

PSYCHOLOGISTS — PROFESSIONAL STANDARDS

Statement

HON ALISON XAMON (East Metropolitan) [9.57 pm]: Members will recall that we recently passed the Health Practitioner Regulation National Law (WA) Act, which brought the regulatory framework for 10 types of health practitioners into line. Members may remember that a number of concerns were raised during that debate about the reduction in professional standards in psychology and psychology specialisations. Psychologists and some broader members of the community did not want standards to be reduced to match the rest of the country. They did run and they continue to run a very strong and passionate campaign about the regulation of psychologists and the need to retain the specialist titles for psychologists.

There is widespread recognition of the very important roles that psychologists play. Importantly, I want to talk about the significant risks associated with undertaking psychological work without adequate training. When I am talking about psychologists, I am talking about a bare minimum of six years' training for experienced clinical psychologists. One has to be registered to call oneself a psychologist and that registration is governed by Parliament.

Tonight I want to raise the issue of counsellors and psychotherapists who are not regulated in WA. It is important to remember that we are talking about mental health interventions and it is essential that we get it right. We are talking about very vulnerable people, people who are seeking assistance and people who are at risk. Reports and inquiries undertaken in Victoria, New South Wales and South Australia have recognised the very serious risk of harm to the public that can be posed by unregulated practitioners. New South Wales has already acted to institute some form of regulation. New South Wales has an enforceable code of conduct for unregulated practitioners. They work under a negative licensing scheme. That works to ensure the practitioners who would otherwise have been deregistered if they were in a regulated field are named to the public. We need to raise Western Australia's standards to at least match those states that have recognised the importance of regulating these industries.

The Australian Counselling Association is a voluntary professional association that requires minimum levels of training and supervised practice to join and operates a number of levels of membership, depending on the levels of experience and study. Importantly, people are perfectly free to practise as counsellors without being members of this association and without any training. I want to make it clear that I am certain that the vast majority of counsellors and psychotherapists want to help people and most have sought out some sort of training to assist them in ensuring that they can do the best job they can. I notice that some kind of state regulation of these industries is not going to harm these people. If anything, it will actually raise their standards and their professional standing. It certainly will also make it more difficult for practitioners to harm clients, even if it is accidentally.

There is a great diversity when it comes to counselling providers. I acknowledge that in many ways that can be a really good thing. It is good to have options when it comes to getting help and guidance, so I am not in any way advocating a reduction in the number of the variety of services out there for people who need help. What we do need is a framework around these services in order to ensure that we can best protect the public. We do need clear definitions of the minimum standards required and what is inappropriate. Again, I think there will still be room for different styles and types and approaches to counselling within that space. Regulation will not necessarily stop practitioners whose intention may be to undergo practices that are ultimately harmful, but it will give those who have been harmed at least a clearer path to seek some form of redress and certainly a way to prevent the likelihood of further harm.

If anyone is in any doubt over the potential for harm in this industry, I would strongly suggest that they see the *Four Corners* program *Over the Edge*, which investigated the use of unregulated practitioners and the influence that they can have on vulnerable counselling clients. I note that despite the harm that these practitioners have caused, and even though there has been some level of exposure, they are actually still free to practise now because we have only the most basic framework to cover incidents in this profession. The process to become a practitioner in most professions is fairly rigorous. Generally, before people can practise they need to register. Some of the typical things that they would need to be able to achieve and maintain registration in any given profession would usually include studying of some sort and passing approved courses, practical work under supervision, regular professional development and, hopefully, criminal and police checks. This is all undertaken usually before someone can practise independently. If we like, we can think of them as filters to minimise the risk of harm to clients.

For the unregulated counselling and psychotherapy industry, however, none of these filters are being applied. The pathways that provide consumers with some level of protection and some measure of safety before they walk into a counsellor's office simply are not in place in this industry. The only intersection that exists between

this industry and the sort of regulation that covers other health practitioners is the Office of Health Review, which is soon to be the health and disability services complaints office. I note that the office has powers to deal with health and disability complaints, the majority of which are handled through the conciliation process. This office also has formal powers of investigation, including the power to issue a notice for the production of information and to require the attendance of a person to answer questions under oath or affirmation. The director can also prepare a report for Parliament on any matter arising from a complaint or any of the functions of the director. The director has the power to make recommendations following an investigation. However, there is no power to enforce compliance with these recommendations.

So the Office of Health Review cannot require that unregulated practitioners change their practices or stop practising altogether. Again, I would like to emphasise that most practitioners undoubtedly want to help people, and I acknowledge that they will work with the office to improve their practices. But that is a game of catch-up that should not have to be undertaken. Practitioners in any health area should have a base level of competence before they are let loose on the public.

This all assumes that the counselling or psychotherapy is recognised as a health service. I will note that spiritual services, which often incorporate a high degree of counselling and psychotherapy as we would understand it, are not even covered by the act that governs the OHR.

In New South Wales the Health Care Complaints Commission, which is the equivalent office to the OHR, can enforce a code of practice on practitioners and ensure that information about compliance and the code are displayed where the service takes place. I have asked in this place what the government intends to do about the situation and when action will be undertaken. The time frame I have been given is the next round of Australian health practitioner regulation, which will happen at some undetermined point in the future.

I am calling on the government to act sooner rather than later and to put in place measures, even if they are only temporary measures and even if it something as simple as a negative licensing scheme, because I think it is essential that we move quickly to reduce the risk of harm to consumers of these services, again, most of whom are already mental health consumers who are very vulnerable to the lack of regulation in the counselling and psychotherapy industry.