

# Psychologists Registration Bill

## EXPLANATORY MEMORANDUM

### OUTLINE

This Bill is based on the *Psychologists Act* 1984, but takes into account the recommendations of the Social Development Committee following its review of the earlier legislation.

Among other things, the new Act establishes a board to be known as the Psychologists Registration Board of Victoria.

The Board will be the successor in law of the Victorian Psychological Council established under the *Psychological Practices Act* 1965.

The Board will be responsible for the registration of psychologists and probationary psychologists in Victoria, and for the approval of specialist psychologists.

It will also have the capacity to inquire into the professional conduct of persons registered under the Act and to take appropriate disciplinary action.

Registration will carry with it the right to use a psychological title and to administer and interpret certain prescribed tests.

The Bill will also regulate the practice of hypnosis.

However, as recommended by the Social Development Committee, the relevant provisions will be “sunsetting” two years after the date of their commencement.

### CLAUSE NOTES

#### PART 1—PRELIMINARY

*Clause 1* sets out the purposes of the Act.

*Clause 2* provides for commencement on a day or days to be proclaimed.

*Clause 3* defines various terms used in the Act.

#### PART 2—PSYCHOLOGISTS REGISTRATION BOARD OF VICTORIA

*Clause 4* constitutes a Psychologists Registration Board of Victoria and provides for the appointment of a President.

*Clause 5* deals with terms and conditions of appointment of members of the Board.

*Clause 6* makes provision for the appointment of an acting member during the absence of a member of the Board.

*Clause 7* describes the circumstances in which the office of a member of the Board becomes vacant.

*Clause 8* provides that acts or decisions of the Board are not invalid because of a vacancy or defect or irregularity in an appointment.

*Clause 9* deals with the proceedings of the Board.

*Clause 10* requires the appointment of a registrar and such other officers as are necessary.

*Clause 11* lists the functions and powers of the Board.

### **PART 3—REGISTRATION**

*Clause 12* specifies the procedure for applying to the Board for registration as a psychologist.

*Clause 13* sets out the qualifications required for registration as a psychologist.

*Clause 14* specifies the procedure for applying to the Board for registration as a probationary psychologist.

*Clause 15* sets out the qualifications required for registration as a probationary psychologist.

*Clause 16* enables the Board to accept a qualification or experience for the purposes of registration if it is at least equal to a prescribed qualification or experience.

*Clause 17* authorises the Board to conduct examinations to determine eligibility for registration as a psychologist or probationary psychologist.

*Clause 18* enables the Board to approve a registered psychologist as a specialist psychologist in a branch of psychology.

*Clause 19* provides that registrations expire on 31 December each year, unless renewed.

*Clause 20* deals with the renewal of registration of a psychologist or probationary psychologist.

*Clause 21* requires the Board to refuse the renewal of registration of a person if an application and fee have not been lodged, or if the person has become ineligible to be registered.

*Clause 22* provides for the establishment of a register of psychologists and probationary psychologists.

*Clause 23* empowers the Board to suspend or cancel the registration of a person, or to withdraw the endorsement of a specialist psychologist if the registration or endorsement was obtained irregularly or fraudulently, or if the person is convicted of an indictable offence.

*Clause 24* deals with the service of notices if the Board refuses an application for registration, or renewal of registration, or makes a determination under section 23.

*Clause 25* describes the effects of cancellation or suspension of registration or the withdrawal of approval of a specialist psychologist.

*Clause 26* deals with the effects on a probationary psychologist if the registration of the psychologist, under whose supervision the probationary psychologist is entitled to practise, is cancelled, suspended or its renewal refused.

### **PART 4—INQUIRIES BY THE BOARD**

*Clause 27* enables the Board to conduct an inquiry into the capacity of a person registered under the Act to carry out the functions of a psychologist or probationary psychologist. If the Board is satisfied that the person is incapable of carrying out all or any of the functions, it may suspend such registration, or impose conditions, limitations or restrictions on the person's practice.

*Clause 28* enables the Board to inquire into the professional conduct of a person registered under the Act.

*Clause 29* identifies some of the matters which may be the subject of inquiry by the Board.

*Clause 30* vests in the Board certain powers of a Board of Inquiry for the purposes of carrying out an inquiry under the Act.

*Clause 31* sets out the findings available to the Board following a disciplinary inquiry under section 28.

*Clause 32* lists the penalties which may be imposed by the Board as a result of a disciplinary inquiry.

*Clause 33* is a machinery provision which deals with notices, the return of certificates, and the effect of a determination on the practice of a probationary psychologist.

#### **PART 5—APPEALS**

*Clause 34* provides for appeals to the Supreme Court against decisions of the Board.

#### **PART 6—ENTITLEMENTS**

*Clause 35* authorises a person registered under the Act to use the title “psychologist” or “probationary psychologist”, and an approved specialist psychologist to use the title of that speciality.

*Clause 36* permits a registered psychologist to display in his or her professional rooms a notice of the fees charged for professional services.

*Clause 37* permits a body corporate, partnership, unincorporated body or association to use a psychological title with the consent of the Board provided the Board is satisfied that effective control is vested in registered psychologists.

#### **PART 7—OFFENCES**

*Clause 38* makes it an offence for a non-registered person to purport to be a psychologist or probationary psychologist or to use a psychological title.

*Clause 39* makes it an offence for any person except a registered psychologist to use the words “Registered by the Psychologists Registration Board of Victoria”.

*Clause 40* exempts from the Part any title assumed by a tertiary institution recognised by the Board concerned with the teaching of psychology.

*Clause 41* makes it an offence for any person except a registered psychologist or probationary psychologist to administer or interpret a prescribed test or to entitle any test, other than a prescribed test, as “psychological test”.

#### **PART 8—FINANCIAL**

*Clause 42* requires the Board to establish a general fund.

*Clause 43* requires the Board to keep proper accounts and records of its transactions and affairs.

*Clause 44* requires the Board to prepare and submit to the Minister a report of its operations, and its audited financial statements each year. The report must be tabled by the Minister in both Houses of Parliament.

*Clause 45* provides for the audit of the Board’s financial statements by the Auditor-General.

#### **PART 9—MISCELLANEOUS**

*Clause 46* sets out the matters on which regulations may be made by the Governor in Council.

## **PART 10—TRANSITIONAL PROVISIONS**

*Clause 47* repeals the *Psychological Practices Act 1965* and provides for the Board to be the successor to the Victorian Psychological Council.

*Clause 48* provides that on commencement of the section, members of the Victorian Psychological Council go out of office. It also deems persons registered as psychologists under the *Psychological Practices Act* to be registered under the new Act, and continues in operation any rules then in force.

*Clause 49* repeals or amends the Acts as listed in the Schedule.

## **PART 11—HYPNOSIS**

*Clause 50* prohibits the use of hypnosis except by a registered psychologist, probationary psychologist, a medical practitioner, a dentist, a person previously exempted under the Act or by a person with the permission of the Board.

*Clause 51* makes it an offence to perform hypnosis in connection with a public entertainment unless permitted by the Board.

*Clause 52* enables the Board to impose conditions limitations or restrictions on a permission given under the Part.

*Clause 53* provides for the Part to expire two years after the date of its commencement.