



The Royal  
Australian &  
New Zealand  
College of  
Psychiatrists

## REINSTATEMENT OF FELLOWSHIP REGULATIONS

working  
with the  
community

## INTRODUCTION

The Constitution of the College allows the General Council to terminate or suspend the membership of a Fellow, Affiliate or Associate. The Constitution also allows the General Council to make, vary and rescind such Regulations as the General Council may deem necessary, expedient or convenient for the proper conduct, management and regulation of the affairs of the College.

These regulations relate to Fellows applying for reinstatement including reinstatement of applicants recommended by the Resource Management Committee following settlement of fee issues. The regulations also relate to Affiliates, albeit for reinstatement of Membership not Fellowship. There is a separate process for Associates through the Board of Education.

**Article 6.3.2** of the Constitution of the College provides:

"6.3.2 Subject to this Constitution, the General Council may make Regulations delegating any of the powers, processes, functions and procedures described under this Article, and any matters incidental or pertaining thereto to Committees or Boards of the Council established for those purposes."

**Article 6.3.1** of the Constitution of the College provides:

"6.3.1 A Member whose Membership has been terminated pursuant to Article 6.1 or 6.2 may have their Membership reinstated at the discretion of the General Council upon such terms or conditions as the General Council may in its absolute discretion determine."

**Article 6.1 and 6.2** of the Constitution are included as an appendix to these guidelines for reference.

**Article 9.3.2(j)** of the Constitution of the College gives power to General Council to make Regulations for:

"(j) the terms and conditions for renewal or reinstatement of Fellowship and re-admission to Fellowship and any professional development requirements adopted by the General Council;"

These Regulations:

- only relate to the reinstatement of the rights and privileges of Members of the College under Articles 6.3.2; and
- indicate the types of matters that the General Council may take into account when considering an application for reinstatement and the types of materials that must be provided to the General Council.

Compliance with these Regulations may not necessarily result in the General Council accepting the applicant's application for reinstatement. Reinstatement is at the discretion of the General Council.

## 1 DEFINITIONS AND INTERPRETATION

- 1.1 In these Regulations:
- 1.1.1 “**Regulations**” means these Regulations, as may be in force for the time being;
  - 1.1.2 “**Clause**” means a clause of these Regulations; and
  - 1.1.3 “**Constitution**” means the Constitution of The Royal Australian and New Zealand College of Psychiatrists, for the time being in force.
- 1.2 Unless the contrary intention appears in these Regulations:
- 1.2.1 where a word or phrase is defined in the Constitution the word or phrase has the same meaning throughout these Regulations;
  - 1.2.2 words importing the singular include the plural, and words importing the plural include the singular; and
  - 1.2.3 words used to denote persons generally or importing a natural person include any company, corporation, body corporate or other body (whether or not the body is incorporated).
- 1.3 In these Regulations headings and boldings are for convenience only and do not affect its interpretation.
- 1.4 In the event of an inconsistency between these Regulations and the Constitution, the Constitution will prevail to the extent of the inconsistency.

## 2 NAME

The name of these Regulations is the Reinstatement of Fellowship Regulations (“**Reinstatement of Fellowship Regulations**”).

## 3 POWER AND OPERATIVE EFFECT

- 3.1 Subject to the provisions of the Constitution, the General Council has the power from time to time to make, amend and repeal such Regulations as it deems necessary, expedient or convenient for the proper conduct, management and regulation of the affairs of the College.

- 3.2 These Regulations shall come into operation on the date they are approved and adopted by the General Council.

## **4 APPLICATION FOR REINSTATEMENT OF MEMBERSHIP**

- 4.1 Subject to clause 4.2, any Fellow or Affiliate whose Membership is suspended, terminated or revoked - whether by reason of a Fellow or Affiliate ceasing to be able to practice, or to practice without restriction, either for a defined period or indefinitely, because of a determination of a Medical Practitioner's Registration Authority of a State or Territory of Australia or of New Zealand or of some other country, State or Dependency approved by the General Council or any other reason - may apply to have such suspension lifted or be reappointed or reinstated to membership.
- 4.2 General Council will not allow reinstatement of any Fellow or Affiliate who has been expelled from the College or whose Fellowship or Membership has been terminated, or who has resigned as a Fellow or an Affiliate, as a consequence of committing boundary violations in breach of the College's policy.
- 4.3 The application lodged with the College must:
- 4.3.1 be in a form prescribed by the General Council, from time to time;
  - 4.3.2 be accompanied by payment of the reinstatement application fee and any monies owing to the College at the time of termination, together with late payment fees, and interest as determined by the General Council;
  - 4.3.3 be signed by two Fellows of the College, familiar with the applicant's practice, who:
    - (a) support the application; and
    - (b) submit or provide to the College, current (not more than 2 months' old) confidential references for consideration by the College; and
    - (c) have known the applicant for over 2 years.
    - (d) states in the supporting Fellows' opinions, reasons as to why the applicant should be readmitted to membership.
  - 4.3.4 incorporate a statement from the applicant as to whether they agree to be bound by the Constitution, the Code of Conduct, the Code of Ethics and Regulations of the College, as in force from time to time, in the event of being reinstated as a member.
- 4.4 Without limiting the requirements under the Constitution, the applicant must at the time of making an application:

- 4.4.1 submit confirmation from all relevant medical registration authority in Australia or New Zealand (or some other country or region approved by the General Council for the purposes of election as a Fellow or Affiliate) of entitlement to practice/registration; including practice/registration with conditions, restrictions or undertakings;
- 4.4.2 provide the College with a written statement that:
- (a) includes information relating to the termination of the applicant's membership including, as relevant, copies of any reasons, conditions or undertakings to a Medical Registration Authority associated with the applicant's cessation of registration which resulted in cessation of the applicant's College membership;
  - (b) includes a detailed account of the professional standing, conduct and practice of the applicant since the time of suspension, termination or expulsion;
  - (c) specifies any mitigating circumstances at the time of the offence, event or matter to which the suspension, termination or expulsion related;
  - (d) specifies any punishment imposed by the Court or other regulatory body, together with its secondary effects, in connection with the offence, event or matter to which the suspension, termination or expulsion related;
  - (e) specifies any efforts made by the applicant:
    - (1) for restitution of property (if the suspension, termination or expulsion related to the misappropriation of monies or property); or
    - (2) to rectify or compensate for his or her conduct, which resulted in termination of membership;
  - (f) is supported by evidence of remorse, contrition and acceptance of responsibility for the offence, event or matter to which the suspension, termination or expulsion related;
  - (g) is supported by evidence of treatment, education, rehabilitation and/or remediation undertaken or received by the applicant during the period since termination of membership; and
  - (h) states why in the applicant's opinion, the applicant should be readmitted to membership; and

- (i) agrees to the College contacting and receiving reports from any person or organisation that may have relevance to the determination of the applicant's reinstatement; and
- 4.5 The applicant agrees in writing to pay to the College the reasonable costs and expenses of their reinstatement and the application (including reinstatement application fee, late payment fee or interest, as applicable)
- 4.6 The Application will be dealt with as follows:
  - 4.6.1 The application will be referred for assessment and review by the Professional Practice Review Committee (or other such committee authorised by General Council for the purpose) in accordance with its By-Laws;
  - 4.6.2 The PPRC may inquire or seek or obtain any other information, records or reports from any other person, body or institution relevant to the application as it thinks appropriate (including referees, supervisors, consultants, police, medical bodies and other relevant societies). A copy of such information, records or report will be supplied to the applicant in such manner and form as the PPRC thinks appropriate. If possible, such information, records and reports must be provided on an identified basis. (The College should advise any third party providing information for the purpose of determining the applicant's reinstatement, that this information will be provided in identifiable form to the applicant consistent with proper process).
  - 4.6.3 PPRC may use its discretion to contact the referees for further comment on the applicant and/or request additional references.
  - 4.6.4 PPRC may require an applicant to undergo an independent clinical and/or medical assessment or seek an expert opinion, and obtain a formal written report. The College has the discretion, in discussion with the relevant Branch, to determine the experts who may examine the applicant and who will provide a report. All costs associated with attending the assessment, including the costs of providing a report, will be paid for by the applicant and are in addition to the payment of the reinstatement application fee.
  - 4.6.5 PPRC may convene, or seek to convene, a meeting with any applicant seeking reinstatement. Any such meeting shall be held and conducted on such terms and conditions as the General Council determines from time to time. Without limitation, the General Council may prescribe:
    - (a) the submissions to be lodged by the application, as well as the timing of any submission;

- (b) who may attend the meeting; and
  - (c) the manner in which the meeting will be conducted;
- 4.7 If the PPRC convenes a meeting pursuant to clause 4.6.6, PPRC:
  - 4.7.1 shall give the applicant an opportunity to be heard;
  - 4.7.2 shall give due consideration to any written statement requested by the PPRC and submitted by the applicant;
  - 4.7.3 may require the applicant to attend and answer all relevant questions put to the applicant,
- 4.8 General Council will
  - 4.8.1 take into account:
    - (a) any report, recommendation or advice received from the Professional Practice Review Committee (or other such committee authorised by General Council for the purpose);
    - (b) whether the application for reinstatement is supported by the relevant Branch where the applicant is practising in Australia or New Zealand; and
    - (c) whether it is in the interests of the College to reinstate that applicant as a member having regard to the Objects of the College;
  - 4.8.2 notify an applicant of the grounds upon which their application has been rejected or accepted.
- 4.9 The decision of the General Council in connection with an application for reinstatement will be final, conclusive and binding.
- 4.10 Any applicant whose membership is reinstated must comply with the Constitution and these Regulations, as well as any additional requirements or conditions imposed by the General Council at the time of reinstatement and which attach to the applicant prior to or on being readmitted to membership (including any remedial or probationary period or requirements).
- 4.11 Without limiting clause 4.9 the General Council may reinstate a Fellow or Affiliate to membership for a probationary period or subject to any conditions which the General Council thinks appropriate (including assessment, rehabilitation and/or monitoring by the Professional Practice Review Committee (or other such committee authorised by General Council for the purpose)).

- 4.12 The College may charge fees for considering any application under these Regulations, and for all costs and expenses for any assessment, monitoring review or consideration of the applicant and the applicant's practice and conduct (including during any remedial or probationary period).

## **5 DELEGATION**

- 5.1 The General Council may delegate its powers (including powers under these Regulations) to deal with any application for reinstatement to any committee (of members of the General Council, Fellows or other persons) as the General Council may determine.
- 5.2 A committee will, subject to the terms prescribed by General Council, be charged with the rights and responsibilities of the General Council under these Regulations.
- 5.3 Any decision of a committee will be subject to ratification by the General Council.

## **6 POWERS UNDER CONSTITUTION**

These Regulations do not limit, vary or revoke any power or authority conferred on the General Council, or any committee or branch of the General Council, under the Constitution.

## **7 AMENDMENTS TO THESE REGULATIONS**

These Regulations may be added to, amended and repealed in accordance with the Constitution.

## **8 REVIEW**

These regulations shall be reviewed every two years from 2009, or earlier as determined by General Council.

## Appendix

### Extract from Article 6 of the Constitution of the Royal Australian and New Zealand College of Psychiatrists (October 2007)

#### 6.1 Automatic Termination of Membership

6.1.1 For the purposes of this Article 6, Members shall include Associates and Affiliates, unless the context otherwise requires.

6.1.2 Subject to this Constitution, the Membership of any Member terminates if –

- (a) the Member delivers to the College a written notice of resignation as a Member of the College;
- (b) the Member dies;
- (c) the Member's name is removed from the register of any medical or professional authority recognised by the General Council ('Authority');
- (d) the Member is suspended from practice by an Authority; or
- (e) the Member becomes a person whose estate or person is liable to be dealt with in any way under the law relating to mental health or disability.

6.1.3 A Member's resignation takes effect from the date the Honorary Secretary becomes aware of any of the circumstances referred to in Article 6.1.2, or any later date stated in the notice referred to in Article 6.1.2(a).

6.1.4 Article 6.1.2(c) shall not apply to any Member whose name is removed from the register of an Authority where the reason for that removal is that the Member has retired from practice and as a consequence is not participating in relevant professional development activities.

#### 6.2 Membership Determinations by Resolution

6.2.1 The General Council may at any time terminate the Membership of a Member, or warn, counsel or censure a Member if the Member -

- (a) ceases to be eligible for admission to Membership of the College;
- (b) refuses or neglects to comply with the provisions of this Constitution or the Regulations;
- (c) engages in conduct which in the opinion of the General Council is unbecoming of Members or is prejudicial to the interests of the College;

- (d) has any condition or restriction imposed on his / her right to practice by an Authority;
- (e) has a Finding of Professional Misconduct recorded against them;
- (f) is found guilty by a Court of an indictable offence;
- (g) is convicted of an offence under the Health Insurance Act 1973 (Cth);
- (h) ceases to be a Member under Article 5.3.1;
- (i) fails to pay any debt due to the College for a period of twelve calendar months after the due date for payment; or
- (j) becomes untraceable because the Member has ceased to reside at, attend or otherwise communicate with his or her address as recorded on the Register.

6.2.2 For the purposes of this Article 6, a Member shall not be deemed to have ceased to be eligible for Membership by reason of the fact that the Member has ceased to practice psychiatry.

6.2.3 A decision of the General Council to terminate a Member's Membership is subject to appeal in accordance with the Regulations.

**Article 5.3** of the Constitution of the College provides:

### **5.3 Unpaid Fees**

5.3.1 If the subscription of a Member is unpaid for a period of twelve calendar months after it becomes due, the Member shall cease to be a Member of the College and shall lose all rights and privileges of Membership. The General Council may, if it thinks fit, reinstate the Member upon payment of all arrears.

5.3.2 The General Council may by resolution impose levies on Members provided that any such levy shall be of the same amount for all Members of that class of Membership. The levies made in any one calendar year shall not, without the approval of a general meeting, exceed the aggregate sum of two hundred and fifty dollars. A levy shall be a debt owing by the Member to the College and shall become payable one month after the College has given Notice of such levy to the Member."

These matters are managed in conjunction with the Resource Management Committee (RMC).

Adopted GC 2005/2 R30 21-22 May 2005

Reviewed GC 2008/3 R34 23 August 2008; GC 2009/1 R 42 21 February 2009; GC2010/2 R29

Review Date GC 2011/1