

Private and Confidential

25 February 2020

By e-mail: bettina@bettinaarndt.com.au

Dear Ms Arndt

Concerns about your activities

We refer to our previous correspondence, including our letter of 26 September 2019 and your reply of 11 October 2019.

As you are aware, the Australian Health Practitioner Regulation Agency (**Ahpra**) is an independent national body whose main aim is to protect the health and safety of the public. We are responsible for ensuring compliance with the Health Practitioner Regulation National Law (the **National Law**), and work in partnership with the Psychology Board of Australia (the **Board**) in this regard.

One particular function of Ahpra is to investigate and, if appropriate, take action in respect of allegations of breaches of the various offence provisions in the National Law. This includes allegations that a person has unlawfully used a protected title, including 'psychologist', or held themselves out as being registered or authorised or qualified to practise as a psychologist when they are not.

Ahpra has recently received multiple complaints which allege breaches by you of certain offence provisions of the National Law. The allegations broadly relate to the following provisions:

- Using the protected title 'psychologist' (s113)
- Claiming to be a registered practitioner or authorised or qualified to practise in a health profession (s116)

The allegations are that:

- you have affirmed or failed to correct representations by third parties in the media that you are a psychologist, clinical psychologist, or doctor; and
- you have published on your website and social media profiles links to media articles and videos in which you are described as a psychologist, clinical psychologist or doctor.

Some of these allegations relate to matters that have arisen since Ahpra closed its file in September 2019 when we last wrote to you.

As you are aware:

- Under section 113(1) of the National Law, you are prohibited from knowingly or recklessly taking or using a protected title, such as 'psychologist' in a way that could be reasonably expected to induce a belief that you are registered under the National Law in the psychology profession when you are not.

Australian Health Practitioner Regulation Agency
National Boards
GPO Box 9958 Melbourne VIC 3001 Ahpra.gov.au 1300 419 495

Ahpra and the National Boards regulate these registered health professions: Aboriginal and Torres Strait Islander health practice, Chinese medicine, chiropractic, dental, medical, medical radiation practice, midwifery, nursing, occupational therapy, optometry, osteopathy, paramedicine, pharmacy, physiotherapy, podiatry and psychology.

- Under section 116(1)(b) of the National Law, you are prohibited from taking or using a title, name, initial, symbol, word or description that, having regard to the circumstances in which you take or use it, indicates or could be reasonably understood to indicate that you are a registered health practitioner or are authorised or qualified to practise in a health profession when you are not.
- Under section 116(1)(c) of the National Law, you are prohibited from claiming to be or holding yourself out as being registered under the National Law when you are not.

A breach of these provisions is an indictable criminal offence that carries a maximum penalty of a fine of \$60,000, three years imprisonment or both. Copies of these provisions are again **enclosed** for your information.

We are concerned that you are repeatedly referred to incorrectly as a psychologist in the media. Ahpra accepts that private individuals may have limited direct control over the way in which a media outlet describes them on any particular occasion. However, where it is clear that many members of the media continue to incorrectly describe you as a psychologist, it is incumbent on you to do more to ensure that media outlets describe you correctly. Your ongoing participation in interviews, knowing how frequently you are described as a psychologist, risks being perceived as you permitting or endorsing the description of you as a psychologist. Ahpra considers you could take reasonable steps to reduce the confusion in the media and any public misperceptions about your professional status under the National Law.

We note that your website now states at the foot of the page that you “trained as a clinical psychologist and worked first as a sex therapist and then a social commentator before becoming a men’s issues activist”, and you provide a link to your CV. By using the words “trained as a clinical psychologist” there is a risk that members of the public might understand you to be indicating that you are authorised or qualified to practise in a health profession. Ahpra considers it would be clearer, and less confusing for members of the public, if you instead referred to your formal academic qualifications.

You have also published on your website and social media pages links to videos and photos of many interviews in which you have been incorrectly described. We are concerned that publishing content from third party websites which inappropriately refers to you as a psychologist might be seen as you personally taking or using a description that could be reasonably understood to indicate you are authorised or qualified to practise in a health profession when you are not. This may also put you at risk of being considered to be using the description of psychologist and in breach of the National Law. Therefore, we believe that there are further steps you could take to ensure the context of your webpages and social media profiles does not otherwise imply you are a registered health practitioner.

With respect to books you have already published, we note that some websites selling these books also erroneously refer to you as a psychologist. For example, at <https://www.amazon.com.au/dp/B003XRDBIK> the “Product Description” states “She draws on her 35 years as a sex therapist and psychologist...” and the “About the Author” section states “Bettina Arndt is a clinical psychologist...” The National Law protects the public by ensuring that only registered health practitioners who are suitably trained and qualified are able to use protected titles. We strongly encourage you to be mindful of these provisions throughout your activities. It is important you take steps to address any misperception or confusion by the public about your qualifications and registration status, and to ensure that you are not seen to be holding yourself out as a registered psychologist or authorised or qualified to practise in a health profession.

In this regard, noting from your email of 11 October 2019 your intent to be vigilant in ensuring you comply with the requirements of the National Law, we strongly suggest that you:

- ensure that material that you publish (including any books or promotional material) does not refer to you as a psychologist;
- take all reasonable steps to ensure that those third parties with whom you deal, including media outlets, and who refer to or introduce you are aware that you are not a registered psychologist;
- take all reasonable steps to correct misdescriptions or misunderstandings, including by advising online book retailers such as Amazon that they should not refer to you as a psychologist
- refrain from posting third party material, such as YouTube links, that incorrectly reference you as a psychologist on your sites. Alternatively, we recommend you edit such material (including any material already on your sites) to clarify that, despite what the journalist or media source has

said, you are not a registered psychologist, or authorised or currently qualified to practise as a psychologist, before posting.

Ahpra does not propose to take any further legal action against you by way of prosecution at this time. We will, however, review the matter in the event further relevant information comes to our attention.

At this time, we consider the public interest will be better served if you take the steps outlined above to reduce the risk that your professional activities in the media, including social media, could be perceived as holding yourself out as authorised or currently qualified to practise as a psychologist when you are not.

If you have any queries, please contact me at Criminal.Offences@ahpra.gov.au quoting the reference number below.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Katherine Mackenzie', with a stylized, cursive script.

Katherine Mackenzie

National Manager, Criminal Offences Unit

Enc.: Sections 113 and 116 of National Law