

PODIATRISTS BILL 1989

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to regulate the practice of podiatry and to provide for the registration of podiatrists. The Bill repeals and re-enacts the provisions of the Chiropodists Registration Act 1962 with the following modifications:

- (a) the term "chiropodist" is replaced by the term "podiatrist";
- (b) the term "podiatry" is defined to mean "the diagnosis, treatment and prevention of ailments or disorders of the foot within the accepted practice of podiatry in New South Wales";
- (c) the membership of the Registration Board is increased from 7 to 9 and is reconstituted to be comprised of—
 - (i) 3 podiatrists nominated by the Australian Podiatry Association, New South Wales Branch; and
 - (ii) 6 other persons (of various professions) nominated by the Minister of Health;
- (d) the categories of persons who are not podiatrists but who may provide podiatry services are clarified;
- (e) a fund is established for research and education in podiatry;
- (f) power is given to the Board to establish advisory committees to assist it in the exercise of its functions;
- (g) maximum penalty for a contravention of the Act or regulations is increased from \$100 to \$500;
- (h) provision is made for a new complaint and inquiry procedure in cases of alleged misconduct;
- (i) the Board is given additional powers to make orders against a podiatrist for misconduct (including the power to impose a penalty of up to \$4,000);
- (j) the Board is given power to establish Professional Standards Committees for the purpose of conducting inquiries into professional misconduct;

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- (k) the regulation making power is extended to cover advertising, the standard of premises in which podiatry is practised and the provision of services in patients' homes;
- (l) numerous modifications of a minor nature are made.

PART 1—PRELIMINARY

- Clause 1** specifies the short title of the proposed Act.
- Clause 2** provides for the commencement of the proposed Act.
- Clause 3** defines expressions used in the proposed Act.

PART 2—REQUIREMENT FOR REGISTRATION

- Clause 4** prohibits the practice of podiatry by unregistered persons and exempts certain classes of persons from that prohibition.

PART 3—REGISTRATION

- Clause 5** specifies the circumstances in which a person is registered as a podiatrist under the Act.
- Clause 6** specifies the qualifications required for registration as a podiatrist and sets out the circumstances in which the Board may refuse to register a person.
- Clause 7** provides that a person shall not be registered to practise podiatry unless the person has a command of the English language adequate for the conduct of the practice of podiatry.
- Clause 8** provides for the provisional registration of podiatrists in certain circumstances.
- Clause 9** provides for the establishment of a register of podiatrists.
- Clause 10** provides for the payment of a roll fee by registered podiatrists.
- Clause 11** provides for the restoration of a name to the register of podiatrists.
- Clause 12** provides for the removal of a person's name from the register if that person has died, has ceased to be qualified to be a podiatrist or has ceased to practise podiatry.

PART 4—COMPLAINTS AND DISCIPLINARY PROCEEDINGS

- Clause 13** enables the Board to establish a professional code of conduct for registered podiatrists.
- Clause 14** provides for the making of complaints against podiatrists.
- Clause 15** provides for the conduct of inquiries by the Board or a Professional Standards Committee into complaints against podiatrists.
- Clause 16** empowers the Board to take certain action in respect of complaints it is satisfied are proved.
- Clause 17** requires the Board to provide a written statement of the reasons for a decision under clause 16.
- Clause 18** provides for the right to appeal to the District Court against certain decisions of the Board.

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**PART 5—PODIATRISTS REGISTRATION BOARD
AND PROFESSIONAL STANDARDS COMMITTEES**

Clause 19 constitutes the Podiatrists Registration Board and provides for its membership.

Clause 20 provides for the appointment of a secretary and the other staff of the Board.

Clause 21 empowers the Board to establish Professional Standards Committees.

Clause 22 specifies the matters which the Board may refer to a Professional Standards Committee.

Clause 23 provides that proceedings before a Professional Standards Committee shall be conducted in accordance with the regulations.

Clause 24 provides for decisions by a Professional Standards Committee and the reporting of those decisions to the Board.

PART 6—MISCELLANEOUS

Clause 25 requires the Board, the President or an authorised member of the Board to provide a written statement of the reasons for certain decisions.

Clause 26 empowers the Board to appoint committees to advise it on the exercise of its functions.

Clause 27 empowers the Board to examine a person on oath or affirmation.

Clause 28 makes it an offence to make a false entry in the register or, by fraud, to procure such an entry or to assert as true before the Board a document which is false.

Clause 29 provides that certain matters need not be proved in proceedings.

Clause 30 provides for certain documents under the hand of the secretary and entries in the register to be evidence in proceedings.

Clause 31 provides for fees collected under the Act to be paid into the Consolidated Fund or the Podiatry Education and Research Account.

Clause 32 establishes an account for education and research in podiatry.

Clause 33 provides for the taking of summary proceedings under the proposed Act and regulations.

Clause 34 provides for the making of regulations under the Act.

Clause 35 repeals the Chiropodists Registration Act 1962.

Clause 36 repeals the Chiropodists Registration Regulations.

Clause 37 is a formal provision giving effect to Schedule 3.

SCHEDULES

Schedule 1 contains provisions relating to the members of the Board.

Schedule 2 contains provisions relating to the procedure of the Board.

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Schedule 3 contains savings and transitional provisions consequent on the enactment of the proposed Act.
