

1990 - No. 431

PSYCHOLOGISTS ACT 1989 - REGULATION

(Psychologists Regulation 1990)

NEW SOUTH WALES



[Published in Gazette No. 82 of 29 June 1990]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Psychologists Act 1989 has been pleased to make the Regulation set forth hereunder.

PETER COLLINS,
Minister for Health.

PART 1 - PRELIMINARY

Citation

1. This Regulation may be cited as the Psychologists Regulation 1990.

Commencement

2. This Regulation commences on 1 August 1990.

Definition

3. In this Regulation:

"the Act" means the Psychologists Act 1989.

Transitional provision

4. Section 4 (1) of the Act does not apply for a period of 12 months from its commencement to a person who, immediately before that

commencement, used the title of psychologist but who is not eligible for registration under the Act.

PART 2 - REGISTRATION AND THE REGISTER

Application for registration

5. (1) An application for registration under the Act must be in the approved form, must be presented in person at the office of the Board and must be accompanied by a fee of \$100.

(2) Such proportion of the fee (not exceeding 50 per cent) as is determined by the secretary is to be refunded to the applicant if his or her application is refused.

Certificate of registration

6. (1) Within 28 days of the registration (including conditional registration) of a person as a psychologist, the secretary is to issue to the person a certificate of registration in the approved form.

(2) The secretary may, if satisfied that a certificate of registration has been lost, destroyed or defaced, issue a duplicate, clearly marked as such, on payment of a fee of \$16.

Temporary registration

7. (1) An application for temporary registration under section 8 of the Act must be in the approved form and be accompanied by a fee of \$100.

(2) A certificate of temporary registration under section 8 of the Act must be in the approved form.

Change of name

8. If satisfied that a registered psychologist has changed his or her name, the Board may:

- (a) enter the particulars of the changed name in the register; and
- (b) issue a certificate in the approved form certifying as to the change.

Other particulars to be entered on the register

9. The languages spoken by a registered psychologist are directed to be entered in the register under section 9 (1) (d) of the Act in relation to the psychologist.

Fee for additional qualifications etc.

10. The fee payable in respect of the entry in the register of any particulars under section 9 (2) of the Act is \$20.

Restoration of name to register

11. The fee payable for restoration of a person's name to the register under section 10 (5) of the Act is \$100.

Change of address

12. A registered psychologist who has changed his or her address must, within 30 days after the change, inform the Board in writing of the particulars of the new address.

Maximum penalty: 1 penalty unit.

Surrender of certificate of registration

13. If the name of a registered psychologist is removed from the register or the registration of a psychologist is suspended, the psychologist must surrender his or her certificate of registration to the secretary within 14 days after the removal or suspension takes effect.

Maximum penalty: 5 penalty units.

Fee for extract from register etc.

14. (1) The fee to be paid for supplying a person with an extract from the register under section 9 (3) of the Act is \$20.

(2) The fee to be paid for the issue of a certificate referred to in section 30 (1) of the Act is \$6.

Annual roll fee

15. (1) For the purposes of section 10 (1) of the Act, the prescribed fee is \$70 and the prescribed date (on or before which it must be paid) is 1 April.

(2) For the purposes of section 10 (3) of the Act, the prescribed date is 1 July.

PART 3 - COMPLAINTS

Lodgment and consideration of complaint

16. (1) A person making a complaint under section 14 of the Act must lodge the complaint with the secretary.

(2) On receipt of a complaint, the secretary is to forward the complaint to the President who must:

- (a) call a special meeting of the Board to consider the complaint; or
- (b) place the complaint before the next ordinary meeting of the Board for consideration.

(3) A copy of the complaint is to be served with the notice of any such meeting to each member of the Board.

Conduct of complaint inquiry

17. (1) An inquiry under section 15 of the Act is to be open to the public unless the Board or the Professional Standards Committee conducting the inquiry otherwise determines.

(2) An inquiry under section 15 of the Act may be held in the absence of the person who is the registered psychologist concerned or the person who made the complaint if the Board or the Professional Standards Committee conducting the inquiry is satisfied that the absent person was duly served with notice of the inquiry.

Notice of inquiry

18. A notice given under section 15 (3) of the Act is to state that:

- (a) the inquiry may be conducted in the absence of the registered psychologist concerned if he or she fails to appear; and
- (b) the Board can take action against the registered psychologist as a result of the inquiry even if the registered psychologist does not appear; and
- (c) the registered psychologist concerned is entitled to be represented by a barrister or solicitor.

PART 4 - PROCEDURE OF THE BOARD

Ordinary meetings of the Board

19. (1) An ordinary meeting of the Board is to be held in each named month unless otherwise determined by the Board.

(2) At least 8 ordinary meetings of the Board are to be held during each period of 12 successive named months.

(3) At least 3 clear days' notice in writing of the time and place of an ordinary meeting is to be given by the secretary to each member.

Special and urgent meetings of the Board

20. (1) A special meeting of the Board may be called on written requisition given to the secretary by the President or any 3 members and is to be held within 7 days of the receipt of the requisition by the secretary.

(2) An urgent meeting of the Board may be called by the President for any purpose at any time.

(3) At least 24 hours' notice of the time and place of any special or urgent meeting is to be given by the secretary to each member.

Lack of quorum

21. (1) If at the expiration of 30 minutes after the time appointed for any meeting there is not a quorum present, the meeting of the Board and all business stand adjourned to the next meeting, or such other date as may be fixed by the members present.

(2) Any meeting at which a quorum is not present and which is not adjourned lapses.

Notice of motion

22. Notice of every motion or resolution intended to be proposed at any ordinary meeting is to be given to the secretary in writing at least 14 days before the next meeting and a copy of the notice must be embodied in the agenda papers to be sent to each member.

Notice to be seconded

23. Every motion before a meeting of the Board is to be seconded before being discussed.

Method of voting at meetings

24. Every question submitted to any meeting of the Board is to be decided on the voices unless a show of hands is demanded by any member, in which case the show of hands is to be taken without further discussion.

PART 5 - MISCELLANEOUS

Service of documents

25. Any document required by the Act or this Regulation to be served on a person (whether the word "serve", "give" or "send" or any other word is used) may be served in person or by post.

NOTE

TABLE OF PROVISIONS

PART 1 - PRELIMINARY

1. Citation
2. Commencement
3. Definition
4. Transitional provision

PART 2 - REGISTRATION AND THE REGISTER

5. Application for registration
6. Certificate of registration
7. Temporary registration
8. Change of name
9. Other particulars to be entered on the register
10. Fee for additional qualifications etc.
11. Restoration of name to register
12. Change of address
13. Surrender of certificate of registration
14. Fee for extract from register etc.
15. Annual roll fee

PART 3 - COMPLAINTS

16. Lodgment and consideration of complaint
17. Conduct of complaint inquiry
18. Notice of inquiry

1990 - No. 431

PART 4 - PROCEDURE OF THE BOARD

19. Ordinary meetings of the Board
20. Special and urgent meetings of the Board
21. Lack of quorum
22. Notice of motion
23. Notice to be seconded
24. Method of voting at meetings

PART 5 - MISCELLANEOUS

25. Service of documents

EXPLANATORY NOTE

The objects of this Regulation are:

- (a) to provide for the fees to be paid and the forms to be used in connection with the registration of psychologists; and
- (b) to provide for certain procedural matters relating to the hearing of complaints against registered psychologists by the Psychologists Registration Board; and
- (c) to outline certain procedures to be adopted by the Board.
