

Clinical Hypnotherapy in Australia

Celebrating: 20 Years since Deregulation and Legislation Changes

(Updated 2018)

By: Joane Goulding: Director – Goulding Institute

On January 1st 2017 members of the hypnotherapy profession will celebrate the anniversary of the deregulation and legislation changes that occurred in Victoria Australia on the 1st January 1998. 10 years later in 2008 the 10th anniversary of that legislation to deregulate Clinical Hypnotherapy in Victoria was celebrated by many; however few members of the Australian profession were privy to the long legal battle that enabled clinical hypnotherapists to actually practice their skills with immunity from prosecution. Many individuals throughout Australia assisted over the years to change the restrictive legislation in all states other than NSW.

However on 1st January 1998, hundreds of Victorian professional hypnotherapists proudly started to advertise their clinical services to the public as qualified Clinical Hypnotherapists. You may ask the question: “What’s so unusual about that statement?” I will explain my reasons for that question shortly, after explaining some background history.

Legislative Changes: To the 1987 Australian Psychologists Registration Act.

Whilst Joane Goulding was Joint Director of the Australian Academy of Hypnotic Science (AAHS now known as AHS), which commenced training professional hypnotherapists in 1979, she presented a paper in December 1997 discussing the long awaited deregulation of the restrictions on the practising of Clinical Hypnotherapy in Victoria and the subsequent deregulation throughout Australia. The paper discussed in detail, Legislative changes to the 1987 Psychologists Registration Act, which still contained restriction clauses, (subject to the following Minister's statement) preventing Hypnotherapists from practising. The then Victorian Health Minister, Mr. Rob Knowles, indicated that there would be no impediment to the 'Sunset Clauses' removing controls over the practice of Hypnotherapy being effected on December 31st 1997 thus allowing Hypnosis to be practised.

The fight to deregulate the practice of Clinical Hypnotherapy in Victoria started way back in 1974. Joane and her late husband Jim Goulding joined the fight to lift the restrictive Legislation, regarding the practice and teaching of Clinical Hypnotherapy. At that stage only Psychiatrists, Psychologists, Medical Practitioners, Dentists and Ministers of Religion were deemed by Law to be permitted to practice Hypnotherapy in Victoria.

Now I raised the question at the start of this article, because many Hypnotherapists in Victoria and Australia, who have qualified since Jan 1st 1998, may not be aware of the back ground history of how the restrictions on the practice of Hypnotherapy came into Legislation in the then 1967 Psychological Practices Act. The detailed story would be too complex to relate in this article, but can be reviewed in simple terms as follows:

The Government established a Royal Commission.

In 1965, there were only a dozen or so Hypnotherapists practising in Melbourne, at a time when Hypnosis was starting to emerge as an important modality throughout the World. At the same time Scientology was being heavily promoted, with unpopular outcomes and had come under investigation by Victorian Health Authorities. The Government established a Royal Commission and Board of Inquiry and a Judge heard evidence, particularly from

Psychologists and related professions and after six months of sittings, the Inquiry determined that Scientologists should be banned from practising in Victoria.

No evidence of complaints or harmful practice.

Ironically, during the late stages of the hearings, the practice of Hypnotherapy was suddenly raised as a matter of jealous anger by the Scientologists, which surprised the Judiciary because there was no evidence of complaints or harmful practice by Hypnotherapists on record. From that point on, the Psychology and related professions seized the opportunity to produce witnesses and un-proven, un-researched, anecdotal evidence about the “harmful” effects of Hypnosis, unless practised by their professional colleagues. Their presentations panicked the Inquiry Judiciary resulting in recommendations that legislation clauses be included in the new 1967 Psychological Practices Act. The clauses restricted the use of Hypnosis to Psychologists, Psychiatrists, Doctors, Dentists and Ministers of Religion.

No formal training was required and the Inquiry was never informed that these Professionals possibly had no Hypnotherapy training at all. That there were no Universities in Australia with Hypnosis as part of any related Curriculum, and in fact no training existed for them. It is now 2015 and universities are still not offering this professional knowledge as an addition to their Curriculum.

The same restrictive legislation was then introduced progressively in most States of Australia and it seemed there would never be any change. However, the first indicator that the Professions were unhappy about the lack of proven research about Hypnosis occurred in 1982. The Commonwealth funded National Health and Medical Research Council of Australia (NHMRC) adopted a medical panel report that Hypnosis be restricted to medical and psychology professions only. However in 1991, the report was rescinded with no further policy in place.

Social Development Committee of Victoria’s.

In Victoria, our first breakthrough occurred in 1984 when the Social Development Committee of Victoria’s Parliament, gave the elite professions opportunities within the 1984 and 1985 Parliamentary Inquiries into the 1967 Psychological Practices Act, to table any researched scientific papers, to support their stated concern and belief that there were dangers in Hypnosis practice. No such evidence was made available to that Committee, because no such research had been conducted here or anywhere outside Australia. The same Committee recognised that Hypnosis is a component of many Health Practitioners’ treatments and was therefore impossible to restrict its use in related health care.

‘No to Hypno’.

During this time in 1985 the Academy was lobbying all the State and Federal politicians. As a direct consequence during this time of political change and movement, the AAHS was in the forefront of writing articles, meeting politicians, submitting papers and creating awareness of the injustice occurring. But press coverage of a different kind occurred when Jim and Joane Goulding were charged and convicted in the Box Hill Magistrates court for practising hypnotherapy. The charge was: “Practising hypnotherapy without the consent of The Psychological Council...” Jim was given a 2 year good behaviour bond of \$500. The charge was instigated by The Health Commission and was not the result of a complaint. However the Academy continued to teach and to circumvent the continuing restrictive legislation, we hired a bus and travelled over the Victorian boarder to NSW and conducted all the practical application of our science in Albury – NSW (no restrictive legislation) a week later we again hired a bus and returned to Melbourne to continue the theoretical application.

Freedom to practice: 31st December 1997.

As a consequence of the committee recognising that Hypnosis was a component of many Health Practitioners' treatments and therefore impossible to restrict its use in related health care, the Final Report of the Committee recommended ex parte that the restrictions on the practice of Hypnosis be removed from the 1987 Psychologists Registration Act, subject to a two year Grandfather clause, making legal, the freedom of practice two years after proclamation of the Act. That Legislation became an Act in 1987 but the 'chosen few' stalled Proclamation of the Act for eight more years and frustrated any freedom to practice until 31st December 1997. A total of 30 years, monopolising a science while failing to enforce any education requirement, seldom using the modality while charging high fees if they did and collectively failing to give the public the treatment they deserved and badly needed.

Fortunately in 1995, the Commonwealth and State Trade Practice Acts were amended by agreement with the creation of the National Competition Authority. Amongst its powers, the authority can oversee the removal of a monopoly restriction within a Profession's Regulating Act, such as Hypnosis restrictions, when other trained professions can give the public an economic advantage and services of an equivalent standard. There was no such economic and quality of service advantage in Hypnosis monopolies held by the related professions. Consequently, from 1995 onwards, the remaining States with Hypnosis restriction clauses within Psychology Acts had to be reviewed and repealed. Victoria, Tasmania, Queensland and Western Australia have all complied with this agreement. South Australia has conformed and only has to finalise Legislation procedures. NSW, NT and ACT were States never having restrictions. It has taken until 2012 for that Legislation to occur in South Australia.

Registered Training Organisation. (RTO)

In March 1998 the AAHS submitted an application to become a government accredited and Registered Training Organisation (RTO) with a range of qualifications identified in its scope including a 2 year (1477 Hour) Diploma of Health – Clinical Hypnotherapy..

Council of Clinical Hypnotherapy.

So, after all these struggles and frustrations, in 2008 we were delighted to celebrate the 10th year of freedom. 7 years on, the fight continues as we strive to maintain our freedom to practise. We should be prepared to formulate principles for trained and qualified Hypnotherapist to discuss and incorporate into a charter for the self regulation of hypnotherapy practice. To help establish and support the profession, Joane helped to create the Council of Clinical Hypnotherapy (CCH) which became known as the Hypnotherapist Council of Australia (HCA). The important contribution that CCH members offered was the ongoing membership and participation in general meetings, which continues to assist with support for the acceptance and recognition as professional practitioners of Clinical Hypnotherapy. As Clinical Hypnotherapists, now able to practise our profession without fear of prosecution, we must never forget the past restrictions and those who had the courage and foresight to fight, on our joint behalf and to be aware of good practice standards and ongoing education.

During the developing stages of the Council of Clinical Hypnotherapy (CCH) way back in 2004, the CCH recognised all the Australian Professional Hypnotherapy Associations and except for the Australian Hypnotherapy Association (AHA) who declined to join the CCH, all became members of the CCH Peak Body. At the same time, the Australian National Hypnotherapy Register (ANHR) was formed as a completely independent register for Australian professional Clinical Hypnotherapists. Guidelines were developed by the membership at that time, for acceptance onto the register based on ethical standards and

practice, which were necessary pre-requisites for clinical practice. The CCH offered membership to individuals as long as they were a registered member of one of the Associations recognised by the CCH. Joane was asked to be the Chair of the Education and also the Ethics sub-committees and as a result over 2-3 years the Minimum Standards, Ethics and Professional Practice guide lines were established in conjunction with the registered stake holders at the time.

In 2008, an alternative group of professionals representing two Associations: The PCHA and the AHA suggested creating a new group of professional associations and in 2008 the CCH recognised the importance of working towards uniformity of Clinical Hypnotherapy in Australia. At the request of this new group, the CCH withdraw individual membership of the 'Peak Body' and only accepted Associations and Training Bodies as members, and to ensure continuing coherence for the profession the CCH agreed to become a member of that alternative body.

The Hypnotherapy Council of Australia:

In 2010: The CCH withdrew from operating as a Peak Body, and the hypnotherapy profession developed an historic arrangement where all Hypnotherapy Associations in Australia came together under the one 'Peak Body' including most of the Training Colleges and Schools registered in Australia. The newly created Peak Body became the Hypnotherapy Council of Australia (HCA).

In 2018: The HCA still operates the register independently of any organisation and will continue to do so. The HCA has everything in place to represent the Clinical Hypnotherapy profession in Australia.

Many professionals assisted with the ongoing challenge regarding restrictive legislation to the practice of Hypnotherapy, and our thanks go to Don March – based in Victoria for his valuable research and support.

Joane Goulding - Creator & Author: *The Goulding Process - SleepTalk® - A Proven Parents Solution.*

LM: ASCH., CCH., AACHP., MIACT., Hypnotherapist Emeritus – PCHA.

Retired Memberships: HCA., OMAA., CMA., IAN., ATMS., IHF., IMDHA.

Mobile: 61 (0)410 306 486- Skype: joanesleptalk

Hypnotherapy Supervisor: Consultant to: Hypnotherapy Council of Australia (HCA)