

17 July 2009

To: [nraip@dhs.vic.gov.au](mailto:nraip@dhs.vic.gov.au)

Subject: Submission on the Exposure Draft of the Health Practitioner Regulation National Law 2009

Dear Sir/Madam

First, the NSW Psychologists Registration Board would like to endorse all the comments contained in the submission made by the Council of Psychologists Registration Boards of Australasia Inc., of which the NSW Board is a party.

However there are two issues that the NSW Board would like to highlight in response to the Exposure Draft of the Health Practitioner Regulation National Law (Bill B).

#### 1. Practice Protection for Psychological Tests

Consistent with the submission by the CPRB, the NSW Psychologists Registration Board strongly endorses the inclusion of Practice Protection for Psychological Tests into Bill B. Currently, publishers of psychological tests restrict the sale of certain psychological tests that, due to the need for a strong conceptual understanding of the psychological principles that underlie their application and interpretation of test results, have a high potential for misuse and subsequent harm to the public. As these psychological tests are frequently used to determine disability, impairment or compensation matters, the test results can have significant and long-term consequences for both adults and children.

#### 2. The use of the title "doctor"

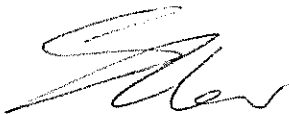
The current Psychologists Act 2001 states that "A registered psychologist must not use the title "doctor" in the course of the practice of psychology unless the psychologist is the holder of a qualification conferred by a university that entitles the psychologist to use that title and that qualification is a recognised qualification at that time the psychologist uses the title." (Section 18, Part 3, Division 1).

There is no such provision for this restriction of title in Bill B, and the NSW Psychologists Registration Board strongly argues that there should be the same restriction under the new Act. Prior to the 2001 Psychologists Act there was no restriction of the title "doctor", and an increasing tendency for some psychologists to adopt the "doctor" title in the absence of a recognised qualification. We believe this is misleading and potentially dangerous to the public as these psychologists are putting themselves forward as having a qualification and level of expertise equal to their colleagues who have completed doctorate degrees. Furthermore, the use of the "doctor" title, particularly on written reports, without a recognised qualification may mislead the public that the psychologist may be a medical practitioner. A

misleading title will convey additional gravitas to the information that is not warranted, particularly if a report covers medical issues and their consequences.

Section 18, Part 3, Division 1 of the NSW Psychologists Act 2001 (as extracted above), particularly when taken together with the provisions of the *Medical Practice Act* in relation to the use of the title 'Dr.' (to which it is cross referenced), has worked very well in terms of the Board's work. A provision that achieved the same outcome as did these two provisions is highly desirable

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mary Shanahan', written in a cursive style.

Mary Shanahan

**REGISTRAR**

Enc: Section 18, Psychologists Act 2001

**Extract Psychologists Act 2001**  
**Part 3 Practice of psychology**  
**Division 1 Conduct of practice**  
**18 Use of titles**

(1) A registered psychologist must not use the title “doctor” in the course of the practice of psychology unless the psychologist is the holder of a qualification conferred by a university that entitles the psychologist to use that title and that qualification is a recognised qualification at the time the psychologist uses the title.

Maximum penalty: 10 penalty units.

(2) In this section:

*recognised qualification* means:

- (a) a qualification that is prescribed by the regulations as a recognised qualification, or
- (b) when no qualification is prescribed under paragraph (a), a qualification that is for the time being recognised by the Board for the purposes of this section.

**Note.** See also section 105 (Use of misleading titles etc) of the *Medical Practice Act 1992*.