

[AS REPORTED FROM THE HEALTH AND WELFARE COMMITTEE]

House of Representatives, 12 June 1981.

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

Hon. Mr Gair

PSYCHOLOGISTS

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A BILL INTITULED

An Act to provide for the registration and discipline of psychologists

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows: 5

1. Short Title and commencement—(1) This Act may be cited as the Psychologists Act (1980) 1981.

(2) Except as provided in section 39 (2) of this Act, this Act shall come into force on the 1st day of January 1982. 10

2. Interpretation—In this Act, unless the context otherwise requires,—

“Board” means the Psychologists Board established by section 3 (1) of this Act:

“Certificate of temporary registration” means a certificate issued under section 23 of this Act: 15

“Chairman” means the Chairman of the Board appointed under section 5 of this Act:

“Complaints Assessment Committee” means a Complaints Assessment Committee established under section 29 of this Act: 20

“Employing Authority” (*in relation to any branch of the State services*) has the same meaning as in the State Services Conditions of Employment Act 1977:

“Medical Officer of Health” has the same meaning as in the Health Act 1956: 25

“Minister” means the Minister of Health:

“Professional misconduct”, in relation to a registered psychologist, includes professional negligence:

“Provisional certificate” means a certificate issued under section 22 of this Act: 30

“Register” means the Register of Psychologists maintained under section 12 of this Act:

“Registered psychologist” means a person registered as a psychologist under this Act; and “registered” and “registration” have corresponding meanings.

5 “Secretary” means the Secretary to the Board appointed under section 6 of this Act:

“State services” has the meaning given to it by section 4 of the State Services Conditions of Employment Act 1977.

PART I

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ADMINISTRATION

3. Constitution of Board—(1) There is hereby established a Board to be known as the Psychologists Board.

(2) The Board shall consist of—

15 (a) Three registered psychologists engaged in the practice of psychology in New Zealand (of whom at least 1 shall be engaged in private practice) nominated by the New Zealand Psychological Society Incorporated:

20 (b) Two persons employed in the Department of Education (of whom at least 1 shall be a registered psychologist) nominated by the Director-General of Education:

(c) One registered psychologist employed in the State services and nominated by the State Services Commission:

25 (d) One registered psychologist employed by a Hospital Board constituted under the Hospitals Act 1957:

30 (e) One registered psychologist engaged in the teaching of psychology, being a senior (*member of a Department of Psychology or a Department of Education*) lecturer in psychology at a university in New Zealand:

(f) One officer of the Department of Health nominated by the Director-General of Health:

35 (g) One person who shall be a barrister of the High Court of New Zealand:

(h) One other person who shall not be a registered psychologist or eligible to be registered as a psychologist.

40 (3) The members of the Board shall be appointed by the Minister by notice published in the *Gazette*, and shall take office from the date of such notice or such later date as may be specified in the notice.

(4) The members of the Board specified in paragraphs (a), (d), (g), and (h) of subsection (2) of this section shall be appointed for a term of 3 years or such lesser term as may be specified in the notice of appointment, and may be reappointed from time to time, but no such person shall be eligible to be a member of the Board for more than 6 consecutive years. 5

(5) Notwithstanding subsection (4) of this section, every member shall, unless he sooner vacates his office under section 7 of this Act, continue in office until his successor comes into office. 10

(6) Any requirement in subsection (2) of this section that any member of the Board shall be a registered psychologist shall not apply to the first members appointed by the Minister if it appears to the Minister that the member is likely to be eligible to be registered as a psychologist. 15

4. Functions of Board—(1) The functions of the Board shall be—

- (a) To advise and make recommendations to the Minister in respect of any matter relating to the education and registration of psychologists: 20
- (b) To advise the council of any university in New Zealand on any matter relating to the education of psychologists:
- (c) To receive applications for registration under this Act, and to authorise registration in proper cases: 25
- (d) To promote and encourage high standards of professional education and professional conduct among psychologists:
- (e) Generally, within the scope of its authority, to do whatever may in its opinion be necessary for the effective administration of this Act: 30
- (f) To perform such functions as may be conferred on it by this Act or any other enactment. 35

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(2) The Board shall not exercise any of its functions under paragraph (a) or paragraph (b) or paragraph (d) of subsection (1) of this section except after consultation with the appropriate employing authority of any branch of the State services likely, in the opinion of the Board, to be affected by the exercise of those functions. 40

5. Chairman and Deputy Chairman—(1) At its first meeting in the year 1982, and at its first meeting in each subsequent year, the Board shall elect 1 of its members to be its Chairman, and another to be its Deputy Chairman.

5 (2) Every person elected as Chairman or Deputy Chairman, unless he sooner resigns that office or vacates his office as a member of the Board shall hold office until his successor is elected under this section, and shall be eligible for re-election.

10 (3) If any person who is for the time being holding office as Chairman or Deputy Chairman vacates office as a member of the Board, an election to fill the vacancy in the office of Chairman or Deputy Chairman shall be held at the first meeting of the Board held after the vacancy on the
15 Board has been filled.

(4) Where the office of Chairman or Deputy Chairman becomes vacant in any other case, the Board shall elect 1 of its members to fill that vacancy as soon as practicable after its occurrence.

20 (5) During every vacancy in the office of Chairman, or while the Chairman is for any reason unable to perform his functions, powers, and duties, the Deputy Chairman shall perform the functions, powers, and duties of the Chairman.

6. Secretary to Board—There shall from time to time be
25 appointed under the State Services Act 1962 a Secretary to the Board who shall be an officer of the Department of Health.

7. Extraordinary vacancies—(1) Any member of the Board may at any time be removed from office by the Minister for
30 disability, bankruptcy, neglect of duty, or misconduct proved to the satisfaction of the Minister, or may resign his office by writing addressed to the Secretary.

(2) Every member of the Board who becomes ineligible for appointment to the Board under the provision of section 3 of
35 this Act under which he was appointed shall cease to be a member of the Board.

(3) If a member dies, resigns, is removed from office, or ceases to be a member in accordance with subsection (2) of this section,—

40 (a) The vacancy so created shall be filled in the manner in which the appointment to the vacant office was originally made; and

- (b) The person appointed to fill the vacancy shall be appointed for the residue of the term for which his predecessor was appointed.

8. Meetings of Board—(1) The first meeting of the Board in the year 1982 shall be held at such time and place as the Minister shall appoint. 5

(2) Subsequent meetings of the Board shall be held at such times and places as the Chairman or the Board from time to time appoints.

(3) At every meeting of the Board the quorum necessary for the transaction of business shall be 6 members, of whom no fewer than 3 shall be registered psychologists. 10

(4) Every question before the Board shall be determined by a majority of the votes of the members present at the meeting of the Board. 15

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(4A) No member of the Board shall be entitled to be present or vote or otherwise participate in his capacity as a member of the Board at any part of a meeting of the Board where any matter relating to his registration, suspension, or discipline under this Act is being considered. 20

(5) The presiding member shall have a deliberative vote, and, in the case of an equality of votes, shall also have a casting vote.

(6) The Chairman shall preside at all meetings of the Board at which he is present. 25

(7) If at any meeting the Chairman is not present, the Deputy Chairman shall preside at that meeting.

(8) In the absence of both the Chairman and the Deputy Chairman from any meeting of the Board, the members present shall elect 1 of their number to preside at that meeting, and the member presiding shall have all the powers of the Chairman for the purposes of that meeting. 30

(9) Subject to the provisions of this Act and of any regulations made under this Act, the Board may regulate its procedure in such manner as it thinks fit. 35

9. Substitutes for members—(1) The Minister may, on the nomination of the New Zealand Psychological Society Incorporated, appoint one registered psychologist as a substitute member of the Board, who shall be entitled, in the absence 40

from any meeting of the Board of any member specified in paragraph (a) of section 3 (2) of this Act, to attend the meeting in his stead.

5 (2) In the absence from any meeting of the Board of a member of the State services specified in any of paragraphs (b), (c), and (f) of section 3 (2) of this Act, that member may appoint any member of the State services to attend the meeting in his stead.

10 (3) In the absence from any meeting of the Board of the member specified in paragraph (d) of section 3 (2) of this Act, that member may appoint any other registered psychologist employed by a Hospital Board to attend the meeting in his stead.

15 (4) In the absence from any meeting of the Board of the member specified in paragraph (e) of section 3 (2) of this Act, that member may appoint any registered psychologist employed in that department to attend the meeting in his stead.

20 (5) Where any person appointed under any of subsections (1) to (4) of this section attends a meeting of the Board, he shall be deemed for the purposes of this Act to be a member of the Board, except that—

- (a) He shall not act as Chairman or Deputy Chairman of the Board; and
- 25 (b) He shall not be entitled to be present or vote on any matter arising under Part IV of this Act.

10. Committees—(1) The Board may from time to time appoint committees, consisting of 2 or more members of the Board and such other persons (if any) as the Board thinks

30 fit, to inquire into and report to the Board on such matters within the scope of its functions as are referred to them by the Board, or to exercise on behalf of the Board any of its functions or powers, and may from time to time delegate to any such committee any such function or power, other than the

35 functions and powers conferred on the Board by sections 16, 17 and 23 and Part IV of this Act.

(2) Every committee appointed under this section shall be subject in all things to the control of the Board, and may at any time be discharged, altered, or reconstituted by the

40 Board.

(3) Subject to any general or special directions given or conditions imposed by the Board, any committee to which

any function or power is delegated under this section may exercise that function or power in the same manner and with the same effect as if it had been conferred directly by this Act and not by delegation.

(4) Every committee purporting to act pursuant to any delegation under this section shall be presumed to be acting in accordance with the terms of the delegation, in the absence of proof to the contrary. 5

(5) Any delegation under this section may be revoked at any time. 10

(6) No delegation under this section shall prevent the exercise of any function or power by the Board.

11. Fees and allowances—(1) The Board, the Complaints Assessment Committee, and every other committee appointed by the Board are hereby declared to be statutory Boards within the meaning of the Fees and Travelling Allowances Act 1951. 15

(2) There may be paid to members of the Board, the Complaints Assessment Committee, and of any committee appointed by the Board, remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly. 20

PART II

REGISTRATION

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12. Register of Psychologists—(1) The Board shall maintain a register of psychologists.

(2) The Secretary shall enter in the register the name and address of every person registered under this Act, and make such other entries as may be required, permitted, or directed to be entered by or under this Act. 30

(3) The Secretary shall keep the register open for public inspection during ordinary office hours at his office in Wellington.

(4) The Secretary shall, on payment of the prescribed fee (if any), supply a certified copy of any entry in the register to any person requesting it. 35

13. Qualifications of applicants for registration—

(1) Except as otherwise provided in this Act, every person shall, on payment of the prescribed fee, be entitled to be registered as a psychologist, who satisfies the Board— 40

- 5 (a) That he has, whether in New Zealand or elsewhere, undergone a course of training or acquired experience sufficient to enable him to perform efficiently the duties of a psychologist, and has engaged in the full-time or part-time practice of psychology in New Zealand, or been employed in a position in New Zealand in which the practice of psychology was a (major) significant component, for a total period (of 2 years) equivalent to 2 years full-time practice or employment within the 5 years immediately before the commencement of this Act; or
- 10 (b) That he held, immediately before the commencement of this Act, a position as a psychologist in the State services (; or), or a full-time position as a lecturer in psychology or educational psychology at a university in New Zealand; or
- 15 (c) That he has graduated in psychology or educational psychology at a university in New Zealand, and has obtained one of the further qualifications prescribed in the Schedule to this Act; or
- 20 (d) That he has, elsewhere than in New Zealand, obtained qualifications that are, in the opinion of the Board, equivalent to those required by paragraph (c) of this subsection, and has a reasonable command of the English language.

25 (2) For the purpose of satisfying itself under subsection (1) (a) of this section that an applicant has undergone a course of training, or has acquired experience, sufficient to warrant his registration under this Act, or that he has obtained qualifications equivalent to those required by subsection (1) (c) of this section, the Board may examine the applicant, or cause the applicant to be examined, in the theory and practice of psychology.

30 (3) No person shall be entitled to be registered under paragraph (a) or paragraph (b) of subsection (1) of this section unless application for registration is made within 1 year after the commencement of this Act or within such extended time as the Board may in any particular case allow.

40 **14. Character of applicant**—No person shall be registered under this Act unless the Board is satisfied that the person is of good character and reputation and is a fit and proper person to be registered.

15. Applications for registration—Every application for registration under this Act shall be made in writing addressed to the Board, and shall be accompanied by such fee (if any) as may be prescribed.

16. Applications to be considered by Board—(1) As soon as practicable after the receipt of an application for registration, the Board shall consider the application, and shall give such directions to the Secretary in respect of it as it thinks fit and as are authorised by or under this Act. 5

(2) Before giving any such directions, the Board may, if it thinks fit, examine on oath or otherwise the person making the application, or any person objecting to it, or any other person, in respect of the application; and for the purposes of any such examination the Chairman may administer an oath to any person. 10 15

(3) The Board may also, if it thinks fit, require any person to verify by statutory declaration any statement made by him in respect of any application before the Board or any objection to any such application.

17. Registration—(1) If the Board, after considering any application in accordance with section 16 of this Act, considers that the applicant is entitled to be registered under this Act, it shall so direct, and the Secretary shall thereupon register that person and notify him accordingly. 20

(2) If the Board, after considering any such application, considers that the applicant is not entitled to be registered under this Act, it shall direct accordingly and shall direct the Secretary to notify the applicant in writing of the reasons for its direction. 25

18. Certificates of registration—Every registered psychologist shall, on payment of the prescribed fee (if any), be entitled to receive a certificate of registration issued by or under the authority of the Board. 30

19. Registered psychologists to notify change of address—(1) Every registered psychologist who at any time changes his address appearing in the register shall, within 3 months thereafter, send to the Secretary a notice of his new address, and the Secretary shall accordingly amend the entry in the register relating to that person. 35

(2) Every registered psychologist who, without reasonable cause, fails to comply with subsection (1) of this section commits an offence and is liable on summary conviction to a fine not exceeding \$50.

5 **20. Revision of register**—(1) The Secretary may at any time, and shall if the Board so directs, send to any registered psychologist, by registered letter addressed to him at his last known address, an inquiry as to whether or not he desires to have his name retained in the register or has ceased to
10 practise.

(2) If no reply is received to the letter within 6 months after it has been posted, or if the letter is not delivered and is returned to the Secretary, the Board may direct the Secretary to remove from the register the name of the
15 psychologist to whom the letter was sent.

(3) If the Board has reason to believe that any registered psychologist has died, it may direct the Secretary to remove the name of that person from the register.

(4) Any person whose name has been removed from the
20 register under this section may apply to the Board to have his name restored to the register; and the Board shall direct the Secretary to restore to the register the name of that person.

21. Amendment of register on change of name and removal of name on request—(1) Where the Board is satisfied that a
25 registered psychologist has changed his name or that the name of any registered psychologist is incorrectly stated in the register, the Board shall direct the Secretary to correct any entry in the register relating to that psychologist accordingly.

(2) The Board may at any time, if it thinks fit, on the
30 written application of any registered psychologist, direct the Secretary to remove the name of that psychologist from the register.

22. Provisional certificates—(1) Notwithstanding anything
35 to the contrary in this Act, where it appears to the Secretary that a person who has applied for registration is entitled to be registered under this Act, the Secretary may grant to that person, on payment of the prescribed fee (if any), a provisional certificate which shall entitle him, while the
40 certificate is in force, to practise as a psychologist pending consideration by the Board of that person's application.

(2) Every provisional certificate shall, unless it has been cancelled or has lapsed, remain in force for such period, not exceeding 3 months as shall be stated in the certificate, and any such certificate may be renewed for further periods each not exceeding 3 months. 5

(3) The Secretary shall cancel any provisional certificate at any time on the direction of the Chairman of the Board, and may, without any such direction, refuse to renew any such certificate.

(4) The holder of a provisional certificate shall, while the certificate is in force, be deemed for all purposes to be a registered psychologist. 10

23. Temporary registration—(1) Notwithstanding anything to the contrary in this Act, if the Board is satisfied that any person— 15

(a) Is or will be temporarily visiting New Zealand and proposes to practise as a psychologist at any institution or place in New Zealand; and

(b) Has sufficient knowledge and experience to practise efficiently as a psychologist in that institution or place subject to such restrictions (if any) as the Board may specify; and 20

(c) Is of good character and reputation; and

(d) Has a reasonable command of the English language— the Board may, if it thinks fit, issue to him, on payment of the prescribed fee (if any), a certificate of temporary registration entitling him to practise as a registered psychologist in that institution or place subject to such restrictions (if any), and for such period, as may be specified in the certificate. 25

(2) The Board may from time to time, if it thinks fit, extend the period specified in any certificate of temporary registration. 30

(3) Any such extension shall not take effect until it is endorsed on the certificate by the Secretary.

(4) The Board may at any time direct the Secretary to cancel any certificate of temporary registration. 35

(5) The holder of any certificate of temporary registration shall, while the certificate is in force, be deemed for all purposes to be a registered psychologist.

24. **Offences relating to registration**—Every person commits an offence and is liable on summary conviction to imprisonment for a term not exceeding 12 months or a fine not exceeding \$500 who, for the purpose of obtaining any
5 certificate under this Part of this Act (either for himself or for any other person),—

- (a) Either orally or in writing, makes any declaration or representation that, to his knowledge, is false or misleading in a material particular; or
- 10 (b) Produces to the Board or makes use of any document knowing it to contain any such declaration or representation; or
- (c) Produces to the Board or makes use of any document knowing that it is not genuine.

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PART III

ANNUAL PRACTISING CERTIFICATES

25. **Annual practising certificates for registered psychologists**—(1) In this section, the term “year” means the period of 12 months beginning on the 1st day of April in any year
20 and ending on the 31st day of March in the following year.

(2) Except as provided in subsection (7) of this section, no registered psychologist shall be entitled to practice as a psychologist in any year unless he is the holder of an annual practising certificate issued in respect of that year.

25 (3) Every registered psychologist commits an offence and is liable on summary conviction to a fine not exceeding \$200 who practices as a psychologist in contravention of subsection (2) of this section.

30 (4) The Board, on application made to it for the purpose by any registered psychologist, and on payment of the prescribed fee, shall issue to him an annual practising certificate, which shall, subject to subsection (5) of this section, be in force during the year in respect of which it is issued.

35 (5) If at any time during the currency of any such certificate its holder ceases to be registered under this Act, the certificate shall be deemed to be cancelled.

40 (6) Every person who is entitled to receive an annual practising certificate under this section shall be deemed to hold the certificate when he has duly applied for it to the Board and has paid the prescribed fee.

- (7) Nothing in this section shall apply with respect to—
- (a) Any person holding a provisional certificate for the time being in force under section 22 of this Act:
- (b) Any person holding a certificate of temporary registration for the time being in force under section 23 of this Act. 5
- (8) This section shall apply with respect to the practice of a registered psychologist in the service of the Crown as well as to the practice of a registered psychologist who is not in the service of the Crown. 10

PART IV

SUSPENSION AND DISCIPLINE

Suspension for Disability

- 26. Suspension from practice for disability—**(1) Where the Board is satisfied that— 15
- (a) Any registered psychologist is unable to practise satisfactorily, because of some mental disability or the nature and extent of some physical disability that he has; and
- (b) Because the registered psychologist may attempt to practise, it is desirable in the public interest to prevent him from doing so,— 20
- the Board may require the registered psychologist to submit himself for a medical examination by a medical practitioner at the expense of the Board. 25
- (2) The requirement to submit to a medical examination shall be communicated to the psychologist by notice in writing under the hand of the Chairman served on the psychologist; and the notice shall specify—
- (a) The name and address of the medical practitioner by whom the Board has arranged to have the examination conducted; and 30
- (b) The date before which the examination is to take place (being not less than 7 days after the notice is served on the psychologist). 35
- (3) Where a medical practitioner has examined a psychologist under this section, the medical practitioner shall, as soon as practicable after the examination, make a written report to the Secretary as to the mental and physical condition of the psychologist so far as it affects the capacity of the psychologist to perform his professional duties satisfactorily. 40

(4) Where—

- (a) Notice has been served on a registered psychologist in accordance with subsection (2) of this section; and
- 5 (b) An examination has been carried out in accordance with subsection (3) of this section, or the date before which the examination was to take place has expired; and
- (c) The Board has considered any report made to the Secretary under subsection (3) of this section; and
- 10 (d) The Board has given the psychologist a reasonable opportunity to be heard on the matter; and

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- (e) The Board has, in the case of a psychologist employed in a branch of the State services, consulted the employing authority:
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Provided that the Board shall not consult the employing authority without the consent of the psychologist concerned, and any failure to consult the employing authority shall not prevent the Board from taking any action under this subsection; and failure to consult the employing authority shall not prevent the Board from taking any action under this subsection; and

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- (f) The Board is satisfied that—
- 25 (i) The psychologist is unable to perform his professional duties satisfactorily because of some mental disability or the nature and extent of some physical disability that he has; and
- 30 (ii) Because the psychologist may attempt to practise it is necessary in the public interest to prevent him from doing so,—

the Board may suspend the psychologist from practice.

(5) Any such suspension may be revoked at any time by the Board.

- 35 (6) Every such suspension, or revocation of a suspension, shall be communicated to the psychologist by notice in writing served on the psychologist; and shall take effect on being served.

- 40 (7) While a psychologist is suspended under this section from practice, he shall be deemed for the purposes of this Act, other than this Part of this Act, not to be registered.

27. Limited practice in cases of disability—(1) Where—

(a) Paragraphs (a) to (d) of section 26 (4) of this Act have been complied with in respect of a registered psychologist; and

(b) The Board is satisfied that the psychologist is unable to practise satisfactorily, but considers that it would nevertheless not be contrary to the public interest to allow that psychologist to practise under special conditions—

the Board may suspend the psychologist from all practice except practice in accordance with subsection (2) of this section.

(2) The Board may, under subsection (1) of this section, permit a psychologist to practise for such period and subject to such conditions as to employment, supervision, and otherwise as it considers proper to permit or impose.

(3) Any suspension imposed or permission granted under this section may be revoked at any time by the Board.

(4) Every suspension or permission under this section shall be communicated to the psychologist by notice in writing served on the psychologist; and shall take effect on being served.

(5) A psychologist on whom notice is served under subsection (4) of this section may practise only to the extent permitted under this section.

28. Notification of disability—(1) In this section—

“Hospital” means—

(a) Any institution or separate institution within the meaning of the Hospitals Act 1957:

(b) Any licensed hospital within the meaning of Part V of the Hospitals Act 1957:

(c) Any hospital within the meaning of the Mental Health Act 1969:

“Medical Superintendent”, in relation to any hospital, means—

(a) In the case of any institution or separate institution within the meaning of the Hospitals Act 1957, the medical officer (if any) who is in charge of that hospital:

(b) In the case of any licensed hospital within the meaning of Part V of the Hospitals Act 1957, the manager of that hospital if he is a registered medical practitioner:

(c) In the case of any hospital within the meaning of the Mental Health Act 1969, the Medical Superintendent of that hospital.

5 (2) In any case where any registered psychologist is a patient of a hospital of which there is a Medical Superintendent, if the Medical Superintendent considers that the person is unable, because of some mental disability or the nature and extent of some physical disability that he has, to perform his professional duties satisfactorily, and that
10 because he may attempt to perform those duties, it is necessary in the public interest to prevent him from so doing, the Medical Superintendent shall forthwith give written notice to the Secretary of all the circumstances.

15 (3) In any case where any registered psychologist is not a patient of a hospital of which there is a Medical Superintendent, if any registered medical practitioner is in attendance on that person and considers that the person is unable, because of some mental disability or the nature and extent of some physical disability that he has, to perform his professional duties satisfactorily and that, because he may
20 attempt to perform those duties, it is necessary in the public interest to prevent him from so doing, the medical practitioner in attendance on that person shall forthwith give written notice to the Secretary of all the circumstances.

25 (4) In any case where a Medical Officer of Health considers that any registered psychologist is unable, because of some mental disability or the nature and extent of some physical disability that he has, to perform his professional duties satisfactorily, and that, because he may attempt to
30 perform those duties, it is necessary in the public interest to prevent him from so doing, the Medical Officer of Health shall forthwith give written notice to the Secretary of all the circumstances.

35 (5) In any case where any Medical Superintendent, or registered medical practitioner, or Medical Officer of Health contemplates giving any such written notice to the Secretary, he may seek whatever medical advice, whether psychiatric or otherwise, he considers appropriate to assist him in forming his opinion.

40 (6) Any written notice given under (subsection (3)) any of subsections (2) to (4) of this section shall mention any difference between any such advice and the views of the Medical Superintendent, or registered medical practitioner, or Medical Officer of Health as set out in the notice.

(7) Upon receipt of any such notice, the Secretary shall forthwith take all steps necessary to have it considered by the Board.

Discipline

29. Complaints Assessment Committee—(1) The Chairman may, from time to time, appoint in relation to a particular case or class of cases 3 registered psychologists to be a Complaints Assessment Committee, and may at any time revoke any such appointment or reconstitute any such Committee. 5
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(2) In appointing a Complaints Assessment Committee to assess a complaint relating to the conduct of any registered psychologist employed in a branch of the State services the Chairman shall, if the psychologist concerned so requests, consult the appropriate employing authority. 15

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(2) Before making any such appointment, revocation, or reconstitution, the Chairman shall consult with at least 3 members of the Board, including the member who is a barrister of the High Court and 2 members who are registered psychologists. 20

(2A) The Chairman shall ensure that the registered psychologist in respect of whom a complaint has been made under section 30 of this Act is informed of the intended membership of the Complaints Assessment Committee that is to consider the complaint against him. 25

(3) No member of the Board shall be appointed to be a member of the Complaints Assessment Committee.

30. Complaints against psychologists—(1) Every person who seeks to complain to the Board of the conduct of any registered psychologist shall make the complaint to the Secretary. 30

(2) Every such complaint shall be in writing.

(3) When the Secretary has received any complaint under this section, he shall refer the complaint to the Chairman who shall appoint a Complaints Assessment Committee in accordance with section 29 of this Act and refer the complaint to that Committee. 35

(4) Without limiting the provisions of subsection (1) of this section, a complaint may be made under this section by any member of the Board or any person in the service of the Crown acting in his official capacity.

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Struck Out

31. Board may initiate investigation—Notwithstanding anything in section 32 of this Act, if any member of the Board has reason to believe that a registered psychologist might have been guilty of professional misconduct or conduct unbecoming a psychologist, the Board may inquire into the matter of its own motion, without any complaint under section 30 of this Act having been made.

32. Investigation by Complaints Assessment Committee—
 (1) The Complaints Assessment Committee may require that the complaint be supported by such statutory declarations as it thinks fit.

New

(1A) In the case of a complaint against a psychologist employed in a branch of the State services, the Complaints Assessment Committee shall advise the employing authority of the fact that it is investigating a complaint against the psychologist, and shall give the employing authority a reasonable opportunity to make a submission to the Complaints Assessment Committee.

(2) The Complaints Assessment Committee shall determine whether or not in its opinion the matter should be considered by the Board and shall report its findings to the Chairman.

(3) Where the Complaints Assessment Committee has reported that in its opinion the matter should be considered by the Board the Chairman shall forthwith cause a notice to be served on the registered psychologist in accordance with section 34 (1) of this Act.

(4) Where the Complaints Assessment Committee has reported that in its opinion the matter should not be considered by the Board the Board may nevertheless, if it thinks fit, exercise its disciplinary powers under and in accordance with this Part of this Act.

33. Disciplinary powers of Board—(1) Subject to subsection (6) of this section, if the Board, after conducting a hearing in accordance with this Part of this Act, is satisfied, in respect of any registered psychologist, that that psychologist—

- (a) Has been convicted, whether before or after he became registered, by any Court in New Zealand of any offence punishable by imprisonment for a term of 6 months or more; or
- (b) Has been guilty of professional misconduct; or
- (c) Has been guilty of conduct unbecoming a registered psychologist,—

the Board may, subject to subsections (3) and (4) of this section, by writing under the hand of the Chairman, and by way of penalty, do any one of the things authorised by subsection (2) of this section.

(2) In any case to which subsection (1) of this section applies, the Board may—

- (a) Order that the name of the psychologist be removed from the register:
- (b) Order that the registration of the psychologist be suspended for a period not exceeding 12 months:
- (c) Impose on the psychologist a fine not exceeding \$500:
- (d) Order that the psychologist be censured.

(3) Where the Board makes an order under paragraph (b) or paragraph (d) of subsection (2) of this section, it may in addition impose a fine under paragraph (c) of that subsection.

(4) Where the Board is inquiring into any act or omission that constitutes an offence for which the person has been convicted by a Court, the Board shall not impose a fine pursuant to subsection (2) (c) or subsection (3) of this section.

(5) In any case to which subsection (1) of this section applies the Board may, by writing under the hand of the Chairman, order any such psychologist to pay any costs and expenses of and incidental to the inquiry by the Board.

(6) The Board shall not exercise any authority conferred by this section in respect of any offence committed by any person before the date of his registration, if at that date the Board was aware of his conviction in respect of the offence.

(7) While any order of suspension from practice under this section remains in force, the person shall be deemed for the purposes of this Act not to be registered; but forthwith on the expiry of the order his rights and privileges as a registered psychologist shall be revived as from the date of the expiry.

(8) In any order under this section directing the name of any person to be removed from the register, or in any subsequent order of the Board, the Board may fix a time after which the person whose name is so removed may apply to have his name restored to the register.

(9) Every fine imposed, and all costs and expenses payable under this section shall be recoverable as a debt due to the Crown.

34. Procedure of Board in disciplinary matters—(1) Before the Board exercises its powers under section 33 of this Act or this section, the Chairman shall cause to be served on the person concerned a notice stating—

(a) That the Board or the Complaints Assessment Committee has reason to believe that a ground exists entitling the Board to exercise its powers under section 33 of this Act; and

(b) Specifying the ground with sufficient particularity to enable him to answer it; and

(c) Requiring him to answer it; and

(d) Requiring him to appear before the Board on a date not less than 28 days after the date of service of the notice to show cause why the Board should not exercise its powers under that section.

(2) The notice under subsection (1) of this section may require the person to whom the notice is addressed to notify the Board in writing, not later than a specified date before the date proposed for the hearing of the matter, as to whether or not he intends to appear before the Board at the hearing to show cause why the Board should not exercise its powers under section 33 of this Act.

(3) If he fails to so notify his intention, he shall, notwithstanding section 35 (2) of this Act, be entitled to appear and be heard only on such conditions as to the payment of expenses or otherwise as the Board thinks fit.

(4) If any university or institution, having granted to any person a qualification that may be entered on the register under this Act, exercises any power conferred by law of

removing the name of that person from the register in which the qualification is recorded, or any registering authority in any other country has removed the name of any registered psychologist from any register of psychologists maintained by it, and in either case the university, institution, or registering authority has notified the Board of the fact of the removal,— 5

(a) The Secretary shall make a note of the fact in the register; and

(b) If the university, institution, or registering authority notifies to the Board the findings of fact on which the decision to remove the name was based, the findings may (if the Board thinks fit) be treated for the purposes of any inquiry or proceedings under this section as conclusive evidence of the facts found. 10 15

(5) In all proceedings under this section, the Board shall observe the rules of natural justice, and may receive evidence notwithstanding that it would not be admissible in a Court of law. 20

(6) The decision of a majority of the members present at any proceedings held under this section shall be the decision of the Board. 25

(7) Unless the Board otherwise directs, proceedings held under this section shall not be open to the general public. 25

(8) Every decision of the Board under section 33 of this Act or under this section shall—

(a) Be reduced to writing; and

(b) Contain a statement of the reasons on which it is based; and 30

(c) Contain a clear statement of the person's right to appeal against the order, decision, or determination and the time within which such appeal must be made; and

(d) Be signed by the Chairman. 35

(9) A copy of every decision or order of the Board under section 33 of this Act shall be served by the Secretary on the psychologist in respect of whom it was made, and shall take effect from the day on which such service was effected, or such later date as may be specified in the decision or order. 40

35. Powers and rights of Board and persons involved in proceedings of Board—(1) The Board shall, for the purposes of any inquiry under section 33 of this Act, have the same powers as are conferred on Commissions of Inquiry by section 4 and sections 4B to 9 of the Commissions of Inquiry Act 1908.

(2) Section 4 and sections 4B to 9 of the Commissions of Inquiry Act 1908 shall apply to all persons involved in any capacity in any inquiry under section 33 of this Act as if it were an inquiry conducted by a Commission under that Act.

36. Appeals from decisions of Board—(1) Every person who is dissatisfied with the whole or any part of—

- (a) Any decision of the Board relating to an application by him for registration; or
- (b) Any order of the Board directing his name to be removed from the register; or
- (c) Any decision or order of the Board, made under any of sections 26, 27, or 33 of this Act, suspending his registration; or
- (d) Any order of the Board imposing a fine on him; or
- (e) Any order of the Board censuring him,—

may, within 28 days after notice of the decision or order has been communicated to him by the Secretary or within such further time as the High Court may allow on application made before or after the expiration of that period, appeal to the High Court against the decision or order, as the case may be.

(2) Every appeal under this section shall be heard and determined by the Administrative Division of the High Court (*on the basis of the transcript of the evidence adduced and any exhibits produced before the Board, which shall transmit such evidence and exhibits to the Registrar of the Court for this purpose*) in accordance with rules of Court and this section.

(3) The Court shall as soon as practicable hear the appeal, and may confirm, reverse, or modify the decision or order of the Board, or may refer the matter back to the Board in accordance with rules of Court, and may give any decision or order that the Board could have given under section 33 of this Act.

(4) Nothing in this section shall give the Court power to review any part of the Board's decision or order other than the part against which the appellant has appealed.

(5) Subject to any order of the Court, every decision or order of the Board against which an appeal is lodged shall continue in force and have effect according to its tenor pending the determination of the appeal.

(6) On any appeal under this section, the Court may make an order for the payment by the Board, or by the appellant, of the costs incurred in respect of the appeal by the other party to the appeal. 5

37. Suspension to be entered in register—(1) The Secretary shall enter in the register at the entry for the appropriate psychologist the fact that any suspension has been imposed upon him under any of sections 26, 27, or 33 of this Act, and the conditions (if any) relating to the suspension. 10

(2) Every entry made in the register under subsection (1) of this section shall be removed on the expiry of the period of suspension or the lifting of the suspension by the Board or the High Court. 15

38. Surrender of certificates—(1) Any person whose name is removed from the register or whose registration is suspended under this Part of this Act shall, within 14 days after the date on which written notice of the removal or suspension has been given to him, deliver to the Secretary every certificate that has been issued to him under this Act and has not been so delivered before that date. 20

(2) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$200 who fails to comply with subsection (1) of this section. 25

PART V

MISCELLANEOUS PROVISIONS

39. Certain appointments to be held only by registered psychologists—(1) Except with the approval of the Minister given on a recommendation made by the employing authority after consultation with the Board on special grounds to be specified in the recommendation, no person shall be employed as a psychologist, other than as an assistant or trainee psychologist, in the State services, or in any licensed institution within the meaning of section 2 of the Mental Health Act 1969, unless he is registered under this Act. 30 35

(2) This section shall come into force on a date to be appointed by the Governor-General by Order in Council. 40

40. Certificates of Secretary to be evidence—A certificate under the hand of the Secretary to the effect that any person was or was not registered, or was or was not the holder of an annual practising certificate, a provisional certificate, 5 or a certificate of temporary registration, at any particular time or during any period specified in the certificate, or as to any entry in the register, or as to any act or proceeding of the Board or of any committee of the Board, shall for all purposes be sufficient evidence of the matters specified in 10 the certificate, in the absence of proof to the contrary.

41. Penalty for false description as a registered psychologist—Every person commits an offence and is liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$500, who—

15 (a) Not being registered under this Act, describes himself or otherwise holds himself out as being a registered psychologist; or

(b) Not being registered under this Act, uses or causes to be used in connection with his business, trade, 20 calling, or profession, any written words, titles, initials, or abbreviations of words, titles, or initials, either alone or in combination with any other words, titles, initials or abbreviations, intended to cause, or that may reasonably cause, any person to believe that he is a registered psychologist; or

25 (c) Knowing that some other person is not registered under this Act, and with intent to deceive, makes any statement or does any act calculated to suggest that such other person is so registered; or

30 (d) With intent to deceive, makes use of any certificate of registration issued to him or to any other person under this Act.

42. Application of fees—All fees and other money received under this Act shall be paid into the Public Account to 35 the credit of the Consolidated Account, and all expenses incurred in the administration of this Act shall be paid out of money from time to time appropriated by Parliament for the purpose.

43. Service of notices—Any document required or 40 authorised by this Act, or by any regulations made under this Act, to be served on any person may be served by

delivering it to that person, or by leaving it at his usual or last known place of residence or business, or posting it by registered letter addressed to him at his usual or last known place of residence or business; and if so posted, it shall be deemed to have been served at the time when the registered letter would be delivered in the ordinary course of post. 5

44. Regulations—The Governor-General may from time to time, by Order in Council made on the advice of the Minister given after consultation with the Board, make 10 regulations for all or any of the following purposes:

- (a) Prescribing the fees payable in respect of—
 - (i) Any application for registration under this Act:
 - (ii) The issue of certificates of registration, 15 including provisional certificates and certificates of temporary registration, and annual practising certificates under this Act:
 - (iii) The issue of copies of certificates:
 - (iv) Supplying to psychologists any documents 20 obtained by them from the Board for the purpose of seeking registration overseas:
- (b) Exempting or providing for the exemption of any psychologist or class of psychologist from liability 25 to pay any such fees:
- (c) Regulating the procedure of the Board:
- (d) Providing for such matters as are contemplated by or necessary for giving full effect to this Act and for its due administration.

45. Consequential amendment—Section 39 (1) of the Medical and Dental Auxiliaries Act 1966 is hereby amended 30 by adding the following paragraph:

“(j) The Psychologists Act (1980) 1981.”

SCHEDULE

Section 13 (1) (c)

POSTGRADUATE QUALIFICATIONS FOR REGISTRATION

Option A

A postgraduate diploma from a university in New Zealand in any field of psychology or educational psychology; or

A Masters (Applied) degree in chemical and community psychology.

Option B

(a) A Doctorate or a Master's degree in any field of psychology other than educational psychology from a university in New Zealand; and

(b) A period of 1 year's full-time practice in any field of psychology within the 3 years immediately preceding the application for registration under supervision approved by the Board:

Provided that in the case of applications for registration based on degrees of a particular class or kind the Board may, after consultation with the head of the department of the university that grants those degrees, increase the period of full-time practice required under this paragraph to a period not exceeding 2 years.

Option C

(a) A Bachelor's degree with Honours in any field of psychology other than educational psychology from a university in New Zealand; and

(b) A period of 2 years' full-time practice in any field of psychology within the 5 years immediately preceding the application for registration under supervision approved by the Board:

Provided that in the case of applications for registration based on degrees of a particular class or kind the Board may, after consultation with the head of the department of the university that grants those degrees, reduce the period of full-time practice to a period of not less than 1 year.

Option D

(a) Either—

(i) A Master's degree or a Bachelor's degree with Honours in any field of psychology other than educational psychology with at least stage 2 education or its equivalent from any university in New Zealand; or

(ii) A Master's degree or a Bachelor's degree with Honours in educational psychology with at least stage 2 psychology or its equivalent from any university in New Zealand; and

SCHEDULE—*continued*

- (b) A period of 2 years' full-time study and practice in educational psychology under supervision approved by the Board and of a kind substantially equivalent to the requirements for a post-graduate diploma in educational psychology or educational studies (child development and educational psychology) from any university in New Zealand.

New

NOTE: For the purposes of this Schedule, consultancy or research work that has been carried out—

- (a) By a lecturer holding a full-time position at a university; and
(b) For purposes other than the completion of any degree or diploma;
and
(c) At a level of competence found by the Board, after consultation with the appropriate Head of Department, to be acceptable—
shall constitute practice of psychology under supervision approved by the Board.