

Queensland



# PSYCHOLOGISTS ACT 1977

**Reprinted as in force on 1 May 2002  
(includes amendments up to Act No. 58 of 1999)**

**This is the reprint current on the repeal date**

**Reprint No. 1D**

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# Information about this reprint

This Act is reprinted as at 1 May 2002. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

# Queensland



## PSYCHOLOGISTS ACT 1977

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# PSYCHOLOGISTS ACT 1977

[as amended by all amendments that commenced on or before 1 May 2002]

**An Act to provide for the constitution of a Psychologists Board, the establishment of a register of psychologists, the regulation of the practice of psychology and for other purposes**

## PART 1—PRELIMINARY

### Short title

1. This Act may be cited as the *Psychologists Act 1977*.

### Definitions

4. In this Act—

“**approved form**” see section 39.<sup>1</sup>

“**board**” means the Psychologists Board constituted under this Act.

“**fee**” includes tax.

“**hypnosis**” 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.

“**psychologist**” means a person registered as a psychologist under this Act and whose name, at the material time, remains on the register.

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<sup>1</sup> Section 39 (Approval of forms)

**“register”** means the register of psychologists kept under this Act.

**“registrar”** means the registrar of the board.

## **PART 2—ADMINISTRATION**

### **Administration of Act**

**5.** This Act shall be administered by the Minister and, subject to the Minister, by the board.

### **Constitution of board**

**6.(1)** There is to be a board to be called the Psychologists Board of Queensland which shall have and may exercise and discharge the powers, authorities, duties and functions conferred and imposed upon it by or under this Act.

**(2)** The board shall be a body corporate with perpetual succession and a common seal and, subject to this Act, shall be capable in law of suing and being sued, of compounding or proving in any court of competent jurisdiction all debts or sums of money due to it, and of acquiring, holding, alienating and otherwise dealing with property and of doing and suffering all such acts and things as bodies corporate may in law do and suffer.

**(3)** All courts and persons acting judicially shall take judicial notice of the common seal of the board and, until the contrary is proved, shall presume that it was duly affixed to any document on which it appears.

### **Members of board**

**7.(1)** The board shall consist of 9 members appointed by the Governor in Council.

**(2)** The members of the board shall consist of—

- (a)** 4 persons of whom at least—
  - (i)** 2 are psychologists; and

- (ii) another is a psychologist engaged in teaching psychology in a higher educational institution; and
- (b) 3 psychologists acceptable to and nominated by the Minister from a panel or panels of names submitted by 1 or more associations accepted by the Minister as representative of psychologists; and
- (c) 1 person representing users of the services of psychologists; and
- (d) a barrister or solicitor of the Supreme Court.

(2A) Submission of a panel referred to in subsection (2)(b) shall be made within the time and in the manner prescribed or, where not prescribed, as determined by the Minister, as the case may be, or in the event that insufficient names of psychologists acceptable to the Minister are submitted, the Governor in Council may appoint as a member of the board any person who is qualified as prescribed to be nominated as if the person's name had been duly submitted by the association or associations entitled to make the submission.

(2B) A person may hold office as a member of the board in addition to any position the person holds in the public service.

(3) In this section—

**“higher educational institution”** has the meaning given by the *Education (General Provisions) Act 1989*, section 68.

### **Chairperson and deputy chairperson of board**

**8.(1)** In every appointment of the whole number of members of the board the Governor in Council shall appoint one member to be chairperson of the board.

(1A) When a vacancy occurs in the office of chairperson of the board the Governor in Council may appoint another member of the board to the vacant office.

(1B) The members of the board shall elect one of their number to be deputy chairperson of the board at their meeting first held after the whole number of members assume office or, where a vacancy occurs in the office of deputy chairperson, after the appointment of a member in place of the member who was deputy chairperson.

(2) The chairperson shall preside at every meeting of the board at which the chairperson attends and in the chairperson's absence the deputy chairperson shall so preside.

(2A) If both the chairperson and deputy chairperson are absent from a meeting another member of the board chosen for the purpose by the majority of the members present and voting shall preside.

(2B) The deputy chairperson or other member who presides at a meeting of the board in place of the chairperson has and may exercise all the powers and authorities of the chairperson while he or she so presides.

(3) Save where the by-laws disentitle him or her to vote on the matter in issue, the member presiding at a meeting of the board shall be entitled to a deliberative vote on any matter before the meeting and, in the event of an equal division of votes thereon, shall be entitled to a second or casting vote.

### **Tenure of office**

9.(1) The appointment of a member of the board (other than a member appointed to fill a casual vacancy) is to be for a term of 3 years.

(2) A member of the board shall be eligible for reappointment if the member is qualified as prescribed to be nominated therefor.

(3) The office of a member of the board shall become vacant if the member—

- (a) dies; or
- (b) becomes bankrupt or compounds with his or her creditors, or otherwise takes advantage of the laws in force for the time being relating to bankruptcy; or
- (c) is absent without prior leave granted by the board from 3 consecutive ordinary meetings of the board of which due notice has been given to the member; or
- (d) resigns office by signed notice delivered to the Minister; or
- (e) is convicted of an indictable offence or an offence against this Act; or
- (f) is removed from office by the Governor in Council by notification published in the gazette on the grounds of mental or

physical incapacity to perform duties as a member or of conduct which, in the opinion of the Governor in Council, shows the member to be unfit to be a member of the board.

(4) Attendance of a member of the board at the time and place appointed for an ordinary meeting of the board shall be deemed to constitute presence at a meeting notwithstanding that by reason that a quorum is not present no meeting is then and there actually held, and the registrar shall enter in the minute book the names of all members who so attend.

(5) A resignation as member of the board shall be of no effect until notice in writing thereof is received by the Minister or until the operative date specified in the notice, whichever is the later.

### **Casual vacancies**

10. When a vacancy occurs in the office of a member of the board during the term of office of the members then constituting the board, the Governor in Council may, in accordance with section 7, appoint another person as a member, to hold office for the balance of his or her predecessor's term of office as a member.

### **Meetings of board**

11.(1) The board shall meet as often as is necessary for the due administration of this Act, at such times and places as it thinks fit, and shall conduct its business in such manner as may be prescribed or, where or to the extent not prescribed, as it determines from time to time.

(2) A quorum at any meeting of the board shall be 5 members entitled to vote on the business before the meeting who, at a duly convened meeting, shall be competent to transact any business of the board and may exercise and perform all the powers, authorities, duties and functions of the board.

(3) The decision of a majority of the members at a meeting of the board at which a quorum is present shall be the decision of the board.

(4) If a member present at a meeting and entitled to vote abstains from voting the member shall be taken to have cast a vote for the negative.

**Committees**

**12.(1)** The board may select persons to form an advisory committee or advisory committees to advise the board on any matter within the scope of the board's functions referred to the committee or to a particular committee by the board.

**(2)** A person may be a member of such a committee whether or not the person is a member of the board.

**Entitlements of members of board or committees**

**13.(1)** A member of the board or an advisory committee is entitled to be paid the allowances approved by the Governor in Council.

**(2)** Members of the board and members of a committee shall be entitled to be reimbursed such out-of-pocket expenses necessarily incurred by them in the performance of their duties as such members as are approved by the board.

**Members of board etc. not affected by restrictive employment provisions**

**14.** A provision of any enactment requiring the holder of an office to devote the whole of the his or her time to the duties of the office or prohibiting the holder from engaging in employment outside the duties of the office shall not operate to hinder holding that office and also an appointment as member, chairperson or deputy chairperson of the board or of any advisory committee selected by the board, or the acceptance and retention of remuneration payable to a member of the board under this Act.

**Registrar and other officers employed under Public Service Act**

**15.** The registrar and other officers of the board are to be employed under the *Public Service Act 1996*.

**Funds of board**

**16.(1)** All moneys received by or on behalf of the board shall be paid into and form part of the funds of the board.

(2) Expenses of and incidental to the administration of this Act shall be paid by the board from its funds.

(3) Subsection (2) does not affect the liability, prescribed by any other Act, of the board to pay from its funds the salaries of the registrar and the officers appointed for the effectual administration of this Act.

### **Board is statutory body**

**16A.(1)** Under the *Statutory Bodies Financial Arrangements Act 1982*, the board is a statutory body.

(2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way in which the board's powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*.

## **PART 3—REGISTRATION OF PSYCHOLOGISTS**

### **The register**

**17.(1)** The board shall cause the registrar to keep in such form as it thinks fit a register (the “**register of psychologists**”) of the names and other prescribed particulars of persons who are entitled to be and who remain registered under this Act as psychologists.

(2) The register shall at all reasonable times be open to inspection at the office of the registrar by any person on payment of the prescribed fee.

(3) The registrar shall cause to be published—

- (a) by 30 June in each year the ‘list of psychologists, Queensland’ certified by the registrar as correct to 1 May in that year;
- (b) from time to time, as the registrar thinks desirable, a supplementary list indicating all alterations, additions, revisions and removals made in the register during the period indicated in such supplementary list and certified by the registrar to a date indicated in that list.

**Qualification for registration**

**18.(1)** Subject to this section, a person shall be entitled to be registered as a psychologist if the person applies to the board in the approved form, pays the prescribed fee for registration and satisfies the board that the person is of good fame and character, is medically fit to practise psychology and that—

- (a) the person is the holder of a degree, diploma or certificate conferred after due examination by an educational institution in a State or Territory which institution is duly recognised in the State or Territory in which it is situated and by the board as competent to confer the same and which degree, diploma or certificate is recognised by the board and, where conferred outside Queensland, by the psychologists board or other registration authority in the State or Territory in which it is conferred as entitling the person to practise psychology in that State or Territory; or
- (b) the person has passed through a regular course of study in an educational institution in any country and has received after due examination from a university, college or other body in that country a degree, diploma or certificate which—
  - (i) is approved by the board as equal to or higher than a qualification conferred after due examination by a university in Queensland which qualification is one referred to in paragraph (a); and
  - (ii) is recognised by the board as qualifying the applicant to practise psychology in that country; or
- (c) the person has—
  - (i) passed through a regular course of study in an educational institution in any country and has received after due examination from a university, college or other body in that country a degree, diploma or certificate which is recognised by the board as qualifying the applicant to practise psychology in that country; and
  - (ii) undergone such additional educational training which may include the undertaking and passing of examinations relative to the practice of psychology as in the board's opinion is

necessary to qualify the person to practise psychology in Queensland.

**(1AA)** The board may, where it thinks fit, appoint a committee of assessors composed of medical practitioners (whether or not they are members of the board) and may require an applicant for registration to appear before the committee of assessors who shall determine the medical fitness to practise psychology of an applicant and the board shall be bound by a certificate issued by the committee of assessors as to the medical fitness to practise psychology of the applicant.

**(1A)** Despite subsection (1), a person is entitled to be registered as a psychologist only if, in addition to the qualification specified in subsection (1)(a), (b) or (c), the person also satisfied the board that the person has had 2 years supervised experience in the practice of psychology.

**(2)** A person who applies for registration under this Act as having a qualification prescribed by subsection (1)(b) or (c) shall not be entitled to be so registered unless—

- (a) the person satisfies the board that he or she has a sound understanding of the English language and possesses sufficient knowledge of and sufficient skill in the expression of that language, both written and oral; and
- (b) the person satisfies the board that he or she has an adequate knowledge of the conditions governing the practice of psychology in Australia; and
- (c) if the board requires it—the person has undertaken and passed—
  - (i) a preliminary examination, conducted in the English language as may be approved by the board; and
  - (ii) a written examination relevant to the conditions governing the practice of psychology in Australia and recognised by the board.

**(2A)** An application made under this section before the commencement of the *Health Legislation Amendment Act 1992*, section 94 is to be dealt with as if that section had not commenced.

**(3)** For the purposes of subsections (1)(c) and (2)(c), the board may appoint examiners.

**Conditional registration**

**19.(1)** If a person has applied to the board for registration under section 18(1)(a), (b) or (c) and the person is qualified except for the requirement set out in section 18(1A), the board may grant the person a certificate of conditional registration.

**(2)** The practice of psychology by a person who has been granted a certificate of conditional registration under this section shall be limited to supervised practice but, subject to subsection (2A) and the conditions contained in the certificate, the person shall be deemed to be registered as a psychologist for as long as the certificate remains valid.

**(2A)** If the person shall fail to carry out any of such conditions to the satisfaction of the board, the board may direct the registrar to cancel the certificate and that person shall thereupon cease to be deemed to be registered as a psychologist under this Act and the cancellation shall be deemed to be a refusal by the board of that person's application to be registered as a psychologist.

**(3)** The Governor in Council may direct the governing authority of any hospital within Queensland to appoint as a psychologist a person who has been granted a certificate of conditional registration under this section and thereupon that governing authority shall so appoint that person and shall continue such appointment for the period specified with respect to the person's service unless the Governor in Council otherwise directs.

**Provisional registration**

**20.(1)** When a person has applied to the board in or to the effect of the approved form to be registered as a psychologist and has paid the prescribed fee for registration, the chairperson, or (in the absence of the chairperson) a member of the board authorised generally in that behalf by the board, upon being satisfied that such person is entitled to be registered as a psychologist, may grant to such person a certificate in the approved form of provisional registration as a psychologist.

**(2)** A person who has been granted a certificate of provisional registration as a psychologist shall be deemed to be registered under this Act as a psychologist and this Act shall apply to and with respect to that person accordingly—

- (a) until the date stated in such certificate; or
- (b) until such later date as may be fixed by the board, which stated date or later date (if any) fixed by the board shall not in any case be later than 6 months from the granting of such certificate.

(2A) However, the board may at any time before the date so stated or fixed, cancel such certificate and such person shall thereupon cease to be deemed to be registered as a psychologist under this Act, and such cancellation shall, for the purposes of this Act, be deemed to be a refusal by the board of the application by that person to be registered as a psychologist.

(3) If a person to whom a certificate of provisional registration has been granted becomes registered as a psychologist while that certificate is still in force the person's registration shall, unless otherwise decided by the board, date from the granting of that certificate.

### **Certificate of registration**

21.(1) Every psychologist shall be entitled to obtain from the registrar a certificate of the psychologist's registration in the approved form.

(2) On application made to the board at any time and on payment of the prescribed fee, the board may issue to any psychologist a duplicate or certified copy of the psychologist's certificate of registration.

### **Annual licence fee**

22.(1) Every psychologist shall pay to the board a prescribed annual licence fee.

(1A) The annual licence fee shall be paid to the board within the period in each year commencing on 1 January to and concluding on 30 April or, where another period is prescribed in respect thereof (the board being hereby thereunto authorised) within that other period in each year as so prescribed.

(1B) A psychologist shall at the time of the payment of the annual licence fee furnish the board with particulars of the psychologist's address for entry in the register.

(2) If a psychologist fails to pay the annual licence fee within the period as provided in subsection (1A), the registrar shall thereupon remove his or

her name from the register.

(3) If the name of any person has been removed from the register pursuant to subsection (2) or pursuant to section 23(1)(a) the board shall, subject to this Act, upon application by that person direct the registrar to restore the person's name to the register upon payment of the annual licence fee and such restoration fee as may be prescribed.

### **Removal of name from register**

**23.** The board may instruct the registrar to remove from the register the name of a psychologist—

- (a) who applies in writing to have his or her name removed therefrom;
- (b) whose name has at any time been ordered to be erased absolutely or for a limited period from a register of psychologists maintained by any other registration authority and whose name at the material time has not been restored to that register.

### **Correction of register**

**25.(1)** The registrar shall from time to time strike from the register the names of all psychologists who have died and make such alterations and amendments to the register as the board directs so that the register shall be an accurate record of the names, addresses and qualifications of psychologists.

(2) A psychologist shall notify the board of any change of name, address or other prescribed particulars and furnish particulars of such change within 21 days after the occurrence of the change.

### **Board to give notice of refusal of application**

**26.(1)** If the board refuses an application by a person for registration as a psychologist, the registrar must, within 14 days of the refusal happening, give written notice of the refusal to the person.

(2) The notice must state—

- (a) the reasons for the board's decision to refuse the application; and

- (b) that the person may appeal against the decision to the District Court; and
- (c) how to appeal.

## **Appeals**

**27.(1)** A person aggrieved by the board's refusal of the person's application for registration as a psychologist may appeal against the refusal to a judge of the District Court at Brisbane who shall have jurisdiction to hear and determine the same and whose decision thereon shall be final and be given effect to by the board.

**(2)** An appeal shall be by way of rehearing, and shall be instituted within 30 days after notification of the refusal or order to the person aggrieved, and no later, by filing a notice of appeal in the registry of the District Court at Brisbane and by complying with any rules of court made with respect thereto.

**(3)** The appellant shall serve a copy of the notice of appeal on the registrar of the board not later than 7 days after the notice is filed in the registry of the District Court.

**(5)** The proceeding on appeal under this section shall be deemed to be a proceeding before a District Court.

**(6)** If the judge hearing an appeal under this section is of the opinion that the appeal involves a question of special knowledge and skill, the judge may appoint 1 or more assessors who in the judge's opinion possess the special qualifications necessary for the particular case to assist the judge in the judge's determination.

**(6A)** An assessor shall be paid such fees and expenses as the Governor in Council shall from time to time determine.

**(6B)** An assessor may advise the judge on any matter but all questions of law and fact shall be determined by the judge who shall place such weight (if any) as the judge thinks fit, on that advice.

**(7)** Where upon an appeal a District Court orders a penalty to be paid by an appellant it shall order the penalty to be paid to the board and, for the purposes of its enforcement, the order shall be deemed to be an order made by the board.

## **PART 4—MISCELLANEOUS**

### **Prohibition with respect to registration or qualifications**

**28.(1)** A person who is not a psychologist shall not take or use the name or title of psychologist or any other name, title, designation, addition or description of whatsoever nature (including initials or letters placed after the person's name or otherwise) which, having regard to the circumstances in which it is taken or used, indicates or could be understood to indicate that the person is a psychologist or is qualified to practise psychology.

Maximum penalty—10 penalty units.

**(2)** A person who is not a psychologist shall not, without the written consent of the board, advertise—

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

Maximum penalty—10 penalty units.

**(3)** In subsection (2)—

**“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; and
- (c) in any other prescribed manner.

**Practice of psychology**

**29.(1)** A psychologist shall not carry on a practice of psychology under a name (whether or not a company or firm name) other than the psychologist's own unless the psychologist has the approval of the board to do so (which approval the board is hereby authorised to give).

**(2)** No psychologist shall authorise or permit a person who is not a psychologist to practise as a psychologist or carry out any psychological practice or procedure for the psychologist or on his or her behalf except where the by-laws authorise or permit such a person so to do.

**(3)** A person who is not a psychologist may practise or carry out any psychological practice or procedure for or on behalf of a psychologist only to the extent that—

- (a) the psychologist directs; and
- (b) the by-laws authorise and permit the person so to do.

**Hypnosis**

**31.(1)** A person other than—

- (a) a psychologist, in the ordinary course of the psychologist's psychological practice; or
- (b) a medical practitioner in the ordinary course of the medical practitioner's medical practice; or
- (c) a dentist within the meaning of the *Dental Act 1971*; or
- (d) a prescribed person;

shall not engage in the practice of hypnosis.

Maximum penalty—5 penalty units.

**(2)** In this section—

**“prescribed person”** means a person who—

- (a) during a period of not less than 2 years immediately preceding the commencement of this Act, had, in the opinion of the board, derived his or her income principally from the practice of hypnosis for therapeutic purposes and who is approved by the board as a person entitled to practise hypnosis for such purposes;

or

- (b) is approved by the board as a person entitled to practise hypnosis for therapeutic purposes;

and who complies with all conditions specified by the board in its approval (the board being hereby authorised to specify such conditions as it thinks fit).

### **Exemptions**

**32.** Nothing contained in section 28 limits the use of a psychological title that is necessarily assumed by a public educational institution recognised by the board for the purpose of providing education in psychology.

### **Penalty for fraudulent practices**

**33.(1)** A person shall not—

- (a) make or cause to be made any falsification in the register or in any writing relating to the register or any false statement relating to the register; or
- (b) utter any false, forged, or counterfeit certificate or writing pertaining to the person's qualification to practise psychology; or
- (c) procure or attempt to procure himself, herself or any other person to be registered by making or producing, or causing to be made or produced, any false or fraudulent statement, declaration, or representation, either verbal or in writing; or
- (d) falsely personate or represent himself or herself as being the person referred to in any certificate or writing presented to the board or in any certificate granted under this Act; or
- (e) fraudulently or by false representation obtain any certificate of registration under this Act; or
- (f) forge, alter, or counterfeit any certificate of registration under this Act; or
- (g) utter any forged or altered or counterfeit certificate of registration under this Act knowing the same to have been forged or altered or to be counterfeit; or

- (h) falsely advertise or hold himself or herself out as having obtained a certificate of registration under or as being registered under this Act, or permit any such advertisement or holding out.

Maximum penalty—10 penalty units or 6 months imprisonment.

(2) The name of any person who procures himself or herself to be registered by any means which contravene this section shall, upon being convicted in respect of that contravention, be removed from the register.

(3) The provisions of this section shall be in addition to and not in substitution for or in derogation of the provisions of the Criminal Code or any other Act.

(4) However, a person shall not be liable to be convicted both under this Act and under the Criminal Code or any other Act in respect of the same act.

### **General penalty**

**34.(1)** A person who contravenes or fails to comply with any provision of this Act commits an offence against this Act and, save where a specific penalty is otherwise provided, is liable to a penalty of 20 penalty units.

(2) All penalties recovered in respect of an offence against this Act shall be paid to the board.

### **Proceedings generally**

**35.(1)** An offence against this Act may be prosecuted in a summary way under the *Justices Act 1886* upon the complaint of the registrar, or a person authorised by the board in that behalf.

(2) A prosecution for an offence against this Act may be commenced within 1 year from the time when the matter of complaint arose or within 6 months after the matter of complaint comes to the knowledge of the complainant whichever is the period later to expire.

(3) Without prejudice to any other right or remedy available to the board with respect thereto all fees payable to the board under this Act and all penalties and costs ordered by the board to be paid to it under this Act may be recovered in a summary way under the *Justices Act 1886* or as a debt due and owing to the board by action in any court of competent jurisdiction.

**Evidentiary provisions**

**36.** In any proceeding for the purposes of this Act—

- (a) a certificate purporting to be signed by the registrar certifying the state of any part of the register at a date or during a period specified in the certificate or certifying that a person named therein was not at a date or during a period specified therein, a psychologist shall, upon its production, be admissible as evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained in certificate;
- (b) every part of the register, and an extract of any part of the register purporting to be certified as correct by the registrar shall, upon its production, be admissible as evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained therein;
- (c) a certificate purporting to be signed by the registrar certifying that at a date or during a period specified therein the board had or had not approved any of the persons or things it is empowered by this Act to approve and the conditions (if any) specified in such approval shall, upon its production, be admissible as evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained in the certificate;
- (d) a statement in a complaint commencing that proceeding of the date on which the matter of complaint came to the knowledge of the complainant shall be evidence and, in the absence of evidence to the contrary, conclusive evidence of its content;
- (e) proof shall not be required of the authority of any person to prosecute an offence against this Act or to take any proceeding on behalf of the board unless evidence is given to the contrary;
- (f) proof shall not be required of the appointment of the registrar or of any other officer appointed for the effectual administration of this Act or of the signature of the registrar.

**Statutory declarations**

**37.** For the purposes of this Act, the board may—

- (a) demand and accept a declaration under the *Oaths Act 1867* from any person for the purposes of this Act;
- (b) require an applicant to verify by way of declaration under the *Oaths Act 1867* (the taking of which being hereby authorised) information furnished to the board in respect of the application for registration.

### **By-law making power**

**38.(1)** The board may make by-laws under this Act.

**(2)** A by-law may be made for or about—

- (a) the powers, duties and functions of the registrar, officers and inspectors appointed for the effectual administration of this Act;
- (b) the register and the manner of its keeping;
- (c) the making of applications to the board, and the effect of furnishing false particulars therein;
- (d) the conduct of meetings of the board, the entitlement of members of the board to vote upon business before a meeting, and the conduct of proceedings before the board;
- (e) the common seal of the board, and the attesting of documents by or on behalf of the board;
- (f) the manner and method in which a psychologist may advertise himself or herself as qualified to practise psychology and the place where that practice takes place;
- (g) the purposes for which fees are payable under this Act, the amounts of fees, the persons who are liable to pay fees, when fees are payable, the waiver of fees and the recovery of unpaid amounts of fees;
- (ga) the allowances payable under this Act and the purposes for which they are payable;
- (i) the penalties to be imposed for breaches of the by-laws but so that no such penalty shall exceed 5 penalty units;
- (j) the period and nature of supervised practice to be undertaken as part of the qualification for registration as a psychologist;

- (k) regulating, controlling and prohibiting canvassing or soliciting work or business by, for or on behalf of psychologists.

(3) A by-law must be approved by the Governor in Council.<sup>2</sup>

### **Approval of forms**

**39.** The board may approve forms for use under this Act.

### **Regulation making power**

**40.** The Governor in Council may make regulations under this Act.

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<sup>2</sup> A by-law is subordinate legislation (see *Statutory Instruments Act 1992*, sections 7, 8(b)(i) and 9(1)(a)).

**ENDNOTES****1 Index to endnotes**

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**2 Date to which amendments incorporated**

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 May 2002.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	prev	=	previous
amd	=	amended	(prev)	=	previously
amdt	=	amendment	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
o in c	=	order in council	sch	=	schedule
om	=	omitted	sdiv	=	subdivision
orig	=	original	SIA	=	Statutory Instruments Act 1992
p	=	page	SL	=	subordinate legislation
para	=	paragraph	sub	=	substituted
prec	=	preceding	unnum	=	unnumbered
pres	=	present			

### 4 Table of earlier reprints

#### TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to Act No. 57 of 1995	14 December 1995
1A	to Act No. 54 of 1996	22 April 1997
1B	to Act No. 54 of 1996	25 November 1997
1C	to Act No. 58 of 1999	7 February 2000

### 5 Tables in earlier reprints

#### TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Changed citations and remade laws	1
Obsolete and redundant provisions	1
Renumbered provisions	1

## **6 List of legislation**

### **Psychologists Act 1977 No. 15**

date of assent 14 April 1977

commenced 1 January 1979 (proc pubd gaz 16 December 1978 p 1823)

rep 1 May 2002 (2001 No. 15 s 234)

amending legislation—

### **Nursing Studies Act and Other Acts Amendment Act 1984 No. 74 pt 13**

date of assent 18 October 1984

commenced on date of assent

### **Medical and Paramedical (Amendment of Inspectorial and Audit Provisions) Act 1987 No. 10 pt 11**

date of assent 15 April 1987

commenced on date of assent

### **Health Legislation Amendment Act 1992 No. 66 pts 1, 15**

date of assent 7 December 1992

ss 1–2 commenced on date of assent

ss 89–90, 94–96 and 97 (in so far that it inserts new s 40) commenced 18 December 1992 (1992 SL No. 450)

remaining provisions commenced 1 February 1993 (1992 SL No. 450)

### **Health Legislation Amendment Act 1993 No. 79 pts 1, 15**

date of assent 17 December 1993

ss 1–2 commenced on date of assent

remaining provisions commenced 14 March 1994 (1994 SL No. 84)

### **Statute Law Revision Act 1995 No. 57 ss 1–2, 4 sch 1 (this Act is amended, see amending legislation below)**

date of assent 28 November 1995

commenced on date of assent

amending legislation—

#### **Statute Law Revision Act 1995 No. 58 ss 1–2, 4 sch 1 (amends 1995 No. 57 above)**

date of assent 28 November 1995

commenced on date of assent (see s 2(1) sch 1)

### **Public Service Act 1996 No. 37 ss 1–2, 147 sch 2**

date of assent 22 October 1996

ss 1–2 commenced on date of assent

remaining provisions commenced 1 December 1996 (1996 SL No. 361)

### **Statutory Bodies Financial Arrangements Amendment Act 1996 No. 54 ss 1–2, 9 sch**

date of assent 20 November 1996

ss 1–2 commenced on date of assent

remaining provisions commenced 1 June 1997 (1997 SL No. 128)

**Health Practitioners (Professional Standards) Act 1999 No. 58 ss 1–2 pt 14 div 15**

date of assent 18 November 1999

ss 1–2 commenced on date of assent

remaining provisions commenced 7 February 2000 (1999 SL No. 327)

**7 List of annotations****Commencement****s 2** om R1 (see RA s 37)**Arrangement of Act****s 3** om R1 (see RA s 36)**Definitions****prov hdg** sub 1992 No. 66 s 90(1)**s 4** def “**approved form**” ins 1995 No. 57 s 4 sch 1def “**fee**” ins 1992 No. 66 s 90(2)def “**medical practitioner**” om 1995 No. 57 s 4 sch 1def “**Minister**” om 1992 No. 66 s 90(3)def “**registrar**” sub 1995 No. 57 s 4 sch 1**Constitution of board****s 6** amd 1995 No. 57 s 4 sch 1**Members of board****s 7** amd 1992 No. 66 s 91; 1993 No. 79 s 103; 1995 No. 57 s 4 sch 1**Increase in number of members****s 7A** ins 1992 No. 66 s 92

om 1995 No. 57 s 4 sch 1

**Chairperson and deputy chairperson of board****s 8** amd 1995 No. 57 s 4 sch 1**Tenure of office****s 9** amd 1993 No. 79 s 104; 1995 No. 57 s 4 sch 1**Meetings of board****s 11** amd 1992 No. 66 s 93; 1995 No. 57 s 4 sch 1**Entitlements of members of board or committees****s 13** sub 1984 No. 74 s 28

amd 1995 No. 57 s 4 sch 1

**Registrar and other officers employed under Public Service Act****s 15** sub 1996 No. 37 s 147 sch 2**Funds of board****s 16** amd 1987 No. 10 s 29**Board is statutory body****s 16A** ins 1996 No. 54 s 9 sch

**Qualification for registration**

s 18 amd 1992 No. 66 s 94; 1995 No. 57 s 4 sch 1

**Conditional registration**

s 19 amd 1992 No. 66 s 95

**Provisional registration**

s 20 amd 1995 No. 57 s 4 sch 1

**Certificate of registration**

s 21 amd 1995 No. 57 s 4 sch 1

**Removal of name from register**

s 23 amd 1999 No. 58 s 534

**Disciplinary action**

s 24 amd 1995 No. 57 s 4 sch 1  
om 1999 No. 58 s 535

**Board to give notice of refusal of application**

s 26 sub 1999 No. 58 s 536

**Appeals**

s 27 amd 1995 No. 57 s 4 sch 1; 1999 No. 58 s 537

**Prohibition with respect to registration or qualifications**

s 28 amd 1995 No. 57 s 4 sch 1

**Rules of practice**

s 30 amd 1995 No. 57 s 4 sch 1  
om 1999 No. 58 s 538

**Hypnosis**

s 31 amd 1995 No. 57 s 4 sch 1

**Penalty for fraudulent practices**

s 33 amd 1995 No. 57 s 4 sch 1

**General penalty**

s 34 amd 1995 No. 57 s 4 sch 1

**Statutory declarations**

s 37 amd 1995 No. 57 s 4 sch 1

**By-law making power**

prov hdg sub 1995 No. 57 s 4 sch 1

s 38 amd 1992 No. 66 s 96; 1995 No. 57 s 4 sch 1

**Approval of forms**

s 39 sub 1992 No. 66 s 97; 1995 No. 57 s 4 sch 1

**Regulation making power**

s 40 ins 1992 No. 66 s 97  
sub 1995 No. 57 s 4 sch 1

**Approved forms**

**s 41** ins 1995 No. 57 s 4 sch 1 (amd 1995 No. 58 s 4 sch 1)  
exp 28 May 1996 (see s 41(3))

## **8 List of forms**

**Form S 08 Version May 1999—Application for Registration as a Psychologist in Queensland**

pubd gaz 28 May 1999 p 396

**Form S 08m Version May 1999—Application for Registration under Mutual Recognition as a Psychologist in Queensland**

pubd gaz 28 May 1999 p 396

**Form S 08MNZ Version May 1999—Application for Registration under Trans-Tasman Mutual Recognition as a Psychologist in Queensland**

pubd gaz 28 May 1999 p 396