



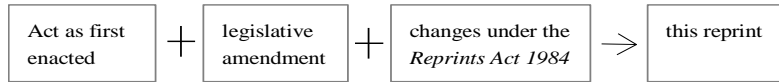
Western Australia

# **Psychologists Registration Act 1976**

**Reprint 1: The Act as at 3 January 2003**

## Guide for using this reprint

### *What the reprint includes*



### *Endnotes, Compilation table, and Table of provisions that have not come into operation*

1. Details about the original Act and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Validation, transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the Act being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

### *Notes amongst text (italicised and within square brackets)*

1. If the reprint includes a section that was inserted, or has been amended, since the Act being reprinted was passed, editorial notes at the foot of the section give some history of how the section came to be as it is. If the section replaced an earlier section, no history of the earlier section is given (the full history of the Act is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
  - removed (because it was repealed or deleted from the law); or
  - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

### *Reprint numbering and date*

1. The reprint number (in the footer of each page of the document) shows how many times the Act has been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3<sup>rd</sup> reprint since the Act was passed. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the Act is reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Western Australia

## Psychologists Registration Act 1976

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Western Australia

Reprinted under the  
*Reprints Act 1984* as  
at 3 January 2003

## Psychologists Registration Act 1976

**An Act to make provision for the registration of psychologists and the regulation of the practice of psychology, the protection of the public from certain harmful practices, and for matters incidental thereto.**

**1. Short title**

This Act may be cited as the *Psychologists Registration Act 1976*<sup>1</sup>.

**2. Commencement**

The provisions of this Act shall come into operation on such date or such dates as is or are respectively fixed by proclamation<sup>1</sup>.

**3. Interpretation**

In this Act, unless the context otherwise requires —

“**Board**” shall mean The Psychologists Board of Western Australia constituted pursuant to this Act;

“**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 is intended to be increased;

**“improper conduct in a professional respect”** means any act or omission which, in the opinion of the Board, is improper on the part of a psychologist when due regard is had to the ethics of the profession of psychology;

**“member”** means a member of the Board, or the deputy of a member when acting in the place of that member;

**“reciprocating authority”** means a body with which the Board has entered into a reciprocal arrangement under section 38;

**“registered psychologist”** means a person who is registered as a psychologist under this Act and whose name is currently entered in the Register;

**“rules”** means rules made by the Board under the authority of section 21, unless the provisions of subsection (7) of that section apply;

**“section”** means section of this Act; and

**“the Register”** means the register compiled and maintained pursuant to section 26.

*[Section 3 amended by No. 69 of 1996 s. 78.]*

**4. Act does not apply to certain persons**

- (1) This Act does not apply to anything done by a legally qualified medical practitioner in the ordinary course of medical practice.
- (2) The provisions of this Act, other than section 52 and section 53, do not apply to anything done by a person who is a priest or minister of religion authorised as such to celebrate marriages under the law of the Commonwealth relating to the celebration of marriages in so far as he acts in accordance with the usual practices of his religion.
- (3) A teacher or student in the course of his teaching, studies or research in any university or other prescribed educational establishment may teach or practise psychology or any branch of psychology in so far as that is necessary or required for the purpose of such teaching, studies or research, but not otherwise, although

not registered as a psychologist under this Act and to that extent the provisions of section 53 do not apply to any such person.

- (4) This Act shall not be construed so as to prevent anything being done in accordance with the rules by a person acting under the supervision and direction of a registered psychologist.

**5. Exemptions**

The Minister may, on the recommendation of the Board, by notice published in the *Gazette*, grant to any person or class of persons an exemption from the provisions of this Act, subject to such terms, limitations and conditions as the Minister thinks fit, if the Minister is satisfied that the circumstances are such that the public interest is unlikely thereby to be prejudiced, but the Minister may, by like notice, cancel any such exemption.

**6. References to psychologists in other Acts**

All references in any Act to a psychologist, or registered psychologist, or duly qualified psychologist shall, unless a different intention appears, be deemed to be references to a registered psychologist under this Act.

**7. Establishment of the Board**

- (1) For the purposes of this Act there shall be a Board, to be called “The Psychologists Board of Western Australia”.
- (2) The Board is a body corporate with perpetual succession and a common seal, and may sue and be sued in its corporate name.
- (3) Where in any judicial proceedings, whether under this Act or not, a document is produced bearing a seal purporting to be the common seal of the Board the Court or tribunal before which those proceedings are brought shall, in the absence of proof to the contrary, presume that —
- (a) the seal is the common seal of the Board; and
  - (b) the common seal was duly affixed.

**8. Board not to represent the Crown**

The Board does not represent, and is not an agent or servant of, the Crown.

**9. Membership of the Board**

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

- (a) one shall be a person who gives instruction in psychology at a university or other tertiary educational institution in the State, nominated on the occasion of the first appointment under this paragraph entirely at the discretion of the Minister but thereafter nominated by him from amongst persons who are registered under this Act;
- (b) one shall be a psychiatrist, as defined in section 3 of the *Mental Health Act 1996*, appointed on the nomination of the body known as the Australian and New Zealand College of Psychiatrists;
- (c) 2 shall be persons appointed on the nomination of the body known as the Australian Psychological Society (W.A. Branch); and
- (d) one shall be a person nominated by the Minister, in so far as that is in his opinion practicable, from amongst persons who are practitioners within the meaning of the *Legal Practitioners Act 1893*.

(2) Where a vacancy in the membership of the Board requires to be filled pursuant to subsection (1)(b) or (c) the Minister shall, as the occasion requires, request the relevant body to nominate a person for the purpose of filling that vacancy, and if within thirty days of such a request the Minister has not received from that body the required nomination he may nominate for appointment such person as he thinks fit, having regard to, but not necessarily from amongst, the membership of the body in question.



- (3) The performance or exercise of the functions, powers, rights, authorities, duties or obligations of the Board shall not be affected by reason only of there being a vacancy in the office of a member or there being a defect in the appointment or qualification of any person purporting to be a member.
- (4) A member of the Board shall not be subject to Part 3 of the *Public Sector Management Act 1994*, but this subsection does not affect the rights, duties and obligations under that Act of any member who is an officer in the Public Service of the State.
- (5) The office of a member of the Board may be held in conjunction with any other appointment or office under the Government of the State.

*[Section 9 amended by No. 32 of 1994 s. 3(1); No. 69 of 1996 s. 79.]*

**10. Terms and conditions of office**

- (1) Subject to this Act, a member of the Board shall be appointed for such term of office, not exceeding 3 years, and on such conditions as the Governor may determine and specify in the instrument of his appointment and shall, upon the expiration of his term of office, be eligible for re-appointment.
- (2) If a member of the Board —
  - (a) is an undischarged bankrupt or person whose property is subject to an order or arrangement under the laws relating to bankruptcy;
  - (b) becomes permanently incapable of performing his duties as a member;
  - (c) resigns his office by writing under his hand addressed to the Governor through the Minister, and his resignation is accepted;
  - (d) absents himself, except on leave duly approved by the Board, from 3 consecutive meetings of the Board; or

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- (e) is removed from office by the Governor for inability, inefficiency or misbehaviour,

the office of that member becomes vacant.

- (3) Upon the office of a member of the Board becoming vacant, a person shall be appointed, in accordance with this Act, to the vacant office, but where the office of a member becomes vacant before the expiration of the term for which he was appointed, a person appointed in his place shall be appointed only for the balance of the term of his predecessor.

**11. Remuneration**

- (1) Subject to subsection (2), a member of the Board shall be paid out of the funds of the Board such remuneration and allowances as the Minister may from time to time approve.
- (2) The Minister shall not approve the payment of remuneration and allowances to a person to whom Part 3 of the *Public Sector Management Act 1994* applies except with the prior consent, in writing, of the Minister for Public Sector Management.

*[Section 11 amended by No. 32 of 1994 s. 3(1) and 4.]*

**12. Deputies of members**

- (1) The Governor may, in respect of each member of the Board, appoint a person representative of the like interests to be the deputy of that member and any reference in this Act to a member shall be construed as including a reference to a deputy acting in the office of that member.
- (2) The deputy of a member is entitled to attend any meeting of the Board in the event of the absence of that member, and when so attending shall be deemed to be a member.
- (3) If any member of the Board ceases to hold office before the expiration of the period of his appointment, the person who was at that time the deputy of that member is, until the office of member is filled by the appointment of another member,

entitled to attend any meeting of the Board and when so attending shall be deemed to be a member.

**13. Chairman and Acting Chairman**

- (1) The Chairman of the Board shall be elected by the members of the Board from amongst the members of the Board who are psychologists.
- (2) During any vacancy in the office of Chairman, or when and as often as the Chairman is known to be absent or for any reason unable to perform the duties of his office, the Board shall appoint another member to act as Chairman during the period of such vacancy, absence or inability.
- (3) A member while acting as Chairman pursuant to subsection (2) shall be deemed to be the Chairman.

**14. Meetings of the Board**

- (1) The Board shall hold meetings at such times and places as the Board determines.
- (2) The Minister or the Chairman may at any time convene a meeting of the Board.
- (3) The Chairman or the Acting Chairman shall preside at all meetings of the Board at which he is present.
- (4) Where both the Chairman and the Acting Chairman are absent from a meeting of the Board the members present at that meeting shall elect a member from amongst those present to preside at that meeting and while so presiding that member shall be deemed to be the Chairman.
- (5) At a meeting of the Board —
  - (a) 3 members form a quorum;
  - (b) a question arising at the meeting shall be determined by a majority of the valid votes of the members present and voting on the question;

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- (c) the member presiding has a casting vote as well as a deliberative vote.
- (6) The Board may co-opt any person having relevant specialised knowledge or experience, but a person so co-opted is not entitled to a vote.
- (7) A record of the proceedings of every meeting of the Board or of a committee of the Board shall be kept in such manner as the Minister may direct.
- (8) The delegation by the Board to a committee of the Board does not relieve the Board of the responsibility for the decisions of that committee.
- (9) Subject to this Act, the Board may regulate its procedure in such manner as it thinks fit.

**15. Officers of the Board**

- (1) The Board shall appoint a Registrar, and may appoint such examiners and other officers and servants as the Board considers necessary to enable the Board to carry out its functions.
- (2) The remuneration of the Registrar and the examiners and other officers and servants of the Board shall be paid out of the funds of the Board.
- (3) For the purposes of this Act, the Board may, with the consent of the Minister of the Crown having responsibility for the administration of the Act relating to a department of the Public Service of the State, make use of the services of any officer of that department upon such terms as may be agreed between that Minister and the Board.

**16. Finance**

The funds of the Board shall be applied and used for the purposes of the administration and enforcement of this Act and for such other purposes as the Board may recommend and the Minister approve.

**17. Accounts**

- (1) The Board shall cause to be kept proper accounts and records of the transactions and affairs of the Board and shall prepare financial statements in accordance with Australian Accounting Standards.
- (2) The financial statements shall be prepared on an accrual basis unless the Board determines otherwise.

*[Section 17 inserted by No. 77 of 1987 s. 3.]*

**18. Audit**

The accounts and financial statements of the Board shall be audited at least once a year, at the expense of the Board, by an auditor appointed by the Board with the prior approval of the Minister.

*[Section 18 inserted by No. 77 of 1987 s. 3.]*

**18A. Annual report**

- (1) The Board shall on or before 31 October in each year make and submit to the Minister an annual report of its proceedings for the preceding year ending on 30 June together with a copy of the financial statements and the auditor's report.
- (2) The Minister shall cause a copy of each annual report, financial statements and auditor's report submitted under subsection (1) to be laid before each House of Parliament within 14 sitting days of that House after receipt of the report by the Minister.

*[Section 18A inserted by No. 77 of 1987 s. 3.]*

**19. Other reports**

The Minister may at any time request the Board to furnish him with —

- (a) any records of the proceedings of the Board;
- (b) any other particulars or information concerning the activities of the Board,

and the Board shall comply with any such request.

**20. Functions of the Board**

- (1) The Board has all such powers, rights and privileges as may be reasonably necessary to enable it to carry out its duties and functions.
- (2) Subject to the Minister, it shall be the function of the Board to have the general administration of this Act and to advise the Minister thereon, to administer the scheme of registration established under this Act, and to carry out such other duties as may be entrusted to the Board by the Minister with respect to any matter which is required to give effect to the objects of this Act.

**21. Rules**

- (1) The Board may, subject to the approval of the Governor, from time to time make such rules as the Board determines to be necessary for all or any of the following purposes —
  - (a) regulating the meetings and proceedings of the Board and the conduct of its business;
  - (b) enabling the Board to constitute committees of the Board, which may consist of members of the Board or persons who are not members but so that in every case one member of the Board shall be a member of the committee and the committee shall be required to report to the Board on its activities at such times as the Board determines, and for regulating the proceedings of such committees;
  - (c) determining the evidence to be produced and conditions to be fulfilled by any person applying for registration or provisional registration under this Act;
  - (d) regulating the manner of keeping and the form of the Register;
  - (e) regulating the manner of making application for, and the granting of permits to use or to continue the use of, firm names as psychologists;

- (f) prescribing the fees to be paid in relation to the grant, amendment or renewal of registration, and the fees or charges that shall be payable in relation to other matters under this Act;
  - (g) prescribing the forms to be used for the purposes of this Act, including a requirement that information supplied be verified by statutory declaration;
  - (h) regulating the manner of making to the Board any charge or complaint against or concerning any psychologist, and the inquiry by the Board into such charge or complaint;
  - (i) regulating the manner in which appeals under this Act shall be brought and the proceedings to be followed in the conduct of those appeals;
  - (j) regulating the practice of hypnosis by prescribed persons;
  - (k) regulating the practice of psychology by persons registered under this Act and the conduct of that practice; and
  - (l) generally to give effect to the objects of this Act.
- (2) Rules made under this section may confer on any person a discretionary authority.
  - (3) Failure to comply with rules made under this section in relation to the practice of psychology may be deemed to constitute improper conduct in a professional respect on the part of a registered psychologist.
  - (4) Nothing in this section prevents any matter not dealt with in the rules formulated under this section from being treated for the purposes of this Act as improper conduct in a professional respect.
  - (5) In formulating rules for the purposes of this section the Board shall have due regard to, but shall not be bound by, the

standards of professional conduct for psychologists laid down by the body known as the Australian Psychological Society.

- (6) Nothing in subsection (1) affects or limits the power of the Governor to make regulations under this Act for or in respect of any matters mentioned in that subsection, and where the Board makes a rule and the Governor makes a regulation in respect of the same matter and there exists any inconsistency between that rule and that regulation, the rule shall, to the extent of such inconsistency, be superseded by the regulation and shall be read and have effect subject to the regulation.
- (7) Where in this Act a reference is made to rules, that reference shall, where the context so permits, be construed as being a reference also to regulations made under section 57.

**22. Effect of registration**

- (1) Subject to this Act, registration under this Act confers on the holder of a valid certificate of registration the right to carry out in the State the professional practice of psychology under the title of psychologist in accordance with the conditions, restrictions or limitations indicated on that certificate but not otherwise.
- (2) Every person registered under this Act shall be entitled to sue in any court to the extent of the jurisdiction of such court for the recovery of his fees or other remuneration for his professional services in the practice of psychology.
- (3) No person shall be entitled to recover any fee or charge in any court of law for the performance of any psychological practice or for any attendance or advice in relation to the practice of psychology in circumstances contravening the provisions of this Act.
- (4) Every registered psychologist shall be exempt from serving on any jury.



**23. Examinations**

- (1) The Board may hold or cause to be held examinations of persons who desire to obtain registration under this Act.
- (2) The Board shall admit to the examinations any person who desires to be examined and who has paid the prescribed fee and fulfilled such conditions (if any) as are prescribed.
- (3) The examinations shall be conducted by examiners appointed by the Board for the purpose.
- (4) The Board shall, on payment of the prescribed fee, grant to a person who passes the examinations a certificate in the prescribed form.
- (5) Where a person holds a certificate granted by a public institution recognised by the Board certifying that he has passed an examination in —
  - (a) subjects that the Board is satisfied are equivalent to all the subjects; or
  - (b) any particular subject that the Board is satisfied is equivalent to a particular subject,

contained in the examinations conducted by or on behalf of the Board under this section, the Board may exempt that person from sitting for the Board's examinations or, as the case may be, from sitting for those examinations as far as they relate to that particular subject.

**24. Qualifications**

- (1) A person who satisfies the Board —
  - (a) that he is of good character and reputation;
  - (b) that he is a resident in the State of Western Australia;
  - (c) that he has had relevant practical experience in the practice of psychology of a responsible nature satisfactory to the Board for a period of not less than 2 years; and

- (d) that he holds an approved educational qualification, shall, subject to this Act and upon payment of the prescribed fee, be registered under this Act and the Board shall cause his name to be entered in the Register accordingly.
- (2) For the purposes of this section, a person who has **“an approved educational qualification”** means a person who —
- (a) has gained by examination a qualification recognised by the Board granted by a tertiary educational institution recognised by the Board, in the course of attaining which the holder has successfully completed 4 academic years of full-time or an equivalent part-time study;
  - (b) possesses a qualification which is accepted by the Board as indicating a course of study and academic training in a relevant subject and satisfies the Board that he has undertaken further or other study, training, or research, or has had experience of a practical nature or has developed or applied techniques appropriate to the professional practice of psychology; or
  - (c) has successfully completed examinations conducted by or on behalf of the Board under this Act to an extent and of a kind which, in the opinion of the Board, furnish sufficient evidence of the possession of the requisite knowledge and skill appropriate to the professional practice of psychology.
- (3) Where, within the period of one year after the coming into operation of this section, a person who does not possess an approved educational qualification but is otherwise eligible to be registered under this Act applies to the Board and satisfies the Board that —
- (a) he has had relevant practical experience in the practice of psychology of a responsible nature satisfactory to the Board for a period of not less than 2 years; or

- (b) he is, and has for the preceding 12 months been, a member of the body known as the Australian Psychological Society,

and furnishes sufficient evidence of the possession of the requisite knowledge and skill appropriate to the professional practice of psychology, he shall, subject to this Act and upon payment of the prescribed fee, be registered under this Act and the Board shall cause his name to be entered in the Register accordingly.

**25. Applications**

- (1) An application for registration or for the renewal of a certificate of registration under this Act shall be made in writing and in a manner and form determined by the Board in respect of such an application.
- (2) An application for a renewal of a certificate of registration shall be made within the period of one month prior to the date on which it is intended the renewal shall take effect.
- (3) In respect of any particular application for registration or for the renewal of a certificate of registration the applicant shall furnish the Board with such further information as the Board determines, verified by statutory declaration if the Board so requires.
- (4) The Board may require any applicant for registration or for the renewal of a certificate of registration to attend personally before the Board and, if the applicant fails so to attend, may refuse the application.

**26. The Register**

- (1) Subject to this Act, the Board shall —
  - (a) cause to be compiled and maintained a Register in the prescribed manner and form showing in respect of each application for registration or renewal of a certificate of registration applied for under this Act such particulars as may be prescribed; and

- (b) as soon as practicable after each first day of July cause to be published in the *Gazette* a synopsis giving details of the certificates of registration in force on that day and showing such particulars as may be prescribed.
- (2) Where the Board has authorised the grant of a certificate of registration to any person there shall be entered in the Register —
  - (a) the name of that person;
  - (b) the professional address of that person in the State, or, if the person has no such professional address, the usual place of practice of that person whether in the State or elsewhere;
  - (c) particulars of the qualifications of that person; and
  - (d) such other particulars as are prescribed.
- (3) Where the name of any person is entered in the Register that person may at any time apply to the Board for the amendment of the relevant particulars entered in the Register, and if the Board is satisfied that the amendment may properly be made the Board shall, on payment of the prescribed fee, amend those particulars accordingly.
- (4) As soon as may be after the name of a person has been entered in, removed from or struck off the Register, the Board shall cause notice of that event to be published in the *Gazette*.
- (5) The Register shall be kept in the office of the Registrar, and shall at all reasonable times be open to inspection by any person without fee.

**27. Certificates of registration**

- (1) Subject to this Act, the Board shall on the grant of an application for registration issue a certificate of registration in the prescribed form to the applicant which shall have effect —
  - (a) in the case of provisional or temporary registration, for the period specified therein; and

- (b) in any other case, for the period of 12 months commencing on the date on which it was issued.
- (2) Subject to this Act, an annual certificate of registration may, on payment of the prescribed fee, be renewed from time to time for a further period of 12 months.

**28. Conditions on registration and certificates of registration**

- (1) The Board may grant registration subject to such conditions as it thinks fit, and may from time to time after consultation with the holder of the certificate of registration vary or add to any such conditions.
- (2) The terms of any condition imposed by the Board shall be entered in the Register of the Board and a reference thereto shall be endorsed on the relevant certificate of registration, which shall, if the Registrar so requires, be returned to him for that purpose.
- (3) Every certificate of registration shall be conditional upon the holder complying with the provisions of this Act.
- (4) The holder of a certificate of registration shall comply with any condition to which that certificate of registration is made subject pursuant to this section.

**29. Resignation**

- (1) A person registered under this Act, and whose professional conduct is not the subject of investigation, may give notice in writing under his hand addressed and delivered to the Registrar, requesting that his name be removed from the Register, and he shall thereupon cease to be registered as a psychologist under this Act.
- (2) A person whose name has been removed from the Register pursuant to subsection (1) may at any time thereafter make application in the prescribed form to the Board for the restoration of his name to the Register.

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- (3) The Board shall direct the Registrar, upon payment of the prescribed fee, to restore the name of the applicant to the Register and the Registrar shall comply with the direction of the Board.

**30. Registrar to remove names of deceased persons from Register**

When any person who is registered under this Act dies, the Registrar shall, upon being satisfied as to the death of that person, remove the name of the person from the Register.

**31. Registrar to amend Register to ensure accuracy**

Subject to the directions of the Board, the Registrar shall, from time to time, as the occasion requires, make such amendments, additions, alterations and corrections in the Register as may be necessary to make the Register an accurate record of the prescribed particulars of all persons registered under this Act as psychologists.

**32. Effect of striking off**

Where the name of a person is struck off the Register pursuant to this Act, that person ceases to be registered as, and is disqualified from practising as, a psychologist, unless his name is restored to the Register.

**33. Name of person struck off may be restored**

- (1) A person whose name has been struck off the Register pursuant to this Act may, after a period of not less than 12 months, apply to the Board in the prescribed manner to have his name restored to the Register.
- (2) The Board may refuse any application made under subsection (1).
- (3) When the Board grants the application it shall direct the Registrar, on payment of the prescribed fee, to restore the name

of the applicant to the Register, and the Registrar shall comply with the direction of the Board.

**34. Registration fees**

- (1) Every registered psychologist shall pay, on the grant or renewal of the certificate of registration a registration fee to the Board of such amount as is prescribed by the rules, and the amount of that registration fee shall be recoverable by the Board in any court of competent jurisdiction.
- (2) The Board may remove from the Register the name of any person who has failed to pay the registration fee payable by him.
- (3) Any person whose name is removed from the Register pursuant to this section may at any time thereafter pay to the Board all fees which are in arrear, or which would be in arrear if he had continued to be registered, and shall thereupon be entitled to have his name restored to the Register.
- (4) Any person to whom this section applies may make representations to the Board with the object of obtaining remission of fees in arrear, and the Board may, if it thinks fit, remit those fees in whole or in part.

**35. Suspension**

- (1) Where a person is suspended from the practice of psychology generally that person shall be deemed not to be registered as, and shall be disqualified from practising as, a psychologist under this Act during the period for which the suspension subsists.
- (2) Where a person is suspended from the practice of psychology in relation to any specified circumstances or service that person shall be deemed not to be registered as, and shall be disqualified from practising as, a psychologist under this Act, during the period for which the suspension subsists, in relation to the

circumstances or the performance of the service specified in the order for his suspension.

- (3) The Board may, by notice in writing, revoke a suspension, either generally or to a specified extent, and may direct in the notice that the revocation have effect from a date specified in the notice.

**36. Provisional registration**

- (1) A person who holds an approved educational qualification, but who has not had the relevant experience required for registration under this Act, may apply to the Board for a certificate of provisional registration for the purpose of obtaining that experience by taking employment requiring the practice of psychology under the direction of a psychologist registered under this Act or in some other manner satisfactory to the Board and the Board, if satisfied that the public interest will not thereby be prejudiced, may grant such registration.
- (2) Registration granted under subsection (1) may be made subject to such limitations and restrictions upon the practice of psychology by the applicant as the Board in any particular case specifies, and such limitations and restrictions shall be indicated on the corresponding certificate of registration.
- (3) Every certificate of provisional registration granted under subsection (1) shall in the first instance have effect for a period of not more than 12 months, but upon application to the Board during the currency of the certificate may from time to time be renewed for a further period or periods of not more than 12 months in respect of each such application.
- (4) The Board may at any time cancel any certificate of provisional registration issued or renewed under subsection (1), or may vary any limitation or restriction to which it was made subject.
- (5) Every person in respect of whom a certificate of provisional registration is issued under subsection (1) shall, while the certificate remains in force and so long as he does not infringe



the limitations or restrictions to which it was made subject, be deemed for the purposes specified in that certificate to be registered as a psychologist under this Act, and his name and such other particulars as the Board considers to be material shall be entered in the Register of the Board as a person to whom provisional registration to practise as a psychologist has been granted.

**37. Temporary registration**

- (1) A person who is in Western Australia or proposes to come to Western Australia and who satisfies a member of the Board that —
  - (a) he is a person of good character;
  - (b) he proposes to engage in practice in the State as a psychologist in special circumstances and that hardship would be occasioned by any delay in the grant or registration; and
  - (c) he possesses qualifications and experience appropriate to that purpose,

may, upon application in the prescribed form and on payment of the prescribed fee, be granted by that member of the Board a temporary registration for that purpose and may be issued with a certificate of temporary registration, and the issue of any such certificate shall be notified by that member to the Board as soon as is practicable.

- (2) Where, on the consideration of an application for registration, the Board is of the opinion that it would grant registration if satisfactory evidence were produced, and that it is likely that the requisite evidence will be produced, the Board may issue a certificate of temporary registration.
- (3) The Board may grant temporary registration on an honorary basis for specified periods to persons of eminence within the field of psychology, so recognised by the Board, who may visit

the State to teach or demonstrate methods and techniques of psychology.

- (4) A certificate of temporary registration has effect, unless earlier terminated by the Board, for such period not exceeding 3 months as is specified therein but may be renewed by the Board for a period or periods of not more than 12 months in respect of each such application.
- (5) Temporary registration granted under this section may be made subject to such limitations and restrictions upon the practice of psychology by the applicant as the Board in any particular case specifies and such limitations and restrictions shall be indicated on the corresponding certificate of registration.
- (6) The Board may at any time cancel any temporary registration issued or renewed under this section, or may vary any limitation or restriction to which it was made subject.
- (7) Every person in respect of whom temporary registration is granted shall, while the registration remains in force and so long as he does not infringe the restrictions or limitations to which it was made subject, be deemed to be registered as a psychologist under this Act, and his name and such other particulars as the Board considers to be material shall be entered in the Register as a person to whom a temporary registration has been granted.

**38. Reciprocating authorities**

- (1) The Board may enter into a reciprocal arrangement with the Psychologists Board or other authority lawfully exercising in any place outside the State powers, which are in the opinion of the Board substantially similar to the powers conferred on the Board by this Act, for the recognition of the status of a person registered, licensed or authorised by that authority to practise as a psychologist in that place, for the grant to any such person so recognised of a certificate of registration under this Act, and for similar recognition, registration, licensing or authorisation in that place of psychologists registered under this Act.

- (2) An arrangement under this section may contain a condition that a person applying to be registered under this Act shall furnish such additional or other evidence of character or competency as the Board considers necessary.
- (3) Where the Board enters into a reciprocal arrangement under subsection (1) a summary of the provisions agreed upon shall be published in the *Gazette*.
- (4) Where a person is registered, licensed or authorised to practise by a reciprocating authority and the Board is satisfied that he possesses the requisite knowledge and skill for the professional practice of psychology in the State the Board may grant a certificate of registration to him under this Act and authorise the entry of his name in the Register accordingly upon payment of the prescribed fee.

**39. Disciplinary powers**

- (1) Where the Board, after an inquiry of the kind referred to in section 42, is satisfied —
  - (a) that the registration of a person was obtained by fraud or misrepresentation;
  - (b) that a person has been convicted of an offence which, in the opinion of the Board, renders him unfit to practise as a psychologist;
  - (c) that as a result of a finding of a reciprocating authority the name of a person has ceased to appear in the Register of psychologists or other record kept by that authority and that person has been at any time and in the opinion of the Board should continue to be disqualified from carrying on practice as a psychologist;
  - (d) that a person is addicted to alcohol or any deleterious drug or suffers from any mental or physical disorder to a degree that renders him unfit to carry on the professional practice of psychology; or
  - (e) that a person is guilty of improper conduct in a professional respect by reason of carelessness,

incompetence, impropriety, infamous behaviour, or a breach of the provisions of this Act,

the Board may order that his name shall be struck off the Register and the Registrar shall comply with the order of the Board.

- (2) Where, after an inquiry of the kind referred to in section 42, the Board considers that a matter does not in the public interest require that the name of the person concerned should be struck off the Register the Board may —
- (a) suspend that person from the practice of psychology, either generally or in relation to any specified circumstances or service, for a period not exceeding 12 months;
  - (b) order that person to pay to the Board a penalty of such an amount, not exceeding \$1 000, as the Board thinks fit; or
  - (c) deal with that person in any of the ways referred to in subsection (3).
- (3) Where the Board is of the opinion that the holding of a formal inquiry is not warranted by the nature of the allegations the Board, after affording to the person concerned the opportunity of giving an explanation to the Board either in person or in writing and the option thereafter of proceedings by way of an inquiry of the kind referred to in section 42, may —
- (a) order that the particulars entered in the Register in relation to that person be amended;
  - (b) censure that person;
  - (c) require that person to give an undertaking, either with or without security, for such period as the Board thinks necessary —
    - (i) in relation to his future conduct in a professional respect; or
    - (ii) to comply with such conditions as the Board may impose in relation to his practice;

or

- (d) order that person to pay to the Board a penalty not exceeding \$100.
- (4) The Board may, in any case, in addition to or in lieu of imposing any one or more of the penalties specified in this section, order the person concerned to pay such costs and expenses of or incidental to the proceedings as the Board thinks fit.
- (5) Where any penalty, costs or expenses are ordered to be paid under this section the amount ordered to be paid shall be recoverable in any court of competent jurisdiction as a debt due to the Board.

**40. Breach of undertaking**

- (1) Where the Board is satisfied that a person who has given an undertaking to the Board required of him pursuant to disciplinary proceedings under this Act has at any time during the currency of the undertaking been in breach of that undertaking, or failed to comply with any condition imposed, the Board, after giving to the person concerned an opportunity to show cause why he should not so be dealt with, may in addition to or in lieu of proceeding against him in accordance with the undertaking, impose on him —
  - (a) a penalty under this Act in respect of the original matter as a consequence of which he was required to give the undertaking; and
  - (b) whether or not imposing a penalty in relation to the original matter, impose a penalty in relation to the conduct or omission giving rise to the breach of the undertaking or the failure to comply with the conditions.
- (2) Where an inquiry of the kind referred to in section 42 has already been held in relation to the original matter no further inquiry into the original matter shall be held and the Board may deal with the person concerned in respect of that original matter

pursuant to the breach or failure, but no penalty of the kind referred to in subsection (1) shall be imposed unless such an inquiry is or has been held.

**41. Evidence of facts found in other proceedings**

- (1) Any finding of fact relating to the conduct of a registered psychologist made in any proceedings in a court (whether in this State or elsewhere) to which he is a party is *prima facie* evidence of that fact in any disciplinary proceedings under this Act.
- (2) Where a qualification held by a registered psychologist is withdrawn, cancelled, or revoked by the body or authority by whom it was awarded or granted, any finding of fact relating to the conduct of that psychologist made in the proceedings as a consequence of which that qualification was so withdrawn, cancelled, or revoked that is notified to the Board by that body or authority is sufficient evidence of that fact in any disciplinary proceedings under this Act.

**42. Inquiries**

- (1) Except where the matter relates to the enforcement of an order made by a reciprocating authority, before making any order against a person in disciplinary proceedings under this Act —
  - (a) for the striking off of his name from the Register;
  - (b) for his suspension from practice as a psychologist; or
  - (c) imposing a pecuniary penalty exceeding \$100,

the Board shall hold an inquiry into the matter and, unless his address is not then known to the Board or reasonable efforts to effect service are not successful, shall give to him notice of the time and place at which the inquiry is to be held and sufficient details of the matters to be inquired into to enable him to show cause why he should not be dealt with in accordance with the provisions of this Act.

- (2) In conducting an inquiry the Board is not bound by the rules of evidence or by the rules of legal procedure but may proceed in such manner as it thinks fit subject to the requirement that the person concerned be afforded an opportunity to be heard, either in person or by solicitor or counsel, and to examine witnesses.
- (3) For the purpose of conducting an inquiry under this section, the Board has and may exercise the powers conferred upon Justices of the Peace under the *Justices Act 1902*, in all respects as if the matter of inquiry were a matter which may be heard and determined by Justices under that Act and may require the attendance of a person registered under this Act at any inquiry which may concern him and may also require the attendance at any such proceedings of any other person who, in the opinion of the Board, can give evidence or produce documents touching the matter in question or who may be required as a witness by a party to those proceedings.
- (4) A member of the Board may administer an oath or affirmation to a person appearing to give evidence before the Board, whether the witness has been summoned or is voluntarily attending, and the witness may be examined accordingly.
- (5) Subject to subsection (6), if the Board, on its own motion or on the application of any person, determines that it is in the public interest that the proceedings, or any part thereof, should be heard *in camera* the Board may conduct the proceedings accordingly but otherwise the Board shall sit and conduct the proceedings in public.
- (6) Any question as to whether any proceedings of the Board should or should not be heard *in camera* may be referred to a Judge and shall be heard in Chambers, and the Judge may reverse the decision of the Board or may confirm it absolutely or upon conditions which may include conditions intended to protect the business or interest of any person, and may make such further or other order as the Judge thinks fit.

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- (7) A statement or disclosure made at an inquiry before the Board by a witness is not, except in an appeal under this Act or in proceedings for giving false testimony before the Board, admissible in evidence against him in any civil or criminal proceedings.
- (8) The Board may inspect documents or other exhibits before it, may retain them for such reasonable period as appears to the Board to be necessary, and may make copies of so much of them as is relevant to a matter before the Board.
- (9) A person who attends for the purpose of giving evidence before the Board is entitled to receive such fees and allowances as the member presiding may allow in accordance with the prescribed scale.

**43. Records of Board decisions**

Where the Board —

- (a) refuses an application for the registration of a person;
- (b) imposes, otherwise than by agreement with that person, any limitation, restriction or condition on the practice of psychology by any person; or
- (c) makes any order against a person in the exercise of its disciplinary powers,

the Board shall record the finding on which the decision was based, and its reasons, and shall as soon as is practicable communicate its decision to that person.

**44. Appeals**

- (1) A person aggrieved by an order of the Board, or by the refusal of an application to the Board for registration or restoration to the Register, or as to any limitation, restriction or condition imposed, may within 3 months after the date of the decision by the Board make application in writing to the Board in the prescribed manner for a statement by the Board in writing of its reasons for the decision, and the Board shall, as soon as



reasonably may be after receipt of the application, furnish the applicant with such a statement.

- (2) Within one month after receipt of the statement of the Board furnished under subsection (1) the person aggrieved by the decision of the Board may appeal from that decision to the Supreme Court.
- (3) An appeal under this section shall be brought and the proceedings shall be had in such manner as is prescribed by the Rules of the Supreme Court in relation to appeals from the decisions of a tribunal, or if in relation to any matter no such Rule is applicable in such manner as the Court may direct, and shall, unless the Judge otherwise orders, be in the nature of a re-hearing before a Judge sitting in Chambers.
- (4) The Judge may —
  - (a) confirm, quash or vary the decision of the Board;
  - (b) remit the matter to the Board for re-hearing, with or without directions; or
  - (c) make such other order as he thinks fit.

**45. Reciprocal enforcement**

- (1) Subject to subsection (2), where a reciprocating authority makes an order against a person similar in kind to an order which the Board has power to make under this Act the Board may, without further inquiry, make a like order to take effect in the State for a period not extending beyond the period of the order made by the reciprocating authority.
- (2) For the purposes of subsection (1) the Board may inquire of a reciprocating authority as to the circumstances giving rise to a finding made against a person and may accept the report of the reciprocating authority as to the truth of those circumstances on being satisfied that the person against whom the finding was made had been given an opportunity to make representations in respect of the matter and had failed to satisfy the reciprocating authority thereon.

**46. Publication of proceedings**

- (1) Without limiting the operation of section 56, no action, claim or demand whatever lies against —
- (a) the Board, any member of the Board, the Registrar or any officer of the Board;
  - (b) any reciprocating authority, or any officer, employee or agent thereof; or
  - (c) the proprietor, editor, printer or publisher of any newspaper, journal or periodical,

in respect of the publication, in good faith, of the whole or any part of a report of any proceedings, inquiry or findings before or by the Board concerning any matter touching the professional practice of psychology.

- (2) Where —
- (a) the name of a person is struck off the Register; or
  - (b) the registration of a person is suspended,

under this Act, the Board may notify the striking off, or suspension, and the cause thereof, to —

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

**47. Board may apply for injunction**

- (1) The Board may, subject to the Rules of the Supreme Court, apply to the Court, or a Judge, for an injunction to restrain any person doing or continuing to do any act, matter, or thing which

by this Act is declared to be an offence, or in relation to which the Board has made an order in disciplinary proceedings under this Act, and on the hearing of the application such injunction may be granted and such further or other order may be made as to costs or otherwise as to the Court or Judge may seem fit.

- (2) Any proceeding by the Board under subsection (1) does not affect the liability of the person, whose act was complained of, to prosecution or other proceedings under this Act.

**48. Certificates to be surrendered by persons whose names are struck off the Register, etc.**

- (1) Where —
- (a) the name of a person is struck off the Register; or
  - (b) the registration of a person suspended,

under this Act, that person shall, within seven days after the date on which the name is struck off or the registration is suspended surrender to the Board the certificate of registration currently issued to him under this Act.

- (2) A person who fails to surrender a certificate as required by subsection (1) is liable to a penalty of \$100, but it is a defence to a prosecution for an offence against this subsection if the defendant satisfies the Court that the failure to surrender the certificate was due to its loss or destruction.
- (3) The striking off of the name of a person from the Register or the suspension of the registration of a person is effective, notwithstanding his failure to surrender any certificate issued to him under this Act.

**49. Provision for continuing business after death of psychologist**

In case of the decease of any registered psychologist who carried on the practice of psychology at the time of his death notwithstanding anything in this Act any executor or any administrator of the estate of such psychologist may continue

the business of such psychologist for a period of 12 months from the date of death or for such longer time as the Board permits if such business so continued is *bona fide* conducted by a registered psychologist.

**50. Offences as to registration**

A person who —

- (a) makes, or causes to be made, any falsification in any matter relating to the Register;
- (b) presents, or causes to be presented, to the Board or the Registrar any forged, false or counterfeit document or other evidence as to his qualifications or experience;
- (c) personates, or wrongfully represents himself as being, the person referred to in any document presented to the Board or the Registrar or in any certificate granted under this Act; or
- (d) makes or produces, or causes to be made or produced, any false or fraudulent statement or representation, either verbally or in writing, for the purpose of procuring registration, whether for himself or for any other person under this Act or upon any application, or any inquiry, examination, or disciplinary proceedings held by or on behalf of the Board under this Act,

commits an offence and shall on conviction be liable to a fine not exceeding \$2 000 or to imprisonment for a term not exceeding 2 years.

**51. Offences as to disqualified persons**

Any registered psychologist who, without the written consent of the Board, or otherwise than in accordance with such conditions as the Board may impose, knowingly employs or remunerates, in connection with any psychological practice, any person who has had his name removed from the Register or who is suspended from practice, commits an offence.

**52. Offences relating to hypnosis**

- (1) Any person, other than —
- (a) a registered psychologist, in the ordinary course of his psychological practice;
  - (b) a dentist as defined in the *Dental Act 1939*, in the practice of dentistry as defined in that Act; or
  - (c) a prescribed person, licensed pursuant to rules made under this Act as a person who may practise hypnosis, under or in accordance with the conditions specified in relation to him by the Board,

who engages in the practice of hypnosis commits an offence.

Penalty: \$1 000.

- (2) In this section a “**prescribed person**” means a person —
- (a) who, during a period of not less than 2 years immediately preceding the coming into operation of this section, had, in the opinion of the Board, derived his income principally from the practice of hypnosis; or
  - (b) who is approved by the Board as a person authorised to practise hypnosis in accordance with such conditions as are specified by the Board in relation to him.
- (3) The Board shall make rules and set conditions for licensing prescribed persons to practise hypnosis.
- (4) In administering the provisions of this section the Board shall have regard to, but shall not be bound by, the standards of the body known as the W.A. Society for Medical Hypnosis and such other organisations as are recognised by the body known as the International Society for Hypnosis.

*[Section 52 amended by No. 78 of 1995 s. 147.]*

**53. Offences relating to the practice of psychology**

- (1) Subject to the provisions of this section and except as otherwise provided in this Act, no person, other than a person who is

registered as a psychologist under this Act and is thereby authorised so to do in relation to the circumstances in question, shall —

- (a) in any manner hold himself out as or pretend to be or make use of any words or any name, title, addition, or description implying or tending to the belief that he is a psychologist or is entitled, either alone or with others, to practise or teach psychology; or
- (b) practise or teach psychology or any branch of psychological practice or seek or require human subjects for investigation or research involving the practice of psychology, under the style or title of a psychologist or any name, title, addition, or description implying or tending to the belief that he holds any degree or diploma in psychology, or is otherwise specially qualified to practise or teach psychology, or any branch of psychology, or is registered under this Act.

Penalty: First offence, \$200. Second or subsequent offence, \$1 000.

(2) Subsection (1) does not prohibit —

- (a) the use of any title or description necessarily assumed by any public educational institution recognised by the Board for the purpose of education in psychology;
- (b) the carrying out of a psychological practice by —
  - (i) the holder of a certificate of provisional registration who is gaining experience pursuant to the provisions of section 36(1) notwithstanding any restriction or limitation imposed on that registration, if that psychological practice is carried out by him under the direction of a person who is not by this Act prohibited from himself carrying out that practice; or
  - (ii) a person who is not a registered psychologist and who, in such manner and to such extent as is

authorised or permitted by the rules, is carrying out that psychological practice in the course of his employment by, and under the direction of, a registered psychologist.

- (3) No registered psychologist shall carry on the practice of psychology under any name, whether or not a company or firm name, other than his own, unless he has the approval of the Board.
- (4) No registered psychologist shall authorise or permit a person who is not registered as a psychologist under this Act to practise as a psychologist or carry out any psychological practice for or on his behalf, except in such cases and in such manner and to such extent as is authorised or permitted by the rules.
- (5) No registered psychologist shall in relation to psychology use or notify on any name-plate or sign or in any advertisement or notice published by or for him any title, words, letters, addition, or description, either in full, or in abbreviation or in combination, other than that or those shown in the Register in relation to his registration.
- (6) A company or association, even though it consists wholly of registered psychologists, shall not take or use or have attached to or exhibited at any place (either alone or in combination with any other word or words or letters) the words psychological company or psychological institute or psychological hospital or psychological college or college of psychology or school of psychology or any similar words, except in such cases and in such manner as may be approved by the Board pursuant to the rules.

*[Section 53 amended by No. 78 of 1995 s. 147.]*

**54. General penalty**

- (1) A person who acts in contravention of or fails to comply in any respect with any provision of this Act commits an offence against this Act.

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- (2) A person who commits an offence against this Act for which no penalty is provided elsewhere than in this section is liable to a fine of \$100.

**55. Legal proceedings**

- (1) Any proceedings in respect of an offence against this Act may be taken in the name of the Board by the Registrar or any other person authorised in that behalf by the Board.
- (2) All proceedings for offences against this Act shall be heard before a Court of Petty Sessions constituted by a stipendiary magistrate sitting alone.
- (3) No proof shall be required of the appointment of any member of the Board, or any person to take proceedings in the name of the Board, but an averment in the complaint that the person is so authorised shall be deemed to be proved in the absence of evidence to the contrary.
- (4) It shall not be necessary in any proceedings for an offence against this Act for the prosecution to prove that the defendant received any remuneration or reward in connection with the act, matter, or thing complained of, or that any offence was committed with a view to enabling the defendant to practise the profession of psychology or to claim the privileges conferred by this Act on a registered psychologist.
- (5) When any person is charged under this Act with doing any act or thing, or performing any service, which it is unlawful for him to perform it shall be sufficient for the prosecution to allege that the person is not entitled under this Act to do that act or thing, or to perform that service, and the burden of proof that he is so entitled rests on the defendant.
- (6) In all courts and before all persons and bodies authorised to receive evidence —
  - (a) a certificate in the prescribed form purporting to be issued on behalf of the Board and stating that any person was or was not registered, or that the registration of a



person was suspended, on any date or dates or during any period mentioned in the certificate, is evidence of the matters so stated;

- (b) a copy of or extract from the Register, certified as a true copy or as a true extract by the Registrar, is evidence of the facts appearing therein;
  - (c) judicial notice shall be taken of the signature on the certificate and on the copy of or extract from the Register, which shall be presumed to have been duly authorised, and of the fact that the person by whom the signature was given was so authorised at the time of signing.
- (7) Where a body corporate is convicted of an offence against this Act, every person who at the time of the commission of the offence was a director or member of the governing authority of the body corporate or an officer concerned in the management of it and who authorised or permitted the commission of the offence is guilty of the like offence.
- (8) A person referred to in subsection (7) may, on the request of the complainant, be convicted on the proceedings on which the body corporate is convicted if the court is satisfied that the person had reasonable notice that the complainant intended to make that request.

**56. Indemnity**

No liability shall attach to a member of the Board, the Board, or the Registrar or any officer of the Board for any act or omission, by him or on his part or by the Board or on the part of the Board, that occurred in good faith and in the exercise, or purported exercise, of his or its powers, or in the discharge, or purported discharge, of his or its duties under this Act.

**57. Regulations**

- (1) The Governor may make such regulations, not inconsistent with this Act, as he considers necessary and desirable for the proper

administration of this Act or for achieving the objects and purposes of this Act.

- (2) The regulations may prescribe penalties, not exceeding a fine of \$200, in respect of a breach of any of the regulations.
- (3) The regulations may require that any information, document or form required to be given or furnished thereunder shall be verified by statutory declaration.

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**Notes**

- <sup>1</sup> This reprint is a compilation as at 3 January 2003 of the *Psychologists Registration Act 1976* and includes the amendments made by the other written laws referred to in the following table.

**Compilation table**

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<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>
<i>Psychologists Registration Act 1976</i>	141 of 1976	13 Dec 1976	21 Apr 1978 (see s. 2 and <i>Gazette</i> 21 Apr 1978 p. 1199)
<i>Acts Amendment (Financial Provisions of Regulatory Bodies) Act 1987 s. 3</i>	77 of 1987	26 Nov 1987	1 Jan 1988 (see s. 2)
<i>Acts Amendment (Public Sector Management) Act 1994 s. 3(1) and 4</i>	32 of 1994	29 Jun 1994	1 Oct 1994 (see s. 2 and <i>Gazette</i> 30 Sep 1994 p. 4948)
<i>Sentencing (Consequential Provisions) Act 1995 s. 147</i>	78 of 1995	16 Jan 1996	4 Nov 1996 (see s. 2 and <i>Gazette</i> 25 Oct 1996 p. 5632)
<i>Mental Health (Consequential Provisions) Act 1996 Pt. 17</i>	69 of 1996	13 Nov 1996	13 Nov 1997 (see s. 2)

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