
PSYCHOLOGISTS REGISTRATION ACT 1976

ANALYSIS

PART I—PRELIMINARY

1. Short title.
2. Interpretation.

PART II—THE PSYCHOLOGISTS REGISTRATION BOARD

3. Establishment of the Psychologists Registration Board.
4. Term of office and removal of members of the Board.
5. Proceedings of the Board.
6. Registrar and other officers.
7. Inspectors.
8. Power of Board to hold examinations and appoint examiners, &c.
9. Finances of the Board.
10. Annual reports and accounts of Board.
11. Institution of proceedings.

PART III—REGISTRATION OF PSYCHOLOGISTS AND CONTROL OF PRACTICE OF PSYCHOLOGY

Division I—Registration of psychologists

12. Commencement.
13. Register of Psychologists.
14. Entitlement to registration.
15. Registration and renewal thereof.
16. Provisional registration.
17. Temporary registration.
18. Certificates of registration.
19. Appeals against refusal of registration.

Division II—Disciplinary and other procedures

20. Inquiries into professional conduct.
21. Professional misconduct.
22. Crimes and drug offences.
23. Taking of alcohol or drugs.
24. Disabilities.
25. Practising outside limitations.
26. Psychologists removed from register or suspended in other jurisdictions.
27. Withdrawal, &c., of qualifications.
28. Removal from register on grounds of fraud or error.
29. Subsidiary disciplinary powers.
30. Procedure on charges, &c.
31. Evidence of facts found in other proceedings.
32. Appeals to Supreme Court.
33. Restoration to the register.
34. Powers of Board in respect of conduct of inquiries, &c.
35. Effect of removal from register or suspension.
36. Notification of removal from register, &c., to other authorities, &c.
37. Certificates to be surrendered by persons whose names are removed from the register, &c.

Division III—Control of practice of psychology

38. Offences in relation to practice of psychology.
39. Advertising by unregistered persons prohibited.
40. Ethical standards.
41. Saving in respect of psychological procedures by persons or their psychologists.
42. Use of psychological titles by public educational institutions.

PART IV—HYPNOTISM
AND OTHER PRACTICES

43. Commencement of Part.
44. Provisions controlling exhibitions of, and practice of, hypnotism.
45. Use of certain instruments by unqualified persons an offence.

PART V—MISCELLANEOUS

46. Commencement of Part.
47. Misrepresentations in relation to registration.
48. Service of notices.
49. Exemptions.
50. Regulations.



PSYCHOLOGISTS REGISTRATION

No. 12 of 1976

AN ACT to make provision for the registration of psychologists and the regulation of the practice of psychology, the protection of the public from unqualified persons and certain harmful practices, and for matters incidental thereto.

[27 May 1976]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

PART I

PRELIMINARY

1 This Act may be cited as the *Psychologists Registration Act* Short title.
1976

Interpretation.
Cf. Vic., No.
7355, s. 2.

2 In this Act, unless the contrary intention appears—

- “ Board ” means the Psychologists Registration Board established under this Act;
- “ hypnotism ” includes hypnotism, mesmerism, and any similar act or process that produces, or is intended to produce, in any person any form of induced sleep or trance in which the susceptibility of that person to suggestion or direction is increased or intended to be increased;
- “ medical member ” has the meaning assigned to that expression by section 3 (3) (a);
- “ medical practitioner ” means a legally-qualified medical practitioner;
- “ member of the Teaching Service ” means a person appointed under section 4 (1) of the *Education Act 1932*;
- “ psychiatrist ” means a fellow or member of the Australian and New Zealand College of Psychiatrists;
- “ psychological practice ” or “ practice of psychology ” means the rendering to any person or group of persons of any psychological service involving the application of scientific principles, methods, and procedures of understanding, predicting, and influencing behaviour; and, without limiting the generality of the foregoing, includes—
 - (a) the scientific principles pertaining to learning, perception, thinking, emotions, and social behaviour; and
 - (b) the methods and procedures of constructing, administering, and interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, and emotions;
- “ psychological procedure ” means a procedure that may be carried out in the course of the practice of psychology;
- “ psychologist member ” has the meaning assigned to that expression by section 3 (3) (b);
- “ register ” means the Register of Psychologists required to be kept under section 13;
- “ registered psychologist ” means a person whose name is entered in the register;
- “ Registrar ” has the meaning assigned to that expression by section 6 (1);
- “ registration ” means registration under this Act;
- “ Society ” means the Australian Psychological Society.

PART II

THE PSYCHOLOGISTS REGISTRATION BOARD

3—(1) There shall be established a board, to be known as the Psychologists Registration Board.

Establishment
of the
Psychologists
Registration
Board.

(2) The Board shall be a body corporate with perpetual succession and a common seal.

Ibid., s. 3, s. 6
(1), and s. 7.

(3) The Board shall consist of 5 persons appointed by the Governor, of whom—

(a) two shall be medical practitioners (in this Act referred to as “ the medical members ”), who shall be appointed on the nomination of the Minister and one at least of whom shall be a psychiatrist; and

(b) three shall be psychologists (in this Act referred to as “ the psychologist members ”)—

(i) one of whom shall be appointed on the nomination of the Council of the University of Tasmania; and

(ii) two of whom shall be appointed on the nomination of the Tasmanian branch of the Society.

(4) If the Tasmanian branch of the Society ceases to exist, or ceases to exist under that name, the Governor may, by order, declare that this section shall have effect as if a reference therein to that body were a reference to a body specified in the order, and, on the coming into force of that order, this section has effect accordingly.

(5) If a body referred to in paragraph (b) of subsection (3) fails to make a nomination as required by that paragraph, after being so requested by the Minister and within the period specified by the Minister in the request, the Governor may appoint as a member of the Board such person as he considers suitable in the circumstances.

(6) The chairman and deputy chairman of the Board shall be appointed by the Minister from among the members of the Board.

(7) The members of the Board are not, as such, subject to the *Public Service Act* 1973, but an officer of the Public Service may hold office as a member of the Board in conjunction with his office in the Public Service.

(8) Subject to subsection (9), the members of the Board are entitled to receive—

- (a) such sitting fees or remuneration; and
- (b) such travelling and other allowances and expenses, as the Governor may determine.

(9) Notwithstanding subsection (8) (a), an officer of the Public Service or the Mental Health Service or a member of the Teaching Service who is a member of the Board is entitled to receive, by way of fees or remuneration, such sums (if any) as the Public Service Board, the Mental Health Services Commission, or the Director-General of Education, as the case may be, may determine, being sums not exceeding any determined by the Governor under that subsection.

Term of office
and removal of
members of
the Board.
Ibid., s. 4.

4—(1) Subject to this section, a member of the Board, unless he sooner resigns or is removed from office or otherwise ceases to hold office, continues in office for a period of 3 years from the date on which he was last appointed a member of the Board.

(2) If a member of the Board dies or ceases to hold office otherwise than by reason of the effluxion of time, the Governor may appoint a person (being a person having the same qualification, or nominated in the same manner, as the vacating member, as the case may require) to fill the office for the remainder of the term for which the vacating member was so appointed.

(3) The Governor may remove a member of the Board from office if he is satisfied that that member—

- (a) has become incapable of carrying out the duties of his office;
- (b) has misconducted himself in the performance of the duties of his office;
- (c) has, without leave of the Board, been absent from 4 or more consecutive meetings of the Board;
- (d) has applied to take, or takes, advantage of any law relating to bankruptcy, or has compounded, or entered into an arrangement, with his creditors;
- (e) has been convicted (whether in this State or elsewhere) of an offence of such a nature that, in the opinion of the Governor, renders it improper for him to continue to be a member of the Board;

- (f) being a psychologist member, has had his registration under this Act cancelled or suspended or has, for any reason, had his name removed from the register; or
- (g) being a medical member, has had his registration under the *Medical Act 1959* cancelled or suspended or has, for any reason, had his name removed from the register kept under that Act.

(4) A member of the Board shall not be removed from office otherwise than in accordance with this section.

5—(1) The Board shall meet at least quarterly at such times and at such places as the Board shall decide.

Proceedings of the Board.
Ibid., s. 5, and s. 6 (2), (3).

(2) The chairman of the Board, or if he is absent or there is no chairman, the deputy chairman, shall preside at meetings of the Board.

(3) The person presiding at a meeting of the Board has a deliberative vote.

(4) In the absence of both the chairman and the deputy chairman from a meeting of the Board, the members present shall elect one of their number to preside at the meeting.

(5) All questions arising at a meeting of the Board shall be decided by a majority of the votes of the members present and voting thereon and, in the event of an equality of votes on any question, that question shall be decided in the negative.

(6) Three members of the Board constitute a quorum at any meeting of the Board.

(7) The Board may, by resolution, appoint such committees of its members as it thinks fit to assist or advise the Board in relation to the exercise and performance of its functions and duties under this Act.

(8) Subject to this Act, the Board may regulate its own proceedings.

6—(1) The Board may, with the approval of the Minister, appoint a person to be the registrar and secretary of the Board (in this Act referred to as “the Registrar”) and such other officers as the Board may consider necessary for the purpose of the administra-

Registrar and other officers.
Ibid., s. 8.

tion of this Act, and may pay to the Registrar and those other officers such remuneration as the Board, with the approval of the Minister, determines.

(2) If a registrar is not appointed under subsection (1), the Minister, at the request of the Board, may, with the approval of—

- (a) the Public Service Board, appoint an officer of the Public Service;
- (b) the Mental Health Services Commission, appoint an officer of the Mental Health Service; or
- (c) the Director-General of Education, appoint a member of the Teaching Service,

to be the Registrar, and the person so appointed may hold office as Registrar in conjunction with his office in the Public Service, the Mental Health Service, or the Teaching Service.

(3) For the purposes of the exercise of its functions, the Board may, with the approval of—

- (a) the Public Service Board, make use of the services of any officer of the Public Service;
- (b) the Mental Health Services Commission, make use of the services of any officer of the Mental Health Service; and
- (c) the Director-General of Education, make use of the services of any member of the Teaching Service.

Inspectors.

7—(1) The Board may appoint persons to be inspectors for the purposes of this Act.

(2) A person appointed by the Board under section 6 (1) may be appointed an inspector under this section.

(3) No—

- (a) officer of the Public Service may be appointed an inspector under this section, except with the approval of the Public Service Board;
- (b) officer of the Mental Health Service may be appointed an inspector under this section, except with the approval of the Mental Health Services Commission; or
- (c) member of the Teaching Service may be appointed an inspector under this section, except with the approval of the Director-General of Education,

given on the recommendation of the Minister, but such an officer or member so appointed may hold office as an inspector in conjunction with his office in the Public Service, the Mental Health Service, or the Teaching Service.

(4) An inspector shall carry out such inquiries and investigations as the Board may direct for the purpose of ascertaining in any particular case whether or not the provisions of this Act are being complied with.

8—(1) The Board may hold or cause to be held examinations of persons who desire to qualify themselves to practise psychology (in this section referred to as “the Board’s examinations”).

Power of Board to hold examinations and appoint examiners, &c. *Ibid.*, ss. 42, 43, and 44.

(2) The Board shall admit to the Board’s examinations any person who desires to be examined and who has paid the prescribed fee and fulfilled such conditions (if any) as are prescribed.

(3) The Board’s examinations shall be conducted by such examiners as the Board appoints for the purpose.

(4) The Board shall, on payment of the prescribed fee, grant to a person who passes the Board’s examinations a certificate or diploma in the prescribed form.

(5) Where a person holds a certificate granted by a prescribed public institution certifying that he has passed an examination in—

(a) subjects that the Board is satisfied are equivalent to all the subjects; or

(b) a subject that the Board is satisfied is equivalent to a subject, contained in the Board’s examinations, the Board may exempt that person from sitting for those examinations or, as the case may be, from sitting for those examinations as far as they relate to that subject.

9—(1) All moneys received by or on behalf of the Board shall be paid into the Consolidated Revenue and the expenses of the Board shall be defrayed out of moneys provided by Parliament for the purpose.

Finances of the Board.

(2) All moneys required under this section to be paid into the Consolidated Revenue shall be paid to the Treasurer.

(3) The Board shall keep such accounts as may be prescribed.

(4) The accounts of the Board are subject to the *Audit Act* 1918.

Annual reports
and accounts
of Board.
Ibid., s. 14 (3).

10—(1) The Board shall, as soon as practicable after 30th June in each year, submit to the Minister—

- (a) a report on the administration of this Act during the period of 12 months ended on that day; and
- (b) a copy of the accounts of the Board for that period.

(2) The Minister shall, as soon as practicable, lay before each House of Parliament a copy of any report or accounts submitted to him under this section.

Institution of
proceedings.

11—(1) The Board may institute and carry on legal proceedings for offences against this Act in the name of the Registrar or any other person authorized by it generally or specially in that behalf.

(2) The Board may appear in legal proceedings by the Registrar or any other person authorized by it generally or specially in that behalf.

PART III

REGISTRATION OF PSYCHOLOGISTS AND CONTROL OF PRACTICE OF PSYCHOLOGY

Division I—Registration of psychologists

Commencement.

12 Except as otherwise provided therein, this Part shall commence on a date to be fixed by proclamation.

Register of
Psychologists.
Ibid., s. 15 (1)-
(4).

13—(1) The Registrar shall maintain a register to be called “The Register of Psychologists” in which he shall enter particulars of—

- (a) the grant of registration to any person (including particulars of the qualification entitling him to registration), the date of the grant of that registration, and the address of the place of abode of that person;
- (b) the change in the name or address of a person shown in the register;
- (c) the cancellation of the registration of any person and the date of that cancellation;
- (d) the suspension of any registration and the period of that suspension;
- (e) the restoration of any registration and the date of that restoration; and
- (f) the death of any registered psychologist.

(2) The Board may cause to be entered in the register particulars of any change in the qualifications possessed by a registered

psychologist, but no particulars shall be entered in the register pursuant to this subsection except on the application of the person to whom they relate.

(3) A person may, at any time when the office of the Board is opened for business, inspect the register without payment of a fee.

(4) The Board shall, not later than 31st January in each year, furnish the Minister with a copy of the register so far as it relates to persons who were registered psychologists on 31st December last preceding, and the Minister shall forthwith cause that copy to be published in the *Gazette*.

(5) Subject to subsection (6), the production of a copy of the *Gazette* containing a copy of the register is sufficient evidence, unless the contrary is shown, of the subsistence of the registrations indicated therein and that no other registrations subsist.

(6) Production of a document purporting to be a certified copy of an entry in the register signed by the Registrar is sufficient evidence, unless the contrary is shown, that that entry was duly made in the register.

(7) For the purposes of this section, "registration" includes provisional registration and temporary registration.

14—(1) Subject to this section, a person is entitled to be granted registration if— Entitlement to registration. *Ibid.*, s. 16 (1).

(a) he—

- (i) has attained the age of 21 years; and
- (ii) is a member of the Society; or

(b) he—

- (i) holds one of the prescribed qualifications; and
- (ii) has had at least two years' experience in the practice of psychology, being experience of a character that is satisfactory to the Board.

(2) A person who complies with paragraphs (a) (i) and (b) (ii) of subsection (1) is entitled, during the period of one year after the commencement of this section, to be granted registration, notwithstanding that he does not hold one of the prescribed qualifications, if the Board is satisfied that that person possesses sufficient knowledge and skill to entitle him to be granted registration.

(3) Where a person is entitled to be granted registration, the Board shall, on application made by him and payment of the

prescribed fee, grant him that registration if it is satisfied that he is of good fame and character.

(4) For the purposes of this section, “the prescribed qualifications” means the following qualifications:—

- (a) A degree from a university in the Commonwealth in the course of attaining which, or after attaining which, the holder has successfully passed such subjects in the faculty or school of psychology as constitute a progressive four-year course of study in psychology;
- (b) The passing of the prescribed examinations, subject to section 8 (5);
- (c) Membership of a body established outside this State that, in the opinion of the Board, has objects similar to those of the Society; and
- (d) A qualification obtained outside this State that is, in the opinion of the Board, sufficient qualification for registration under this Act.

Registration
and renewal
thereof.
Ibid., s. 16
(2) and (3).

15—(1) Subject to this section, the registration of a person under this Act has effect for the period commencing on the date on which it is granted and ending on 31st December next following, but may be renewed annually on application being made to the Board and on payment of the prescribed fee for each renewal.

(2) A registered psychologist may, at any time, by notice in writing bearing his signature, request the Board to remove his name from the register.

(3) On receipt of a notice under subsection (2), the Board shall, subject to subsection (4), cause the Registrar to remove from the register the name of the registered psychologist to whom the notice relates.

(4) Where, at the time that a notice is received under subsection (2)—

- (a) there is pending against the registered psychologist to whom the notice relates any inquiry or other proceedings under Division II of this Part; or
- (b) a person has appealed to the Supreme Court under section 32, the name of that psychologist or person shall not be removed from the register until the inquiry is held, the proceedings are completed, or the appeal is heard, as the case may be.

(5) Where the name of a person is removed from the register pursuant to this section, any registration granted to him that was in force immediately before his name was so removed ceases to be of effect, but again becomes of effect if and when his name is restored to the register.

16—(1) Where, on the consideration of an application for registration, the Board is of opinion that it would grant that registration if satisfactory evidence were produced to it with respect to any matter (in this section referred to as “the relevant evidence”) and that that evidence is likely to be so produced within the next ensuing period of one year, it may grant that registration provisionally.

Provisional
registration.
Cf. Tas. No. 84
of 1959, s. 20.

(2) The Board may direct that a person to whom provisional registration has been granted shall, during the period for which that registration has been granted or for which it has been renewed under subsection (3), perform only the duties or activities specified by the Board.

(3) A registration granted provisionally ceases to have effect, unless it is sooner cancelled, at the expiration of a period of 12 months from the date on which it is granted, but may, in the discretion of the Board, be renewed for a further period not exceeding 12 months on payment of the prescribed fee, unless payment thereof is waived by the Board.

(4) If the relevant evidence is produced to the Board while a registration granted provisionally remains in force, it shall confirm that registration and if, during the period that the registration remains in force, the Board is satisfied that that evidence cannot be so produced or that other grounds exist on which the registration should be refused, it may cancel that registration.

(5) Subject to this Act—

(a) a registration granted provisionally has the like effect as a similar registration granted otherwise than provisionally; and

(b) the confirmation of a registration granted provisionally has the like effect as the grant of that registration on the date on which it was granted provisionally.

17—(1) Where an application is made to the Board for registration, the application may be considered by a member of the Board or the Registrar and that person, if he is satisfied that the Board would grant the registration or grant it provisionally, may grant that registration as a temporary registration.

Temporary
registration.
Ibid., s. 21.

(2) A temporary registration granted under this section has effect until the Board has made its determination on the application on which it was granted as if it were a registration granted by the Board on that application.

(3) Where a temporary registration is granted under this section on an application for registration, the Board, in granting registration or provisional registration on that application, is entitled to rely on any facts found by a member of the Board or the Registrar in his consideration of the application.

Certificates of registration.
Cf. Vic. No. 7355, s. 15 (5).

18 On application made to him for that purpose and on payment of the prescribed fee, the Registrar shall issue to the applicant a certificate to the effect that he is registered, or, as the case may be, provisionally or temporarily registered, under this Act.

Appeals against refusal of registration.
Cf., Tas. No. 80 of 1959, s. 22.

19—(1) A person making an application for registration who is aggrieved by a decision of the Board on his application may appeal to the Supreme Court and, on such an appeal, the Court (unless it dismisses the appeal) may, by order, direct the Board to grant that person such registration as may be specified in the order or to grant him that registration upon compliance with such terms and conditions as may be so specified.

(2) The Board shall comply with any order made under this section.

Division II—Disciplinary and other procedures

Inquiries into professional conduct.
Ibid., s. 24.

20—(1) The Board may require a registered psychologist to appear before it to enable an inquiry to be held with respect to any complaint made to the Board concerning the conduct of that psychologist in a professional respect and if, on that inquiry, the Board is satisfied, in respect of any matter, that he has failed to carry out his professional duties adequately or properly to accept his professional responsibilities, it may censure or reprimand him.

(2) Where, in the course of an inquiry under this section, the Board is of opinion that proceedings should be taken against the psychologist under any other provision of this Division, it shall discontinue the inquiry and institute those proceedings.

(3) Where a registered psychologist has, in accordance with this section, been required to attend a meeting of the Board held for the purposes of an inquiry under this section with respect to a complaint concerning his conduct, and he fails, without good and

sufficient reason, to attend that meeting, the Board may charge to him the costs of that meeting and may suspend his registration until such time as those costs are paid.

(4) Where a registered psychologist has, in accordance with this section, been twice required to attend such a meeting of the Board as is referred to in subsection (3), the Board may, without prejudice to the exercise of its powers under that subsection, carry out the inquiry in his absence.

(5) For the purposes of this section, a requirement made of a registered psychologist to attend a meeting of the Board shall be made by a notice in writing served on him at least 14 days before the date of the meeting in like manner as a summons may be served under section 30.

21—(1) On a charge against a registered psychologist of professional misconduct in respect of any matter, the Board—

Professional
misconduct.
Ibid., s. 25.

- (a) if it finds that the conduct to which the charge relates is infamous conduct in a professional respect, may remove his name from the register; or
- (b) if it finds that that conduct is improper conduct in a professional respect, may deal with his case under section 29.

(2) A charge under this section may be made by the Board either on its own motion or upon a complaint made by a person who is aggrieved by any conduct of the registered psychologist against whom the complaint is made.

(3) Where the Board receives such a complaint as is referred to in subsection (2), it may require the person making the complaint—

- (a) to give further particulars of the grounds of the complaint; and
- (b) to verify by statutory declaration the complaint or those particulars.

(4) Where, on consideration of such a complaint as is referred to in subsection (2) made in respect of a registered psychologist and any further particulars that may have been furnished in relation thereto, the Board is of opinion that there has been established against him a *prima facie* case of infamous conduct in a professional respect it shall charge him under this section.

(5) Nothing in this section shall be construed as preventing the Board from taking action under any of the following provisions of this Division in any case in which it considers it appropriate so to do.

(6) Without prejudice to the generality of the expression “improper conduct in a professional respect”—

(a) negligence or incompetence in practice amounts to improper conduct in a professional respect; and

(b) subject to the following provisions of this section, it is improper conduct in a professional respect for a registered psychologist to put on his plate or stationery or use in any other way in connection with his practice any qualifications or titles related to competence in practice that is not shown as his in the register.

(7) Nothing in this section affects the use in an academic or scholastic connection of a degree, diploma, or academic title conferred by a university, college, or society having power to do so by the law of the jurisdiction within which it is situated.

*Crimes and
drug offences.
Ibid., s. 26.*

22—(1) Where a registered psychologist has at any time been convicted in this State or elsewhere of—

(a) a crime, or of any offence that, if it had been committed in this State, would have been a crime; or

(b) an offence under a law prohibiting or regulating the possession, sale, use, supply, prescription, or other dealing in or with any poison, drug, or similar substance,

the Board may remove his name from the register or deal with his case under section 29 (otherwise than by the imposition of a fine).

(2) This section does not apply in relation to a conviction for an offence if the person convicted gives the Board full particulars of the conviction before he is granted registration.

*Taking of
alcohol and
drugs.
Ibid., s. 27*

23 Where the Board is satisfied that a registered psychologist has taken alcohol or drugs to excess and has thereby been rendered incapable of adequately performing the functions of a psychologist or of assuming the full responsibilities of a psychologist in the practice of psychology, it may remove his name from the register or deal with his case under section 29.

24—(1) Where the Board is satisfied that a registered psychologist is suffering from a disability of such a nature or degree as to render him incapable of adequately performing the functions of a psychologist or assuming the full responsibilities of a psychologist, it may suspend his registration for such period as it thinks proper or remove his name from the register. Disabilities. *Ibid.*, s. 28.

(2) Subsections (5) and (6) of section 30 apply where a psychologist is liable to suffer suspension, or removal from the register, under this section.

25 Where a registered psychologist who holds a provisional registration in respect of which limitations have been imposed pursuant to section 16 (2) has, without reasonable justification (proof whereof lies on him), practised otherwise than in accordance with those limitations, the Board may remove his name from the register or deal with his case under section 29. Practising outside limitations. *Ibid.*, s. 29.

26—(1) Where a registered psychologist has, at any time, as a result of any proceedings against him, been excluded from practice in any jurisdiction outside this State (otherwise than for a specified period), the Board may remove his name from the register. Psychologists removed from register or suspended in other jurisdictions. *Ibid.*, s. 29A.

(2) Where, as a result of any proceedings against him, a registered psychologist is excluded from practice in any jurisdiction outside this State for a specified period, the Board may suspend his registration for the like period.

(3) This section does not apply to the exclusion of a registered psychologist from practice, unless that exclusion arises from a matter that relates to his conduct in a professional respect or would, in this State, afford grounds for his removal from the register or the suspension of his registration, and, in particular, does not apply where the exclusion was imposed for political reasons or on account of the religious views of the psychologist.

27—(1) Where any qualification that is held by a registered psychologist that is registered, or may be registered, has been withdrawn, cancelled, or revoked by the body or authority by which it was conferred, the Board shall make a note of the fact in the register. Withdrawal, &c., of qualifications. *Ibid.*, s. 29A.

(2) Where a qualification referred to in subsection (1) is a prescribed qualification within the meaning of section 14, the Board may remove the name of the registered psychologist from the register or deal with his case under section 29 (otherwise than by the imposition of a fine).

(3) Subsection (2) does not apply where the qualification was withdrawn, cancelled, or revoked for political reasons or on account of the religious views of the psychologist.

Removal from register on grounds of fraud or error. *Ibid.*, s. 29c.

28—(1) If it is proved to the satisfaction of the Board that an entry in the register has been fraudulently or incorrectly made, the Board may cause the entry to be erased from the register.

(2) A person may be registered in pursuance of any provision of this Act, notwithstanding that his name has been erased under subsection (1) but, if it was so erased on the grounds of fraud, the Board may, if it thinks fit, decide that he shall not be restored or shall not be registered until the expiration of such period as it may specify.

Subsidiary disciplinary powers. *Ibid.*, s. 29d.

29—(1) Where the Board may deal with the case of a registered psychologist under this section, it may impose any one or more of the following penalties on the psychologist:—

- (a) Suspension of his registration for such period as it thinks proper;
- (b) An order for the payment of a fine of such amount, not exceeding \$200, as it thinks proper;
- (c) A requirement that he give to the Board an undertaking under this section; or
- (d) A reprimand.

(2) An undertaking given to the Board under this section is an undertaking to comply, during such period as the Board specifies, with such conditions as it may specify and, at any time within that period, to appear before the Board when required by it to do so.

(3) A condition referred to in subsection (2) may be a condition requiring the psychologist to be of good behaviour or any other condition that the Board may consider it necessary or desirable to impose in the public interest.

(4) Where the Board is satisfied that a registered psychologist has failed to comply with an undertaking given by him under this section, it may exercise in relation to him any of the powers it could have exercised if it had not required him to enter into the undertaking or may require the terms of the undertaking to be varied.

(5) Where the Board requires a registered psychologist to enter into an undertaking under this section, or requires the terms of such an undertaking to be varied, and, within such time as the

Board may allow, that undertaking is not given or so varied, the Board may exercise in relation to him any of the powers that it could have exercised if it had not required the undertaking to be entered into or varied.

30—(1) Where the Board charges a person with professional misconduct, it shall summon that person to appear before it by means of a summons stating that he is so charged and specifying the matters in respect of which he is so charged. Procedure on charges, &c. *Ibid.*, s. 29g.

(2) Except in a case to which subsection (1) applies, where the Board proceeds to determine whether, in pursuance of any provision of this Division (other than section 20), it should exercise any of the powers conferred on it by this Division in respect of any person, it shall summon him to appear before it by means of a summons stating that it intends so to proceed and specifying—

- (a) the provision pursuant to which it so intends to proceed; and
- (b) the matters in relation to which it so intends to proceed.

(3) A summons under this section requiring a person to appear before the Board shall be served at least 14 days before the day on which he is required by the summons so to appear.

(4) A summons under this section shall be sealed with the common seal of the Board and may be served on the person on whom it is required to be served—

- (a) by delivering it to him personally; or
- (b) by sending it by registered post addressed to him at his usual or last known place of abode or practice.

(5) If a person duly served with a summons under this section fails to appear in accordance with the summons or, having so appeared, absents himself from the hearing of the charge or other matter to which the summons relates, the Board may proceed as if he were present.

(6) In any proceedings to which this section relates, the Board may have counsel to appear before it to assist it in any matter arising in the course of those proceedings and any person appearing before the Board in those proceedings may be represented by counsel or by a registered psychologist.

(7) Where the Board exercises in respect of a registered psychologist—

(a) its power under this Division to remove his name from the register or to suspend his registration; or

(b) any of its powers under section 29,

it shall express its decision in the form of an order which shall be served on, or notified to, him in the same way as a summons under this section.

(8) Except as otherwise provided in section 24, this section does not apply to proceedings under that section.

Evidence of facts found in other proceedings. *Ibid.*, s. 29f.

31—(1) Any finding of fact relating to the conduct of a registered psychologist made in any proceedings in a court (whether in this State or elsewhere) to which he is a party is *prima facie* evidence of that fact in any proceedings under this Division.

(2) Where a qualification held by a registered psychologist is withdrawn, cancelled, or revoked by the body or authority by whom it was awarded or granted, any finding of fact relating to the conduct of that psychologist made in the proceedings as a consequence of which that qualification was so withdrawn, cancelled, or revoked that is notified to the Board by that body or authority is sufficient evidence of that fact in any proceedings under this Division.

Appeals to Supreme Court. *Ibid.*, s. 29g.

32—(1) A person who is aggrieved by a decision of the Board under this Division—

(a) removing his name from the register or suspending his registration; or

(b) exercising any of its powers under section 29,

may appeal to the Supreme Court and, on any such appeal the Court, unless it dismisses the appeal, may, by order, quash or vary the decision of the Board, or make such decision in the case as the Board could have done.

(2) A decision made by the Board in respect of which an appeal is brought under this section has effect subject to any order made by the Supreme Court on that appeal, and any such order has the like effect as if it were made by the Board.

(3) This section applies to a decision of the Board under section 20 (1) as it applies to a decision referred to in subsection (1).

33—(1) Where the name of a person has been removed from the register under this Division, the Board may, on the application of that person, restore his name to the register if it considers it proper to do so. Restoration to the register. *Ibid.*, s. 29H.

(2) An application for the restoration of a name to the register shall not be made to the Board—

(a) before the expiration of 12 months from the date of removal; or

(b) before the expiration of 12 months from the date on which such an application was previously made.

(3) Subsection (2) does not apply where the name of the person has been removed from the register under section 24.

(4) The Board may require any person applying for the restoration of his name to the register to attend personally before the Board for the purpose of proving facts on which his application depends.

34—(1) Subject to this section, where the Board holds an inquiry or hears a charge or exercises any of its other powers under this Division in relation to any matter, Division II of Part II of the *Evidence Act* 1910 applies to the inquiry, hearing, or matter as if— Powers of Board in respect of conduct of inquiries, &c.

(a) the Board were such a board of inquiry as is referred to in section 14 (1) (b) of that Act; and

(b) the subject of the inquiry or hearing or the matter were the matter into which it was appointed to inquire by its instrument of appointment.

(2) Notwithstanding anything in the *Evidence Act* 1910, a person who attends before the Board for the purpose of giving evidence when summoned to do so is entitled to be paid such fees, allowances, and sums by way of reimbursement of expenses as may be prescribed.

35—(1) Where the name of a person is removed from the register, any registration granted to him that was in force immediately before his name was so removed ceases to be of effect, but again becomes of effect if and when his name is restored to the register. Effect of removal from register or suspension. *Ibid.*, s. 29J.

(2) Where the registration of a person is suspended for a period, any registration granted to him that was in force immediately before the date on which the registration was suspended ceases to be of any effect during that period.

Notification of removal from register, &c., to other authorities, &c.
Ibid., s. 29k.

36 Where—

- (a) the name of a person is removed from the register; or
- (b) the registration of a person is suspended,

under this Division, the Board may notify the removal or suspension, and the cause thereof, to—

- (c) any authority outside the State by which he is registered as a psychologist;
- (d) any body that has granted him a qualification that may be registered under this Act;
- (e) the Society; and
- (f) any person by whom he is employed as a psychologist or any person with whom he practises psychology in partnership.

Certificates to be surrendered by persons whose names are removed from the register, &c.
Cf. Vic., No. 7355, s. 25.

37—(1) Where—

- (a) the name of a person is removed from the register; or
- (b) the registration of a person is suspended,

under this Division, that person shall, within 7 days after the date on which the name is removed or the registration is suspended, surrender to the Board any certificate issued to him under section 18.

(2) A person who fails to surrender a certificate as required by subsection (1) is liable to a penalty of \$100, but it is a defence to a prosecution for an offence against this subsection if the defendant satisfies the court that the failure to surrender the certificate was due to its loss or destruction.

(3) The removal of the name of a person from the register or the suspension of the registration of a person is effective, notwithstanding his failure to surrender any certificate issued to him under section 18.

Division III—Control of practice of psychology

Offences in relation to practice of psychology.
Ibid., s. 33, 34, and 36-40.

38—(1) No person, other than a registered psychologist, shall take or use the description “psychologist”, either alone or in conjunction with any other name, title, or description, unless it is

taken or used in such circumstances as to indicate that that person does not carry out, and does not purport to be qualified to carry out, psychological practices.

(2) No person shall take or use any name, title, addition, or description falsely implying, or shall otherwise pretend, that he is a registered psychologist.

(3) Subject to this section and except as otherwise provided by this Act, no person, other than a registered psychologist, shall practise as a psychologist or shall carry out any psychological practice for a fee or reward or in expectation of receiving a fee or reward.

(4) Subsection (3) does not prohibit the carrying out of a psychological practice by a person—

(a) who is gaining experience in the practice of psychology for the purposes of section 14 (1) (b) (ii), if that psychological practice is carried out under the direction of a person who is not, under the foregoing provisions of this section, prohibited from himself carrying out that psychological practice; or

(b) who is not a registered psychologist and who, in such manner and to such extent as is authorized or permitted by the regulations, is carrying out that psychological practice in the course of his employment by, and under the direction of, a registered psychologist.

(5) In any proceedings for a contravention of subsection (3) it is not a defence that the fee or reward, if received or expected to be received by the defendant, was not received or expected to be received by him for his personal benefit.

(6) No person is entitled to sue for or recover any fee or charge for the performance of any psychological practice or for any attendance or advice in relation to the practice of psychology, unless he is a registered psychologist.

(7) No registered psychologist shall carry on the practice of psychology under any name (whether or not a company or firm name) other than his own, unless he has the approval of the Board to do so (which approval the Board is hereby authorized to give).

(8) No registered psychologist shall authorize or permit a person who is not registered as a psychologist to practise as a psychologist or carry out any psychological practice for or on his behalf, except in such cases and in such manner and to such extent as is authorized or permitted by the regulations.

(9) A person who contravenes a provision of this section is guilty of an offence and is liable to a penalty of—

- (a) \$1 000, in the case of a contravention of subsection (3); or
- (b) \$500, in any other case.

(10) This section shall commence at the expiration of a period of three months from the commencement of this Part.

Advertising by
unregistered
persons
prohibited.
Ibid., s. 29.

39—(1) No person other than a registered psychologist shall, without the written consent of the Board, advertise—

- (a) that he is skilled in the practice of psychology;
- (b) that he is willing to practise psychology;
- (c) that he is competent to teach the practice of psychology;
- (d) that he is willing to instruct in the practice of psychology; or
- (e) that he seeks or requires human subjects for any investigation or research involving the practice of psychology.

Penalty: \$500.

(2) In this section, “ advertise ” includes advertise—

- (a) by publishing a statement or claim in any newspaper, magazine, periodical, circular, pamphlet, handbill, notice, or other document; and
- (b) by communicating a statement or claim by means of a broadcast transmission, television transmission, or cinematograph.

Ethical
standards.

Ibid., s. 46 (1)
(a) (part).
Cf., Tas. No. 39
of 1974, s. 35.

40—(1) The Board, with the approval of the Governor, may formulate rules governing the practice of psychology, failure to comply with which on the part of a registered psychologist shall be deemed to constitute improper conduct in a professional respect.

(2) In formulating rules for the purposes of this section, the Board shall have due regard to, but shall not be bound by, the standards of professional conduct for psychologists laid down by the Society.

(3) Nothing in this section prevents any matter not dealt with in the rules formulated under this section from being treated for the purposes of this Act as improper conduct in a professional respect.

41 Nothing in this Division renders unlawful the carrying out of a psychological procedure by a person, where the carrying out of that procedure is in the ordinary course of a profession or vocation lawfully carried on by that person.

Saving in respect of psychological procedures by persons other than registered psychologists.

42 Nothing contained in this Division limits the use of a psychological title that is necessarily assumed by a public educational institution recognized by the Board for the purpose of providing education in psychology.

Use of psychological titles by public educational institutions.
Cf. Vic. No. 7355, s. 41.

PART IV

HYPNOTISM AND OTHER PRACTICES

43 This Part shall commence on a date to be fixed by proclamation.

Commencement of Part.

44—(1) No person shall, without the consent of the Board, give any exhibition or performance of hypnotism—

Provisions controlling exhibitions of, and practice of, hypnotism.
Ibid., ss. 26-28.

(a) on any person at or in connection with an entertainment, whether or not the entertainment is open to the public or whether admission to it is or is not procured by the payment of money or on any other condition; or

(b) on any person who has not attained the age of 18 years.

Penalty: \$250.

(2) No person shall practise hypnotism unless he has attained the age of 21 years.

Penalty: \$100.

(3) Subject to subsection (4), no person shall practise hypnotism or advertise the use or practice of hypnotism, without the consent of the Board.

Penalty: \$250.

(4) Subsection (3) does not apply to the practice of hypnotism by—

(a) a registered psychologist in the ordinary course of his psychological practice;

(b) a medical practitioner in the ordinary course of his medical practice; or

(c) a certified dentist as defined by the *Dentists Act 1919* in the practice of dentistry as defined in that Act (being a certified dentist who is approved by the Dental Board of Tasmania).

(5) A consent given by the Board under subsection (3) may be subject to such conditions as the Board determines and as are specified in the consent.

(6) A person to whom a consent has been given by the Board under subsection (3) who contravenes or fails to comply with a condition to which the consent is subject pursuant to subsection (5) is guilty of an offence.

Penalty: \$250.

Use of certain instruments by unqualified persons an offence.
Ibid., s. 30.

45 Unless he has first obtained the consent of the Board, no person other than a registered psychologist shall use on another person an instrument or a device that detects, measures, or influences an emotional reaction or that is represented as being able to detect, measure, or influence such a reaction.

Penalty: \$500.

PART V

MISCELLANEOUS

Commencement of Part.

46 This Part shall commence on a date to be fixed by proclamation.

Misrepresentations in relation to registration.

47 A person who procures or attempts to procure the grant or restoration of registration under this Act by wilfully making or producing or causing to be made or produced, either orally or in writing, any declaration, certificate, or representation that he knows to be false or fraudulent is, in addition to any other offence he may thereby commit, guilty of an offence against this Act and is liable to a penalty of \$100.

Service of notices.

48 Where a notice is required to be served on any person for the purposes of this Act, that notice may be so served—

(a) by delivering it to him personally; or

(b) by sending it by certified mail addressed to him at his usual or last known place of abode or at any institution or other place at which he holds any employment or appointment.

49—(1) This Act does not apply to anything done or omitted Exemptions. to be done by a medical practitioner in the ordinary course of his medical practice.

(2) This Act (except Part IV) does not apply to anything done or omitted to be done—

- (a) by a student or teacher in the course of study or research undertaken by him at any university, college of advanced education, school, or other prescribed institution; or
 - (b) by a teacher in the ordinary course of his professional duties in a school.
- (3) In subsection (2), “ school ” means—
- (a) a State school within the meaning of the *Education Act* 1932;
 - (b) a school controlled by the Education Department;
 - (c) a school registered under Part IV of that Act; or
 - (d) a prescribed assembly or group of children.

50—(1) The Governor may, on the recommendation of the Regulations. Ibid., s. 46. Board, make regulations for the purposes of this Act.

(2) Without affecting the generality of subsection (1), the regulations may—

- (a) exempt any person or class of persons from all or any of the provisions of this Act either wholly or to such extent as is specified in the regulations and either unconditionally or subject to such conditions as may be prescribed and prescribe the extent of the exemption;
- (b) provide for the custody of the common seal of the Board and prescribe the manner of affixing it to documents;
- (c) prescribe conditions (not inconsistent with this Act) to be complied with before registration, or renewal of registration, of any kind under this Act may be granted;
- (d) regulate the supervision and conduct, and prescribe the standard, of examinations for the purposes of this Act and prescribe the fees payable to examiners for conducting those examinations;
- (e) prescribe the circumstances in which the Board may approve of a registered psychologist carrying on practice in a name other than his own, and regulate for or with respect to the granting of such an approval by the Board;

- (f) prescribe the manner in which a registered psychologist may advertise the practice of his profession and provide for or with respect to the contents of those advertisements;
- (g) prescribe the manner in which a charge of professional misconduct against a registered psychologist may be made to the Board;
- (h) prescribe the procedure to be followed at, and any matters incidental to, the conduct by the Board of an inquiry under section 20;
- (i) provide for and regulate the keeping of the register;
- (j) regulate for or with respect to the employment of persons by registered psychologists;
- (k) provide for and regulate the entry to, and inspection of, any premises in which a registered psychologist carries on the practice of his profession, and the inspection of any equipment therein, and the examination of any psychological practices carried on therein;
- (l) prescribe fees for the purposes of this Act; and
- (m) prescribe penalties, not exceeding \$100, for offences against the regulations.