



Western Australia

Podiatrists Registration Act 1984

Podiatrists Registration Rules 1985

These Rules were repealed by the *Podiatrists Act 2005* s. 107 (No. 30 of 2005) as at 30 May 2007 (see s. 2 and *Gazette* 29 May 2007 p. 2486)

Podiatrists Registration Rules 1985

Contents

Part I — Preliminary

1.	Citation	1
2.	Commencement	1

Part II — Meetings and proceedings of the Board

3.	Ordinary meeting	2
4.	Special meeting	2
6.	Notice of meetings	2
7.	Meeting adjourned if no quorum	2
8.	Chairman to preside at committee meeting	2
9.	Notice of motion	3
10.	Motion to be seconded	3
11.	Questions decided on the voices	3
12.	Chairman shall have casting vote	3
13.	Order of business	3
14.	Resolution of Board	4
15.	No resolution rescinded without notice	4
16.	Minutes kept by Registrar	4
17.	Method for filling a vacancy	4

Part III — The Register of Podiatrists

18.	Registrar shall keep Register	5
19.	Particulars in Register	5
20.	Podiatrist to notify Registrar of change in particulars	6

Contents

21.	Entry only by Registrar	6
23.	No fee if not registered	6
24.	Change of address	6

Part IV — Complaints against podiatrists

25.	Complaints	7
26.	Complaints lodged with Registrar	7
27.	Podiatrist to reply within 14 days	7
28.	Making an allegation to the State Administrative Tribunal	7

Part V — Advertising, display and publicity

32.	Business cards and stationery	9
33.	Restrictions on advertising etc.	9
34.	Restrictions on publicising practice of podiatry	10
35.	Special knowledge and skills	11
36.	Board may direct action as to advertising etc.	11

Part VI — Fees and allowances

44.	Attendance fees for chairman and members	12
46.	Motor vehicle allowance	12
47.	Travelling allowance	12

Part VII — The Seal

48.	The Seal	14
49.	Registrar to keep Seal	14
50.	Use of Seal	14

Part VIII — Fees

51.	Fees payable by applicant to Board	15
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Part IX — Miscellaneous

52.	Repeal	16
53.	Forms	16

Notes

Compilation table	19
Provisions that have not come into operation	19

Western Australia

Podiatrists Registration Act 1984

Podiatrists Registration Rules 1985

Part I — Preliminary

1. Citation

These rules may be cited as the *Podiatrists Registration Rules 1985* ¹.

2. Commencement

These rules shall come into operation on the date of the coming into operation of the *Podiatrists Registration Act 1984* ¹.

Part II — Meetings and proceedings of the Board

3. Ordinary meeting

The ordinary meeting of the Board shall be held on the fourth Wednesday in each month at such time and place as is determined by the Board and if the fourth Wednesday of any month is a public holiday, or if there is other reason the Board may, if it thinks fit, by resolution fix some other day to be the day on which the ordinary meeting shall be held in the month concerned.

4. Special meeting

A special meeting of the Board shall be convened by the Registrar on the written requisition of the chairman or of any 3 members of the Board and the Registrar shall call a special meeting within 7 days of receipt of any such requisition.

[5. *Repealed in Gazette 11 Jan 2005 p. 140.*]

6. Notice of meetings

In the case of ordinary meetings, 7 days, and in the case of special meetings, 3 days' notice in writing shall be given by the Registrar of the holding of the meeting and the notice shall indicate the nature of the business to be transacted.

[Rule 6 amended in Gazette 11 Jan 2005 p. 140.]

7. Meeting adjourned if no quorum

If at the expiration of 15 minutes after the time appointed for any meeting there is not a quorum present, the meeting of the Board, and all business intended for that meeting, shall stand adjourned to the next meeting of the Board.

8. Chairman to preside at committee meeting

The chairman for the time being shall be ex officio a member of every committee, and when present at any committee meeting,

shall preside and in the absence of the chairman, the committee shall elect one of its members to preside.

9. Notice of motion

Notice of every motion intended to be proposed at any ordinary meeting, shall be given to the Registrar in writing at least 14 days before the date set for the next ordinary meeting and the Registrar shall include details of every notice of motion on the notice to be given in accordance with rule 6.

10. Motion to be seconded

The chairman shall not allow discussion of any motion unless the motion has been seconded.

11. Questions decided on the voices

Every question shall be decided on the voices unless any member shall demand a show of hands, in which case the chairman shall instruct that a show of hands be taken.

12. Chairman shall have casting vote

The chairman for the time being at every meeting shall have a deliberate vote, and in the event of any equality of votes, a casting vote.

13. Order of business

- (1) The order of business, unless varied by resolution at any meeting, shall be —
 - (a) confirmation of the minutes of the previous meeting;
 - (b) registration of podiatrists;
 - (c) correspondence;
 - (d) reports of committees;
 - (e) production of bank statement;
 - (f) accounts for payment;
 - (g) Registrar's statement; and

(h) general business.

- (2) The Board may, by resolution, vary the order of business on the grounds of urgency or convenience.

14. Resolution of Board

A resolution signed by all members of the Board shall be as valid and effectual as if it had been passed at a duly convened meeting.

15. No resolution rescinded without notice

No resolution arrived at or any act, matter or thing done or authorised by any meeting shall be rescinded or amended, at any subsequent meeting unless notice of such intended rescision or amendment be given in the notice convening the meeting at which such rescision or amendment is to be proposed.

16. Minutes kept by Registrar

Minutes of every meeting shall be kept by the Registrar and such minutes when signed by the chairman of the same or any subsequent meeting shall be binding and conclusive evidence for all purposes and before all courts of the proceedings of such meeting.

17. Method for filling a vacancy

A person appointed to fill a vacancy occurring in the office of member shall be appointed only for the unexpired portion of the term, except that when the vacancy occurs within 3 months of the date on which the term would be due to expire, the appointee may be appointed for the unexpired portion of the term plus a further full term and retiring members shall be eligible for re-election.

Part III — The Register of Podiatrists

18. Registrar shall keep Register

The Registrar shall keep the Register in the form directed by the Board.

19. Particulars in Register

The Registrar shall enter the following particulars in the Register in respect of each podiatrist —

- (a) name;
- (b) home or business address (as selected by the podiatrist) and, where applicable, the telephone and facsimile machine numbers for that address;
- (c) sex;
- (d) date of birth;
- (e) qualifications;
- (f) registered under section;
- (g) date registered;
- (h) date removed from register;
- (i) reason for removal;
- (j) the professional podiatry organisations of which the podiatrist is a member, being organisations recognised by the Board for the purposes of this paragraph;
- (k) where under section 40(3) of the Act a name under which the podiatrist practises has been approved, the name or names;
- (l) hours of business;
- (m) languages spoken; and

- (n) each area of special knowledge and each special skill in relation to podiatry that has been recognised by the Board.

*[Rule 19 amended in Gazette 26 June 1992 p.2704;
29 December 1995 p.6242.]*

20. Podiatrist to notify Registrar of change in particulars

A podiatrist shall notify the Registrar of any change to particulars entered in the Register in respect of the podiatrist within 14 days of the change.

[Rule 20 inserted in Gazette 29 December 1995 p.6242.]

21. Entry only by Registrar

No entry shall be made in the Register by a person other than the Registrar.

[22. Repealed in Gazette 29 December 1995 p.6242.]

23. No fee if not registered

A person whose name is withdrawn from the Register for the whole of any year is not liable to pay licence fees in respect of that year.

24. Change of address

Where the Registrar posts a notice to any podiatrist according to his address on the Register, enquiring whether he has changed his address and no reply is received by the Registrar within 14 days of posting, the Board may direct that the name of the podiatrist be removed from the Register.

Part IV — Complaints against podiatrists

25. Complaints

A complaint against a podiatrist may be initiated by any person or by resolution of the Board.

26. Complaints lodged with Registrar

Any person who makes a complaint against a podiatrist shall lodge with the Registrar a signed statement of the matters complained of and if required by the Board shall give such further particulars in writing.

[Rule 26 amended in Gazette 11 Jan 2005 p. 140.]

27. Podiatrist to reply within 14 days

On receipt of a complaint or on the passing of a resolution initiating a complaint, the Registrar shall forthwith notify the podiatrist concerned and call on him to lodge with the Registrar within 14 days, an answer to the complaint.

[Rule 27 amended in Gazette 11 Jan 2005 p. 140.]

28. Making an allegation to the State Administrative Tribunal

- (1) The Board may, after considering the answer (if any) of a podiatrist furnished under rule 27, make an allegation about the complaint to the State Administrative Tribunal.
- (2) If an allegation relating to a podiatrist is made to the State Administrative Tribunal and the podiatrist has furnished an answer under rule 27, the Registrar is to cause a copy of the answer to be given —
 - (a) to the executive officer of the State Administrative Tribunal with the allegation; and
 - (b) to the person, if any, who made the complaint against the podiatrist within 7 days of the day on which the complaint is made to the State Administrative Tribunal.

Podiatrists Registration Rules 1985

Part IV Complaints against podiatrists

r. 28

[Rule 28 inserted in Gazette 11 Jan 2005 p. 141.]

[29-31. Repealed in Gazette 11 Jan 2005 p. 140.]

Part V — Advertising, display and publicity

[Heading inserted in Gazette 29 December 1995 p.6242.]

32. Business cards and stationery

- (1) Subject to subrule (2), a podiatrist shall not, in relation to podiatry, use or notify on a business card or printed stationery prepared by or for the podiatrist a title, words, letters, addition, or description, either in full, or in abbreviation or in combination, other than that or those shown in the Register in relation to the registration of the podiatrist.
- (2) Subrule (1) does not apply where a podiatrist has the written approval of the Board to do something that would otherwise be a breach of that subrule.

[Rule 32 inserted in Gazette 29 December 1995 p.6242.]

33. Restrictions on advertising etc.

A podiatrist shall not, in relation to podiatry, use an advertisement, notice, sign, name-plate, business card or printed stationery that —

- (a) is false in a material particular;
- (b) is misleading or deceptive or is likely to mislead or deceive;
- (c) is vulgar, sensational or otherwise likely to adversely affect the reputation or standing of the podiatry profession by reason of its content, form or manner of presentation;
- (d) claims or implies that the podiatrist is superior to another podiatrist or podiatrists;
- (e) claims or implies that equipment or a technique used by the podiatrist is superior to the equipment or technique used by another podiatrist or podiatrists;

r. 34

- (f) states or implies that the podiatrist offers or may offer a discount on the cost of goods or services provided by the podiatrist; or
- (g) comprises, includes or refers to a testimonial in any form.

[Rule 33 inserted in Gazette 29 December 1995 p.6243.]

34. Restrictions on publicising practice of podiatry

A podiatrist may participate and be identified by name and profession in a talk, public appearance, broadcast or publication in relation to podiatry unless —

- (a) the subject matter is not a matter of public interest;
- (b) where the subject matter concerns a matter in respect of which the podiatrist has been professionally engaged —
 - (i) the podiatrist does not have the client's express consent, or it is contrary to the interests of the client, to so participate;
 - (ii) the podiatrist gives an unobjective account of the matter; or
 - (iii) the podiatrist gives undue publicity or emphasis to the podiatrist's part in the matter;
- (c) the presentation is vulgar, sensational or otherwise likely to adversely affect the reputation or standing of the podiatry profession by reason of the content or form of the presentation or the manner of the podiatrist's participation;
- (d) the podiatrist claims or implies that the podiatrist is superior to another podiatrist or podiatrists;
- (e) the podiatrist claims or implies that equipment or a technique used by the podiatrist is superior to the equipment or technique used by another podiatrist or podiatrists; or
- (f) the podiatrist claims or implies that the podiatrist is representing the Board or is presenting the views of the

Board, without having the express authority of the Board to do so.

[Rule 34 inserted in Gazette 29 December 1995 p.6243.]

35. Special knowledge and skills

Nothing in rule 33(d) or (e) or rule 34(d) or (e) prevents a podiatrist from informing persons that the podiatrist has an area of special knowledge or a special skill in relation to podiatry if that special knowledge or special skill is entered in the Register in respect of the podiatrist.

[Rule 35 inserted in Gazette 29 December 1995 p.6244.]

36. Board may direct action as to advertising etc.

Where the Board is of the opinion that a podiatrist has not complied with section 40(5) of the Act or rule 32, 33 or 34, it may by written notice served on the podiatrist, direct that —

- (a) an advertisement, notice, business card or printed stationery be discontinued or altered in terms as directed by the Board;
- (b) a sign or name-plate be removed or altered in terms as directed by the Board; or
- (c) the podiatrist make a retraction in terms and in the manner as directed by the Board.

[Rule 36 inserted in Gazette 29 December 1995 p.6244.]

[37-43. Repealed in Gazette 29 December 1995 p.6244.]

Part VI — Fees and allowances

44. Attendance fees for chairman and members

- (1) For attendance at each meeting of the Board —
 - (a) the chairman is to be paid —
 - (i) if the meeting takes 4 hours or longer, \$323.00;
or
 - (ii) if the meeting takes less than 4 hours, \$213.00;
and
 - (b) each other member is to be paid —
 - (i) if the meeting takes 4 hours or longer, \$215.00;
or
 - (ii) if the meeting takes less than 4 hours, \$142.00.
- (2) A member of the Board who is an officer within the meaning of the *Public Service Act 1978*² shall not be entitled to receive payment for attendance at meetings of the Board.

[Rule 44 amended in Gazette 19 November 2002 p. 5506.]

[45. Repealed in Gazette 11 Jan 2005 p. 141.]

46. Motor vehicle allowance

Every member of the Board who is required to use his own vehicle when engaged on the business of the Board shall be paid an allowance in accordance with the current Public Service Motor Vehicle Allowance Award.

47. Travelling allowance

When any member of the Board is required to travel to any place beyond a 34 kilometre radius from the G.P.O. Perth, he may be paid a travelling allowance and motor vehicle allowance on the same scale and under the same conditions applicable from time to time to officers of the Public Service of the Government of Western Australia but no such allowance or transport expenses shall be payable unless the approval of the

Board was obtained before a member engaged on any business of the Board other than attendance at a Board meeting.

Part VII — The Seal

48. The Seal

The Board may adopt a seal to be known as the seal of the Board.

49. Registrar to keep Seal

The Seal of the Board shall remain in the custody of the Registrar at the office of the Board.

50. Use of Seal

The Seal shall be affixed by the Registrar in the presence of the chairman to any writing when authorised by the Board, and not otherwise.

Part VIII — Fees

51. Fees payable by applicant to Board

- (1) The following fees shall be charged and payable by the applicant on demand of the Registrar —

	\$
(a) application for registration as podiatrist.....	45.00
(b) renewal of annual licence to practise.....	200.00
(c) extract of entry in the Register of Podiatrists....	1.00
(d) application for restoration of name to register..	45.00

- (2) Where an application for registration or restoration of a name to the Register is received after 30 June in any year the Board may reduce the fee payable under subrule (1).

*[Rule 51 amended in Gazette 20 December 1985 p.4834;
19 December 1986 p.4873; 23 August 1991 p.4361.]*

Part IX — Miscellaneous

52. Repeal

[Omitted under the Reprints Act 1984 s.7(4)(f).]

53. Forms

- (1) A certificate referred to in section 13 shall be on Form PA 1.
- (2) An application for the restoration of a name to the Register of Podiatrists shall be on Form PA 2.

Podiatrists Registration Act 1984

Form PA 1

[Section 13]

Podiatrists Registration Board of Western Australia

REGISTRATION CERTIFICATE

Number Date of Registration

Name of Practitioner.....

Address.....

.....

Qualifications.....

.....

It is hereby certified that this is a true copy of the entry of the above specified names in the Register.

.....

Registrar.

Important Notice — Podiatrists should send to the Board notice within 14 days of any Change of address in accordance with rule 20.

Podiatrists Registration Act 1984

Form PA 2

[Section 16(2)]

Podiatrists Registration Board of Western Australia

APPLICATION FOR RESTORATION OF NAME TO REGISTER OF
PODIATRISTS

The Registrar,
Podiatrists Registration Board

I,
of
hereby request that my name be restored to the Register of Podiatrists

My name was previously on the Register in the year and was
withdrawn voluntarily/by order of the Board.

(Strike out whichever does not apply).

Dated this day of 19

Signature of applicant

Note — This application must be accompanied by the prescribed fee in
accordance with rule 51.

Notes

- ¹ This is a compilation of the *Podiatrists Registration Rules 1985* and includes the amendments made by the other written laws referred to in the following table ^{1a}.

Compilation table

Citation	Gazettal	Commencement
<i>Podiatrists Registration Rules 1985</i>	22 Feb 1985 pp.664-70	22 Feb 1985 (see rule 2 and <i>Gazette</i> 22 Feb 1985 p.653)
<i>Podiatrists Registration Amendment Rules 1985</i>	20 Dec 1985 p.4834	1 Jan 1986 (see rule 2)
<i>Podiatrists Registration Amendment Rules 1986</i>	19 Dec 1986 pp.4872-3	1 Jan 1987 (see rule 2)
<i>Podiatrists Registration Amendment Rules (No. 2) 1986</i>	24 Dec 1986 pp.4973-4	24 Dec 1986
<i>Podiatrists Registration Amendment Rules 1991</i>	23 Aug 1991 p.4361	1 Jan 1992 (see rule 2)
<i>Podiatrists Registration Amendment Rules 1992</i>	26 Jun 1992 p.2704	26 Jun 1992
<i>Podiatrists Registration Amendment Rules 1995</i>	29 Dec 1995 pp.6241-4	29 Dec 1995
<i>Podiatrists Registration Amendment Rules 2002</i>	19 Nov 2002 p. 5505-6	19 Nov 2002
<i>Podiatrists Registration Amendment Rules 2004</i>	11 Jan 2005 p. 140-1	11 Jan 2005 (see r. 2)
These Rules were repealed by the <i>Podiatrists Act 2005</i> s. 107 (No. 30 of 2005) as at 30 May 2007 (see s. 2 and <i>Gazette</i> 29 May 2007 p. 2486)		

- ^{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>Podiatrists Act 2005</i> s. 107 ³	30 of 2005	12 Dec 2005	To be proclaimed (see s. 2)

² Under section 112(1) of the *Public Sector Management Act 1994*, references to the *Public Service Act 1978* may be construed as references to the *Public Sector Management Act 1994* (No. 31 of 1994).

³ On the date as at which this compilation was prepared, the *Podiatrists Act 2005* s. 107 had not come into operation. It reads as follows:

“

107. Podiatrists Registration Rules 1985 repealed

The *Podiatrists Registration Rules 1985* are repealed.

”.