

Western Australia

Osteopaths Rules 1999

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Osteopaths Rules 1999

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Western Australia

Osteopaths Act 1997

Osteopaths Rules 1999

1. Citation

These rules may be cited as the *Osteopaths Rules 1999*¹.

2. Commencement

These rules come into operation on the day on which the *Osteopaths Act 1997* comes into operation¹.

3. Criminal record screening

The Board may require a natural person who applies to the Board under section 20 or 22 of the Act to give the Board authority to obtain details of any record of criminal convictions of that person.

4. Prescribed qualifications for registration under section 20(2)(e)

- (1) For the purposes of section 20(2)(e) of the Act, the qualification prescribed as a qualification for registration as an osteopath is a Certificate of Osteopathy issued by the Board.
- (2) For the purposes of section 20(2)(e) of the Act, the diplomas, degrees, or certificates specified in column 1 of the Table to this subrule opposite the university, institute, or school of osteopathy specified in column 2 of that Table are prescribed as a qualification for registration as an osteopath.

r. 5

Table

Column 1 Diploma, degree or certificate	Column 2 Institution
Bachelor of Applied Science (Osteopathy)	Royal Melbourne Institute of Technology
Bachelor of Osteopathic Science and Bachelor of Applied Science (Clinical Science) (double degree)	Royal Melbourne Institute of Technology
Bachelor of Science (Clinical Sciences) and Master of Health Science (Osteopathy) (double degree)	Victoria University of Technology
Bachelor of Applied Science (Osteopathy)	Phillip Institute of Technology

[Rule 4 inserted in Gazette 16 Jan 2004 p. 198.]

5. Examinations

- (1) The Board or a person appointed by the Board to conduct an examination on behalf of the Board may conduct an examination to determine whether a person desiring to be registered under the Act is to be granted a Certificate of Osteopathy.
- (2) The examination referred to in subrule (1) may be written or oral, or both, and may include requiring the person desiring to be registered under the Act to conduct a clinical examination of a patient.
- (3) A person appointed by the Board under subrule (1) to conduct an examination on behalf of the Board is to be a person recognized by the Board as a provider of osteopathic education.

- (4) The fee in Schedule 4 is prescribed as the fee payable by a person to sit an examination conducted by or on behalf of the Board under this rule.
- (5) A person who passes the examination is to be given by the Board a Certificate of Osteopathy in a form approved by the Board.

6. Prescribed period for registration under section 26(1)

For the purposes of section 26(1) 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 June.

7. Prescribed period for renewal of registration under section 26(1)

For the purposes of section 26(1) 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 June.

8. Day on which fee falls due under section 26(4)

For the purposes of section 26(4) of the Act, the day in each year on which the prescribed fee for the renewal of registration falls due is 30 June.

9. Prescribed information under section 28(2)(h)

For the purposes of section 28(2)(h) of the Act, the conviction of an osteopath for an offence under the Act is to be entered in the register.

10. Prescribed form of annual return under section 40

For the purposes of section 40(1)(b) of the Act, Form 1 in Schedule 1 is the prescribed form of annual return.

11. Matter prescribed under section 40(2)(d) to be stated in the annual return

- (1) For the purposes of section 40(2)(d) of the Act, the following matters are prescribed as matters to be stated in the annual return of a registered body —
- (a) whether or not each member and director of the registered body is a natural person;
 - (b) if the registered body has only 2 members, the relationship between the 2 members;
 - (c) if the registered body has only 2 directors, the relationship between the 2 directors;
 - (d) whether or not the executive officer, within the meaning of the Corporations Act, of the registered body is an osteopath, and, if not, the name of the executive officer and what qualifications, if any, he or she has;
 - (e) whether or not full personal professional responsibility for the conduct of the affairs of the registered body in relation to the practice of osteopathy remains an obligation of each member of the body who is registered and that no person other than an osteopath has authority over professional matters;
 - (f) whether or not the constitution of the registered body has been amended since the body was registered or since the last annual return so it no longer has the effect that the sole object of the body is to practise osteopathy and, if so, what changes have been made to the constitution of the registered body;
 - (g) if the name of the registered body has been changed since the body was registered or since the last annual return, the name of the body and the name under which the body was registered.
- (2) Matters referred to in subrule (1) are to be stated as at 30 June preceding the day on which the return is lodged.

[Rule 11 amended in Gazette 6 Nov 2001 p. 5840.]

12. Complaints to the complaints assessment committee

- (1) A complaint to the complaints assessment committee is to be in writing.
- (2) A person who complains to the complaints assessment committee must give to the committee —
 - (a) his or her name; and
 - (b) such other information relating to the person's identity as the Board or registrar may require.

13. Appointment of a conciliator under section 63(2)

- (1) After consulting a person with knowledge of and experience in the conciliation of complaints, the complaints assessment committee may appoint a conciliator to preside over a conference under section 63(2) of the Act.
- (2) The Board may pay a conciliator appointed under this rule a fee for, and such reasonable expenses as may be incurred by the conciliator in, presiding over conferences under section 63(2) of the Act.

14. Relationship between members or directors of a body corporate

- (1) For the purposes of clause 3(c) or 4(c) of Schedule 2 to the Act, the manner in which the members or directors must be related is prescribed as —
 - (a) spouse or de facto partner;
 - (b) a parent, child, brother, or sister of the member or director or of the member's or director's spouse or de facto partner; or
 - (c) the spouse or de facto partner of a person referred to in paragraph (b).

[(2) repealed]

[Rule 14 amended in Gazette 30 Jun 2003 p. 2621.]

15. Relationship between a person who has an interest in any securities issued by a body corporate and an osteopath

- (1) For the purposes of clause 5 of Schedule 2 to the Act, the manner in which a person who has a relevant interest in any securities issued or made available by the body corporate is to be related to an osteopath is prescribed as —
- (a) a spouse or de facto partner of an osteopath;
 - (b) a parent, child, brother, or sister of an osteopath or of an osteopath's spouse or de facto partner; or
 - (c) the spouse or de facto partner of a person referred to in paragraph (b).

[(2) repealed]

[Rule 15 amended in Gazette 30 Jun 2003 p. 2621.]

16. Advertising

An osteopath who advertises, or causes to be advertised, any material relating to the osteopath's practice of osteopathy that —

- (a) is false, misleading, or deceptive;
- (b) creates an unjustified expectation of beneficial treatment; or
- (c) promotes the unnecessary or inappropriate use of the osteopath's services,

commits an offence.

Penalty: \$1 000.

17. Fees

The fees in Schedule 2 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.

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

The fees in Schedule 3 are prescribed as the fees payable in respect of the registration of a person entitled under the *Mutual Recognition Act 1992* of the Commonwealth, as adopted by the *Mutual Recognition (Western Australia) Act 2001*, to be registered in this State as an osteopath.

[Rule 18 amended in Gazette 6 Nov 2001 p. 5840.]

19. Reduction, waiver, or refund of fees

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

Schedule 1 — Forms

[r. 10]

Form 1

<i>Osteopaths Rules 1999, rules 10 and 11</i>	
ANNUAL RETURN OF REGISTERED BODY	
Name of registered body	
Registered address of registered body	

Name of director or member of registered body ¹	Residential address ²	Shares ³	Votes ⁴	Qualification ⁵

Is each member and director of the registered body a natural person?

YES ☐ NO ☐ (Please tick)

If the registered body has only 2 members, describe the relationship between the 2 members.⁶

.....
.....

If the registered body has only 2 directors, describe the relationship between the 2 directors.⁷

.....
.....

Is the executive officer, within the meaning of the Corporations Act, of the registered body an osteopath?

YES ☐ NO ☐ (Please tick)

If the answer is no, who is the executive officer and what qualifications, if any, does he or she have?

.....

Is full personal professional responsibility for the conduct of the affairs of the registered body in relation to the practice of osteopathy an obligation of each member of the body who is registered under the Act?

YES ☐ NO ☐ (Please tick)

Does any person other than an osteopath have authority over professional matters in relation to the practice of osteopathy?

YES ☐ NO ☐ (Please tick)

Has the constitution of the registered body been amended since the body was registered or since the last annual return so that it no longer has the effect that the sole object of the body is to practise osteopathy?

YES ☐ NO ☐ (Please tick)

If the answer is yes, what changes have been made to the constitution of the registered body?

.....

Has the name of the registered body been changed since the body was registered or since the last annual return?

YES ☐ NO ☐ (Please tick)

If yes, give the name of the body and the name under which the body was registered.

STATUTORY DECLARATION

I of

Schedule 1 Forms

.....do solemnly and sincerely declare that the particulars contained in this return are true and correct, and I make this solemn declaration under section 106 of the *Evidence Act 1906*.

Declared at this day
of(month)
.....(year)

.....
Signature of applicant

Before me —

.....
Justice of the Peace or Commissioner for Declarations

1. Full name of any person who on 30 June preceding the lodging of the return was a director or member of the registered body.
2. Usual residential address of the director or member of the registered body as at 30 June preceding the lodging of the return.
3. Number of shares in the registered body held by the director or member as at 30 June preceding the lodging of the return.
4. As at 30 June preceding the lodging of the return, the number of votes that the director or member is entitled to cast at a meeting of members of the registered body.
5. As at 30 June preceding the lodging of the return, in relation to a member, the qualification by virtue of which the person is entitled to be a member of the registered body.
6. Rule 14 of the *Osteopaths Rules 1999* provides that the relationship must be —
 - (a) spouse or de facto partner;
 - (b) a parent, child, brother, or sister of the member or of the member's spouse or de facto partner;
 - (c) the spouse or de facto partner of a person referred to in paragraph (b).

7. Rule 14 of the *Osteopaths Rules 1999* provides that the relationship must be —
- (a) spouse or de facto partner;
 - (b) a parent, child, brother, or sister of the director or of the director's spouse or de facto partner;
 - (c) the spouse or de facto partner of a person referred to in paragraph (b).

[Schedule 1 amended in Gazette 6 Nov 2001 p. 5840; 30 Jun 2003 p. 2621-2.]

Schedule 2 Prescribed fees

Schedule 2 — Prescribed fees

[r. 17]

Type of fee	Provision of Act	Fee \$
1. Fee payable by a person who applies for a copy of the minutes of the Board available for inspection under section 15(4).	s. 15(5)	\$5 plus \$1 per page up to a maximum fee in total of \$10
2. Registration fee payable by a natural person if registration is effected in the months of July, August, September, October, November, or December.	s. 20(1)	500
3. Registration fee payable by a natural person if registration is effected in the months of January, February, March, April, May, or June.	s. 20(1)	250
4. Fee payable by a natural person who applies for registration under section 20 or 22 of the Act for the conduct of criminal record screening.	s. 20, 22 and 94(2)(1)	25
5. Registration fee payable by a body corporate if registration is effected in the months of July, August, September, October, November, or December.	s. 21(1)	500
6. Registration fee payable by a body corporate if registration is effected in the months of January, February, March, April, May, or June.	s. 21(1)	250
7. Registration fee payable by a person registered as an osteopath under the law in force in another State or Territory if registration is effected in the months of July, August, September, October, November, or December.	s. 22(1)	500

Type of fee	Provision of Act	Fee \$
8. Registration fee payable by a person registered as an osteopath under the law in force in another State or Territory if registration is effected in the months of January, February, March, April, May, or June.	s. 22(1)	250
9. Registration fee payable by a person for conditional registration of a natural person.	s. 23(1)	500
10. Fee payable by the applicant to accompany an application for registration.	s. 24(1)	150
11. Fee payable by an osteopath for renewal of registration of the osteopath.	s. 26(4)	500
12. Additional amount to be paid to the Board by an applicant to have name restored to the register.	s. 26(5)	100
13. Fee payable by a person who applies for a certified copy of the register or an entry in the register for the copy or entry.	s. 29(3)	20
14. Fee payable by an applicant for amendment of particulars entered in the register.	s. 32	20
15. Fee payable by a person to have the applicant's name restored to the register under section 36(2) if restoration is effected in the months of July, August, September, October, November, or December.	s. 36(2)	70
16. Fee payable by a person to have the applicant's name restored to the register under section 36(2) if restoration is effected in the months of January, February, March, April, May, or June.	s. 36(2)	35
17. Fee payable by a person to have the applicant's name restored to the register under section 36(4) if restoration is effected in the months of July, August, September, October, November, or December.	s. 36(4)	100

Schedule 2 Prescribed fees

Type of fee	Provision of Act	Fee \$
18. Fee payable by a person to have the applicant's name restored to the register under section 36(4) if restoration is effected in the months of January, February, March, April, May, or June.	s. 36(4)	50

**Schedule 3 — Fees in relation to registration arising under
the *Mutual Recognition (Western Australia) Act 2001***

[r. 18]

Type of fee	Fee \$
1. Fee payable on lodgment of a written notice seeking registration in accordance with mutual recognition principle.	150
2. Registration fee for grant of registration in accordance with mutual recognition principle if registration is effected in the months of January, February, March, April, May, or June.	250
3. Registration fee for grant of registration in accordance with mutual recognition principle if registration is effected in the months of July, August, September, October, November, or December.	500

[Schedule 3 amended in Gazette 6 Nov 2001 p. 5840.]

Schedule 4 Fee for examination conducted by or on behalf of the Board

**Schedule 4 — Fee for examination conducted by or on
behalf of the Board**

[r. 5(4)]

The fee to sit for an examination conducted by or on behalf of the Board
is \$275.

[Schedule 4 amended in Gazette 18 Aug 2000 p. 4767.]

Notes

- ¹ This is a compilation of the *Osteopaths Rules 1999* and includes the amendments made by the other written laws referred to in the following table ^{1a}. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Osteopaths Rules 1999</i>	21 Dec 1999 p. 6475-94	22 Dec 1999 (see r. 2 and <i>Gazette</i> 21 Dec 1999 p. 6393)
<i>Osteopaths Amendment Rules 2000</i>	18 Aug 2000 p. 4767-8	18 Aug 2000
<i>Osteopaths Amendment Rules 2001</i>	6 Nov 2001 p. 5840-1	6 Nov 2001
<i>Equality of Status Subsidiary Legislation Amendment Regulations 2003 Pt. 30</i>	30 Jun 2003 p. 2581-638	1 Jul 2003 (see r. 2 and <i>Gazette</i> 30 Jun 2003 p. 2579)
<i>Osteopaths Amendment Rules 2003</i>	16 Jan 2004 p. 197-9	16 Jan 2004

Reprint 1: The *Osteopaths Rules 1999* as at 21 Jan 2005 (includes amendments listed above)

- ^{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>Osteopaths Act 2005</i> s. 106 ²	33 of 2005	12 Dec 2005	To be proclaimed (see s. 2)

- ² On the date as at which this compilation was prepared, the *Osteopaths Act 2005* s. 106 had not come into operation. It reads as follows:

“

106. *Osteopaths Rules 1999* repealed

The *Osteopaths Rules 1999* are repealed.

”.

