

1995—No. 517

PSYCHOLOGISTS ACT 1989—REGULATION

(Psychologists Regulation 1995)

NEW SOUTH WALES



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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.

ANDREW REFSHAUGE
Deputy Premier and Minister for Health.

PART 1—PRELIMINARY

Citation

1. This Regulation may be cited as the Psychologists Regulation 1995.

Commencement

2. This Regulation commences on 1 September 1995.

Definitions

3. In this Regulation:
“**approved**” means approved for the time being by the Board;
“**the Act**” means the Psychologists Act 1989.

PART 2—REGISTRATION

Application for registration

4. (1) An application for registration under the Act (including an application by a person who is conditionally registered under the Act) must be in the approved form and be accompanied by a fee of \$100. The application is to be made by sending it by post to or lodging it at the office of the Board.

(2) The fee or such part of the fee as the Board determines (either generally or in the particular case) is to be refunded if the application is refused.

Application for conditional registration

5. (1) An application for conditional registration under the Act must be in the approved form and be accompanied by a fee of:

- (a) \$100, unless paragraph (b) applies; or
- (b) \$40 in the case of an application by a person who is already conditionally registered under the Act.

(2) The application is to be made by sending it by post to or lodging it at the office of the Board.

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 \$20.

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 is to 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 in 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 entries in register

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

Fees for extracts from register and evidentiary certificates

11. (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

12. (1) For the purposes of section 10 (1) of the Act, the prescribed fee is \$80 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.

Restoration of name to register

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

Surrender of certificate of registration

14. 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.

PART 3—COMPLAINTS**Lodgment and consideration of complaint**

15. (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

16. (1) An inquiry by the Board under section 15 of the Act is to be open to the public unless the Board otherwise determines.

(2) The Board may only make such a determination if it is satisfied that any information or evidence to be given in the proceedings is of such a sensitive nature in relation to a party or complainant to the proceedings that it is appropriate that it be given in private.

(3) An inquiry by a Professional Standards Committee under section 15 of the Act is to be conducted in the absence of the public unless the Committee otherwise determines.

Notice of inquiry

17. 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.

Remuneration of Professional Standards Committee members

18. For the purposes of section 21 (7) of the Act, a member of a Professional Standards Committee is entitled to be paid such remuneration as the Minister may from time to time determine.

PART 4—MISCELLANEOUS**Special and urgent meetings of the Board**

19. (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.

Service of documents

20. 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.

Repeal and savings

21. (1) The Psychologists Regulation 1990 is repealed.

(2) Any act, matter or thing that, immediately before the repeal of the repealed Regulation, had effect under that Regulation is taken to have effect under this Regulation.

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EXPLANATORY NOTE

The object of this Regulation is to repeal and remake, with minor changes, the provisions of the Psychologists Regulation 1990 under the Psychologists Act 1989.

The Regulation sets out the following:

- the procedure for applying for registration as a psychologist and additional matters relating to registration
- fees for registration and for obtaining extracts from the register and certificates that evidence the contents of the register
- the procedure for making a complaint against a psychologist and for the conduct of a complaint inquiry
- requirements as to special and urgent meetings of the Psychologists Registration Board

This Regulation is made under the Psychologists Act 1989, including section 15 (4) (inquiries), Schedule 2 (2) (the procedure of the Board) and section 32 (the general regulation making power), in particular section 32 (2) (a), (b), (c), (d) and (h).

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.

The Regulation comprises matters of a machinery nature or matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.
