



Regulation 29

Readmission to membership of the college (and fellowship)

29. Readmission to membership of the college (and fellowship)

Pursuant to article 7.3 of the Constitution:

7.3.1 The Council has the power from time to time to make, amend, or repeal all such regulations as it deems necessary or desirable for the proper conduct and management of the College, the regulation of its affairs and the furtherance of its objectives,

Noting that:

7.3.3 No regulation shall be inconsistent with, nor shall it affect the repeal or modification of, anything contained in the Constitution.

Purpose

This regulation describes the process to be used for requests for readmission to membership (Fellowship) of the College and/or its Faculties.

Scope

These Regulations apply to requests from individuals whose membership was terminated under clause 4.1 (Automatic termination of Membership) or clause 4.2.1 (Termination of Membership by resolution of Council), as well as individuals whose membership may have lapsed or ceased for other reasons (including cessation under clauses 3.2 and 4). Any individual whose membership (Fellowship) has ceased or been terminated, or expelled from membership (Fellowship) may apply to be readmitted, reappointed or reinstated to membership (Fellowship).

Pursuant to Constitution clauses 4 and 7.3.2(i) and (j):

29.1 Application for readmission to membership of the college (and fellowship) for applicants whose membership was terminated under clauses 4.1 and/or 4.2.1

29.1.1 Without limiting the requirements under the Constitution, an applicant whose membership of the College has been terminated under clause 4.1 (Automatic termination of Membership) or clause 4.2.1 (Termination of Membership by resolution of Council) must at the time of making an application:

29.1.1.1 provide the Council with a written statement that:

29.1.1.1.1 includes a detailed account of the conduct and practice of the applicant since the time of termination or expulsion;

29.1.1.1.2 specifies any mitigating circumstances at the time of the offence, event or matter to which the termination or expulsion related;

29.1.1.1.3 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

termination or expulsion related;

- 29.1.1.1.4 specifies any efforts made by the applicant for restitution of property (if the termination or expulsion related to the misappropriation of monies or property);
 - 29.1.1.1.5 is supported by evidence of remorse, contrition and acceptance of responsibility for the offence, event or matter to which the termination or expulsion related; and
 - 29.1.1.1.6 states why in the applicant's opinion, the applicant should be readmitted to membership (Fellowship); and
 - 29.1.1.1.7 agree in writing to pay to the Council the reasonable costs and expenses of their readmission and the application, and all arrears of subscriptions and any interest imposed by Council, if any, due to the College at the date when his or her former membership ceased.
- 29.1.2 For an application for readmission to membership from those whose membership was terminated under clause 4.1 (Automatic termination of Membership) or clause 4.2.1 (Termination of Membership by resolution of Council), the Council may:
- 29.1.2.1 seek or obtain any other information, records or reports from any other person, body or institution relevant to the application as the Council thinks appropriate. A copy of such information, records or report shall be supplied to the applicant for comment (on an identified or de-identified basis as the Council thinks appropriate);
 - 29.1.2.2 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 Council determines from time to time; and/or
 - 29.1.2.3 notify an applicant of the grounds upon which their application has been rejected or accepted where obliged to do so under the constitution or due to the requirements of natural justice.
- 29.1.3 If the Council convenes a meeting to consider an application for readmission to membership from those whose membership was terminated under clause 4.1 (Automatic termination of Membership) or clause 4.2.1 (Termination of Membership by resolution of Council), the Council must:
- 29.1.3.1 place before the meeting details of the application;
 - 29.1.3.2 give the applicant an opportunity to be heard; and
 - 29.1.3.3 give due consideration to any written statement submitted by the applicant, and no business other than the question of the application for reinstatement shall be transacted.

29.2 Application for readmission to membership of the college (and fellowship) for applicants other than those whose membership was terminated under clauses 4.1 and/or 4.2.1

- 29.2.1 An applicant for reinstatement whose membership has lapsed or ceased for any reason (including cessation under clause 3.2) other than as provided by clause 4.1 (Automatic termination of Membership) or clause 4.2.1 (Termination of Membership by resolution of Council), may apply in writing and may be required to:
- 29.2.1.1 provide such further information as the Council may require, (including details of work history, experience, research and employment positions since his or her membership lapsed or ceased);
 - 29.2.1.2 pay any outstanding fees or levies as the Council requires; and

29.2.1.3 pay any additional fee as the Council may specify.

29.3 All applications for readmission to membership of the college (and fellowship)

29.3.1 Any applicant whose membership (Fellowship) is reinstated must comply with the Constitution and this Regulation, as well as any additional requirements or conditions imposed by the Council at the time of reinstatement and which attach to the applicant on being readmitted to membership (Fellowship).

29.3.2 Any applicant who has been absent from anaesthesia practice must comply with the provisions of PS 50 *Guideline on return to anaesthesia practice for anaesthetists* and provide evidence of successful completion of a 'return to practice' program.

29.3.3 Any pain medicine physician who has been absent from pain medicine practice must comply with any provisions relating to return to practice.

29.3.4 Without limiting clause 4.2 the Council may readmit an individual to membership (Fellowship) for a probationary period or subject to any conditions which the Council thinks appropriate.

29.4 The Board of the Faculty of Pain Medicine will advise Council on all matters relevant to the practice of pain medicine in making decisions under this regulation. If the Council wishes to initiate a decision under this regulation relevant to the practice of pain medicine, it must first seek the advice of the Board of the Faculty of Pain Medicine in accordance with the preceding sentence of this regulation 29.4

29.5 Reconsideration, review and appeal

Any decision of the Council under these Regulations may be subject to appeal under the College's Reconsideration, Review and Appeal Regulations.

Definitions and interpretation

In these regulations:

- "Constitution" means the Constitution of the Australian and New Zealand College of Anaesthetists as amended from time to time; and
- "Regulations" means any regulation made in accordance with article 7.3; and
- "Council" means the ANZCA Council
- *Heading and boldings do not affect the interpretation.*

Unless otherwise specified, or the contrary intention appears in these regulations:

- *Where a word or phrase is defined in the Constitution the word or phrase has the same meaning throughout these regulations; and*
- *The singular includes the plural and vice versa; and*
- *A person includes an individual, a body corporate, a partnership, a firm, unincorporated association or institution and a government body; and*
- *These regulations shall come into operation on the date they are approved and adopted by the Council.*

November 2015 (in toto)