



Western Australia

Medical Practitioners Regulations 2008

Compare between:

[01 Oct 2010, 00-e0-01] and [18 Oct 2010, 00-f0-04]

Western Australia

Medical Practitioners Act 2008

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.

r. 4

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

| Specialty prescribed | Title of specialty |
|---|--|
| 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 |
| General Medicine | Physician - General Medicine |

| Specialty prescribed | Title of specialty |
|---|--|
| 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 |
| Pain Medicine | Anaesthetist - Pain Medicine |
| Palliative Medicine | Physician - Palliative Medicine |

r. 6

| Specialty prescribed | Title of specialty |
|--|--|
| 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

| Specialty | Australian or New Zealand qualification |
|---|--|
| Anaesthesia | Fellowship of the Australian and New Zealand College of Anaesthetists (FANZCA) |
| 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) |

| Specialty | Australian or New Zealand qualification |
|---------------------------------|--|
| 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) |
| 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) |

Medical Practitioners Regulations 2008

r. 6

| Specialty | Australian or New Zealand qualification |
|-------------------------|--|
| 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) |
| 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) |

| Specialty | Australian or New Zealand qualification |
|-------------------------|--|
| 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) |
| 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) |

Medical Practitioners Regulations 2008

r. 6

| Specialty | Australian or New Zealand qualification |
|--|--|
| 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) |
| 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) |

| Specialty | Australian or New Zealand qualification |
|--|--|
| 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) |
| 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) |

r. 7

| Specialty | Australian or New Zealand qualification |
|------------------|---|
| 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

[r. 15]

| 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 |

Medical Practitioners Regulations 2008**Schedule 1 Fees**

| Type of fee | Provision of Act | Fee \$ |
|---|------------------|--------|
| 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 |
| 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 |

Medical Practitioners Regulations 2008

Fees **Schedule 1**

| Type of fee | Provision of Act | Fee \$ |
|--|-----------------------------|-------------------|
| 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.]

Medical Practitioners Regulations 2008

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

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

[r. 16]

| Type of fee | Fee \$ |
|--|-------------------|
| 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 |

Medical Practitioners Regulations 2008

Notes

¹ 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.^{1a}

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)) |

^{1a} — 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 s. 15(2)(e)</i>² | 35 of 2010 | 30 Aug 2010 | 18 Oct These regulations were repealed Law (WA) Act 2010 s. 15(2)(e) (No. 35) Gazette 1 Oct 2010 p. 5075-6 |

² — 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*;

Deleted Cells

Deleted Cells

Deleted Cells