

PODIATRISTS ACT 1989—REGULATION

(Podiatrists Regulation 1995)

NEW SOUTH WALES



[Published in Gazette No. 105 of 1 September 1995]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Podiatrists Act 1989, has been pleased to make the Regulation set forth hereunder.

ANDREW REFSHAUGE
Deputy Premier and Minister for Health.

PART 1—PRELIMINARY

Citation

1. This Regulation may be cited as the Podiatrists Regulation 1995.

Commencement

2. This Regulation commences on 1 September 1995.

Definitions and notes

3. (1) In this Regulation:

“**approved**” means approved for the time being by the Board;

“**Board**” means the Podiatrists Registration Board constituted under the Act;

“**the Act**” means the Podiatrists Act 1989.

- (2) Notes included in this Regulation do not form part of this Regulation.

PART 2—REGISTRATION AND THE REGISTER**Application for registration**

4. (1) An application for registration under the Act must be in the approved form and be accompanied by a fee of \$145.

(2) The fee, or such part of the fee as the Board determines, is to be refunded to the applicant if the application is refused.

Certificate of registration

5. (1) On the registration of a person as a podiatrist, the secretary is to issue to the person a certificate of registration in the approved form.

(2) The secretary may, if satisfied that a certificate of registration has been lost, destroyed or defaced, issue a duplicate, clearly marked as such, on payment of a fee of \$20.

Certificate of provisional registration

6. A certificate of provisional registration referred to in section 8 (1) of the Act is to be in the approved form.

Change of name

7. If satisfied that a registered podiatrist has changed her or his name, the Board may:

- (a) enter the particulars of the changed name in the register; and
- (b) issue a certificate in the approved form certifying as to the change.

Fee for entry of additional qualifications or other particulars in register

8. The fee payable in respect of the entry in the register of any particulars under section 9 (2) of the Act is \$12.

Restoration of name to register

9. The fee payable for restoration of a person's name to the register under section 10 (5) of the Act is \$270.

Surrender of certificate of registration

10. If the name of a registered podiatrist is removed from the register or the registration of a registered podiatrist is suspended, the podiatrist must surrender her or his certificate of registration to the secretary within 14 days after the removal or suspension takes effect.

Maximum penalty: 5 penalty units.

Fee for extract from register

11. The fee to be paid for supplying a person with an extract from the register under section 9 (3) of the Act is \$10.

Annual roll fee

12. (1) For the purposes of section 10 (1) of the Act, the prescribed roll fee is \$135 and the prescribed date (on or before which it must be paid) is 1 April.

(2) For the purposes of section 10 (3) of the Act, the prescribed date is 1 July.

PART 3—COMPLAINTS**Lodgment and consideration of complaint**

13. (1) A person making a complaint under section 14 of the Act must lodge the complaint with the secretary.

(2) On receipt of a Complaint, the secretary is to forward the complaint to the President who must:

- (a) call a special meeting of the Board to consider the complaint; or
- (b) place the complaint before the next ordinary meeting of the Board for consideration.

(3) A copy of the complaint is to be served with the notice of any such meeting on each member of the Board.

Conduct of complaint inquiry

14. (1) An inquiry conducted by the Board under section 15 of the Act is to be open to the public unless the Board otherwise determines.

(2) An inquiry conducted by a Professional Standards Committee under section 15 of the Act is to be closed to the public unless the Professional Standards Committee conducting the inquiry otherwise determines.

Notice of inquiry

15. A notice given under section 15 (3) of the Act is to state that:

- (a) the inquiry may be conducted in the absence of the registered podiatrist concerned if she or he fails to appear; and
- (b) the Board can take action against the registered podiatrist as a result of the inquiry even if the registered podiatrist does not appear; and

- (c) the registered podiatrist concerned is entitled to be represented by a barrister or solicitor.

Remuneration of Professional Standards Committee members

16. For the purposes of section 21 (7) of the Act, a member of a Professional Standards Committee is entitled to be paid such remuneration as the Minister may from time to time determine.

PART 4—ADVERTISING

General restriction on advertising

17. A podiatrist or a corporation engaged or associated in the practice of podiatry must not advertise except in the manner and to the extent authorised by this Part.

Maximum penalty: 5 penalty units.

Advertising in general

18. (1) An advertisement by a podiatrist must not:

- (a) be false, misleading or deceptive; or
- (b) create a unjustified expectation of beneficial treatment; or
- (c) promote the unnecessary or inappropriate use of the services of a podiatrist; or
- (d) claim prominence for a podiatrist in the practice of podiatry; or
- (e) compare a podiatrist's practice with that of any other podiatrist.

(2) An advertisement by a podiatrist, other than an advertisement prohibited by subclause (1), is authorised.

(3) A reference in this clause to a podiatrist includes a reference to a corporation engaged or associated in the practice of podiatry and to each registered podiatrist employed by the corporation.

PART 5—PRACTICE OF PODIATRY AND PROVISION OF BASIC FOOT CARE

Cleanliness of premises

19. A registered podiatrist must not practise podiatry in any premises unless the premises comply with the following requirements:

- (a) the premises must be provided with adequate facilities for the maintenance of personal cleanliness (including facilities for the washing and drying of hands);
- (b) the premises must be provided with adequate, appropriate and well maintained receptacles for the reception of all soiled materials, contaminated and procedural waste, and sharps;
- (c) all surfaces on which instruments or other articles that may be used in the practice of podiatry may be placed, must be kept clean and hygienic.

Home practice

20. A registered podiatrist who conducts podiatry in a patient's home must ensure that all contaminated and procedural waste and sharps resulting from the conduct of podiatry in the patient's home is or are safely and adequately disposed of.

Basic foot care

21. (1) For the purposes of section 4 (2) (b) of the Act, the provision of basic foot care in any appropriate manner by:

- (a) persons who have completed a course of training recognised by the Board for the purposes of this clause; or
- (b) persons who have, in the opinion of the Board, demonstrated skills in identifying basic symptomology or abnormality in the foot that requires referral to a medical practitioner or health care professional; or
- (c) persons who are employed by a hospital, nursing home or community health centre and provide the service as part of their normal duties in that employment,

is prescribed.

(2) Without affecting section 4 (2) (b) of the Act, in this clause “**basic foot care**” means the fundamental attention given to normal toe nails and skin surfaces of the foot, including the cutting of toe nails, the removal of superficial dead skin material interdigitally and the application to the skin of emollients or rehydrating agents, when indicated.

Note: Clause 21 does not prevent the provision of basic foot care to another person by:

- (a) a registered podiatrist; or
- (b) a medical practitioner.

PART 6—MISCELLANEOUS**Special and urgent meetings of the Board**

22. (1) A special meeting of the Board may be called on written requisition given to the secretary by the President or any 3 members and is to be held within 7 days of the receipt of the requisition by the secretary.

(2) An urgent meeting of the Board may be called by the President for any purpose at any time.

(3) At least 24 hours' notice of the time and place of any special or urgent meeting is to be given by the secretary to each member.

Service of documents

23. Any document required by the Act or this Regulation to be served on a person (whether the word "serve", "give" or "send" or any other word is used) may be served in person or by post.

Repeal

24. (1) The Podiatrists Regulation 1990 is repealed.

(2) Any act, matter or thing that was done for the purposes of or, immediately before the repeal of the Podiatrists Regulation 1990, had effect under that Regulation is taken to have been done for the purposes of or to have effect under this Regulation.

NOTES**TABLE OF PROVISIONS****PART 1—PRELIMINARY**

1. Citation
2. Commencement
3. Definitions and notes

PART 2—REGISTRATION AND THE REGISTER

4. Application for registration
5. Certificate of registration
6. Certificate of provisional registration
7. Change of name
8. Fee for entry of additional qualifications or other particulars in register
9. Restoration of name to register
10. Surrender of certificate of registration
11. Fee for extract from register
12. Annual roll fee

1995—No. 512

PART 3—COMPLAINTS

13. Lodgment and consideration of complaint
14. Conduct of complaint inquiry
15. Notice of inquiry
16. Remuneration of Professional Standards Committee members

PART 4—ADVERTISING

17. General restriction on advertising
18. Advertising in general

**PART 5—PRACTICE OF PODIATRY AND PROVISION OF
BASIC FOOT CARE**

19. Cleanliness of premises
20. Home practice
21. Basic foot care

PART 6—MISCELLANEOUS

22. Special and urgent meetings of the Board
 23. Service of documents
 24. Repeal
-

EXPLANATORY NOTE

The object of this Regulation is to repeal and to remake, in substantially the same form, the bulk of the provisions of the Podiatrists Regulation 1990

The new Regulation makes provision as to the following:

- (a) the fees to be paid and the forms to be used in connection with the registration of podiatrists and maintenance of the register of podiatrists (clauses 4–12);
- (b) certain procedural matters relating to the hearing of complaints against registered podiatrists by the Podiatrists Registration Board or a Professional Standards Committee, with complaint inquiries to be open to the public if conducted by the Board (as at present) or closed to the public if conducted by a Committee, unless the Board or Committee, as appropriate, otherwise directs (clauses 13–16);
- (c) advertising by podiatrists, the conduct of podiatry and the provision of basic foot care (clauses 17–21);
- (d) the procedure to be adopted by the Podiatrists Registration Board for the calling of special and urgent meetings (clause 22);
- (e) certain technical matters (such as definitions and the service of documents) (clauses 1–3, 23 and 24).

This Regulation is made under the Podiatrists Act 1989, including sections 4 (Podiatry not to be practised by unregistered persons), 8 (Certificate of provisional registration may be granted), 9 (The register), 10 (Annual roll fee), 15 (Inquiries), 21 (Professional Standards Committee) and 34 (the general regulation making power).

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.
