

# **AUSTRALIAN CAPITAL TERRITORY**

## ***PODIATRISTS ACT 1994***

### **DETERMINATION OF FEES EXPLANATORY STATEMENT NO. 73 OF 1995**

The *Podiatrists Act 1994* (the Act) provides for the registration of podiatrists, to control the practice of podiatry and for related purposes. The Act was passed by the Legislative Assembly on 10 November 1994 and notified in the Australian Capital Territory Gazette on 29 November 1994. The substantive provisions of the Act came into effect on 30 May 1995 by virtue of the provisions of subsection 2(3) which commence the remaining provisions of the Act on the day after a period of six months has elapsed from the day the Act was notified in the Gazette.

Section 54 of the Act provides the Minister with the power to determine fees for the purposes of the Act. This instrument sets fees and determinations under the *Podiatrists Act 1994* which relate to the following provisions.

**1 Subsection 11(2), entitlement to interim registration.**

Under section 11 of the Act, interim registration may be granted to a person where the applicant is entitled to full registration under the provisions of section 8 but where it is not practicable to wait until the Board can consider the application, or where the person would be entitled to registration under section 8 except for the fact that the degree or award to which the applicant is entitled has not yet been conferred or granted by the institution concerned

A person authorised by the Board for the purposes of section 11, may grant an applicant for registration interim registration on payment of the fee determined under subsection 11(2).

Interim registration remains in force until such time as the Board grants the person registration, has notified the person that his or her application for registration has been refused or cancels the person's interim registration. A person who holds interim registration is for all purposes to be taken to be a registered podiatrist.

For the purposes of subsection 11(2) the fee is set at \$20.00. This is consistent with the fee determined for the same provision in other health registration legislation and covers the administrative costs associated with granting interim registration.

**2 Paragraph 17(2)(b), fee for registration pursuant to section 8 and fee for registration at the discretion of the Board pursuant to section 10**

Registration under the provisions of sections 8 and 10 relate to persons who apply for initial registration with the ACT Podiatrists Board, that means, applicants are not registered with a registration authority in another Australian State or Territory. Entitlement to registration under section 8 is not subject to any conditions, which means

that the person meets all the requirements for full registration. Entitlement to registration at the discretion of the Board under section 10, however, is subject to such conditions as the Board considers appropriate.

Section 17 of the Act requires that applications for registration other than applications by persons who are entitled to registration pursuant to the Mutual Recognition Act be accompanied by the determined fee under paragraph 17(2)(b).

When considering applicants seeking registration under these provisions it is essential that the Board ensures that the person holds the required qualifications and meets all the legislative requirements. In essence, when the Board considers applications for registration under these provisions it screens initial registrants on behalf of other registering authorities in Australia. This is because once the Board grants registration to a person, that person, is then entitled to seek registration in any jurisdiction under the mutual recognition arrangements.

As a result of extensive documentation and checking processes necessary to determine competency and good character together with the related administrative tasks, it is appropriate that the fee for the purposes of paragraph 17(2)(b), for registration pursuant to section 8 and fee for registration at the discretion of the Board pursuant to section 10, be set at \$150 00. This fee is consistent with the fee determined for initial registration under the *Medical Practitioners Act 1930*.

### 3. Section 20, Registration fee under mutual recognition provisions.

Section 9 of the *Podiatrists Act 1994* makes provision for person who is registered as podiatrist under the law in force in a State or another Territory that is a participating jurisdiction within the meaning of the *Mutual Recognition Act* to registration under the *Podiatrists Act 1994*.

Where the person's registration in the first jurisdiction is not subject to any conditions the person has entitlement to registration in the Territory that is not subject to any condition. If the person's registration is subject to any condition or restriction in another State or Territory then the person's entitlement to registration in the Territory is subject to the same restriction or conditions.

Persons seeking registration under the mutual recognition arrangements are required to pay the fee determined under section 20 of the *Podiatrists Act 1994*.

The administrative procedures associated with processing applications for registration under the mutual recognition arrangements are less onerous than those for initial registration. The fee for registration under these provisions is set at \$100.00. This is consistent with the fee determined for this provision under the *Medical Practitioners Act 1930* and is equivalent to the annual fee.

4. Subsection 24(4), fee for duplicate certificate

Under the provisions of section 24 of the Act, the Board is required to issue to a person who is registered as a podiatrist, a certificate of registration signed by the Chairperson or Deputy Chairperson. The certificate is to state the provision by virtue of which the person is entitled to be registered and set out any conditions to which the person's registration is subject

Where a person's certificate of registration has been lost or destroyed the Board is required to issue a duplicate certificate to the person subject to the payment of the determined fee under subsection 24(4).

For the purposes of subsection 24(4) the fee is set at \$30.00. This fee is consistent with the fee determined for the same provisions in other health registration legislation and covers printing and administrative costs associated with providing this service.

5. Subsection 26(3), fee for alteration of particulars in the register.

Under the provisions of section 26 of the Act the Board may, from time to time, at the request of the person or of its own accord, make such alterations to particulars in the Register as are necessary. Such alterations allow for amendment of incorrect particulars, additions of relevant information, removal of names of people who have died or who have ceased to become registered or to alter particulars pursuant to disciplinary orders.

The Board is not entitled to make an alteration to particulars in the Register at the request of a person unless satisfied that the determined fee under subsection 26(3) has been paid. For this provision the determined fee is set at \$10.00 which is consistent with the determined fee for this provision in other health registration legislation.

6. Subsection 27(1), annual registration fee.

Subsection 27(1) of the *Podiatrists Act 1994* requires a registered podiatrist to pay the determined fee on or before 1 March in each year. The payment of this fee entitles the registered podiatrist's name to remain on the Register of Podiatrists kept by the Board in accordance with section 22.

Where a registered podiatrist fails to pay the determined fee under subsection 27(1) the Board, under the provisions of subsection 28(2) of the Act, is required to cancel the registration of the person.

The determined annual fee for the purposes of subsection 27(1) is set at \$100.00. This fee covers administrative costs associated with sending notices to registered podiatrists, processing and receipting procedures, maintenance of the Register, publication of names and addresses of persons registered under the Act etc. This fee is also consistent with the determined fee for the same provision under the *Medical Practitioners Act 1930*.

6 Paragraph 29(1)(b), entitlement to re-registration

A person whose registration has been cancelled for failure to pay the determined fee under subsection 27(1) is entitled to be re-registered under the provisions of section 29 if he or she makes application for registration in form approved by the Board and pays the determined fee under paragraph 29(1)(b). Entitlement to re-registration under these provisions is on the same terms and conditions as applied to the person's registration immediately before the removal of his or her name from the Register.

The Board, however, may refuse to re-register a person under this section if it is satisfied that the person is not competent to practise psychology or is not of good character.

For the purposes of paragraph 29(1)(b) the determined fee is set at \$100.00 which is equivalent to the annual fee and fee for registration under the mutual recognition arrangements.

8. Paragraph 50(1)(a), fee to inspect an entry in the register.

Under section 50(1) of the *Podiatrists Act 1994* a person may on payment of the determined fee inspect an entry in the Register. The determined fee for the purposes of paragraph 50(1)(a) is set at \$5.00 which is consistent with the determined fee for this provision in other health registration legislation.

9. Paragraph 50(1)(b), fee to obtain a certified copy of an entry in the register.

Under section 50(1) of the *Podiatrists Act 1994* a person may on payment of the determined fee obtain a certified copy of an entry in the Register. The determined fee for the purposes of paragraph 50(1)(b) is set at \$10.00 which is consistent with the determined fee for this provision in other health registration legislation.

## IN SUMMARY

Fees for the purposes of the *Podiatrists Act 1994* have been set in accordance with determined fees for similar provisions in other health professions legislation.

The fees for initial registration, registration under the mutual recognition arrangements and annual fees vary considerably between Boards regulating the different occupations. The fees for these provisions under the *Podiatrists Act 1994*, therefore, have been set to reflect the administrative costs associated with processing such applications and associated tasks.