



# Psychologists Regulation 2002

under the

Psychologists Act 2001

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Psychologists Act 2001*.

CRAIG KNOWLES, M.P.,

Minister for Health

## Explanatory note

This Regulation provides for certain matters under the *Psychologists Act 2001*, including:

- (a) setting out procedures for meetings of the Psychologists Registration Board (*the Board*), and
- (b) setting out procedures for appeals on a point of law where the Board deals with a complaint against a registered psychologist, and
- (c) prescribing certain offences relating to traffic and parking as offences that are not required to be notified to the Board, and
- (d) setting out procedures for notifying that a registered psychologist has become a mentally incapacitated person, and
- (e) prescribing the Registrar of the Board as a person who is not required to verify a complaint by statutory declaration, and
- (f) prescribing fees for inspection of the Register or recording additional information in the Register.

## **2002 No 906**

Psychologists Regulation 2002

Explanatory note

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This Regulation is made under the *Psychologists Act 2001*, in particular sections 20, 21, 22, 23, 30, 77 and Schedule 1, and section 132 (the general regulation-making power).

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

Psychologists Regulation 2002

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## **2002 No 906**

Clause 1            Psychologists Regulation 2002

Part 1              Preliminary

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# **Psychologists Regulation 2002**

## **Part 1 Preliminary**

### **1 Name of Regulation**

This Regulation is the *Psychologists Regulation 2002*.

### **2 Commencement**

This Regulation commences on 6 December 2002.

### **3 Definitions**

In this Regulation:

*the Act* means the *Psychologists Act 2001*.

## **Part 2 Proceedings of Board**

### **4 Proceedings of Board at ordinary meetings**

- (1) Unless otherwise determined by the Board, a meeting of the Board is to be held each month.
- (2) However, at least 8 meetings of the Board must be held during any period of 12 months.
- (3) The Registrar must give each member at least 3 days notice in writing of the time and place of a meeting, together with a copy of the agenda for the meeting.

### **5 Special and urgent meetings**

- (1) The President or any 3 members may, by notice in writing to the Registrar, call a special meeting of the Board, and any such special meeting is to be held within 7 days after the Registrar receives the notice.
- (2) The President may, by notice in writing to the Registrar, call an urgent meeting of the Board for any purpose, and any such urgent meeting is to be held within 3 days after the Registrar receives the notice.
- (3) The Registrar must give each member at least 24 hours notice in writing of the time and place of any special or urgent meeting.

### **6 Lack of quorum**

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

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Part 3                         Miscellaneous

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### Part 3 Miscellaneous

#### 7 Excluded offences

- (1) Sections 20 (1) (a), 21 (1) (a) and 22 of the Act do not apply in respect of an excluded offence.
- (2) An excluded offence is not relevant for the purposes of clause 4 of Schedule 1 to the Act.
- (3) In this clause, ***excluded offence*** means any offence relating to the parking of motor vehicles or any offence under the road transport legislation (within the meaning of the *Road Transport (General) Act 1999*) except for the following offences:
  - (a) an offence under section 42 (1) of the *Road Transport (Safety and Traffic Management) Act 1999* relating to driving a motor vehicle negligently on a road or road-related area if the registered psychologist is, by way of penalty, sentenced to imprisonment or fined a sum of not less than \$200,
  - (b) an offence under section 42 (2) of the *Road Transport (Safety and Traffic Management) Act 1999* relating to driving a motor vehicle on a road or road-related area furiously or recklessly or at a speed or in a manner which is dangerous to the public,
  - (c) any offence under section 19 (2) of the *Road Transport (General) Act 1999* (which relates to refusing to produce a driver licence when required or to state name and home address, or stating a false name and home address),
  - (d) any offence under section 12 (1) of the *Road Transport (Safety and Traffic Management) Act 1999* (which relates to driving etc while under the influence of alcohol or any other drug),
  - (e) any offence under section 25A (1), (2) or (3) of the *Road Transport (Driver Licensing) Act 1998* (which relates to driving while unlicensed and other relevant matters),
  - (f) any offence under section 70 of the *Road Transport (Safety and Traffic Management) Act 1999* (which relates to failing to stop after an accident),
  - (g) any offence under section 9 of the *Road Transport (Safety and Traffic Management) Act 1999* (which relates to presence of prescribed concentration of alcohol in a person's blood),

- (h) any offence under section 43 of the *Road Transport (Safety and Traffic Management) Act 1999* (which relates to menacing driving),
- (i) any other offence under the road transport legislation if the court orders the disqualification of the registered psychologist from holding a driver licence.

### **8 Notice of mental incapacity of registered psychologist**

- (1) For the purposes of section 23 of the Act, the person required to cause notice of mental incapacity to be given to the Registrar is:
  - (a) in the case of a registered psychologist who is a mentally incapacitated person and becomes a patient at an institution because of that incapacity—the medical superintendent of the institution, or
  - (b) in the case of a registered psychologist who is a mentally incapacitated person because of being a protected person under the *Protected Estates Act 1983*—the Protective Commissioner.
- (2) Notice for the purposes of section 23 of the Act is to be given by telephone within 1 day, and by post within 7 days, after the registered psychologist is admitted to the institution or becomes a protected person, and is to specify the following:
  - (a) the name and residential address of the psychologist,
  - (b) the date on which the psychologist was admitted to the institution at which the psychologist is a patient or became a protected person.

### **9 When complaint need not be verified: sec 30**

For the purposes of section 30 (2) (g) of the Act, a complaint is not required to be verified by statutory declaration if it is made by the Registrar.

### **10 Appeal on point of law: sec 77**

An appeal referred to in section 77 of the Act is to be made:

- (a) by causing a notice of appeal, specifying the grounds on which the appeal is made, to be given to the Chairperson (or, if a Deputy Chairperson is nominated under section 77 (1), to the Deputy Chairperson so nominated), and

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- (b) by causing a copy of the notice of appeal to be given to each other party to the proceedings from which the appeal has arisen.

### **11 Fee for inspection of Register**

For the purposes of clause 21 (5) of Schedule 1 to the Act, the prescribed fee (being the maximum amount for an inspection of the Register) is \$20.

### **12 Fee for additional information to be recorded in Register**

For the purposes of clause 22 (3) of Schedule 1 to the Act, the prescribed fee (being the fee for recording additional particulars in the Register) is \$20.

BY AUTHORITY