

Queensland



Psychologists Act 1977

PSYCHOLOGISTS BY-LAW 1993

**Reprinted as in force on 1 May 2002
(includes amendments up to SL No. 234 of 2001)**

This is the reprint current on the repeal date

Reprint No. 1G

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Information about this reprint

This by-law is reprinted as at 1 May 2002. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

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

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

Also see endnotes for information about—

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

Queensland



PSYCHOLOGISTS BY-LAW 1993

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PSYCHOLOGISTS BY-LAW 1993

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

1 Short title

This by-law may be cited as the *Psychologists By-law 1993*.

2 Definitions

In this by-law—

“chairperson” means the chairperson of the Board;

“member” means a member of the Board.

4 Fees

The fees payable under the Act are the fees set out in the Schedule.

5 Registrar to give notice of meetings of Board

(1) The registrar must give each member at least 3 clear days notice of the time, day and place of each ordinary meeting of the Board.

(2) If a quorum is not present within 30 minutes after the time at which a meeting is due to start, the registrar must postpone the meeting to a day (not more than 14 days after the day of the postponed meeting) fixed by the registrar.

6 Notice of certain motions to be given to members

(1) The registrar must give each member notice of any motion that proposes to rescind a resolution of the Board.

(2) The notice must not be given later than the notice of the meeting at which the motion is to be moved.

7 Special meetings

(1) The registrar must convene a special meeting of the Board—

- (a) at the chairperson's request; or
- (b) on the written request of 3 members that states the business that is to be considered at the special meeting.

(2) The registrar must give each member at least 3 clear days notice of the time, day and place of a special meeting.

(3) The notice must state the business that is to be considered at the special meeting.

(4) The only business that may be discussed at a special meeting is the business mentioned in the notice.

8 Funds

(1) The registrar—

- (a) is to receive amounts paid to the Board on behalf of the Board; and
- (b) must deposit any amounts received in an account kept by the board in accordance with the *Statutory Bodies Financial Arrangements Act 1982*, section 31.¹

(2) Payment from the account may be made only by a cheque signed by 2 persons authorised by the board for the purpose.

9 Common seal

(1) The common seal of the Board is to bear the design that is determined by the Board.

(2) The registrar is to have the custody of the common seal.

(3) A document issued by the Board is sufficiently authenticated if it bears the imprint of the common seal and is signed—

- (a) in the case of a certificate of approval—by the registrar; or
- (b) in any other case—

¹ *Statutory Bodies Financial Arrangements Act 1982*, section 31 (General banking powers for day-to-day operations)

- (i) by the registrar in the presence of the chairperson or 2 members; or
- (ii) by the registrar at the direction of the chairperson.

10 The register

For the purposes of section 17(1) of the Act, the particulars of each psychologist that are to be included in the register are—

- (a) address for correspondence; and
- (b) date of registration; and
- (c) type of registration; and
- (d) initial qualifications; and
- (e) the additional qualifications that relate to psychology mentioned in section 12(3).

11 Retention of certain records

If—

- (a) a psychologist's registration is cancelled or suspended; or
- (b) a psychologist's name is removed from the register;

the registrar must retain a record of that person's particulars and the reasons for the cancellation, suspension or removal.

12 Additional qualifications

(1) A psychologist may apply in writing to the Board for the inclusion in the register of additional qualifications relating to psychology that are held by the psychologist.

(2) The application must be accompanied by documentary evidence of the additional qualifications.

(3) If the Board approves the application, the registrar must include in the register the additional qualifications held by the psychologist.

13 Practice of psychology

For the purposes of section 29(2) of the Act, a person who is not a psychologist may practice as a psychologist or carry out a psychological practice or procedure for or on behalf of a psychologist if—

- (a) the psychologist is satisfied that—
 - (i) the person is competent to carry out the psychological practice or procedure; or
 - (ii) the person is required to carry out the psychological practice or procedure as part of a course for a degree, diploma or certificate recognised by the Board as a qualification for registration; and
- (b) the psychologist supervises the carrying out of the psychological practice or procedure.

13A When annual licence fee must be paid

(1) A person who is already registered as a psychologist at the beginning of a year, or becomes registered in January of a year, must pay the annual licence fee for the year on or before 31 January in the year.

(2) A person who is not registered as a psychologist in January of a year, but applies to be registered in the year, must pay the annual licence fee for the year with the registration fee.

14 Waiver of fees

(1) If a psychologist is first registered in November or December in any year, the annual licence fee for the following year is waived.

(2) The Board may waive the annual licence fee on application to it by a psychologist who satisfies the Board that he or she has turned 65.

(3) If the Board refuses an application under section 31 of the Act, the Board may waive the approval fee and may direct the registrar to refund that fee to the applicant.

15 Advertising

(1) A psychologist must not—

- (a) advertise in a way that—

- (i) can reasonably be regarded as implying that the psychologist's services are superior to those of another psychologist; or
 - (ii) can reasonably be regarded as calculated to attract business unfairly; or
 - (iii) is misleading, indecent, inappropriate, harmful or unacceptable having regard to the standard expected of psychologists; or
- (b) advertise professional services in conjunction with other advertising of a commercial nature; or
 - (c) mention the Act or the Board in any advertisement; or
 - (d) offer an inducement or imply a benefit that is not intrinsic to the service of a psychologist.

(2) A psychologist must ensure that an advertisement only states—

- (a) the psychologist's name or the approved name under which the psychologist practises; and
- (b) the psychologist's qualifications, including specialist qualifications approved by the Board; and
- (c) the address at which the psychologist practises; and
- (d) the days and times when the practice is open; and
- (e) factual information about the professional services offered, including information about treatment, but not about any cure or outcome of the treatment.

(3) The Board may approve of a professional body of psychologists advertising the services provided by members of that body.

(4) An approval under subsection (3) may be given subject to conditions

(5) A psychologist must not advertise on radio, television or any other form of electronic media.

Maximum penalty for subsection (1), (2) and (5)—4 penalty units.

16 Media interviews

(1) A psychologist must not use an interview on radio, television or any other form of electronic media for advertising purposes or to solicit business.

(2) For the purposes of subsection (1), an interview is used for advertising purposes or to solicit business if the psychologist gives the psychologist's business address or telephone number during the interview.

Maximum penalty—4 penalty units.

17 Board may give notice re advertising

(1) The Board may require a psychologist who advertises in a way that does not comply with section 15, to discontinue the advertisement within the time stated in the notice.

(2) The psychologist must comply with the notice.

Maximum penalty—4 penalty units.

SCHEDULE**FEES**

section 4

	\$
1. Inspection of register	10.00
2. Registration	75.00
3. Registration of additional qualification	10.00
4. Issue of duplicate or certified copy of certificate of registration	10.00
5. Annual licence	186.00
6. Restoration of name to register	53.00
7. Examination of applicant for registration	440.00
8. Application for approval to practise hypnosis for therapeutic purposes	55.00
9. Examination of applicant for approval to practise hypnosis for therapeutic purposes	440.00
10. Approval to practise hypnosis for therapeutic purposes	130.00

ENDNOTES

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2 Date to which amendments incorporated

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

3 Key

Key to abbreviations in list of legislation and annotations

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

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

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

Reprint No.	Amendments included	Reprint date
1	to SL No. 505 of 1993	1 January 1994
1A	to SL No. 404 of 1996	21 April 1997
1B	to SL No. 336 of 1997	26 November 1997
1C	to SL No. 347 of 1998	6 January 1999
1D	to SL No. 266 of 1999	10 November 1999
1E	to SL No. 307 of 2000	15 December 2000
1F	to SL No. 234 of 2001	13 December 2001

5 List of legislation

Psychologists By-law 1993 SL No. 395

made by the Psychologists Board on 12 August 1993
notfd gaz 29 October 1993 pp 770–1
commenced on date of notification
rep 1 May 2002 (2001 No. 15 s 234)

amending legislation—

Psychologists Amendment By-law (No. 1) 1993 SL No. 505

notfd gaz 17 December 1993 pp 1812–21
ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 1994 (see s 2)

Psychologists Amendment By-law (No. 1) 1996 SL No. 404

notfd gaz 20 December 1996 pp 1588–98
commenced on date of notification

Psychologists Amendment By-law (No. 1) 1997 SL No. 336

notfd gaz 10 October 1997 pp 586–7
commenced on date of notification

Psychologists Amendment By-law (No. 1) 1998 SL No. 347

notfd gaz 18 December 1998 pp 1551–7
commenced on date of notification

Psychologists Amendment By-law (No. 1) 1999 SL No. 266

notfd gaz 5 November 1999 pp 918–21
commenced on date of notification

Psychologists Amendment By-law (No. 1) 2000 SL No. 307

notfd gaz 1 December 2000 pp 1289–90
commenced on date of notification

Psychologists Amendment By-law (No. 1) 2001 SL No. 234

notfd gaz 30 November 2001 pp 1179–82

commenced on date of notification

6 List of annotations**Forms****s 3** om 1996 SL No. 404 s 3**Funds****s 8** amd 1997 SL No. 336 s 3; 1998 SL No. 347 s 3**The register****s 10** amd 1998 SL No. 347 s 4**When annual licence fee must be paid****s 13A** ins 1996 SL No. 404 s 4**Repeal****s 18** om R1 (see s RA 40)**SCHEDULE—FEES**

sub 1993 SL No. 505 s 4; 1996 SL No. 404 s 5

amd 1999 SL No. 266 s 3; 2000 SL No. 307 s 3; 2001 SL No. 234 s 3