

# CONSOLIDATION OF PSYCHOLOGISTS ACT

R.S.N.W.T. 1988,c.P-11

(Current to: January 17, 2018)

## AS AMENDED BY NORTHWEST TERRITORIES STATUTES:

S.N.W.T. 1998,c.32

## AS AMENDED BY STATUTES ENACTED UNDER SECTION 76.05 OF NUNAVUT ACT:

S.N.W.T. 1998,c.37

In force April 1, 1999

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## GLOSSARY OF TERMS USED IN CONSOLIDATIONS

### *Miscellaneous*

- c. means "chapter".
- CIF means "comes into force".
- NIF means "not in force".
- s. means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
- Sch. means "schedule".
- SI-005-98 means the instrument registered as SI-005-98 in 1998. (*Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.*)
- SI-012-2003 means the instrument registered as SI-012-2003 in 2003. (*Note: This is a Nunavut statutory instrument made on or after January 1, 2000.*)

### *Citation of Acts*

- R.S.N.W.T. 1988,c.D-22 means Chapter D-22 of the *Revised Statutes of the Northwest Territories, 1988*.
- R.S.N.W.T. 1988,c.10(Supp.) means Chapter 10 of the Supplement to the *Revised Statutes of the Northwest Territories, 1988*. (*Note: The Supplement is in three volumes.*)
- S.N.W.T. 1996,c.26 means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
- S.Nu. 2002,c.14 means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

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## PSYCHOLOGISTS ACT

### INTERPRETATION

#### Definitions

1. In this Act,

"applicant" means an applicant for registration in either the Interns Register or the Psychologists Register; (*requérant*)

"Association" means the Association of Psychologists of the Northwest Territories referred to in subsection 4(1), or a person or body designated under subsection 4(2), as the case may be; (*Association*)

"register" means the Psychologists Register and the Interns Register. (*registre*)  
S.N.W.T. 1998,c.32,Sch.A,s.1; S.N.W.T. 1998,c.37,Sch.C,s.1.

### ADMINISTRATION

#### Registrar

2. The Minister shall appoint a Registrar who shall have the powers and perform the duties set out in this Act and the regulations.

#### Registers

3. (1) The Registrar shall maintain

- (a) a Psychologists Register for the registration of psychologists under this Act; and
- (b) an Interns Register for the registration of intern psychologists under this Act.

#### Content of registers

(2) The registers shall contain the names, addresses and qualifications of those persons entitled to be registered under section 6 or 7.

#### Inspection of registers

(3) The registers shall be open for inspection by any person on reasonable notice to the Registrar.

#### Duties and powers of Association

4. (1) The Association of Psychologists of the Northwest Territories, a society incorporated under the *Societies Act* (Northwest Territories), shall perform the duties and may exercise the powers granted to the Association by this Act.

#### Designation of replacement

(2) Where the Association of Psychologists of the Northwest Territories ceases to operate in Nunavut, or is no longer in good standing under the *Societies Act* (Northwest

Territories), the Minister may designate a person or body to exercise any powers granted to, and any duties imposed on, the Association under this Act, on the terms and conditions that the Minister considers advisable. S.N.W.T. 1998,c.32,Sch.A,s.2; S.N.W.T. 1998,c.37,Sch.C,s.2.

## REGISTRATION AND LICENSING

### Applications for registration

**5.** (1) An application for registration in a register must be made in writing to the Registrar.

### Review of application

(2) After receiving an application for registration, the Registrar shall meet with representatives of the Association and review the application and supporting documentation.

### Recommendations to Minister

(3) After completing a review of an application, the Registrar and the representatives of the Association shall each make a recommendation to the Minister as to the eligibility of the applicant for registration.

### Decision of Minister

(4) Subject to this Act, the Minister shall decide whether an applicant is to be registered and shall consider the recommendations of the Registrar and the representatives of the Association in arriving at this decision.

### Registration of interns

**6.** (1) Subject to this section, an applicant

- (a) who has
  - (i) received from a Canadian university a masters degree in psychology,
  - (ii) received from a university a degree equal in content to a masters degree in psychology from a Canadian university, or
  - (iii) received a degree from a university and subsequently undertaken graduate work that together are equal in content to a masters degree in psychology from a Canadian university,
- (b) who satisfies the Minister that he or she is of good character,
- (c) whose name has not been struck from the Psychologists or Intern Psychologists Register of any other jurisdiction, without a subsequent reinstatement, and
- (d) who is not under suspension in respect of the practice of psychology in any other jurisdiction,

is entitled to be registered in the Interns Register on payment of the prescribed fee.

#### Foreign degree

(2) Where the applicant's degree is from outside Canada, the Minister, in the Minister's discretion, may require that an examination be taken and satisfactory results obtained before registering the applicant.

#### Registration of psychologists

**7.** (1) Subject to this section, an applicant who

- (a) satisfies the requirements of section 6, and
- (b) has gained a year of practical psychology experience after completion of the degree requirements of section 6,

is entitled to be registered in the Psychologists Register on payment of the prescribed fee.

#### Examination

(2) On the recommendation of either the Registrar or the Association, the Minister may require that an examination be taken and satisfactory results obtained before registering the applicant.

#### Practical psychology experience

(3) Experience gained under the supervision of a licensed psychologist while in the employ of the Government of the Northwest Territories or the Government of Canada is practical psychology experience for the purposes of this section.

#### Examinations

**8.** For the purposes of sections 6 and 7, the Minister may adopt the examinations and standards that the Minister considers appropriate in the circumstances.

#### Exemption

**9.** The Minister, on the recommendation of the Association, may exempt an applicant from the requirements of paragraphs 6(1)(c) and (d) and 7(1)(b).

#### Notice of registration

**10.** (1) Where an application for registration in the Interns Register is accepted, the Registrar shall inform the applicant of the acceptance in writing.

#### Certificate

(2) Where an application for registration in the Psychologists Register is accepted, the Minister shall issue a certificate of registration to the applicant.

#### Refusal to register

(3) Where an application for registration in a register is refused, the Registrar shall, as soon as possible, notify the applicant in writing of the refusal and the reasons for the refusal.

Entitlement to licence

**11.** (1) Subject to this section, a psychologist registered in the Psychologists Register, who pays the prescribed fee, is entitled to a licence from the Registrar to practise psychology.

Issue of licence

(2) The Registrar, with the consent of the Minister, and upon consultation with the Association, may issue a licence subject to the restrictions or conditions that the Registrar considers appropriate in the circumstances.

Deemed revocation of licence

(3) The licence of a psychologist who ceases to be registered in the Psychologists Register shall be deemed to be revoked and the psychologist shall return it to the Registrar as soon as possible.

Duration of licence

(4) A licence expires on March 31 next following the day on which it was issued.

Where name struck from register

**12.** A person registered in a register under this Act shall not practise psychology if that person's name has been struck from the register and not reinstated on the register.

Administration of medicine

**13.** Registration under this Act, or the issue of a licence under this Act, does not authorize the person registered, or the licensee, to administer any drug or medicine to any person.

## DISCIPLINE

Order for removal from register, suspension and cancellation

**14.** The Minister, on the advice of either the Registrar or the Association, may order the removal, either permanently or for a specified period of time, of the name of a person from a register or the suspension or cancellation of a licence if

- (a) the person registered or licensed has been guilty of gross negligence, incompetence or improper conduct; and
- (b) the Minister is of the opinion that it is in the public interest to remove the name of the person from the register or to suspend or cancel the licence of the person.

## APPEAL

Appeal

**15.** (1) A person who

- (a) is denied registration under section 5 or 6,
- (b) is issued a licence, under section 11, subject to restrictions or conditions,



(c) is removed from a register under section 14, or  
(d) has a licence suspended or cancelled under section 14,  
may appeal the decision within 30 days of the denial, issuance, removal, suspension or  
cancellation, as the case may be, to a judge of the Supreme Court.

#### Decision

- (2) On an appeal under this section, a judge of the Supreme Court may
- (a) quash, alter or confirm the decision; or
  - (b) suspend the operation of the decision until the appeal has been heard and ruled on.

### OFFENCES AND PUNISHMENT

#### Prohibited terms

**16.** (1) Subject to this section, no person shall hold himself or herself out to the public as a psychologist, psychotherapist or psychoanalyst, or any grammatical variation of these terms, unless he or she is the holder of a licence to practise psychology issued under this Act.

#### Exemption

(2) Nothing in this section prohibits a person registered in the Interns Register from using the designation "intern psychologist".

#### Exemption

(3) Subsection (1) does not apply to a psychiatrist registered under the *Medical Profession Act*.

#### Exemption

(4) Subsection (1) does not apply to a person invited by a psychologist or medical practitioner to the Territories for consultation on a specific case or to participate in a lecture, workshop or similar function.

#### Licence conditions and restrictions

**17.** No person issued a licence under this Act shall contravene the restrictions or conditions to which the licence is subject.

#### Practising without licence

**18.** No person licensed under this Act shall practise psychology during any period when he or she is not the holder of a licence.

#### Offences and punishment

**19.** Every person who fails to comply with subsection 16(1) or section 17 or 18 is guilty of an offence and liable on summary conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding one year or to both.

## REGULATIONS

### Regulations

**20.** On the recommendation of the Minister, the Commissioner may make regulations carrying into effect the provisions of this Act and, without limiting the generality of this power to make regulations, may make regulations

- (a) prescribing the form and content of licences, certificates of registration and the registers;
- (b) defining "psychology" for the purposes of this Act;
- (c) defining "equal in content" for the purposes of subsection 6(1) of this Act;
- (d) subject to subsection 7(3), defining "practical psychology experience" for the purposes of section 7; and
- (e) prescribing any matter that by this Act may or is to be prescribed.