



Australian Capital Territory

Psychologists Act 1994 No 87

Republication No 2

Republication date: 20 June 2002

Last amendment made by Act 2001 No 44

Amendments incorporated to 12 September 2001

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Psychologists Act 1994* as in force on 20 June 2002. It includes any amendment, repeal or expiry affecting the republished law to 12 September 2001 and any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.

Amendments incorporated to
12 September 2001



Australian Capital Territory

Psychologists Act 1994

Contents

	Page	
Part 1	Preliminary	
1	Name of Act	2
3	Definitions for Act	2
3A	When does a person <i>practise psychology</i>	3
4	Competence to practise psychology	3
5	Impairment	3
Part 2	Administration	
6	Establishment of board	4
7	Constitution of board	4

	Page
Part 3	Registration
Division 3.1	Qualifications for registration
8	Entitlement to registration based on qualifications and training 5
9	Registration under mutual recognition principle 6
10	Registration at discretion of board 6
11	Interim registration 7
12	Conditions of registration in cases of impairment 8
13	Refusal of registration if applicant convicted of offence 8
14	Refusal of registration if applicant deregistered under foreign law 9
15	Applicants to be competent and of good character 9
16	Restriction on registration of deregistered or suspended persons 9
Division 3.2	Registration procedure
17	Applications for registration 10
18	Applications to be considered and determined 10
19	Registration of applicants 10
21	Conditions of registration 11
Division 3.3	Register of psychologists
22	Register 11
23	Particulars to be entered in register 11
24	Alteration of register 12
Division 3.4	Annual registration fees
25	Annual registration fee 12
26	Registration to be cancelled for nonpayment 12
27	Entitlement to re-registration if fee paid 13
Division 3.5	Miscellaneous
28	Certificate of registration 13
29	Change of address to be notified 15
Part 4	Conduct of the practice of psychology
30	Cessation of registration 16
31	Disciplinary action under foreign law 16
32	Imposition of conditions imposed under foreign law 17
33	Cancellation or suspension of registration 17

	Page	
34	Cancellation, suspension or restriction of right to practise on health grounds	18
35	Practising when registration suspended	19
36	Power of the board to caution, reprimand etc	19
37	Power of board to impose fines	20
38	Inquiry by board	21
39	Publication of notice of decision	21
40	Application for re-registration	22
41	Effect of suspension and conditions	22
42	Persons who may practise as psychologists	22
43	Advertising	23
44	Company not to provide psychology service except through registered psychologist	23
45	Recovery of fees	23
46	Review of accounts for fees for psychology service	24
47	Administration of estate of deceased psychologist	25
Part 5	Appeals	
48	Review of decisions	27
49	Notification of decisions	28
50	Contents of notice	29
Part 6	Miscellaneous	
51	Inspection of register	30
52	Publication of names etc of registered psychologists	30
53	Conduct of directors, servants and agents	30
54	Determination of fees	31
55	Approved forms	32
56	Regulation-making power	32
Part 7	Transitional	
57	Definitions for pt 7	33
58	Application of various provisions	33
59	Registration	33
60	Temporary registration	34
61	Review of decisions under pt 7	35

Contents

		Page
62	Notification of decisions	35
63	Expiry of pt 7	35

Endnotes

1	About the endnotes	36
2	Abbreviation key	36
3	Legislation history	37
4	Amendment history	37
5	Earlier republications	40

Amendments incorporated to
12 September 2001



Australian Capital Territory

Psychologists Act 1994

An Act to provide for the registration of psychologists, to control the practice of psychology, and for related purposes

Part 1 Preliminary

1 Name of Act

This Act is the *Psychologists Act 1994*.

3 Definitions for Act

(1) In this Act:

Note A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

board means the Psychologists Board established under section 6.

chairperson means the chairperson of the board.

deputy chairperson means the deputy chairperson of the board.

member means a member of the board.

Mutual Recognition Act means the *Mutual Recognition Act 1992* (Cwlth).

register means the register of psychologists kept under section 22.

registered means registered under this Act.

registered psychologist means a person—

- (a) who is registered under this Act; or
- (b) who is to be deemed to be registered under this Act because of the Mutual Recognition Act, section 25.

registration authority means a person or body empowered by or under a law of a State, Territory or place outside Australia to register psychologists or otherwise to authorise the practice of psychology.

3A When does a person *practise psychology*

For this Act, a person is taken to *practise psychology* if—

- (a) the person practises psychology on his or her own account; or
- (b) the person practises psychology as an officer or employee of someone else.

4 Competence to practise psychology

For this Act, a person shall be taken to be competent to practise psychology only if the person—

- (a) has sufficient physical capacity, mental capacity and skill to practise psychology; and
- (b) has sufficient communication skills for the practise of psychology, including an adequate command of the English language.

5 Impairment

- (1) For this Act, a person shall be taken to suffer from an impairment if the person suffers from any physical or mental impairment, disability, condition or disorder that detrimentally affects, or is likely to detrimentally affect, the person's physical or mental capacity to practise psychology.
- (2) For subsection (1), habitual drunkenness or addiction to a deleterious drug shall be taken to be a physical or mental disorder.

Part 2 Administration

6 Establishment of board

For this Act, there shall be a board called the Psychologists Board.

7 Constitution of board

- (1) The board shall consist of—
 - (a) a chairperson, and 5 other members, appointed in accordance with the *Health Professions Boards (Procedures) Act 1981*; and
 - (b) 1 member—
 - (i) appointed in accordance with the *Health Professions Boards (Procedures) Act 1981* and who is not entitled to be registered by a board within the meaning of that Act or under the *Dental Technicians and Dental Prosthetists Act 1988*; or
 - (ii) carrying on a business or profession that employs psychological practices or methods.
- (2) A person is not eligible for appointment as a member under subsection (1) (a) unless—
 - (a) he or she is a registered psychologist; and
 - (b) he or she was at all times during the period of 3 years immediately before his or her appointment, entitled, under the law of a State or Territory, to practise as a psychologist.
- (3) The chairperson shall be the executive officer of the board.

Part 3 Registration

Division 3.1 Qualifications for registration

8 Entitlement to registration based on qualifications and training

- (1) A person is entitled to be registered as a psychologist if—
- (a) the person—
 - (i) is a graduate of a course of education or training in psychology offered by an Australian educational institution, being a course of not less than 4 years that is accredited by the board or approved by a registration authority of a State or another Territory; and
 - (ii) has, to the satisfaction of the board, gained the experience in the practice of psychology, for the period not exceeding 2 years, that the board determines; or
 - (b) the person—
 - (i) is a graduate of a course of education or training in psychology that is offered by an educational institution in a place outside Australia, being a course that is accredited by the board; and
 - (ii) has, to the satisfaction of the board, gained the experience in the practice of psychology, for the period not exceeding 2 years, that the board determines; and
 - (iii) if the experience referred to in subparagraph (ii) was gained outside Australia—if required by the board, has, to the satisfaction of the board, gained the experience in Australia in the practice of psychology, for such period not exceeding 12 months, that the board determines.

- (2) The board shall not accredit a course under subsection (1) (a) (i) unless the course is substantially equivalent to a course offered by an educational institution in a State or Territory.
- (3) The entitlement under this section is an entitlement to registration that is not subject to conditions.

9 Registration under mutual recognition principle

- (1) A person who is registered as a psychologist under the law in force in a State or another Territory that is a participating jurisdiction within the meaning of the Mutual Recognition Act is entitled to be registered as a psychologist under this Act.
- (2) If the person's registration in the State or other Territory is not subject to any condition or restriction, the person's entitlement to registration under this Act is an entitlement to registration that is not subject to any condition.
- (3) If the person's registration in the State or other Territory is subject to any condition or restriction, the person's entitlement to registration under this Act is an entitlement to registration subject to the conditions to which that registration is subject or conditions appropriate to give effect to any restriction to which that registration is subject.

10 Registration at discretion of board

- (1) If a person is a graduate of a course of education or training referred to in section 8 (1) (a) (i) or (b) (i), the board may register the person as a psychologist on a temporary basis to enable him or her to gain experience in the practise of psychology for section 8 (1) (a) (ii) or (b) (ii) or (iii).
- (2) The board may register a person as a psychologist for the purpose of enabling the person to fill a psychology teaching or research position if—
 - (a) the person has qualifications that the board considers appropriate for that purpose; and

- (b) the application is supported in writing by the university, professional association, hospital or other institution, by which it is proposed that the person be engaged for that purpose.
- (3) The board may impose the conditions on the registration of a person under this section that it considers appropriate.

11 Interim registration

- (1) An applicant for registration may be granted interim registration if—
 - (a) the applicant is entitled to registration under section 8 but it is not practicable to wait until the board can consider the application; or
 - (b) the applicant would be entitled to registration under section 8 except for the fact that a degree or award to which the applicant is entitled has not yet been conferred or granted by the institution concerned.
- (2) A person authorised by the board for this section may grant interim registration in accordance with this section to an applicant for registration.

Note A fee may be determined under s 54 (Determination of fees) for this section.

- (3) Interim registration granted to a person under this section remains in force from the time when it is granted until the person is given written notice that the board has—
 - (a) granted him or her registration; or
 - (b) refused his or her application for registration; or
 - (c) cancelled the interim registration.
- (4) The board may cancel a person's interim registration for any reason that it considers proper and shall immediately give the person written notice of the cancellation.

- (5) A person who holds interim registration is for all purposes to be taken to be a registered psychologist.

12 Conditions of registration in cases of impairment

- (1) The board may impose conditions on a person's registration if the board is satisfied that the person suffers from an impairment and the conditions are reasonably required having regard to the impairment.
- (2) If conditions have been imposed on a person's registration under this section (including conditions imposed on a review under this section), the board may, if so requested by the person, review the conditions and, if satisfied—
- (a) that the person no longer suffers from the impairment; or
 - (b) that the impairment has lessened;

the board may alter or remove the conditions or impose new conditions.

13 Refusal of registration if applicant convicted of offence

- (1) Subject to subsection (3), the board may refuse an application for registration if—
- (a) the applicant has been convicted in the ACT of an offence or has been convicted outside the ACT by a court for or in relation to an act or omission that would, had it taken place in the ACT, have constituted an offence; and
 - (b) the board is of the opinion that the conviction renders the person unfit in the public interest to practise psychology.
- (2) The board shall have regard to the nature of an offence and the circumstances in which it was committed in making a decision under subsection (1).
- (3) Subsection (1) does not apply in relation to a person who is entitled to registration under the Mutual Recognition Act and who has lodged with the board a notice under that Act, section 19.

14 Refusal of registration if applicant deregistered under foreign law

- (1) Subject to subsection (3), the board may refuse an application for registration if the applicant's name has been removed from a foreign register of psychologists for any reason relating to—
 - (a) the conduct of the person as a psychologist; or
 - (b) the physical or mental capacity of the person to practise psychology.
- (2) A person's name shall be taken to have been removed from a foreign register of psychologists if it is removed from any register or roll established or kept under any law of a State or another Territory or a place outside Australia providing for the registration of psychologists or the authorisation of persons to practise psychology.
- (3) Subsection (1) does not apply in relation to a person who is entitled to registration under the Mutual Recognition Act and who has lodged with the board a notice under that Act, section 19.

15 Applicants to be competent and of good character

- (1) Subject to subsection (2), the board shall not register a person as a psychologist unless satisfied that the person is competent to practise psychology and is of good character.
- (2) Subsection (1) does not apply in relation to a person who is entitled to registration under the Mutual Recognition Act and who has lodged with the board a notice under that Act, section 19.

16 Restriction on registration of deregistered or suspended persons

- (1) Subject to subsection (2), if the registration of a person under this Act has been cancelled (otherwise than under section 26 (2) or 31) or suspended (otherwise than under section 38 (2)) the person may not apply for re-registration or termination of the suspension otherwise than under section 40.

- (2) Subsection (1) does not apply in relation to a person who is entitled to be re-registered under the Mutual Recognition Act and who has lodged with the board a notice under that Act, section 19.

Division 3.2 Registration procedure

17 Applications for registration

- (1) This section applies to applications for registration other than applications by persons who are entitled to registration under the Mutual Recognition Act and who lodge with the board a notice under that Act, section 19.
- (2) The applicant must give the board a completed application form.

Note 1 A fee may be determined under s 54 (Determination of fees) for this section.

Note 2 If a form is approved under s 55 (Approved forms) for an application, the form must be used.

18 Applications to be considered and determined

The board shall consider each application under section 17 and shall determine the application by—

- (a) registering the applicant unconditionally or subject to conditions; or
- (b) refusing the application.

19 Registration of applicants

If a person who is applying for registration otherwise than under the Mutual Recognition Act—

- (a) complies with this Act; and
- (b) appears personally before the board or a nominee of the board in support of his or her application if required by the board to do so; and

(c) is entitled to registration in accordance with this Act;
the board shall, subject to this Act, register the applicant.

21 Conditions of registration

The conditions that the board may impose on registration at the time of registration include conditions relating to the duration of registration, the aspects of practice in which the person who is registered may be engaged and conditions relating to any other matters the board considers appropriate.

Division 3.3 Register of psychologists

22 Register

- (1) The board shall keep a register called the register of psychologists.
- (2) The register may be maintained by electronic means.

23 Particulars to be entered in register

The registration of a person shall be effected by entering in the register—

- (a) the name of the person; and
- (b) each professional address of the person in the ACT or, if the person has no professional address in the ACT, his or her residential address, whether within or outside the ACT; and
- (c) particulars of the person's qualifications relevant to the practise of psychology; and
- (d) the registration number allotted to the person; and
- (e) the date of registration; and
- (f) the provision under which the person is entitled to be registered; and
- (g) any condition to which the person's registration is subject; and

(h) the other particulars (if any) prescribed under the regulations.

24 Alteration of register

- (1) The board shall remove from the register the name of—
 - (a) a registered psychologist who has died; or
 - (b) a registered psychologist whose registration has been cancelled.
- (2) The board may, from time to time, at the request of a person or of its own accord, make the other alterations to particulars in the register that are necessary.

Note A fee may be determined under s 54 (Determination of fees) for this section.

Division 3.4 Annual registration fees

25 Annual registration fee

- (1) On or before 1 August in each year, a registered psychologist must pay to the Territory the annual registration fee determined under section 55 (Determination of fees) for the year.
- (2) The board shall send to each registered psychologist, not less than 1 month before 1 August in each year, a notice requiring him or her to comply with subsection (1).
- (3) The liability of a registered psychologist for a fee payable by him or her under subsection (1) is not affected by a failure of the board to comply with subsection (2).

26 Registration to be cancelled for nonpayment

- (1) If a registered psychologist does not comply with section 25 (1), the board shall send to the psychologist a notice requiring him or her to pay the fee due under that subsection by a day specified in the notice and advising him or her that if the fee is not paid on or before that day his or her registration will be cancelled.

- (2) The board shall cancel the registration of a psychologist to whom a notice has been sent under subsection (1) and who has not paid the fee due by the day specified in the notice.

27 Entitlement to re-registration if fee paid

- (1) A person whose registration has been cancelled for failure to pay the annual registration fee determined under section 55 (Determination of fees) for a year is entitled to be re-registered if the person gives the board a completed application form and pays the fee.

Note If a form is approved under s 55 (Approved forms) for an application, the form must be used.

- (2) The board may refuse to re-register a person under this section if satisfied that the person is not competent to practise psychology or is not of good character.
- (3) An entitlement to re-registration under this section is subject to the provisions of this Act under which a person's name is authorised or required to be removed from the register.

Division 3.5 Miscellaneous

28 Certificate of registration

- (1) If a person is registered as a psychologist, the board shall issue to the person a certificate of registration signed by the chairperson or deputy chairperson.
- (2) A certificate of registration shall state the provision under which the person specified in the certificate is entitled to be registered and set out any conditions to which his or her registration is subject.
- (3) A certificate of registration is evidence that the person specified in the certificate was registered on the date specified in the certificate.

- (4) If a certificate issued under subsection (1) to a registered psychologist has been stolen, lost or destroyed, the board must, on application by the registered psychologist, issue a duplicate certificate.

Note A fee may be determined under s 54 (Determination of fees) for this section.

- (5) If—

- (a) a person ceases to be registered; or
- (b) the registration of a person is suspended;

the board may, by written notice given to the person, require the person to deliver his or her certificate of registration to the board within 14 days.

- (6) If a person whose registration has been suspended delivers his or her certificate of registration to the board, the board shall keep the certificate during the period of the suspension and return it to the person at the end of that period unless the person's registration has sooner been cancelled.

- (7) If, after a certificate of registration has been issued to a person—

- (a) conditions are imposed on the registration of the person; or
- (b) conditions imposed on the registration of the person are varied;

the board may, by written notice given to the person, require the person to deliver his or her certificate of registration to the board within 14 days to enable a statement of the conditions imposed, or the conditions as varied, to be endorsed on the certificate.

- (8) A person shall not, without reasonable excuse, refuse or fail to comply with a notice under subsection (5) or (7).

Maximum penalty: 5 penalty units.

29 Change of address to be notified

If—

- (a) a change occurs in an address of a registered psychologist shown in the register; or
- (b) a registered psychologist establishes a professional address, or an additional professional address, in the ACT;

the registered psychologist shall, within 1 month of the change or establishment notify the chairperson in writing accordingly.

Maximum penalty: 5 penalty units.

Part 4 **Conduct of the practice of psychology**

30 **Cessation of registration**

A person who is registered as a psychologist ceases to be so registered—

- (a) when the board gives the person notice that his or her registration has been cancelled in accordance with this Act; or
- (b) if registration is conditional and the period of registration is specified in a condition—when that period ends.

31 **Disciplinary action under foreign law**

- (1) If the board is satisfied that the name of a person who is registered under this Act has been removed from any register or roll kept under a law of a State or another Territory for any reason relating to—

- (a) the conduct of the person as a psychologist; or
- (b) the physical or mental capacity of the person to practise psychology;

the board shall cancel the registration of the person.

- (2) If—

- (a) the name of a person whose registration has been cancelled under subsection (1) is restored to the register or roll referred to in that subsection; and
- (b) the person applies to the board to be re-registered under this Act;

the board shall re-register the person.

- (3) If the board is satisfied that the name of a person who is registered under this Act has been removed from any register or roll kept under a law of a place outside Australia for any reason relating to—
- (a) the conduct of the person as a psychologist; or
 - (b) the physical or mental capacity of the person to practise psychology;
- the board may cancel the registration of the person.
- (4) The board may re-register a person whose registration has been cancelled under subsection (3) if the board is satisfied that it is appropriate in the circumstances to do so.

32 Imposition of conditions imposed under foreign law

- (1) If the board is satisfied that after a person has been registered under this Act a condition has been imposed on the registration of the person as a psychologist under a law of a State or another Territory, the board shall impose a similar condition on the registration of the person under this Act.
- (2) If the board is satisfied that after a person has been registered under this Act a condition has been imposed on the registration of the person as a psychologist under a law of a place outside Australia, the board may impose a similar condition on the registration of the person under this Act.

33 Cancellation or suspension of registration

The board may—

- (a) cancel the registration of a person as a psychologist; or
 - (b) by order served on a psychologist, suspend his or her registration for the period the board considers appropriate;
- if satisfied—
- (c) that the registration of the person was obtained by fraud or misrepresentation; or

- (d) that the psychology qualification of the person has been withdrawn or cancelled by the body that granted it; or
- (e) that the person contravened this Act; or
- (f) that the person has contravened a condition to which his or her registration under this Act is subject; or
- (g) that the person has been convicted in the ACT or elsewhere of an offence punishable by imprisonment for more than 1 year or any offence that, in the opinion of the board, renders him or her unfit to practise psychology; or
- (h) that the person is guilty of habitual drunkenness or addiction to a deleterious drug that renders him or her unfit to practise psychology; or
- (i) that the person has engaged in conduct, whether practising psychology or not, that adversely affects practising psychology by the person; or
- (j) that the person has engaged in any improper or unethical conduct in practising psychology; or
- (k) that the person has failed to exercise adequate judgment or care in practising psychology; or
- (l) the person is not competent to practise psychology.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

34 Cancellation, suspension or restriction of right to practise on health grounds

- (1) Subject to subsection (2), the board shall, if satisfied that the mental or physical condition of a person who is registered as a psychologist renders him or her unfit to practise psychology—
 - (a) cancel the registration of the person; or

- (b) by order served on the person, suspend the registration of the person for the period as the board thinks fit.
- (2) The board may, instead of cancelling or suspending the registration of a person, if satisfied that the person is fit to give or perform some psychology services and that it would not be contrary to the public interest to make an order under this subsection, by order served on the person direct the person not to give or perform the psychology services specified, whether individually or otherwise, in the order.
- (3) If the board has made an order under subsection (2) in relation to a person, it may, if so requested by the person, review the order and, if satisfied that the mental or physical condition of the person has changed since the order was made, amend or revoke the order.
- (4) A person on whom an order under subsection (1) (b) or (2) has been served who gives or performs a psychology service in contravention of that order shall, in giving or performing the service, be deemed to be a person other than a registered psychologist.

35 Practising when registration suspended

If a person whose registration as a psychologist has been suspended is convicted of an offence against section 42, the board may—

- (a) cancel the registration of the person; or
- (b) by order served on the person, suspend the registration of the person for the further period the board considers appropriate.

36 Power of the board to caution, reprimand etc

- (1) Subject to subsection (2), the board may do any 1 or more of the following in relation to the conduct of a registered psychologist:
 - (a) caution or reprimand the psychologist;
 - (b) order that the psychologist seek and undergo medical or psychological treatment or counselling or the other treatment or counselling the board considers appropriate;

- (c) impose on the psychologist's registration the conditions relating to the practise of psychology the board considers appropriate;
 - (d) order that the psychologist seek and follow advice, in relation to the management of his or her psychology practice, from persons specified by the board;
 - (e) order that the psychologist complete specified educational courses.
- (2) Subsection (1) (e) does not apply in relation to a registered psychologist who obtained registration under this Act under the Mutual Recognition Act.

37 Power of board to impose fines

- (1) Subject to subsection (2), if the board finds that a registered psychologist has failed to comply with an order of the board under section 36 (1) it may, by order served on the psychologist, impose on him or her a fine not exceeding \$1 000.
- (2) The board shall not impose a fine under subsection (1) in relation to conduct for which a court has already imposed a fine or other penalty.
- (3) A fine imposed under this section shall be paid to the Territory within the time specified in the order imposing the fine.
- (4) If a psychologist on whom the board has imposed a fine under subsection (1) fails to pay the fine by the time specified in the order, the board may—
 - (a) cancel the registration of the psychologist; or
 - (b) by order served on the psychologist, suspend the registration of the psychologist for the period the board considers appropriate.

38 Inquiry by board

- (1) The board shall hold an inquiry before—
 - (a) cancelling the registration of a person, other than under section 26 (2), 30 (b) or 31 (1); or
 - (b) suspending the registration of a person; or
 - (c) making an order under section 34 (2); or
 - (d) taking any action under section 36.
- (2) Pending the holding of an inquiry under subsection (1), the board may, by order served on the person to whom the inquiry relates, suspend temporarily the registration of the person.

39 Publication of notice of decision

- (1) The chairperson may prepare written notice of a decision of the board or of the tribunal on application for review of a decision of the board—
 - (a) cancelling the registration of a person; or
 - (b) suspending, otherwise than under section 38 (2), the registration of a person; or
 - (c) taking any action in relation to a person under section 36; or
 - (d) imposing a fine on a person under section 37;and the reasons for the decision, including the findings on material questions of fact.
- (2) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.
- (3) The notice must not be notified until—
 - (a) the period within which an application may be made to the tribunal for review of the decision has ended; and

- (b) if an application for review of the decision is made—the tribunal has given its decision on the application.

40 Application for re-registration

- (1) If the registration of a person has been cancelled (otherwise than under section 26 (2) or 31) or suspended (otherwise than under section 38 (2)) the person may apply for re-registration or termination of the suspension on the ground that, because of a specified change in the circumstances that has occurred since the date of the cancellation or suspension, it is just that he or she should be re-registered or his or her suspension should be terminated.
- (2) The board shall, if satisfied that, because of the specified change in circumstances, the person should be re-registered or the suspension should be terminated, re-register the person or terminate the suspension.

41 Effect of suspension and conditions

A person whose registration has been suspended shall, during the period of the suspension, be deemed not to be a registered psychologist.

42 Persons who may practise as psychologists

- (1) A person other than a registered psychologist shall not—
 - (a) provide a psychology service for fee or reward; or
 - (b) take or use, either alone or in combination with any other words or letters, the title of psychologist or a name, title, addition or description (including initials or letters placed after his or her name) indicating or implying that he or she is a registered psychologist or that he or she is a person who practises, or is qualified to practise psychology; or

- (c) hold himself or herself out, by advertisement or otherwise, as being qualified or authorised to practise psychology or as being a person who practises psychology.

Maximum penalty:

- (a) for paragraph (a)—50 penalty units, imprisonment for 6 months or both; or
- (b) for paragraph (b) or (c)—30 penalty units.
- (2) A registered psychologist shall not practise psychology under a name other than the name under which the psychologist is registered.

Maximum penalty: 50 penalty units.

43 Advertising

A person who exhibits or publishes, or causes, permits or suffers to be exhibited or published any letter, circular, placard, handbill, card or advertisement of any kind by which any person advertises or holds himself or herself out contrary to section 42 commits an offence.

Maximum penalty: 30 penalty units.

44 Company not to provide psychology service except through registered psychologist

A body corporate shall not provide, or offer to provide, a psychology service except through a registered psychologist.

Maximum penalty: 250 penalty units.

45 Recovery of fees

- (1) A person is not entitled to begin an action for the recovery from another person of fees or remuneration for a psychology service given to that other person, or a dependant of that other person, unless—

- (a) he or she has served or caused to be served on that other person, by delivery to that person personally or by post addressed to that person at his or her last-known place of residence, an account for the fees or remuneration setting out the amount claimed, a brief statement of the nature of the psychology service given, the date or dates when it was given and the person to whom it was given; and
 - (b) a period of 6 months has elapsed since that service of the account and the account is unpaid at the end of that period.
- (2) Notwithstanding subsection (1), an action for the recovery of fees or remuneration for a psychology service may be begun without the service of an account for those fees or that remuneration in accordance with that subsection or, if such an account has been so served, before the end of 6 months since the service of the account, if the action is one in which an application could, apart from that subsection, be made for an order under the *Arrest on Mesne Process Act 1902*, part 2.

46 Review of accounts for fees for psychology service

- (1) A person liable to pay fees or remuneration for a psychology service may, within 6 months after the service on him or her of an account for the fees or remuneration in accordance with section 45, apply in writing to the board to review the account.
- (2) The board shall, on receipt of an application under subsection (1), review the account and certify, under the hand of the chairperson or the deputy chairperson, the amount that, in the opinion of the board, is a reasonable amount of fees or remuneration for the psychology service.
- (3) The board shall, in a certificate referred to in subsection (2), set out the facts on which the certificate is based.
- (4) The board may request a person to give the information it considers necessary or desirable for the purpose of a review under this section

and may fix a time within which the information should be furnished.

- (5) If a person does not give information requested by the board under subsection (4) within the time fixed by the board under that subsection, the board may proceed to review the account for fees or remuneration without that information.
- (6) In reviewing an account for fees or remuneration under this section, the board is not required to conduct a formal hearing, but the board shall provide the parties to the application with any information furnished to the board under subsection (4).
- (7) In reviewing an account for fees or remuneration under this section, the board shall have regard to the time occupied in giving, and the nature of, the psychology service and any other circumstances submitted by the person who gave the psychology service in relation to the provision of that service.
- (8) The board shall send a copy of a certificate of the board under subsection (2) by post to the person who gave the psychology service at his or her professional address, or at 1 of his or her professional addresses, last known to the board.
- (9) In proceedings for the recovery of fees or remuneration in relation to a psychology service, a certificate of the board under subsection (2) in relation to that service is evidence that the amount certified in the certificate is a reasonable amount of fees or remuneration for the service.

47 Administration of estate of deceased psychologist

On the death of a registered psychologist who was at the time of death carrying on business as a psychologist—

- (a) an executor of the will of the deceased psychologist; or
- (b) an administrator or trustee of the estate of the deceased psychologist;

Part 4 Conduct of the practice of psychology

Section 47

may continue the business for 6 months or for the longer period that the board, on application by the executor, administrator or trustee permits, if the practice of psychology in the business is carried on by a registered psychologist.

Part 5 Appeals

48 Review of decisions

Application may be made to the administrative appeals tribunal for review of a decision of the board—

- (a) under section 10 (3), 12 (1) or 32 (2) to impose conditions on the registration of a person; or
- (b) under section 11 (4) to cancel the interim registration of a person; or
- (c) under section 12 (2) to decline to review conditions imposed on the registration of a person; or
- (d) under section 12 (2) to alter, or to refuse to alter or remove, conditions imposed on the registration of a person; or
- (e) under section 12 (2) to impose new conditions on the registration of a person; or
- (f) under section 18 to refuse to register a person; or
- (g) under section 27 (2), 31 (4) or 40 (2) to refuse to re-register a person; or
- (h) under section 31 (3), 33 (a), 34 (1) (a), 35 (a) or 37 (4) (a) to cancel the registration of a person; or
- (i) under section 33 (b), 34 (1) (b), 35 (b), 37 (4) (b) or 38 (2) to suspend the registration of a person; or
- (j) under section 34 (2) to make an order directing a person not to give or perform a specified psychology service; or
- (k) under section 34 (3) to refuse to review an order directing a person not to give or perform a specified psychological service; or

- (l) under section 34 (3) to amend, or to refuse to amend or revoke, an order directing a person not to give or perform a specified psychological service; or
- (m) under section 36 (1) to take any action of a kind specified in that subsection in relation to a registered psychologist; or
- (n) under section 37 (1) to impose a fine on a registered psychologist; or
- (o) under section 40 (2) to refuse to terminate the suspension of the registration of a person; or
- (p) under section 46 (2) to certify an amount of fees or remuneration for a psychology service; or
- (q) under section 47 to refuse to extend beyond 6 months the period during which the executor of the will of a deceased psychologist, or the administrator or trustee of the estate of a deceased psychologist, may continue the business of the psychologist; or
- (r) under section 47 to fix a period longer than 6 months during which the executor of the will of a deceased psychologist, or the administrator or trustee of the estate of a deceased psychologist, may continue the business of the psychologist.

49 Notification of decisions

If a decision of the kind referred to in section 48 (other than paragraph (b), (j) or (n)) is made, the board shall give written notice of the decision—

- (a) for a decision referred to in section 48 (a)—to the person on whose registration conditions have been imposed; or
- (b) for a decision referred to in section 48 (c) or (d)—to the person whose registration is subject to the conditions; or
- (c) for a decision referred to in section 48 (e)—to the person on whose registration the new conditions have been imposed; or

- (d) for a decision referred to in section 48 (f)—to the person whose application for registration has been refused; or
- (e) for a decision referred to in section 48 (g)—to the person whose application for re-registration has been refused; or
- (f) for a decision referred to in section 48 (h)—to the person whose registration has been cancelled; or
- (g) for a decision referred to in section 48 (k) or (l)—to the person in relation to whom the order was made; or
- (h) for a decision referred to in section 48 (m)—to the registered psychologist in relation the whom the action has been taken; or
- (i) for a decision referred to in section 48 (o)—to the person whose registration has been suspended; or
- (j) for a decision referred to in section 48 (p)—to the person who requested the review of the amount; or
- (k) for a decision referred to in section 48 (q) or (r)—to the executor of the will of the deceased psychologist or the administrator or trustee of the estate of the deceased psychologist.

50 Contents of notice

- (1) A notice under section 11 (4) or 49 shall be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).
- (2) An order under section 33 (b), 34 (1) (b), 34 (2), 35 (b), 37 (1), 37 (4) (b) or 38 (2) shall be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).
- (3) The validity of a decision referred to in subsection (1) or (2) is not to be taken to be affected by a failure to comply with that subsection.

Part 6 Miscellaneous

51 Inspection of register

- (1) A person may inspect, or obtain a certified copy of, an entry in the register.

Note A fee may be determined under s 54 (Determination of fees) for this section.

- (2) The board may, on request by a registration authority and without payment by the authority of a fee, forward to the authority a certified copy of that part of the register to which the request relates.

52 Publication of names etc of registered psychologists

- (1) As soon as practicable after 1 August in each year, the board must prepare a written notice containing the names and professional address (or addresses) of the psychologists registered on that day.
- (2) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

53 Conduct of directors, servants and agents

- (1) If, for the purposes of a prosecution for an offence against this Act, it is necessary to establish the state of mind of a body corporate or an individual in relation to particular conduct, it is sufficient to show—
 - (a) that a director, servant or agent of the body, or a servant or agent of the person, had that state of mind; and
 - (b) that the conduct was engaged in by that director, servant or agent within the scope of his or her actual or apparent authority.

- (2) A reference in subsection (1) to the *state of mind* of a body or person includes a reference to—
- (a) the knowledge, intention, opinion, belief or purpose of the body or person; and
 - (b) the body's or person's reasons for the intention, opinion, belief or purpose.
- (3) Any conduct engaged in on behalf of a body corporate or an individual by a director, servant or agent of the body, or a servant or agent of the person, within the scope of his or her actual or apparent authority is to be taken, for this Act, to have been engaged in also by the body or person unless the body or person establishes that reasonable precautions were taken and due diligence was exercised to avoid the conduct.
- (4) If—
- (a) an individual is convicted of an offence against this Act; and
 - (b) the person would not have been convicted of the offence if subsections (1) and (3) had not been enacted;
- the person is not liable to be punished by imprisonment for that offence.
- (5) A reference in this section to *engaging* in conduct includes a reference to failing or refusing to engage in conduct.

54 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

55 Approved forms

- (1) The board may, in writing, approve forms for this Act.
- (2) If the board approves a form for a particular purpose, the approved form must be used for that purpose.

Note For other provisions about forms, see *Legislation Act 2001*, s 255.

- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

56 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 7 Transitional

57 Definitions for pt 7

In this part:

commencement day means the day this part comes into operation.

government psychology employee means a person who was, immediately before the commencement day, employed by the Territory, the Commonwealth or a public authority of the Territory or the Commonwealth to provide psychology services.

58 Application of various provisions

- (1) Sections 42, 44 and 45 do not apply to a government psychology employee until the earlier of—
 - (a) the day the employee is registered; or
 - (b) the end of 12 months after the commencement day.
- (2) If a government psychology employee applies for registration as a psychologist within 12 months after the commencement day, sections 42, 44 and 45 do not apply to the employee until—
 - (a) the board registers the employee; or
 - (b) if the board refuses to register the employee—30 days after the day the employee is notified under section 49 of the decision of the board to refuse the employee registration.

59 Registration

- (1) This section applies to a government psychology employee who has provided psychology services for a period of 4 years, or for periods totalling 4 years, during the 10 years immediately before the commencement day.

- (2) If—
- (a) a government psychology employee mentioned in subsection (1) applies for registration as a psychologist; but
 - (b) the employee would not be entitled to be registered under section 8;

the board may register the person as a psychologist under this Act if the board is satisfied the person is otherwise competent to practise psychology.

- (3) The board may impose any conditions it considers appropriate on the registration of a person under subsection (2).

60 Temporary registration

- (1) If—
- (a) a person who was a government psychology employee immediately before the commencement day—
 - (i) applies for temporary registration as a psychologist; and
 - (ii) gives the board a written undertaking that he or she will undertake education or training to obtain the qualifications mentioned in section 8 (1) (a) (i) or (b) (i); and
 - (b) the board is satisfied the person is competent to practise psychology;

the board may temporarily register the person as a psychologist.

- (2) Temporary registration of a person as a psychologist under this section remains in effect until—
- (a) the person is given written notice that the board has—
 - (i) registered the person under section 8; or
 - (ii) refused an application by the person for registration under section 8; or

- (iii) cancelled the person's registration; or
- (b) the end of 3 years beginning on the commencement day.
- (3) The board may cancel a person's registration under this section for any reason it considers appropriate.
- (4) If the board cancels a person's registration under subsection (3), it must immediately give the person notice of the cancellation.
- (5) A person who holds temporary registration under this section is taken to be a registered psychologist only for the person's employment as a government psychology employee.

61 Review of decisions under pt 7

Application may be made to the administrative appeals tribunal for review of a decision of the board—

- (a) under section 59 (2) to refuse to register a person; or
- (b) under section 59 (3) to impose conditions on the registration of a person; or
- (c) under section 60 (1) to refuse to temporarily register a person; or
- (d) under section 60 (3) to cancel the registration of a person.

62 Notification of decisions

- (1) If the board makes a decision mentioned in section 61, it must give written notice of the decision to the person affected by the decision.
- (2) A notice under subsection (1) must be in accordance with the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

63 Expiry of pt 7

This part expires on 21 December 2003.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
ins = inserted/added	renum = renumbered
LA = Legislation Act 2001	reloc = relocated
LR = legislation register	R[X] = Republication No
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
num = numbered	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

Psychologists Act 1994 No 87

notified 15 December 1994 (Gaz 1994 No S280)

s 1, s 2 commenced 15 December 1994 (s 2 (1))

remainder commenced 15 June 1995 (s 2 (2))

as amended by

Statute Law Revision Act 1995 No 46 sch

notified 18 December 1995 (Gaz 1995 No S306)

amds commenced 18 December 1995 (s 2)

Statute Law Revision (Penalties) Act 1998 No 54 sch

notified 27 November 1998 (Gaz 1998 No S207)

s 1, s 2 commenced 27 November 1998 (s 2 (1))

sch commenced 9 December 1998 (s 2 (2) and Gaz 1998 No 49)

Psychologists (Amendment) Act 1999 No 41

notified 16 July 1999 (Gaz 1999 No S43)

commenced 16 July 1999 (s 2)

Psychologists Amendment Act 2000 No 84

notified 21 December 2000 (Gaz 2000 No S69)

commenced 21 December 2000 (s 2)

Legislation (Consequential Amendments) Act 2001 No 44 pt 306

notified 26 July 2001 (Gaz 2001 No 30)

s 1, s 2 commenced 26 July 2001 (IA s 10B)

pt 306 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

4 Amendment history

Commencement

s 2 om 2001 No 44 amdt 1.3321

Definitions for Act

s 3 hdg am 2000 No 84 s 4

s 3 am 2000 No 84 s 4

def **determined fee** om 2001 No 44 amdt 1.3322

When does a person *practise psychology*

s 3A ins 2000 No 84 s 5

Endnotes

4 Amendment history

Qualifications for registration

div 3.1 hdg (prev pt 3 div 1 hdg) renum R2 LA

Registration at discretion of board

s 10 am 1995 No 46 sch

Interim registration

s 11 am 2001 No 44 amdt 1.3323

Registration procedure

div 3.2 hdg (prev pt 3 div 2 hdg) renum R2 LA

Applications for registration

s 17 am 2001 No 44 amdt 1.3324

Registration of applicants

s 19 am 2001 No 44 amdt 1.3325

Fee for registration pursuant to Mutual Recognition Act

s 20 om 2001 No 44 amdt 1.3326

Register of psychologists

div 3.3 hdg (prev pt 3 div 3 hdg) renum R2 LA

Alteration of register

s 24 am 2001 No 44 amdt 1.3327, amdt 1.3328

Annual registration fees

div 3.4 hdg (prev pt 3 div 4 hdg) renum R2 LA
sub 2001 No 44 amdt 1.3329

Annual registration fee

s 25 hdg sub 2001 No 44 amdt 1.3330
s 25 am 2001 No 44 amdt 1.3331

Entitlement to re-registration if fee paid

s 27 am 2001 No 44 amdt 1.3332, amdt 1.3333

Miscellaneous

div 3.5 hdg (prev pt 3 div 5 hdg) renum R2 LA

Certificate of registration

s 28 am 1998 No 54 sch; 2001 No 44 amdt 1.3334

Change of address to be notified

s 29 am 1998 No 54 sch

Cancellation or suspension of registration

s 33 am 2001 No 44 amdt 1.3335, amdt 1.3336; pars renum R2 LA

Publication of notice of decision

s 39 am 2001 No 44 amdt 1.3337-1.3340

Persons who may practise as psychologists

s 42 am 1998 No 54 sch

Advertising

s 43 am 1998 No 54 sch

Company not to provide psychology service except through registered psychologist

s 44 am 1998 No 54 sch

Review of decisions

s 48 pars renum R2 LA

Notification of decisions

s 49 pars renum R2 LA

Contents of notice

s 50 am 1995 No 46 sch

Inspection of register

s 51 am 2001 No 44 amdt 1.3341

Publication of names etc of registered psychologists

s 52 sub 2001 No 44 amdt 1.3342

Determination of fees

s 54 om 1998 No 54 sch
(prev s 55) sub 2001 No 44 amdt 1.3343
renum as s 54 R2 LA

Approved forms

s 55 (prev s 56) sub 2001 No 44 amdt 1.3343
renum as s 56 R2 LA

Regulation-making power

s 56 (prev s 57) ins 2001 No 44 amdt 1.3343
renum as s 56 R2 LA

Transitional

pt 7 hdg ins 2000 No 84 s 6
exp 21 December 2003 (s 63)

Definitions for pt 7

s 57 sub 1999 No 41 s 4
exp 16 July 2000 (s 59)
ins 2000 No 84 s 6
exp 21 December 2003 (s 63)

Application of various provisions

s 58 am 1995 No 46 sch
sub 1999 No 41 s 4
exp 16 July 2000 (s 59)
ins 2000 No 84 s 6
exp 21 December 2003 (s 63)

Endnotes

5 Earlier republications

Registration

s 59 sub 1999 No 41 s 4
exp 16 July 2000 (s 59)
ins 2000 No 84 s 6
exp 21 December 2003 (s 63)

Temporary registration

s 60 ins 2000 No 84 s 6
exp 21 December 2003 (s 63)

Review of decisions under pt 7

s 61 ins 2000 No 84 s 6
exp 21 December 2003 (s 63)

Notification of decisions

s 62 ins 2000 No 84 s 6
exp 21 December 2003 (s 63)

Expiry of pt 7

s 63 ins 2000 No 84 s 6
exp 21 December 2003 (s 63)

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 1999 No 41	31 July 1999

Authorised when accessed at www.legislation.act.gov.au or in authorised printed form

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