



New South Wales

Psychologists Regulation 2008

under the

Psychologists Act 2001

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

REBA MEAGHER, M.P.,
Minister for Health

Explanatory note

The object of this Regulation is to remake, with minor amendments, the provisions of the *Psychologists Regulation 2002* which is repealed on 1 September 2008 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation makes provision with respect to the following:

- (a) the procedures for meetings of the Psychologists Registration Board (*the Board*),
- (b) the offences, relating to traffic and parking, that are not required to be notified to the Board,
- (c) the procedures for notifying that a registered psychologist has become a mentally incapacitated person,
- (d) the procedures for appeals on a point of law where the Board deals with a complaint against a registered psychologist,
- (e) the fees for inspecting the Register or recording additional information in the Register,
- (f) savings and formal matters.

This Regulation is made under the *Psychologists Act 2001*, including sections 20 (3), 21 (2), 22 (3), 23, 77 (2) and 132 (the general regulation-making power) and clauses 4 (1) (a), 21 (5) and 22 (3) of Schedule 1.

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*, namely matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

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Psychologists Regulation 2008

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Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Psychologists Regulation 2008*.

2 Commencement

This Regulation commences on 1 September 2008.

Note. This Regulation replaces the *Psychologists Regulation 2002* which is repealed on 1 September 2008 under section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Interpretation

(1) In this Regulation:

the Act means the *Psychologists Act 2001*.

(2) Notes included in this Regulation do not form part of this Regulation.

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Clause 4 Psychologists Regulation 2008

Part 2 Proceedings of Board

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4 Proceedings of Board at ordinary meetings

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

5 Special and urgent meetings

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

6 Lack of quorum

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

Part 3 Miscellaneous

7 Excluded offences

- (1) Sections 20 (1) (a), 21 (1) (a) and 22 (1) of the Act do not apply in respect of an excluded offence.
- (2) An excluded offence is not relevant for the purposes of clause 4 of Schedule 1 to the Act.
- (3) In this clause:
excluded offence means any offence relating to the parking of motor vehicles or any offence under the road transport legislation (within the meaning of the *Road Transport (General) Act 2005*) except for the following offences:
 - (a) an offence under section 25A (1), (2) or (3) of the *Road Transport (Driver Licensing) Act 1998*,
 - (b) an offence under section 171 (2) of the *Road Transport (General) Act 2005*,
 - (c) an offence under section 9, 12 (1), 42 (2), 43 or 70 of the *Road Transport (Safety and Traffic Management) Act 1999*,
 - (d) an offence under section 42 (1) of the *Road Transport (Safety and Traffic Management) Act 1999*, but only if the registered psychologist is, by way of penalty, sentenced to imprisonment or fined a sum of not less than \$200,
 - (e) any other offence under the road transport legislation if the court orders the disqualification of the registered psychologist from holding a driver licence.

8 Notice of mental incapacity of registered psychologist

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

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Clause 9 Psychologists Regulation 2008

Part 3 Miscellaneous

- (a) the name and residential address of the psychologist,
- (b) the date on which the psychologist was admitted to the facility at which the psychologist is a patient or became a protected person.

9 Appeal on point of law

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

- (a) by causing a notice of appeal, specifying the grounds on which the appeal is made, to be given to the Chairperson (or, if a Deputy Chairperson is nominated under section 77 (1), to the Deputy Chairperson so nominated), and
- (b) by causing a copy of the notice of appeal to be given to each other party to the proceedings from which the appeal has arisen.

10 Fee for inspection of Register

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

11 Fee for additional information to be recorded in Register

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

12 Saving

Any act, matter or thing that, immediately before the repeal of the *Psychologists Regulation 2002*, had effect under that Regulation continues to have effect under this Regulation.

BY AUTHORITY
