

Psychologists Registration Bill

No.

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SCHEDULE

Amendments and Repeals

LEGISLATIVE ASSEMBLY

Read 1° 15 April 1987

(Brought in by Mr Roper and Mr Spyker)

A BILL

to make provision for the registration of psychologists, to repeal the
Psychological Practices Act 1965 and for other purposes.

Psychologists Registration Act 1987

The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

Purposes.

1. The purposes of this Act are—

- 5 (a) to establish the Psychologists Registration Board of Victoria;
 and
 (b) to provide for the registration of psychologists and
 probationary psychologists; and
10 (c) to provide for the discipline of registered psychologists and
 probationary psychologists; and
 (d) to provide temporary controls in relation to the practice of
 hypnosis.

Commencement.

2. This Act comes into operation on a day or days to be proclaimed.

Definitions.**3. In this Act—**

“Board” means the Psychologists Registration Board of Victoria established under section 4.

“Financial year” means a year ending on 31 December. 5

“President” means the President of the Board appointed under section 4 (4).

“Probationary psychologist” means a person registered under this Act as a probationary psychologist.

“Register” means the register established under section 22. 10

“Registered psychologist” means a person registered under this Act as a psychologist or deemed by section 48 to be so registered.

“Registrar” means the registrar of the Board appointed under section 10. 15

“Specialist psychologist” means a registered psychologist whose certificate of registration has been endorsed by the Board under section 18.

PART 2—PSYCHOLOGISTS REGISTRATION BOARD OF VICTORIA**Constitution of Board. 20**

4. (1) There shall be established a Psychologists Registration Board of Victoria which shall consist of nine members appointed by the Governor in Council of whom—

(a) one shall be a registered psychologist nominated by the Minister; and 25

(b) one shall be a registered psychologist nominated by the Minister and engaged as a teacher of psychology in a senior teaching position at a tertiary institution in Victoria; and

(c) one shall be a registered psychologist nominated by the Minister for the time being administering the *Education Act* 1958; and 30

(d) three shall be registered psychologists, each nominated by the Minister from a panel of not less than two names for each office submitted by the Australian Psychological Society (Victorian Branch); and 35

(e) one shall be a legally qualified medical practitioner practising as a psychiatrist nominated by the Minister; and

(f) one shall be a person nominated by the Minister to represent the interests of the public; and

(g) one shall be a barrister and solicitor of the Supreme Court nominated by the Minister. 40

(2) In nominating members of the Board, the Minister must have regard to the desirability of having as members of the Board men and women, and people of different social and ethnic backgrounds.

(3) For the purposes of sub-section (1) (d), if the Minister—

5 (a) requests the Australian Psychological Society (Victorian Branch) to submit a panel of names; and

(b) does not receive the panel of names within the time specified in the request—

10 the Minister may nominate a registered psychologist to the relevant position.

(4) The Governor in Council must appoint one of the members to be President of the Board.

Terms and conditions of appointment.

15 5. (1) A member of the Board holds office for the period, not exceeding three years, specified in the instrument of the member's appointment but is eligible for re-appointment.

(2) A member of the Board may be removed from office at any time by the Governor in Council.

20 (3) A member of the Board, other than a member who is an officer of the public service, is entitled to receive such fees and allowances as are fixed for the time being by the Governor in Council.

(4) A member of the Board is not, in respect of the office of member, subject to the *Public Service Act* 1974.

Acting members.

25 6. (1) If a member of the Board is or is about to be absent or for any reason is unable to perform the functions of the office, the Governor in Council may appoint a person qualified to be appointed as that member to act as the member during the absence or inability.

(2) The Governor in Council—

30 (a) may, subject to this Act, determine the terms and conditions of appointment of an acting member; and

(b) may at any time terminate such an appointment.

35 (3) The appointment of an acting member made in anticipation of the absence or inability of a member has effect from and including the day on which the absence or inability commences.

(4) While the appointment of an acting member remains in force, the acting member—

(a) has and may exercise all the powers and perform all the functions of the member; and

- (b) other than an acting member who is an officer of the public service, is entitled to receive such fees and allowances as are fixed for the time being by the Governor in Council.

Vacancies.

7. (1) The office of a member of the Board becomes vacant— 5
- (a) at the end of the period specified in the instrument of the member's appointment; or
 - (b) if the member resigns from office by notice in writing signed by the member and delivered to the Governor; or
 - (c) if the member is removed from office under section 5 (2); 10
or
 - (d) if the member is convicted of an indictable offence or of an offence which, if committed in Victoria, would be an indictable offence; or
 - (e) if the member becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit; or 15
 - (f) if the member is absent from four consecutive meetings of the Board without leave granted by the Board; or 20
 - (g) if the member attains the age of 72 years; or
 - (h) if the member dies.
- (2) On the occurrence of a vacancy for any of the reasons specified in sub-section (1), the Governor in Council must appoint a person qualified to be appointed to fill the vacancy. 25
- (3) A person appointed under sub-section (2) to fill a vacancy for any reason specified in sub-section (1), other than paragraph (a), holds office only for the remainder of the period for which the person's predecessor was appointed but is eligible for re-appointment.

Proceedings of Board not invalid by reason of vacancy, etc. 30

8. Subject to section 9, an act or decision of the Board is not invalid by reason only of a vacancy in the membership of the Board or a defect or irregularity in or in connection with the appointment of a member or, in the case of a person appointed to act as a member or to fill a casual vacancy, on the ground that the occasion for so acting had not arisen or had ceased or that the vacancy had not occurred. 35

Procedure of Board.

9. (1) The President must preside at any meeting of the Board at which the President is present.

5 (2) If the President is not present at a meeting of the Board, the members present must elect one of their number to preside at the meeting.

(3) A majority of the membership of the Board constitutes a quorum at a meeting of the Board.

10 (4) A question arising at a meeting of the Board must be determined by a majority of votes of the members present and voting on that question and, in the event of an equality of votes, the person presiding has a casting vote.

(5) The Board shall meet at the times and places as the Board or the President from time to time determines.

15 (6) Subject to this Act and the regulations, the Board may regulate its own proceedings.

Registrar and other officers.

20 10. Subject to the *Public Service Act* 1974, there shall be appointed a Registrar of the Board and such other officers as are necessary for the performance by the Board of its functions.

Functions and powers of the Board.

11. (1) The functions of the Board are—

- 25 (a) to register persons as psychologists or probationary psychologists; and
(b) to regulate the conduct of persons so registered; and
(c) such other functions as are conferred on it by this Act.

(2) Without limiting sub-section (1), the Board has the following functions:

- 30 (a) To establish and keep a register of psychologists and probationary psychologists;
(b) To hear and determine applications for registration under this Act;
(c) To conduct examinations of persons seeking registration under this Act;
35 (d) To inquire into the conduct of any registered psychologist or probationary psychologist.

40 (3) The Board has power to do all things which are required or authorised by this Act to be done or which are necessary or convenient to be done for or with respect to the performance by the Board of its functions.

PART 3—REGISTRATION**Application for registration of psychologist.**

12. (1) An application for registration as a psychologist may be made to the Board.

(2) An application must— 5

- (a) be in the prescribed form; and
- (b) provide prescribed information and material; and
- (c) be accompanied by the prescribed fee.

(3) The Board may require an applicant to provide any further information or material. 10

(4) The Board must—

- (a) if it is satisfied that an applicant is eligible to be registered as a psychologist, register the applicant and cause the applicant to be issued with a certificate of registration; or
- (b) if not so satisfied, refuse to register the applicant. 15

Eligibility for registration as psychologist.

13. A person is eligible to be registered as a psychologist if the person—

- (a) is of good character; and
- (b) either— 20
 - (i) holds such a degree, diploma or other qualification as is prescribed; or
 - (ii) has passed the prescribed examinations; and
- (c) has gained the prescribed experience in the practice of psychology; and 25
- (d) has made an application under this Part; and
- (e) has paid the prescribed fee.

Application for registration of probationary psychologist.

14. (1) An application for registration as a probationary psychologist may be made to the Board. 30

(2) An application must—

- (a) be in the prescribed form; and
- (b) identify the registered psychologist under whose supervision the applicant proposes to practise psychology; and
- (c) set out the circumstances under which the applicant proposes to practise under that supervision; and 35
- (d) provide the prescribed information and material; and
- (e) be accompanied by the prescribed fee.

(3) The Board may require an applicant to provide any further information or material.

(4) The Board must—

(a) if it is satisfied—

5 (i) that an applicant is eligible to be registered as a probationary psychologist; and

(ii) as to the supervision under which and the circumstances in which the applicant is to practise psychology—

10 register the applicant and cause the applicant to be issued with a certificate of probationary registration; or

(b) if not so satisfied, refuse to register the applicant.

(5) The Board may impose any condition, limitation or restriction on the registration of a probationary psychologist.

15 (6) A certificate of registration issued to a probationary psychologist must state—

(a) the name of the registered psychologist under whose supervision the probationary psychologist is entitled to practise psychology; and

20 (b) the circumstances determined by the Board as the circumstances in which the probationary psychologist is entitled to practise under that supervision; and

(c) any conditions, limitations or restrictions imposed by the Board.

Eligibility for registration as probationary psychologist.

25 **15.** A person is eligible to be registered as a probationary psychologist if the person—

(a) is of good character; and

(b) either—

30 (i) holds or is qualified for admission to such a degree, diploma or other qualification as is prescribed; or

(ii) has passed the prescribed examinations; and

(c) has made application under this Part; and

(d) has paid the prescribed fee.

Discretion of Board.

35 **16.** If the Board is satisfied in any case that the qualification or experience of an applicant for registration is at least equal to a prescribed qualification or experience, the Board may accept the applicant's qualification or experience as sufficient compliance with section 13 (b) or (c) or section 15 (b) as the case may be.

Examinations.

17. (1) The Board may conduct examinations from time to time in order to determine eligibility for registration as a psychologist or probationary psychologist.

(2) The Board may appoint examiners for the purposes of sub-section (1). 5

(3) The Board must admit to any examination any person who has paid the prescribed fee.

(4) The Board must issue to any person who has passed the prescribed examinations conducted by the Board a certificate to that effect. 10

Specialist psychologists.

18. (1) The Board may approve a registered psychologist as a specialist psychologist in any branch of psychology.

(2) A person seeking approval as a specialist psychologist must satisfy the Board that he or she has undergone the prescribed study, professional experience, practice or training in the particular branch of psychology. 15

(3) The Board must—

(a) if it is satisfied that the applicant has undergone the prescribed study or professional practice or training in the specialist branch of psychology to which the application relates, approve the application and cause the applicant's certificate of registration to be endorsed with a notation that the applicant is a specialist psychologist in the branch of psychology to which the study, experience, practice or training relates; or 20

(b) if not so satisfied, refuse to approve the applicant. 25

(4) An application for approval as a specialist psychologist must be in the prescribed form and must be accompanied by the prescribed fee. 30

(5) Subject to section 23, an approval given under this section remains in force while the person to whom the approval is given remains registered as a psychologist.

Period of registration.

19. Subject to section 20 (2), a registration under this Act, unless renewed, ceases to be in force on 31 December next after the date on which it was effected. 35

Renewal of registration.

20. (1) A registered psychologist or probationary psychologist may apply to the Board in the prescribed form accompanied by the prescribed fee before 31 December in each year for renewal of his or her registration.

5 (2) A registered psychologist or probationary psychologist who fails to apply for renewal of registration before 31 December may before the following 1 April apply for renewal by lodging with the Board—

(a) an application in the prescribed form; and

(b) the prescribed fee; and

10 (c) the prescribed late fee.

(3) If an application is made under sub-section (2), the registration is deemed to be renewed from 1 January until the application for renewal is determined by the Board.

(4) The Board may renew or refuse to renew a registration.

15 (5) Where the registration of a specialist psychologist is renewed, the certificate of registration must be endorsed in accordance with section 18.

Refusal to renew registration.

20 21. The Board must refuse to renew the registration of a person if—

(a) an application for renewal and the prescribed fee have not been lodged in accordance with section 20 (1) or 20 (2); or

(b) the person has become ineligible to be registered.

Register.

25 22. (1) For the purposes of this Act, the Board must cause to be established and kept a register of psychologists and probationary psychologists.

(2) Subject to this Act and the regulations, the register must be kept in such form and manner as the Board thinks fit.

30 (3) The register may be inspected at the office of the Board by any person during office hours without charge.

(4) A person, on payment of the prescribed fee, may obtain a copy of, or an extract from, the register.

35 (5) The register, or a certificate signed by the President or Registrar, certifying as to any matter relating to the contents of the register, is evidence of the matter in the register or so certified until the contrary is proved.

Suspension or cancellation of registration etc.**23. If—****(a) the Board is satisfied that—**

(i) a person's registration or endorsement was obtained irregularly or fraudulently; or 5

(ii) a person registered under this Act has been convicted of an indictable offence or an offence which, if committed in Victoria, would be an indictable offence; and

(b) after giving the person a reasonable opportunity of being heard— 10

the Board may—

(c) suspend or cancel the registration of that person; or

(d) withdraw endorsement as a specialist psychologist.

Notice of refusal, suspension or cancellation etc. 15**24. (1) If the Board—**

(a) refuses an application for registration or renewal of registration; or

(b) makes a determination under section 23—

it must forthwith serve notice of its determination by certified mail to— 20

(c) the person to whom the determination relates; and

(d) in the case of a determination suspending or cancelling or refusing to renew a person's registration, any probationary psychologist under the supervision of the person. 25

(2) If a notice is served under sub-section (1), the Board may give notice of its determination to any professional body of which the person to whom the determination relates is a member.

Effect of suspension or cancellation etc.

25. (1) If the registration of a person is cancelled or suspended or not renewed, the person must within 14 days after service of a notice under section 24 (1) surrender his or her certificate of registration to the Board. 30

Penalty: 10 penalty units.

(2) A cancellation or suspension takes effect 21 days after the sending of the notice under section 24 (1). 35

(3) If the registration of a person is suspended—

(a) the period of suspension is as determined by the Board; and

(b) the person is, during the period of suspension, deemed to be an unregistered person for the purposes of this Act. 40

(4) If approval of a person as a specialist psychologist is withdrawn, the person must, within 14 days after service of a notice under section 24 (1) surrender his or her certificate of registration to the Board for cancellation of the endorsement.

5 Penalty: 10 penalty units.

(2) A withdrawal of approval as a specialist psychologist takes effect 21 days after service of the notice under section 24 (1).

Effect of refusal etc. on probationary psychologist.

10 **26.** (1) If the registration of a registered psychologist, under whose supervision a probationary psychologist is entitled to practise psychology, is—

(a) refused renewal; or

(b) cancelled; or

(c) suspended for a period exceeding 30 days—

15 the probationary psychologist may within 30 days after service of a notice under section 24 (1) submit to the Board—

(d) his or her certificate of registration; and

(e) a statement containing the particulars in sub-section (2).

(2) A statement under sub-section (1) must set out—

20 (a) the name of another registered psychologist under whose supervision the probationary psychologist proposes to practise; and

(b) the circumstances in which the probationary psychologist proposes to practise under that supervision—

25 and must be signed both by the probationary psychologist and the named psychologist.

(3) The Board may on the application of a probationary psychologist extend the time limit fixed by sub-section (1).

(4) If the Board—

30 (a) is satisfied as to the supervision under which and the circumstances in which the probationary psychologist proposes to practise psychology, it must issue the probationary psychologist with a new certificate of registration; or

35 (b) is not so satisfied, it must suspend or cancel the registration of the probationary psychologist.

(5) Subject to sub-section (3), if a probationary psychologist does not comply with sub-section (1), the Board must suspend or cancel the registration of the probationary psychologist.

PART 4—INQUIRIES BY THE BOARD

Inquiry into capacity.

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27. (1) The Board may of its own motion hold an inquiry into the capacity of a person registered under this Act to carry out the functions of a psychologist or probationary psychologist.

(2) If the Board decides to hold an inquiry under sub-section (1), it must—

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(a) send to the person by certified mail notice in writing of the Board's intention, the grounds for the inquiry and the place and time of the inquiry; and

(b) invite the person to give an explanation as to his or her behaviour personally or in writing.

15

(3) If, after giving the person a reasonable opportunity of being heard, the Board is satisfied that the person is incapable of carrying out satisfactorily all or any of the functions of a psychologist or a probationary psychologist, the Board may make a determination—

(a) to suspend the registration of the person; or

20

(b) to impose any condition, limitation or restriction on the person's practice of psychology as the Board thinks fit, and may at any time revoke a condition, limitation or restriction so imposed.

(4) If the Board suspends a registration, the suspension takes effect on and from such date as is determined by the Board, but the Board may at any time upon the request of that person or on its own motion revoke the suspension.

25

(5) A person is deemed not to be registered under this Act—

(a) during any period of suspension; or

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(b) in respect of any act or thing done by the person in breach of a condition, limitation or restriction to which the person's practice has been made subject under sub-section (3).

Inquiry into professional conduct.

28. (1) The Board may of its own motion or as a result of a complaint or charge made to the Board by any person hold an inquiry into the professional conduct of a person registered under this Act.

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(2) Before holding an inquiry under this section the Board must send to the person the subject of inquiry by certified mail notice in writing of the Board's intention to inquire into the person's professional conduct and of the place and time of the inquiry.

40

(3) If the person does not appear at the time specified in the notice under sub-section (2), the Board may proceed with the inquiry in the person's absence.

5 (4) The person to whom notice has been given under sub-section (2) is entitled—

- (a) to make oral or written submissions to the inquiry; and
- (b) to be present at the inquiry; and
- (c) to be represented by a duly qualified legal practitioner or by a registered psychologist nominated by the person in writing.

10 **Some grounds for inquiry.**

29. Without limiting the generality of section 28 (1), the Board may hold an inquiry under section 28 if—

- (a) a person registered under this Act contravenes a condition of registration; or
- 15 (b) a person registered under this Act contravenes a prescribed code of behaviour; or
- (c) a registered psychologist—
 - (i) purports or holds out to be a specialist psychologist; or
 - 20 (ii) takes or uses or has attached to or exhibited at or on that registered psychologist's place of business or any other premises (either alone or in combination with any other words or letters) the name, title or description of specialist psychologist—
when not approved as a specialist psychologist in respect of
25 that specialist branch of psychology; or
- (d) a registered psychologist authorises or permits any person other than—
 - (i) another registered psychologist; or
 - 30 (ii) a probationary psychologist in whose certificate of registration the registered psychologist is named as supervisor—
to practise psychology for or on behalf of that registered psychologist; or
- 35 (e) a probationary psychologist purports or holds out to be a registered psychologist; or
- (f) a probationary psychologist practises psychology other than—
 - 40 (i) under the supervision of the registered psychologist named in the certificate of registration of that probationary psychologist; or
 - (ii) in the circumstances stated in that certificate as the circumstances under which that probationary psychologist is entitled to practise psychology; or

- (g) a registered psychologist named in a probationary psychologist's certificate of registration permits by act or default the probationary psychologist to practise in circumstances other than those stated in the certificate as the circumstances in which the probationary psychologist is entitled to practise psychology; or 5
- (h) a registered psychologist uses or notifies on any name-plate or sign or in any advertisement hand-bill or notice published by or for that person any name title or description (either in full or in abbreviation or in combination with any other words or letters) other than that stated in the certificate of registration issued to that person. 10

Powers of Board in conducting inquiry.

30. (1) The Board has for the purposes of holding an inquiry under this Act all the powers conferred by sections 14, 15 and 16 of the *Evidence Act* 1958 upon a board appointed by the Governor in Council. 15

(2) A summons to attend before the Board to give evidence or produce documents or both to give evidence and produce documents must be signed by the President of the Board.

(3) The provisions of section 21A of the *Evidence Act* 1958 apply to an inquiry under this Act by the Board as if the inquiry were an inquiry by a board appointed by the Governor in Council to make an inquiry and members of the Board under this Act were members of such a board of inquiry. 20

Findings open to the Board. 25

31. The Board may, as a result of an inquiry under section 28, find that a person registered under this Act—

- (a) has failed to adequately carry out his or her professional duties; or
- (b) has failed to accept his or her professional responsibilities; or 30
- (c) is guilty of professional misconduct; or
- (d) is guilty of infamous conduct in a professional respect.

Penalties.

32. (1) If the Board makes a finding under section 31 it may make a determination to impose any or all of the following penalties: 35

- (a) A reprimand;
- (b) A fine not exceeding 20 penalty units;
- (c) Suspension of the person's registration for a period not exceeding 5 years; 40
- (d) Cancellation of the person's registration.

(2) If the Board suspends or cancels a registration, the suspension or cancellation takes effect on and from such date as is determined by the Board, but the Board may at any time upon the request of that person or on its own motion revoke the suspension.

5 (3) A person is deemed not to be registered under this Act during any period of suspension.

(4) The Board must, if so requested by a person registered under this Act in relation to whom a determination is made under this section, state in writing the reasons for the determination.

10 **Sections 24, 25 (1) and 26 to apply.**

33. The provisions of section 24, 25 (1) and 26 apply to this Part as if a determination made under this Part were a determination made under section 23.

PART 5—APPEALS

15 **Appeal to Supreme Court.**

34. (1) A person may appeal to the Supreme Court against—

(a) a failure of the Board to register that person; or

(b) a failure of the Board to renew the registration of that person; or

20 (c) a suspension by the Board of that person's registration; or

(d) the imposition of any condition, limitation or restriction by the Board on that person's practice of psychology; or

(e) the withdrawal of endorsement as a specialist psychologist; or

25 (f) a cancellation by the Board of that person's registration; or

(g) the imposition by the Board of any penalty under section 32.

(2) An appellant under sub-section (1) must—

30 (a) within 3 months after service of the notice of the determination; or

(b) within such extended time as the Supreme Court allows on application by the appellant made either before or after the expiration of that period of 3 months—

35 give notice in writing of the appeal, together with the grounds of the appeal, to the President.

(3) On the hearing of the appeal the Supreme Court—

40 (a) must entertain, inquire into and decide upon the appeal and for that purpose may do all such matters and things relating to the appeal and in the same manner and to the same extent as the Court is empowered to do in the exercise of the ordinary jurisdiction of the Court; and

(b) may—

- (i) confirm the determination of the Board; or
- (ii) give to the Board any directions as to the registration of the appellant or otherwise as the Court sees fit.

(4) The Board must comply with any direction given by the Supreme Court under sub-section (3). 5

(5) An appeal under this section against the suspension or cancellation of a registration or the imposition of any condition, limitation or restriction does not operate as a stay of the suspension, cancellation or imposition unless the Supreme Court otherwise orders. 10

PART 6—ENTITLEMENTS

Use of title of psychologist etc.

35. (1) A person registered under this Act is entitled to take or use the name, title or description of “psychologist” or “probationary psychologist” as the case may be. 15

(2) A person who has been approved as a specialist psychologist under section 18 is entitled to take or use the name title or description of that specialist branch of psychology.

Display of notice of fees.

36. A registered psychologist may display in his or her professional rooms a notice of the fees payable for professional services provided by that registered psychologist. 20

Use of words “psychological company” etc.

37. (1) A body corporate, a partnership or an unincorporated body or association may, with the consent of the Board, take or use the name, title or description “psychological company”, “psychological college”, “college of psychology”, or “school of psychology” or other prescribed name, title or description. 25

(2) In determining an application for consent under sub-section (1) the Board may require an applicant to produce any information or material that the Board reasonably requires regarding— 30

- (a) the constitution of the applicant; or
- (b) the functions of the applicant; or
- (c) the partners or members of the applicant as the case may be; or 35
- (d) any other matter relevant to the application.

(3) If the Board is satisfied that the effective control of an applicant is vested in registered psychologists, the Board may give its consent under sub-section (1).

(4) The Board's consent expires—

(a) 12 months from the date on which it was given; or

5 (b) on any change in the effective control of the body corporate, partnership or unincorporated body or association to which consent was given—

whichever first occurs.

(5) A body corporate, a partnership or an unincorporated body or association may apply to the Board for renewal of consent under sub-section (1).

10

PART 7—OFFENCES

Use of title of psychologist etc. by unregistered person.

38. A person, not being a registered psychologist or probationary psychologist, must not, except with the consent of the Board under section 37—

15 (a) purport or hold out to be a psychologist or probationary psychologist; or

20 (b) take or use or have attached to or exhibited at or on any place (either alone or in combination with any other words or letters) the name, title or description of “psychologist”, “registered psychologist”, “psychological practitioner”, “psychological company”, “psychological institute”, “psychological hospital”, psychological college”, “college of psychology”, “school of psychology” or a prescribed name, title or description.

25 Penalty: 40 penalty units.

Use of words “Registered by the Psychologists Registration Board of Victoria”.

30 39. A person not being a registered psychologist must not use or have attached to or exhibited at or on that person's place of business or any other premises or on any name-plate or sign-board or in any advertisement hand-bill or notice published by or for that person in any way the words “Registered by the Psychologists Registration Board of Victoria” either in full or in abbreviation or in combination with any other words or letters.

35 Penalty: 20 penalty units.

Use of title by tertiary institution.

40. Nothing in this Part limits the use of any title assumed by any tertiary institution recognised by the Board concerned with the teaching of psychology.

Prescribed tests.

41. A person, not being a registered psychologist or a probationary psychologist or a member of a prescribed class of persons, must not administer or interpret a prescribed test.

Penalty: 20 penalty units.

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PART 8—FINANCIAL**General fund.**

42. (1) The Board must establish a general fund.

(2) All fees and fines paid under this Act must be paid to the Board, and the Board must pay them into the general fund. 10

(3) There may be paid out of the general fund the general expenses of the Board incurred in the exercise of its functions, including the payment of remuneration and allowances to its members.

(4) The Board may—

(a) invest money standing to the credit of the general fund in such manner as the Treasurer from time to time approves; and 15

(b) borrow such money as it deems necessary and as the Treasurer approves for the performance of its functions within such limits as are from time to time fixed by the Treasurer on the recommendation of the Minister. 20

Accounts and records.

43. (1) The Board must ensure that there are kept proper accounts and records of the transactions and affairs of the Board and such other records as will sufficiently explain the financial operations and financial position of the Board. 25

(2) The Board must do all things necessary to—

(a) ensure that all money payable to the Board is properly collected; and

(b) ensure that all money expended by the Board is properly expended and properly authorised; and 30

(c) ensure that adequate control is maintained over assets owned by, or in the custody, of the Board; and

(d) ensure that all liabilities incurred by the Board are properly authorised; and 35

(e) ensure efficiency and economy of operations and avoidance of waste and extravagance; and

(f) develop and maintain an adequate budgeting and accounting system; and

(g) develop and maintain an adequate internal audit system. 40

Annual report.

44. (1) The Board must in respect of each financial year prepare an annual report containing—

- 5 (a) a report of its operations during the financial year; and
- (b) financial statements for the financial year—

to be submitted to the Minister not later than the following 1 May.

(2) The report of operations referred to in sub-section (1) (a) must—

- 10 (a) be prepared in a form and contain information determined by the Board to be appropriate; and
- (b) contain any further information required by the Minister.

(3) The financial statements referred to in sub-section (1) (b) must—

- 15 (a) contain information determined by the Treasurer to be appropriate; and
- (b) be prepared in a manner and form approved by the Treasurer; and
- (c) present fairly the results of the financial transactions of the Board during the financial year to which they relate and the financial position as at the end of that year; and
- 20 (d) be signed by the principal accounting officer (by whatever name called) of the Board and by the President and another member who must—
 - 25 (i) state whether in their opinion the financial statements present fairly the results of the financial transactions of the Board during the financial year to which they relate and whether they sufficiently explain the financial position of the Board as at the end of the financial year; and
 - 30 (ii) state whether, at the date of signing the financial statements, they were aware of any circumstances that would render any particulars included in the statements misleading or inaccurate and, if so, particulars of the circumstances; and

(e) be audited as required by section 45 (1).

35 (4) The Minister must cause each annual report submitted to the Minister under this section to be laid before the Legislative Council and the Legislative Assembly before the expiration of the fourteenth sitting day of the Legislative Council or the Legislative Assembly, as the case may be, after the annual report has been received by the Minister.

40 (5) If the Board fails to submit an annual report to the Minister by 1 May in any year the Minister must report or cause to be reported that failure and the reasons therefor to each House of Parliament.

Audit.

45. (1) The financial statements referred to in section 44 must be audited by the Auditor-General.

(2) The Auditor-General has in respect of the audit of the financial statements of the Board all the powers conferred on the Auditor-General by any law relating to the audit of the public accounts. 5

(3) Without limiting the generality of sub-section (2), the Auditor-General and the officers of the Auditor-General—

(a) have right of access at all times to the books, accounts and vouchers of the Board; and 10

(b) may require from an officer of the Board any information, assistance and explanations necessary for the performance of the duties of the Auditor-General in relation to the audit.

(4) The Board must pay to the Consolidated Fund an amount to be determined by the Auditor-General to defray the costs and expenses of any audit by the Auditor-General under this section. 15

(5) The Board may engage a registered company auditor to carry out any inspections and audits that the Board considers are necessary.

PART 9—MISCELLANEOUS**Regulations.** 20

46. (1) The Governor in Council may make regulations for or with respect to—

(a) prescribing for the verification by statutory declaration or otherwise of any particulars required in any prescribed form; and 25

(b) the conduct of examinations for eligibility for registration; and

(c) the practice of psychology by registered psychologists and probationary psychologists; and

(d) prescribing specialist branches of psychology; and 30

(e) advertising by persons registered under this Act; and

(f) regulating the relationship between probationary psychologists and registered psychologists; and

(g) generally prescribing any other matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this Act. 35

(2) The Governor in Council on the recommendation of the Board may make regulations for or with respect to—

(a) prescribing tests referred to in section 41; and

(b) prescribing any class of persons under section 41. 40

(3) The regulations—

- 5 (a) may apply, adopt or incorporate (with or without modification) any matter contained in a code or standard issued or adopted by any specified body as issued or adopted at the time the regulation is made or at any time before then; and
- (b) may empower the Board to impose penalties not exceeding 20 penalty units for a contravention of the regulations.

10 **PART 10—TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS**

Repeal of *Psychological Practices Act 1965*.

47. (1) The *Psychological Practices Act 1965* is repealed.

(2) The Board is the successor in law of the Victorian Psychological Council.

No. 7355.
Amended by
Nos. 8181, 8934,
9023, 9479,
9736, 9784, 9863
and 110/1986.

15 (3) On the commencement of this section—

- (a) all rights, property and assets that immediately before that commencement, were vested in the Victorian Psychological Council, vest in the Board; and
- 20 (b) all duties, liabilities and obligations of the Victorian Psychological Council existing immediately before that commencement become duties, liabilities and obligations of the Board; and
- 25 (c) the Board is substituted as a party to any proceedings pending in any court to which the Victorian Psychological Council was a party immediately before that commencement; and
- 30 (d) the Board is substituted as a party to any arrangement or contract entered into by or on behalf of the Victorian Psychological Council as a party and in force immediately before that commencement; and
- 35 (e) any reference to the Victorian Psychological Council in an Act or in any proclamation, Order in Council, rule, regulation, order, agreement, instrument, deed or other document whatsoever, so far as it relates to any period after that commencement, unless the contrary intention appears and subject to this Act, shall be construed as a reference to the Board.

Transitional.

48. On the commencement of this section—
- (a) the members of the Victorian Psychological Council constituted under the *Psychological Practices Act 1965* go out of office; and

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(b) a person who immediately before the commencement of this section was a registered psychologist within the meaning of the *Psychological Practices Act 1965* is deemed to be a registered psychologist under this Act; and

(c) any rules made under the *Psychological Practices Act 1965* by the Victorian Psychological Council and in force immediately before the commencement of this section continue in force and are deemed to be regulations made under this Act.

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Other consequential amendments.

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49. (1) The Acts mentioned in items 1 and 2 of the Schedule are amended or repealed as set out in those items.
- (2) The Act mentioned in item 3 of the Schedule is amended as set out in that item.

PART 11—HYPNOSIS

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Unauthorised practice of hypnosis an offence.

50. A person other than—
- (a) a registered psychologist or registered probationary psychologist; or

(b) a legally qualified medical practitioner; or

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(c) a dentist registered under the *Dentists Act 1972*; or

(d) a person immediately before the commencement of this Part exempted from the provisions of the *Psychological Practices Act 1965* corresponding to this Part; or

(e) a person with the permission in writing of the Board—

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- must not practise hypnosis.

Penalty: 40 penalty units.

Hypnosis at public entertainment an offence.

51. A person must not, except with the permission in writing of the Board, give an exhibition, demonstration or performance of hypnosis on any person at or in connection with an entertainment to which members of the public are admitted.
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Penalty: 40 penalty units.

Board may impose conditions etc.

52. (1) The Board may impose such condition, limitation or restriction as it thinks fit on permission given under section 50 (e) or 51.

- 5 (2) A person must comply with the conditions, limitations and restrictions imposed by the Board under sub-section (1).

Penalty: 20 penalty units.

This Part to operate for 2 years.

- 10 53. This Part expires two years after the date of commencement of this Part.

SCHEDULE

Section 49

1. The *Psychological Practices (Scientology) Act* 1982 is repealed.
2. Item 11 in the Schedule to the *Health (Privileges) Act* 1982 is repealed.
3. In the Schedule to the *Health Services (Conciliation and Review) Act* 1987, for "Victorian Psychological Council" substitute "Psychologists Registration Board of Victoria".

