACS)
Otolaryngology – Head and Neck Surgery	Fellowship of the Royal Australasian College of Surgeons (FRACS)
Paediatric Surgery	Fellowship of the Royal Australasian College of Surgeons (FRACS)
Pain Medicine	Fellowship of the Faculty of Pain Medicine, Australian and New Zealand College of Anaesthetists (FPMANZCA)
Palliative Medicine	Fellowship of the Royal Australasian College of Physicians (FRACP) or Fellowship of the Australasian Chapter of Palliative Medicine, Royal Australasian College of Physicians (FACHPM)
Plastic and Reconstructive Surgery	Fellowship of the Royal Australasian College of Surgeons (FRACS)
Psychiatry	Fellowship of the Royal Australian and New Zealand College of Psychiatrists (FRANZCP)

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<b>Specialty</b>	<b>Australian or New Zealand qualification</b>
Public Health Medicine	Fellowship of the Australasian Faculty of Public Health Medicine (FAFPHM)
Radiation Oncology	Fellowship of the Royal Australian and New Zealand College of Radiologists (FRANZCR)
Rehabilitation Medicine	Fellowship of the Australasian Faculty of Rehabilitation Medicine (FAFRM)
Reproductive Endocrinology and Infertility	Fellowship of the Royal Australian and New Zealand College of Obstetricians and Gynaecologists (FRANZCOG)
Respiratory and Sleep Medicine	Fellowship of the Royal Australasian College of Physicians (FRACP)
Rheumatology	Fellowship of the Royal Australasian College of Physicians (FRACP)
Urogynaecology	Fellowship of the Royal Australian and New Zealand College of Obstetricians and Gynaecologists (FRANZCOG)
Urology	Fellowship of the Royal Australasian College of Surgeons (FRACS)
Vascular Surgery	Fellowship of the Royal Australasian College of Surgeons (FRACS)

**7. Prescribed period for registration and renewal of registration under section 45**

- (1) For the purposes of section 45(1)(a) of the Act, the prescribed period for which registration has effect is a period equal to the

period commencing on the day on which registration is granted and ending on the next succeeding 30 September.

- (2) For the purposes of section 45(1)(b) of the Act, the prescribed period for which registration may be renewed is a period equal to the period commencing on the day on which the registration is renewed and ending on the next succeeding 30 September.

**8. Day on which fee falls due under section 46(2)**

For the purposes of section 46(2) of the Act, the day in each year on which the prescribed fee for the renewal of registration falls due is 30 September.

**9. Prescribed information under section 48(2)(j)**

For the purposes of section 48(2)(j) of the Act, the following information is prescribed —

- (a) any offence under the Act for which the medical practitioner has been convicted;
- (b) the date on which the medical practitioner was first registered under section 30, 31, 32, 33, 34, 35 or 38 of the Act;
- (c) that a condition applying to the registration has been imposed at the request of the medical practitioner;
- (d) any cancellation or suspension of a medical practitioner's registration as a medical practitioner or specialist in another State or a Territory;
- (e) any condition imposed on a medical practitioner's registration as a medical practitioner or specialist in another State or a Territory.

**10. Amendment of particulars**

An application under section 53 of the Act for the amendment of the particulars entered in the register must —

- (a) be made in an approved form; and

- (b) be accompanied by —
  - (i) the fee prescribed in Schedule 1 item 14; and
  - (ii) the original certificate or diploma referred to in the application or other evidence that satisfies the Board that the amendment may properly be made.

**11. Certificate of good standing**

The Board may on payment of the fee prescribed in Schedule 1 item 15 issue to a medical practitioner a certificate of good standing in respect of the medical practitioner.

[12. Deleted in Gazette 31 Jul 2009 p. 3025.]

**13. Appointment of a conciliator**

- (1) After consulting a person with knowledge of and experience in the conciliation of complaints, the complaints assessment committee may appoint a person with knowledge of and experience in the conciliation of complaints to be a conciliator to preside over a conference under section 110(2) of the Act.
- (2) The Board may pay a conciliator appointed under this regulation a fee for, and such reasonable expenses as may be incurred by the conciliator in, presiding over conferences under section 110(2) of the Act.

**14. Information relating to certain business structures**

For the purposes of section 138(1) of the Act, the following particulars are prescribed —

- (a) the name of the business;
- (b) the type of structure of the business;
- (c) the business's principal place of business;
- (d) the name of any director, shareholder or partner of the business.

**15. Fees**

The fees in Schedule 1 are the prescribed fees payable in respect of the matters specified in that Schedule and the persons liable for payment of the fees are the persons specified in that Schedule.

**16. Fees for registration under the *Mutual Recognition (Western Australia) Act 2001***

The fees in Schedule 2 are prescribed as the fees payable in respect of the registration of a person entitled under the *Mutual Recognition Act 1992* (Commonwealth), as adopted by the *Mutual Recognition (Western Australia) Act 2001*, to be registered in this State as a medical practitioner.

**17. Reduction, waiver or refund of fees**

The Board may authorise the reduction, waiver or refund of any fee provided for in these regulations if the Board considers it appropriate to do so.

**Schedule 1 — Fees**

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Type of fee	Provision of Act	Fee \$
1. Subject to item 2A, registration fee payable by a person if registration is effected under section 30	s. 30(1)(b)	385
2A. Registration fee payable by a person if —		
(a) registration is effected under section 30; and		
(b) the person is retired from regular practice and intends to practise only on an occasional basis	s. 30(1)(b)	100
2. Registration fee payable by a person if registration is effected under section 31	s. 31(1)(b) or (2)(b)	385
3. Fee payable by a person who applies for registration under the Act section 30 or 31 for the conduct of criminal record screening	s. 30, 31 and 148(2)(h)	30
4. Registration fee payable by a person for provisional registration	s. 32(1)(c)	50
5. Registration fee payable by a person for conditional registration for general practice in remote and rural WA	s. 33(2)(b)	385
6. Registration fee payable by a person for special purpose conditional registration	s. 34(2)(c)	385



<b>Type of fee</b>	<b>Provision of Act</b>	<b>Fee \$</b>
7. Registration fee payable by a person for non-practising registration	s. 35(1)(b)	80
8. Registration fee payable by a person for registration as a specialist	s. 38(1)(b)	385
9. Fee payable by the applicant to accompany an application for registration under the following sections —	s. 41(2)(c)	
(a) s. 30(1)		165
(b) s. 31(1) for internship		165
(c) s. 31(1) for supervised clinical practice		300
(d) s. 31(2)		300
(e) s. 32(1)		300
(f) s. 33(2)		300
(g) s. 34(2)		300
(h) s. 35(1)		165
(i) s. 38(1)		165
10. Fee payable by a medical practitioner for renewal of registration	s. 46(2)	385
11. Additional amount to be paid to the Board by an applicant to have name restored to the register	s. 46(3)(c)	85

**Medical Practitioners Regulations 2008**  
**Schedule 1 Fees**

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<b>Type of fee</b>	<b>Provision of Act</b>	<b>Fee \$</b>
12. Fee payable by a person who applies for a certified copy of the register or an entry in the register for the copy	s. 49(4)	30
13. Fee payable by an applicant for a duplicate certificate of registration	s. 51(2)	30
14. Fee payable by an applicant for amendment of particulars entered in the register	s. 53	30
15. Fee payable by a medical practitioner for a certificate of good standing	r. 11 and s. 148(2)(h)	50

*[Schedule 1 correction in Gazette 5 Dec 2008 p. 5087; amended in Gazette 31 Jul 2009 p. 3025.]*

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**Schedule 2 — Fees relating to registration under the  
*Mutual Recognition (Western Australia) Act 2001***

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<b>Type of fee</b>	<b>Fee \$</b>
1. Fee payable on lodging a written notice seeking registration in accordance with mutual recognition principle	165
2. Registration fee for grant of registration in accordance with mutual recognition principle if registration is effected in the months of April, May, June, July, August or September	195
3. Registration fee for grant of registration in accordance with mutual recognition principle if registration is effected in the months of October, November, December, January, February or March	385

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**Notes**

<sup>1</sup> This is a compilation of the *Medical Practitioners Regulations 2008* and includes the amendments made by the other written laws referred to in the following table <sup>1a</sup>.

**Compilation table**

Citation	Gazettal	Commencement
<i>Medical Practitioners Regulations 2008</i>	25 Nov 2008 p. 4999-5018 (Printers correction 5 Dec 2008 p. 5087)	r. 1 and 2: 25 Nov 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Dec 2008 (see r. 2(b) and <i>Gazette</i> 25 Nov 2008 p. 4989)
<i>Medical Practitioners Amendment Regulations 2009</i>	31 Jul 2009 p. 3025-6	r. 1 and 2: 31 Jul 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Aug 2009 (see r. 2(b))

<sup>1a</sup> On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

**Provisions that have not come into operation**

Short title	Number and year	Assent	Commencement
<i>Health Practitioner Regulation National Law (WA) Act 2010</i> s. 15(2)(e) <sup>2</sup>	35 of 2010	30 Aug 2010	<del>To be proclaimed</del> <a href="#">18 Oct 2010</a> (see s. 2(b)) and <i>Gazette</i> <a href="#">1 Oct 2010 p. 5075-6</a>

<sup>2</sup> On the date as at which this compilation was prepared, the *Health Practitioner Regulation National Law (WA) Act 2010* s. 15(2)(e) had not come into operation. It reads as follows:

**15. Codes of practice, regulations and rules repealed**

- (2) These regulations are repealed:
  - (e) the *Medical Practitioners Regulations 2008*;