

EXPLANATORY MEMORANDUM
PSYCHOLOGISTS (AMENDMENT) BILL 1999

Overview

Section 57 of the *Psychologists Act 1994* is a transitional provision originally placed in the 1994 Act to allow persons who did not hold qualifications that entitled them to gain registration under the substantive provisions of the Act, to become registered, providing they had practised as a psychologist for four years in the ten years prior to the commencement of the Act. The inclusion of this provision was to ensure that such persons did not have their livelihood compromised by the introduction of the legislation. It was intended that this provision be time limited to a period of 6 months after the commencement of the 1994 Act.

Legal advice has since interpreted the transitional provisions in a manner contrary to the intent of the 1994 Act, by finding that section 57 is not time limited and remains available for inappropriately qualified applicants to seek and gain registration.

The objective of this Bill is to remove the transitional provisions of the Act. The Bill would not affect the registration of persons whose applications under section 57 have already been decided, but would terminate all pending and future applications under this provision.

Detail of Clauses

Clause 4 of the Bill repeals the current sections 57, 58 and 59 of the Act and replaces them with new sections numbered 57, 58 and 59.

Section 57 of the current Act allows for the special registration of inappropriately qualified persons. Section 58 of the Act provides for an appeal to the Administrative Appeals Tribunal (AAT) of Board decisions made under section 57 of the Act.

Section 59 of the Act is a spent provision relating to the appointment of first Board members and is repealed in the interests of good house keeping.

In place of these repealed provisions of the Act, new provisions are proposed which would have the effect of terminating pending undecided applications. Proposed Subclause 58(1) would terminate applications to the Board which have not been decided as at the commencement of these amendments. Subclause 58(2) would terminate appeals to the AAT of a rejection by the Board of such an application. Proposed clause 59 is a housekeeping provision.