

**PODIATRY BOARD
OF
SOUTH AUSTRALIA**

GUIDELINES ON REGISTRATION

16 Norma Street
MILE END SA 5031
PO Box 229
TORRENSVILLE PLAZA SA 5031

Revised: December 2006

Telephone: (08) 8443 9669
Facsimile: (08) 8443 9550
Email: pbsa@sboards.com.au
Web Site: www.pbsa.sboards.com.au

PBSA 4/2004

INDEX

Page No

FOREWORD	1
1. REGISTRATION	3
(a) Natural Persons – General or Specialist Register	3
(b) Students	4
(c) Mutual Recognition / Trans Tasman Mutual Recognition	5
(d) Recognised Qualifications	6
(e) Provisional Registration	6
(f) Limited Registration	6
(g) Temporary Registration	7
(h) Overseas Applicants	7
(i) Certification of Documents	8
(j) Medical Examination or Report	8
2. PROFESSIONAL INDEMNITY INSURANCE	9
3. ENGLISH LANGUAGE PROFICIENCY	10
4. CRIMINAL HISTORY RECORD CHECK	11
5. RENEWAL OF REGISTRATION	12
6. NON-PRACTISING PODIATRISTS	12
7. REMOVAL FROM THE REGISTER	13
8. REINSTATEMENT TO THE REGISTER / RE-REGISTRATION	14
9. CHANGE OF NAME AND ADDRESS	15
10. ADDITIONAL QUALIFICATIONS	15
11. PODIATRIC SERVICE PROVIDERS	15
12. OFFENCES AND DEFINITIONS	17
(a) Illegal Holding Out as a Registered Person	17
(b) Illegal Holding Out Concerning Limitations or Conditions	17
(c) Use of Certain Titles or Descriptions Permitted	18
(d) Prohibition on Provision of Podiatric Treatment by Unqualified Persons	18
(e) Offence to Contravene Conditions of Registration	19
(f) Improper Directions to Podiatrists or Podiatry Students	19
(g) Procurement of Registration by Fraud	19
(h) False or Misleading Statement	19
(i) Report to Board of Cessation of Status as Student	19

Enclosures: List of Approved/Recognised Qualifications
Schedule of Fees

FOREWORD

It is intended that these Guidelines will assist applicants with the formalities of obtaining and continuing registration. It is also intended to explain briefly the role and functions of the Board.

The Chiropody Board of South Australia was established by the Chiropodists Act 1950, which was proclaimed on 2 July 1951.

On 31 August 2006 the Podiatry Practice Act 2005 ("the Act") was proclaimed and the new Podiatry Board of South Australia was established. Under this Act the Board is now responsible for registering podiatrists and podiatry students. The Board must also keep a list of podiatric service providers.

The Board is the Statutory Authority in this State responsible for the administration of the Act, which protects the health and safety of the public by providing for registration of practitioners and students, the regulation of the provision of podiatric treatment for the purpose of maintaining high standards of competence and conduct by those who provide it, and for other purposes.

In accordance with Section 6 of the Act, the Board consists of nine members appointed by the Governor, and of these:

- four must be registered podiatrists chosen at an election;
- one must be a registered podiatrist who gives instruction in podiatry at a university in South Australia selected from a panel of three persons nominated by the Council of the University of South Australia;
- one must be a legal practitioner nominated by the Minister;
- one must be a registered member of a health profession other than that of podiatry nominated by the Minister; and
- two must be persons nominated by the Minister who are not eligible for appointment under any of the preceding provisions (laypersons).

Members of the Board are appointed for a term of office not exceeding three years but are eligible for reappointment upon the expiration of their term of office. However a member may not hold office for consecutive terms that exceed 9 years in total.

The Board meets regularly on the third Thursday of each month except in January. The agenda closes one week prior to the date set for such meetings.

Pursuant to Section 14 of the Act, the functions of the Board are as follows:

- " (1) *The functions of the Board are as follows:*
- (a) *to oversee the practice of podiatry in the public interest;*
 - (b) *to approve, after consultation with authorities considered appropriate by the Board, courses of education or training that provide qualifications for registration under this Act;*
 - (c) *to determine, after consultation with authorities considered appropriate by the Board, the requirements necessary for registration under this Act;*
 - (d) *to establish and maintain the registers contemplated by this Act;*
 - (e) *to prepare or endorse, subject to the approval of the Minister, codes of conduct or professional standards for registered persons or codes of conduct for podiatric services providers;*
 - (f) *to prepare or endorse guidelines on continuing podiatric education for podiatrists;*

- (g) *to establish administrative processes for handling complaints received against registered persons, podiatric services providers or persons who occupy positions of authority in corporate or trustee podiatric services providers (which may include processes under which the registered person, provider or person who occupies the position voluntarily enters into an undertaking);*
 - (h) *to provide advice to the Minister as the Board considers appropriate;*
 - (i) *to carry out other functions assigned to the Board by or under this Act, or by the Minister.*
- (2) *The Board must perform its functions under this Act with the object of protecting the health and safety of the public by achieving and maintaining high professional standards both of competence and conduct in the provision of podiatric treatment in this State. ”*

Registered practitioners are urged to fully acquaint themselves with the Act and Regulations, the Code of Professional Conduct & Practice, and the Board's various guidelines and policies.

Clarification or information relating to any matter may be sought from the office of the Board or by visiting the Board's website www.pbsa.saboard.com.au.

1. REGISTRATION

(a) Natural Persons – General or Specialist Register

The prerequisites for registration of natural persons are defined in Section 27(1) of the Act:

"Subject to this Act, a natural person is eligible for registration on the general register, and a person registered on that register is eligible for registration on the specialist register in a particular specialty, if the person, on application to the Board, satisfies the Board that he or she -

- (a) has qualifications approved or recognised by the Board for the purposes of registration on the register or in the specialty to which the application relates; and*
- (b) has met the requirements determined by the Board to be necessary for the purposes of registration on that register or in that specialty; and*
- (c) is medically fit to provide podiatric treatment of the kind authorised by registration on that register; and*
- (d) is, unless exempted by the Board, insured or indemnified in a manner and to an extent approved by the Board against civil liabilities that might be incurred by the person in connection with the provision of podiatric treatment as a podiatrist; and*
- (e) is a fit and proper person to be registered on that register or in that specialty."*

An application for registration must be made in the approved form and must be accompanied by the application fee and annual practice fee (refer Schedule of Fees – enclosed) and all requested supporting documentation.

A person cannot be registered on the specialist register unless the person is also registered on the general register.

All applicants will be required to undergo a criminal history check (refer Item 4 of these Guidelines) and a 100 point identity check.

For information on the cover necessary for professional indemnity insurance refer to Item 2 of these Guidelines.

Recent graduates who have not been confirmed their degree/diploma must provide a letter from the Head of School or Registrar of the awarding institution certifying that they have successfully completed all requirements for the award of the degree/diploma and are eligible to graduate. A certified copy of the degree parchment certificate OR academic transcript should be provided to the Board as soon as available.

All new registrants, including students, are issued with a Certificate of Registration, Annual Practising Certificate, a copy of the Act & Regulations, and other Board publications. All publications are also available to download and print from the Board's website.

(b) Students

Section 28 of the Act states that:

“(1) A person is not entitled to—

- (a) undertake a course of study that provides qualifications for registration on the general register; or*
- (b) provide podiatric treatment as part of a course of study related to podiatry being undertaken by the person in a place outside the State,*

unless the person is registered under this section as a podiatry student.

(2) A person is eligible for registration as a podiatry student on the podiatry student register, if the person, on application to the Board, satisfies the Board that he or she—

- (a) genuinely requires registration on that register—*
 - (i) to enable the person to undertake a course of study that provides qualifications for registration on the general register; or*
 - (ii) to enable the person to provide podiatric treatment as part of a course of study related to podiatry, as the case may be, being undertaken by the person in a place outside the State; and*
- (b) is medically fit to provide podiatric treatment of the kind authorised by registration on the podiatry student register; and*

(c) is a fit and proper person to be registered on the podiatry student register.

(4) If a person who applies for registration, or reinstatement of registration, on the podiatry student register is not, in the opinion of the Board, medically fit to provide podiatric treatment of the kind authorised by registration on that register, the Board may register the person on that register in pursuance of this subsection (limited student registration) and impose 1 or more of the following conditions on the registration:

- (a) a condition limiting the kind of podiatric treatment that the person may provide;*
- (b) a condition limiting the period during which the registration will have effect;*
- (c) a condition requiring that the person be supervised in the provision of podiatric treatment by a particular person or by a person of a particular class;*
- (d) such other conditions as the Board thinks fit.”*

An application for registration must be made in the approved form and must be accompanied by all requested supporting documentation. Applicants for student registration must provide evidence of offer of enrolment in their course of study.

There is no registration fee payable.

All applicants will be required to undergo a criminal history check (refer Item 4 of these Guidelines) and a 100 point identity check.

Students who fail to register or remain registered will have their enrolment cancelled by the University (if the University is located in South Australia). Students will be subject to the Board's Code of Professional Conduct & Practice and disciplinary powers.

(c) Mutual Recognition / Trans Tasman Mutual Recognition

The Mutual Recognition (SA) Act, 1993, adopts the Mutual Recognition Act, 1992, of the Commonwealth and the Trans Tasman Mutual Recognition (SA) Act, 1999 adopts the Trans Tasman Mutual Recognition Act, 1997, of the Commonwealth, as a law of the State and provides that a person who is registered in one State/Territory or New Zealand for an occupation is, by virtue of the Commonwealth Act, entitled after notifying the local registration authority of another State/Territory or New Zealand for the equivalent occupation -

- to be registered in that other State/Territory or New Zealand for the equivalent occupation; and
- pending such registration, to carry on the equivalent occupation in that other State/Territory or New Zealand.

The manner of carrying on an occupation and the continuance of registration is subject to the laws of the other State/Territory or New Zealand.

A person who lodges a duly completed notice/application under Mutual Recognition or Trans Tasman Mutual Recognition with a local registration authority of a State/Territory or New Zealand is, pending the grant or refusal of registration, taken to be registered. Such registration is called "deemed registration" and the Board is required to determine the application within one month from the "lodgement date". Deemed registration in one State/ Territory or New Zealand does not itself provide a basis for registration in another jurisdiction.

Once considered, the Board may grant what is called "substantive registration" which is registration under the law of the relevant State/ Territory or New Zealand. Conditions may be applied to a person's registration.

Should a person's registration in any State/Territory or New Zealand -

- (a) be cancelled or suspended; or
- (b) be subject to a condition

on disciplinary grounds, or as a result of, or in anticipation of, criminal, civil or disciplinary procedures, then the person's registration in the other jurisdiction(s) is affected in the same way. The Board however, does have discretion given the circumstances of the matter.

An application for registration under Mutual Recognition or Trans Tasman Mutual Recognition must be made on the relevant form for this purpose.

The application form can be obtained from the Board's website or by contacting the office of the Board, in which case it will be forwarded without delay together with the Board's Guidelines on Registration and Code of Professional Conduct & Practice.

The application fees are the same as for natural persons (refer Schedule of Fees – enclosed). Payment of both the application fee and annual practice fee is a condition of registration and non-payment will result in refusal to grant registration or deemed registration.

The Board must give the person who lodges an application for registration, a notice in writing of its decision to grant registration, or to postpone or refuse the grant of registration, or to impose conditions on registration. Applicants must give consent to the making of inquiries or, and the exchange of information with, the authorities of any State/Territory or New Zealand regarding his or her activities in the practice of the profession or matters relevant to the notice. Deemed registration or substantive registration may be refused if any of the information supplied on the application form or accompanying documents is materially false or misleading.

Applicants must provide with their application, an original or certified copy of a document evidencing current registration in another State/Territory or New Zealand and proof of identity. From the moment a person is deemed registered that person will be subject to all the requirements of the Podiatry Practice Act 2005, and Regulations, and the Board's Code of Professional Conduct & Practice, with respect to the practice of podiatry in this State. Persons are therefore urged to fully acquaint themselves with these documents.

A certificate of full registration together with other Board publications will be forwarded to the registrant upon the grant of substantive registration.

(d) Recognised Qualifications

Pursuant to Section 27(1)(a) of the Act, the Board has prepared a list of entry level and specialist qualifications which are recognised for the purposes of registration, and this list is enclosed.

(e) Provisional Registration

Section 29 of the Act states:

- “ (4) If it appears likely to the Registrar that the Board will grant an application for registration, the Registrar may provisionally register the applicant (provisional registration).*
- (5) Provisional registration remains in force until the Board determines the application.*
- (6) The registration by the Board under this Act of a person who was provisionally registered has effect from the commencement of the provisional registration. ”*

Provisional registration enables a practitioner to commence practise prior to full registration being granted and carries with it all rights and privileges of full registration.

(f) Limited Registration

Section 27 of the Act states:

- “ (2) If a person who applies for registration, or reinstatement of registration, on the general register or on the specialist register or in a particular specialty—*
- (a) does not, in the opinion of the Board, have the necessary qualifications or experience required for registration on that register or in that specialty; or*
- (b) is not, in the opinion of the Board, medically fit to provide podiatric treatment of the kind authorised by registration on that register; or*
- (c) is not, in the opinion of the Board, a fit and proper person to be registered on that register or in that specialty,*
- the Board may register the person on the register or in that specialty in pursuance of this subsection (limited registration)—*
- (d) in order to enable the person—*
- (i) to do whatever is necessary to become eligible for full registration under this Act; or*
- (ii) to teach or to undertake research or study in this State; or*

(i) Certification of Documents

All required documents must be either originals or certified copies. Each document submitted for certification must be in the form of a photocopy with the original document available for sighting.

A certified copy means that copies of your original documents must be certified as a true and accurate record of the original by either a Justice of the Peace, Notary Public, Commissioner for Taking Affidavits (Solicitor, Barrister), Proclaimed Police Officer, or Proclaimed Manager of ADI (Authorised Depositing Institution, eg. Credit Union, Post Office, Bank).

Each page of each document must be marked as follows:

"I have sighted the original document and certify this to be a true copy of the original",

followed by the title, name, address, licence number and signature of the certifier, and the date of certification.

If all documents have not been correctly certified your application cannot be processed and it will be returned to you.

Please note that Justices of the Peace are available at the offices of the Board.

(j) Medical Examination or Report

Section 71 of the Act states:

" (1) The Board may, for any purpose associated with the administration or operation of this Act, require a registered person or a person who is applying for registration or reinstatement of registration to—

(a) submit to an examination by a health professional, or by a health professional of a class, specified by the Board; or

(b) provide a medical report from a health professional, or from a health professional of a class, specified by the Board,

(including an examination or report that will require the person to undergo some form of medically invasive procedure).

(2) If a person fails to comply with a requirement made under subsection (1), the Board may suspend the person's registration until further order of the Board.

(3) In this section—

health professional means—

(a) a medical practitioner; or

(b) a psychologist; or

(c) any other person who belongs to a profession, or who has an occupation, declared by the Board, by notice in the Gazette, to be a profession or occupation within the ambit of this definition. "

2. PROFESSIONAL INDEMNITY INSURANCE

Section 64 of the Act states that:

- " (1) *A registered person or podiatric services provider must not, unless exempted by the Board, provide podiatric treatment unless insured or indemnified in a manner and to an extent approved by the Board against civil liabilities that might be incurred by the registered person or podiatric services provider, as the case may be, in connection with the provision of podiatric treatment.*
- (2) *The Board may, subject to such conditions as it thinks fit, exempt a person, or a class of persons, from the requirements of this section and may, whenever it thinks fit, revoke an exemption or revoke or vary the conditions under which an exemption operates."*

The Board has determined that registered podiatrists and podiatric service providers must possess a minimum level of \$5,000,000 professional indemnity insurance cover for any one claim.

Breaches of this section may incur a maximum \$10,000 fine.

In considering which person or class of persons the Board may exempt under clause 64(2) of the Act, the Board has ruled that a podiatrist who conducts a practice and attends members of the public (including partners and family members) shall not be eligible for exemption.

Non-practising podiatrists will however be exempt from the requirements of this section (refer Item 6 of these Guidelines).

In addition, it is a requirement under Section 27(1)(d) of the Act that applicants for registration must provide evidence of insurance cover prior to registration being granted (~~either~~ certificate of currency/compliance from the insurer/broker ~~or~~ letter from employer confirming employment and insurance cover).

If an applicant is unable to provide evidence of insurance cover when applying for registration, the Board may grant "Limited" registration, in order for the applicant to gain employment, on the condition that the applicant does not engage in the practice of podiatry until the Board is provided with evidence of appropriate insurance. Upon receipt of this evidence the Board will remove this condition on registration.

Note: Pursuant to Section 55 of the Act:
*"A person who contravenes, or fails to comply with, a condition imposed under this Act on the person's registration is guilty of an offence.
Maximum penalty: \$75,000 or imprisonment for 6 months"*

The Board may also institute disciplinary proceedings for unprofessional conduct for failure to comply with a provision of the Act.

The requirement to provide evidence of current professional indemnity insurance cover will also apply to applicants for renewal of registration.

3. ENGLISH LANGUAGE PROFICIENCY

A high level of English language proficiency is essential to enable podiatrists to communicate with patients, other podiatrists and other professionals, to write reports that often deal with complex matters and to maintain professional standards.

Applicants for registration (under the Podiatry Practice Act 2005) as a podiatrist or podiatry student in South Australia, for whom English is not the first or native language, need to submit evidence to the Board of competency in both oral and written communication in English, as demonstrated by the following:

- Achieved a minimum score of seven (7) in each of the four components (Listening, Reading, Writing and Speaking) in the International English Language Testing System (IELTS) examination (Academic Module).
- Obtained an overall pass in the Occupational English Test (OET) administered by the Centre for Adult Education with grades A or B only in each of the four components.

Results of these tests must have been obtained within two (2) years prior to applying for registration.

An IELTS or OET Report more than two years old will be accepted as evidence of present level of ability if accompanied by proof that an applicant has actively maintained employment as a podiatrist in a country where English is the native or first language.

An exemption may apply when the applicant can provide evidence of:

- (a) completion of all components of their qualification for registration at a tertiary institution where programs and assessments are conducted in English; and/or
- (b) at least three years practice of the profession as a registered podiatrist (or its equivalent in the country of practice) using English as the primary means of communication; and/or
- (c) successful completion of the overseas qualifications assessment process carried out by the Australasian Podiatry Council (APodC).

NOTE:

1. The applicant is responsible for the cost of the English tests.
2. Pass results in each component of either the IELTS or OET must be obtained at the one sitting, ie. pass results in a module from a previous attempt at either examination cannot be carried forward to a subsequent sitting which, when combined, would give an overall pass in the examination.
3. Specific details regarding the English language testing systems are available at:
 - IELTS - www.ielts.org
 - OET - www.oet.com.au
4. The Board will accept the entry level English language requirements of the education provider (University) for overseas persons applying for student registration.

4. CRIMINAL HISTORY RECORD CHECK

All applicants for registration with the Podiatry Board of South Australia must either provide the Board with consent to undertake a criminal history record check (utilising the Commonwealth agency, CrimTrac) or provide the Board with a National Police Certificate.

The Board's costs in obtaining the criminal history check for persons applying for registration as a podiatrist are subsidised by the Board.

There is no legal requirement for an applicant to give their consent for the Board to conduct a criminal history record check. However if the applicant does not provide consent for the Board to undertake a criminal history check then a National Police Certificate must be enclosed with the application for registration. The applicant's costs in obtaining this National Police Certificate will be their own responsibility. Applications are available at local Police Stations.

Full details regarding the criminal history record check are set out in Appendix B of the relevant application form.

Offences will be assessed using the following general guidelines:

- Child protection implications, age and vulnerability
- Relevance in a practice environment
- The gravity and nature of convictions
- Circumstances surrounding the offence(s), whether alcohol, drugs or a weapon was involved
- The harm to any victim including injury or loss
- Adverse impact on the profession
- Total criminal history
- Severity of sentence imposed
- Length of time since offence, any rehabilitation
- Age at time of offence(s), eg. adult or juvenile
- Evidence of the applicant's good character since offence committed
- Whether offence has been decriminalised
- Whether found guilty 'without conviction'
- Whether penalty restricted only to a fine
- Personal circumstances at the time of offending

5. RENEWAL OF REGISTRATION

Section 32 of the Act, provides for an application for renewal of registration to be made to the Board by registered podiatrists and podiatry students by 31 May each year (dated fixed by Board).

Notices of renewal are forwarded to the postal address of all registrants in April every year. Reminder notices are sent to those applicants who do not pay on time.

Upon receipt of a duly completed application form, requested supporting documentation and annual practice fee (refer Schedule of Fees – enclosed) the Board will renew a registrant's registration for a period of twelve months expiring on the last day of June in the following year. A receipt and an annual practising certificate are issued. Students are not required to pay the annual practice fee.

If renewal of registration is not effected by the 31 May (date fixed by Board) in the given year, the registrant's name may be removed from the appropriate Register pursuant to Section 32(3) of the Act and the person concerned would no longer be entitled to practise as or hold out as a podiatrist (refer Item 12 "Offences and Definitions" of these Guidelines). Renewal of registration is not possible once registration has lapsed and the name removed from the Register. Once registration has lapsed it is necessary for persons to apply for reinstatement of registration (refer Item 8 of these Guidelines).

Should either the renewal form, supporting documents or annual practice fee not be received by the due date, the application for renewal will not be processed and the person will be removed from the Register.

6. NON-PRACTISING PODIATRISTS

At the time of annual renewal, podiatrists will have the option to renew as "non-practising". It should be noted that it is not possible for a registrant to change their status to "non-practising" during the year, this option is only available at renewal time.

Podiatrists who wish to remain on the register but who are non-practising within the State of South Australia will be exempt from the requirement to provide evidence of professional indemnity insurance and the requirement to engage in continuing education (ongoing competency).

The Board has determined that the definition of a non-practising podiatrist is as follows:

"Podiatrists who are not engaging in any form of podiatric practice including but not limited to remunerated or unremunerated consultations or procedures, writing referrals and signing documents requiring the exercise of knowledge and skills of a podiatrist, within the State of South Australia."

Therefore any practitioners involved in the practice of podiatry for any purpose (including for partners and family members) must be registered and suitably insured. Practitioners who are not practising within the State of South Australia may remain on the register once paying the appropriate fee but will be exempt from providing evidence of insurance and continuing professional development. Such practitioners may include:

- Those currently interstate or overseas who are not practising within South Australia;
- Retirees who are not engaging in any of the above podiatric practices.

Non-practising podiatrists must sign a declaration which is available from the Board's website under "Registration".

Practitioners who wish to return to practice within a period of 5 years must apply to the Board to change their registration status and provide evidence of their appropriate insurance cover. These practitioners must also pay the balance between the non-practising fee that has already been paid, and the appropriate annual practice fee applicable at that time of year.

Practitioners who have not practised for a period of 5 years or more must apply to the Board as above (including payment of the appropriate fee) and must also comply with Section 38 of the Act which states:

- “ (1) *A registered person who has not provided podiatric treatment of a kind authorised by his or her registration for a period of 5 years or more must not provide any such treatment for fee or reward without first obtaining the approval of the Board.*
Maximum penalty: \$20,000
- (2) *The Board –*
- (a) *may, before granting its approval under subsection (1), require the applicant to obtain qualifications or experience specified by the Board and for that purpose may require the applicant to undertake a specified course of instruction or training in podiatry; and*
 - (b) *may impose 1 or more of the following conditions on the applicant’s registration:*
 - (i) *a condition restricting the places and times at which the applicant may provide podiatric treatment;*
 - (ii) *a condition limiting the kind of podiatric treatment that the applicant may provide;*
 - (iii) *a condition requiring that the applicant be supervised in the provision of podiatric treatment by a particular person or by a person of a particular class;*
 - (iv) *such other conditions as the Board thinks fit. ”*

Also refer to Item 12 “Offences and Definitions” of these Guidelines in relation to restrictions on the provision of podiatric treatment.

7. REMOVAL FROM THE REGISTER

Section 30 of the Act states:

- “ (1) *The Registrar must, on application by a registered person, remove the person from the register or specialty to which the application relates.*
- (2) *The Registrar must remove from the appropriate register or specialty a person—*
- (a) *who dies; or*
 - (b) *who ceases to hold a qualification required for registration on that register or in that specialty; or*
 - (c) *who ceases for any other reason to be entitled to be registered on that register or in that specialty; or*
 - (d) *who completes, or ceases to be enrolled in, the course of study that formed the basis for the person’s registration on the podiatry student register; or*
 - (e) *whose registration on that register or in that specialty has been suspended or cancelled under this Act.*
- (3) *If a person who is on the specialist register is removed from the general register, the person must also be removed from the specialist register.*
- (4) *The Registrar may act under subsection (2) or (3) without giving prior notice to the relevant person. ”*

8. REINSTATEMENT TO THE REGISTER / RE-REGISTRATION

If registration is allowed to lapse for any reason persons must re-apply for registration using the same forms, fees and procedure as for initial registration.

It is not necessary to resubmit evidence of qualifications which is already held on file. Current copies of all other information/documents requested on the application form must be provided.

Section 31 of the Act states:

- “(1) *A person who has been removed from a register or specialty under this Act—*
- (a) on his or her application; or*
 - (b) on account of failure to pay the annual practice fee or to furnish the return required under section 32; or*
 - (c) on account of failure to pay a fine imposed on the person by the Board under this Act; or*
 - (d) on account of the person—*
 - (i) ceasing to hold a qualification required for registration on that register or in that specialty or otherwise ceasing to be entitled to be registered on that register or in that specialty; or*
 - (ii) ceasing to be enrolled in the course of study that formed the basis for the person's registration on the podiatry student register,*
- may apply to the Board at any time for reinstatement on that register or in that specialty.*
- (2) *A person whose registration on a register or in a specialty has been suspended may apply to the Board for reinstatement on that register or in that specialty (but not, in the case of an order for suspension for a specified period, until after the expiry of that period).*
- (3) *A person who has been disqualified from being registered on a register or in a specialty under this Act may, subject to the terms of the order for disqualification, apply to the Board for reinstatement on that register or in that specialty.*
- (4) *An application for reinstatement must—*
- (a) be made to the Board in the manner and form approved by the Board; and*
 - (b) be accompanied by the reinstatement fee fixed under this Act.*
- (5) *An applicant for reinstatement must, if the Board so requires provide the Board with specified information to enable the Board to determine the application.*
- (6) *The Board may require an applicant for reinstatement of registration—*
- (a) to submit a medical report or other evidence acceptable to the Board as to the applicant's medical fitness to provide podiatric treatment of the kind authorised by registration on the register to which the application relates; or*
 - (b) to obtain additional qualifications or experience specified by the Board before the Board determines the application.*
- (7) *Subject to this section, the Board must reinstate on the appropriate register or in a specialty an applicant under this section if satisfied that the applicant is eligible for registration on that register or in that specialty.*
- (8) *The Board may refuse to reinstate the applicant on the appropriate register or in a specialty until all complaints (if any) laid against the applicant under this Act have been finally disposed of. ”*

9. CHANGE OF NAME AND ADDRESS

In accordance with Section 25(4) of the Act, a registered person must, within 1 month after changing his or her name or nominated contact address, inform the Registrar in writing of the change. The corresponding penalty for breaches of this Section is a maximum penalty of \$250.

Registered persons are also asked to ensure that the Board is always advised of any change of postal, employment or residential addresses, email and phone numbers. This may be done by telephone provided proof of identity can be established.

10. ADDITIONAL QUALIFICATIONS

At any time a registered podiatrist may apply to have additional qualifications entered on the Register.

These qualifications will be assessed by the Board on an individual basis against the following policy/criteria adopted by the Board in November 2006:

1. Australian Qualifications

The Board will recognise for entry on the Register qualifications from institutions listed and accredited by the Australian Qualifications Framework under "Universities and Other Self-Accrediting Higher Education Institutions" and "Non Self-Accrediting Higher Education Institutions".

2. Overseas Qualifications

The Board will recognise for entry on the Register qualifications from institutions listed and recognised by Australian Education International, National Office of Overseas Skills Recognition (AEI-NOOSR) under "Higher Education" in their Country Education Profiles at the level of Bachelor Degree or above.

A new certificate of registration may be requested.

The fees for such applications and duplicate certificates appear in the enclosed Schedule of Fees.

11. PODIATRIC SERVICE PROVIDERS

Section 33 of the Act states:

- " (1) *A podiatric services provider must—*
- (a) *in the case of a person who was a podiatric services provider immediately before the commencement of this section—within 60 days of that commencement; and*
 - (b) *in any other case—within 60 days of becoming such a provider,*
give written notice to the Board of—
 - (c) *the provider's full name and business or (in the case of a corporation) registered address; and*
 - (d) *the address of the premises at which the provider provides podiatric treatment; and*
 - (e) *the full names and nominated contact addresses of the podiatrists through the instrumentality of whom the provider is providing podiatric treatment; and*
 - (f) *in the case of a corporate or trustee podiatric services provider—the full names and addresses of all persons who occupy a position of authority in the provider.*

- (2) *The provider must, within 30 days of any change occurring in the particulars required to be given under subsection (1), inform the Board in writing of the change.*
- (3) *A person who contravenes or fails to comply with this section is guilty of an offence. Maximum penalty: \$10 000.*
- (4) *The Board must keep a record of information provided to the Board under this section available for inspection, on payment of the prescribed fee, by any person during ordinary office hours at the office of the Board and may make the record available to the public by electronic means. ”*

A podiatric service provider means a person (not being a podiatrist) who provides podiatric treatment through the instrumentality of a podiatrist or podiatry student, but does not include an exempt provider.

Under the Act, an exempt provider means:

- “ (a) *a recognised hospital, incorporated health centre or private hospital within the meaning of the South Australian Health Commission Act 1976; or*
- (b) *any other person declared by the regulations to be an exempt provider for the purposes of this Act.”*

No other persons have been declared by the regulations to be an exempt provider.

Section 3 of the Act states:

- “ (5) *For the purposes of this Act:*
- (a) *a corporate podiatric services provider is a podiatric services provider that is a body corporate and a person occupies a position of authority in such a provider if the person—*
 - (i) *is a director of the body corporate; or*
 - (ii) *exercises, or is in a position to exercise, control or substantial influence over the body corporate in the conduct of its affairs; or*
 - (iii) *manages, or is to manage, the business of the body corporate that consists of the provision of podiatric treatment; or*
 - (iv) *where the body corporate is a proprietary company—is a shareholder in the body corporate; and*
 - (b) *a trustee podiatric services provider is a person acting as a podiatric services provider in the capacity of trustee of a trust and a person occupies a position of authority in such a provider if the person is a trustee or beneficiary of the trust.*
- (6) *For the purposes of this Act, a person occupies a position of authority in a body corporate other than a corporate podiatric services provider if the person—*
- (a) *is a director of the body corporate; or*
 - (b) *exercises, or is in a position to exercise, control or substantial influence over the body corporate in the conduct of its affairs; or*
 - (c) *where the body corporate is a proprietary company—is a shareholder in the body corporate.*
- (7) *However—*
- (a) *a minor who is a shareholder in a proprietary company, or a beneficiary under a trust, is not, for that reason, to be regarded as a person occupying a position of authority; and*
 - (b) *a charitable organisation that is a beneficiary of a trust is not, for that reason, to be regarded as occupying a position of authority.*

- (8) *For the purposes of this Act, a person who holds more than 10 per cent of the issued share capital of a public company will be regarded as a person occupying a position of authority in that company. ”*

A service provider must possess a minimum level of \$5 million professional indemnity insurance cover for any one claim (refer Item 2 of these Guidelines).

Service providers will be subject to the Board's Code of Professional Conduct & Practice and disciplinary powers.

12. OFFENCES AND DEFINITIONS

(Also refer to Items 2, 5, 6, 9, and 11 of these Guidelines for information relating to offences under the Act.)

The Act sets out the following definitions:

“ podiatric treatment or podiatry means—

- (a) *the diagnosis, treatment or prevention of disorders of the foot and foot related structures of the human body; and*
- (b) *(except in section 37) all diagnostic, therapeutic, health or other services or advice provided in the course of practice by a podiatrist or a person who holds himself or herself out, or is held out by another, as a podiatrist; ”*

(a) Illegal Holding Out as a Registered Person

Section 34 of the Act states:

- “ (1) A person must not hold himself or herself out as a registered podiatry student, podiatrist, specialist or specialist of a particular class, or permit another person to do so unless registered on the appropriate register and, in that case of a specialist of a particular class, in the specialty relevant to that class.*

Maximum penalty: \$50 000 or imprisonment for 6 months.

- (2) *A person must not hold out another as a registered podiatry student, podiatrist, specialist or specialist of a particular class unless the other person is registered on the appropriate register and, in the case of a specialist of a particular class, in the specialty relevant to that class.*

Maximum penalty: \$50 000 or imprisonment for 6 months. ”

(b) Illegal Holding Out Concerning Limitations or Conditions

Section 35 of the Act states:

- “ (1) A person whose registration is limited or subject to a condition under this Act must not hold himself or herself out as having a registration that is not limited or not subject to a condition or permit another person to do so.*

Maximum penalty: \$50 000 or imprisonment for 6 months.

- (2) *A person must not hold out another whose registration is limited or subject to a condition under this Act as having a registration that is not limited or not subject to a condition.*

Maximum penalty: \$50 000 or imprisonment for 6 months. ”

(c) Use of Certain Titles or Descriptions Permitted

Section 36 of the Act states:

“(1) *A person who is not registered on the appropriate register or in the relevant specialty must not use a prescribed word, or its derivatives, to describe himself or herself or a service that he or she provides.*

Maximum penalty: \$50 000.

(2) *A person must not, in the course of advertising or promoting a service that he or she provides, use a prescribed word, or its derivatives, to describe a person who is engaged in the provision of the service but is not registered on the appropriate register or in the relevant specialty.*

Maximum penalty: \$50 000.

(3) *In this section—*

prescribed word means—

(a) *in relation to registration on the podiatry student register—registered podiatry student;*

(b) *in relation to registration on the general register or specialist register—podiatrist or chiropodist; or*

(c) *in relation to registration in a specialty—the words comprising the name of the specialty; or*

(d) *any other word or expression prescribed by the regulations.*

(d) Prohibition on Provision of Podiatric Treatment by Unqualified Persons

Section 37 of the Act states:

“(1) *A person must not provide podiatric treatment for fee or reward unless—*

(a) *the person is a qualified person; or*

(b) *the person provides it through the instrumentality of a qualified person.*

Maximum penalty: \$50 000 or imprisonment for 6 months.

(2) *Subsection (1) does not apply in relation to podiatric treatment provided by an unqualified person in prescribed circumstances or pursuant to an exemption under subsection (3).*

(3) *The Governor may, by proclamation, exempt a person from subsection (1) if of the opinion that good reason exists for doing so in the particular circumstances of the case.*

(4) *An exemption under subsection (3) may be subject to such conditions as the Governor thinks fit.*

(5) *A person who contravenes, or fails to comply with, a condition of an exemption under this section is guilty of an offence.*

Maximum penalty: \$50 000.

(6) *The Governor may, by proclamation, vary or revoke a proclamation under this section.*

(7) *In this section—*

qualified person, in relation to podiatric treatment, means a person authorised by or under this Act or any other Act to provide that treatment. ”

(e) Offence to Contravene Conditions of Registration

Section 55 of the Act states:

“A person who contravenes, or fails to comply with, a condition imposed under this Act on the person’s registration is guilty of an offence.

Maximum penalty: \$75 000 or imprisonment for 6 months. ”

(f) Improper Directions to Podiatrists or Podiatry Students

Section 58 of the Act states:

“ (1) If a person who provides podiatric treatment through the instrumentality of a podiatrist or podiatry student directs or pressures the podiatrist or podiatry student to engage in unprofessional conduct, the person is guilty of an offence.”

Maximum penalty: \$75 000.

“ (2) If a person who occupies a position of authority in a corporate or trustee podiatric services provider directs or pressures a podiatrist or podiatry student through whom the provider provides podiatric treatment to engage in unprofessional conduct, the person and the provider are each guilty of an offence.”

Maximum penalty: \$75 000.

(g) Procurement of Registration by Fraud

Section 59 of the Act states:

“A person who, by fraud or any other dishonest means, procures registration or reinstatement of registration under this Act (whether for himself or herself or for another person) is guilty of an offence.

Maximum penalty: \$20 000 or imprisonment for 6 months. ”

(h) False or Misleading Statement

Section 61 of the Act states:

“A person must not make a statement that is false or misleading in a material particular (whether by reason of the inclusion or omission of any particular) in any information provided under this Act.

Maximum penalty: \$20 000. ”

(i) Report to Board of Cessation of Status as Student

Section 63 of the Act states:

“ (1) The person in charge of an educational institution must, if a podiatry student ceases to be enrolled at that institution in a course of study providing qualifications for registration on the general register, cause written notice of that fact to be given to the Board.

Maximum penalty: \$5 000.

(2) A person registered on the podiatry student register who completes, or ceases to be enrolled in, the course of study that formed the basis for that registration must cause written notice of that fact to be given to the Board.

Maximum penalty: \$1 250. ”