

Expert report as to the education, training, experience and areas of expertise of Forensic Psychologists in New South Wales.

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Authors:

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NSW Section, as at November 2024. |

The abridged curriculum vitae of each author is attached to this report as an annexure.
Full copies are available on request.

INTRODUCTION

This report addresses the training, study, experience, and consequent areas of expertise of Forensic Psychologists.

The authors consent to the tender of this document in criminal court proceedings in New South Wales where the issue of Forensic Psychologists' areas of expertise is a relevant issue.

EXPERT WITNESS CODE OF CONDUCT

We acknowledge, for the purpose of Rule 31.23 of the *Uniform Civil Procedure Rules 2005* (NSW), that we, Dr Amanda White, Ms Anita McGregor, and Ms Yiota Zingirlis, have read the Expert Witness Code of Conduct contained in Schedule 7 and agree to be bound by it.

SOURCES OF INFORMATION

- <https://www.ahpra.gov.au/Registration/Registers-of-Practitioners.aspx>
- <https://www.psychologyboard.gov.au/Standards-and-Guidelines/Codes-Guidelines-Policies/Guidelines-area-of-practice-endorsements.aspx>
- <https://www.swinburne.edu.au/course/research/doctor-of-psychology-clinical-and-forensic-psychology/>
- <https://www.unsw.edu.au/study/postgraduate/master-of-psychology-forensic>

EXECUTIVE SUMMARY

What study, training and experience do Forensic Psychologists have?

All psychologists in Australia undertake a three-year undergraduate degree and additional education (honours degree or graduate diploma followed by one to two years of graduate training). Forensic Psychologists then undertake further post-graduate courses of study and training, as well as gaining clinical experience in the area of psychology and the law, as detailed further in paragraphs 3 to 8 below.

What are Forensic Psychologists' areas of expertise?

Forensic Psychologists undertake further study and gain experience in eight competencies that relate to psychology and the law, set out below in paragraph 9.

Can a Forensic Psychologist diagnose a mental health impairment or cognitive impairment (as defined in the Mental Health and Cognitive Impairment Forensic Provisions Act 2020 (NSW))?

Yes, Forensic Psychologists are provided specific training in the diagnosis of mental health impairments (including but not limited to psychotic disorders, mood disorders, anxiety disorders and trauma related disorders) as well as cognitive impairment (including intellectual disability, dementia, autism spectrum disorder and brain injury). This is recognised as one of the eight competencies of a Forensic Psychologist, as set out in paragraph 9 c.

Can a Forensic Psychologist provide a treatment plan for a person with a mental illness or disorder?

Yes, see paragraph 9 d, below.

Can a Forensic Psychologist provide a risk assessment report for a criminal offender?

Yes, as to which see from paragraph 9 c and 10 a, below.

Can a Forensic Psychologist provide an opinion as to a person's fitness to stand trial pursuant to the Mental Health and Cognitive Impairment Forensic Provisions Act 2020 (NSW)?

Yes, see paragraph 10 d, below.

OPINION

What is a Forensic Psychologist?

1. Forensic Psychologists are psychologists registered with the Australian Health Practitioners Regulatory Agency (Ahpra). They are trained in areas of understanding complex behaviour and the interplay between psychology and the law, understanding legal and justice issues as well as generating legally relevant and useful psychological findings and recommendations that enable them to provide services to those who:
 - a. administer law and justice;
 - b. make legally relevant decisions about people in other contexts, such as tribunals; or
 - c. are involved in situations that have legal and justice implications.
2. Forensic Psychologists' clients are persons and organisations such as those:
 - a. that adjudicate legal and quasi-legal disputes;
 - b. that provide child protection, compensation, corrective, guardianship, legal or police services; and/or
 - c. who are engaged in, or vulnerable to be engaged in, the legal and justice system.¹

What are the training and study requirements to become a Forensic Psychologist?

3. In Australia, Forensic Psychologists must initially complete a three-year undergraduate psychology degree, and a one-year honours degree, then postgraduate education through one of the following potential educational paths:
 - a. four-year Doctor of Psychology degree; or
 - b. two-year Master in Psychology (Forensic); or
 - c. four-year combined Masters/PhD (Forensic) degree;
 - d. Forensic Psychologists who have been trained overseas must have their educational and work experience reviewed by the Australian Health Practitioners Regulatory Agency (Ahpra) to gain registration and endorsement.
4. Graduates of these pathways receive their registration as a general psychologist through Ahpra, which is regulated by the *Health Practitioner Regulation National Law Act* ('the National Law') as enacted in each Australian State and Territory.
5. The Psychology Board of Australia (the Board) is the National Board for the psychology profession, established under the National Law, and is responsible for registering psychologists. Psychologists who have been trained in a forensic pathway then need to complete additional years of training and work (up to two

¹ <https://www.psychologyboard.gov.au/Standards-and-Guidelines/Codes-Guidelines-Policies/Guidelines-area-of-practice-endorsements.aspx>

years) under the supervision of a Forensic Psychologist (who is an Ahpra board-approved supervisor) to be eligible for the title of *Endorsed Forensic Psychologist*.

6. Once endorsement is obtained, a Forensic Psychologist is required to maintain their registration through continuing professional development training and supervision on a yearly basis.
7. The title of Forensic Psychologist is a protected title, recognised as one of the current nine areas of practice endorsement for psychology under the National Health Law.

What are the practical experience requirements for a Forensic Psychologist?

8. Students in a Forensic Psychology program must complete between 1000 and 1500 hours of supervised practice, in organisations where students can gain the requisite forensic competencies. Within NSW, this can include organisations such as the Department of Community and Justice, Justice Health and the Forensic Mental Health Network, Youth Justice, and Child Welfare agencies. A significant portion of supervised practice must be gained through direct client contact. Through these placements, students must attain specific forensic competencies (described below) and then consolidate those competencies through additional work experience (referred to as the Registrar Program) and supervision over a period of up to two years post-graduation.

What are the competencies required to become a Forensic Psychologist?

9. All Forensic Psychologists meet the training requirements and competencies of both a general psychologist and that of area of endorsement in Forensic Psychology. They are required to complete advanced training in eight core areas as defined by Ahpra and the Australian Psychology Accreditation Council (APAC).² Briefly, these include the following:
 - a. **Knowledge of the discipline** including a broad understanding of the legal and judicial system and the roles of psychologists within legal processes, tribunals (including courts), and other forensic contexts (family law and child protection, criminal law, civil and administrative law, and legal processes and procedures). This includes understanding of relevant legislation about the law of procedure and evidence, specifically exclusionary rules and case law regarding the admissibility of evidence. Additionally, Forensic Psychologists will gain knowledge of psychological theory and research relevant to evidence-based interventions with populations including but not limited to offenders, people whose competency to make legally relevant decisions may be compromised

² <https://www.psychologyboard.gov.au/Standards-and-Guidelines/Codes-Guidelines-Policies/Guidelines-area-of-practice-endorsements.aspx>

and other vulnerable populations to prevent, or address, criminal and other antisocial behaviour.

- b. **Ethical, legal and professional matters.** This competency includes an understanding of ethical issues in various forensic settings and how to appropriately manage them, as well as competence in communicating Forensic Psychologists' ethical obligations to others.
- c. **Psychological assessment and measurement.** All psychologists are trained in the diagnosis of mental health conditions, including those defined as a "mental health impairment" and a "cognitive impairment" in the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020 (NSW)*. For Forensic Psychologists, this competency pertains to knowledge of psychological theory and research relevant to risk assessment in forensic practice as well as the diagnoses of mental illness and disorders where there can be a nexus with offending behaviour. Risk assessment includes the use of actuarial and structured-professional-judgement methods for offenders. This can include but is not limited to, sexual and violent offenders (including child maltreatment, intimate partner violence, and other forms of family violence) as well as risk of suicide and other self-harm in prisons, institutions, and community settings. Case conceptualisation is a synthesis of the testing, review of file information, interviews, and evaluation of malingering, dissimulation, and impression-management strategies within forensic contexts. This also includes a broad understanding of investigative interviewing techniques for adults, children and vulnerable populations, as well as a forensic approach to interviews/assessments incorporating mental status examination and diagnosis to produce probative rather than prejudicial evidence. The ability to distinguish these from clinical interviewing methods and the ability to articulate how clinical methods may lead to prejudicial evidence is required, and competence in a variety of forensic assessment methods of mental illness, impairment and psychological functioning in a variety of forensic environments.
- d. **Intervention strategies** Forensic psychological assessments provided to the court include recommendations around intervention strategies for addressing criminogenic needs for reducing the risk of recidivism. This could include recommendations around the treatment of mental illness, mental disorders, supervision, and further assessment requirements. Additionally, this competence includes developing, implementing, and evaluating psychological interventions with populations involved in legal proceedings (from crime prevention strategies targeting at-risk youth, to public education programs on family and domestic violence, to harm-minimisation programs for substance users and court-diversion programs).
- e. **Research and evaluation** that arises from legislation, legal theory, public policy or forensic psychological practice and the design of appropriate research strategies with the commensurate ability to communicate research methods

and findings to non-psychologists in forensic settings, as well as to transform research and evaluation findings into policy.

- f. **Communication and interpersonal relationships.** This competency involves the ability to provide expert evidence both orally (testimony) and in writing (for example, court reports) to meet the needs of a tribunal or court, and to provide consultancy advice about psychological matters relevant to the administration of law and justice. This competency also involves the ability to distinguish between the sceptical and investigative mindset required when undertaking forensic evaluations, the therapeutic mindset which is more suited to forensic interventions, and the ability to determine which approach to adopt to develop appropriate relationships with the persons to whom the psychological services are being provided.
- g. **Working with people from diverse groups** includes the ability to apply knowledge and understanding of how the practice of forensic psychology is influenced by social, historical, professional, and cultural contexts.
- h. **Practice across the lifespan** involves training to work with clients in childhood, adolescence, adulthood, and late adulthood, as relevant to the work of a Forensic Psychologist in the context in which the psychologist is employed.³

How can a Forensic Psychologist contribute within the court process?

10. Based on the training, study, experience, and consequent areas of expertise of Forensic Psychologists, we are of the opinion that Forensic Psychologists are suitably qualified to provide the following services in the Court system:
 - a. **Risk assessment:** Forensic Psychologists are specifically trained in the use of both actuarial and structured professional judgement tools that aid the understanding of risk as well as targeting treatment intensity and dosage based on risk and other factors.
 - b. **Diagnosis of mental health illness and disorders:** Forensic Psychologists have training and experience in the diagnosis and treatment of mental illness and disorders, including those defined as a “mental health impairment” and a “cognitive impairment” in the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020 (NSW)*. Their forensic training includes expertise in understanding the nexus between mental health conditions and offending as well as future risk of offending behaviours.

³ For a comprehensive list of the competencies of Forensic psychologists including within civil, family law and tribunal settings please refer to the Ahpra website. <https://www.psychologyboard.gov.au/Standards-and-Guidelines/Codes-Guidelines-Policies/Guidelines-area-of-practice-endorsements.aspx>

Through their training, Forensic Psychologists are taught to identify if a client assessed meets the criteria for a particular mental health diagnosis. If there is conflicting evidence or limited information available beyond the interview, it is best practice to state that clients “have symptoms consistent with a diagnosis of x” as opposed to specifically stating that the client presents with the disorder.

- c. **Cognitive ability and impairment:** Forensic Psychologists are trained to administer an array of standardised psychological tests including measures of intellectual and adaptive functioning. In preparation for an assessment, Forensic Psychologists will review the referral question and relevant file information to prepare a ‘test battery’ that will aid in answering the referral question. A Forensic Psychologist will collaborate with other areas of specialty, for example with clinical neuropsychologists in matters where more specialised cognitive evaluation may be required. An example would include an older inmate where a neurodegenerative process is considered or when a traumatic brain injury is evident.
- d. **Defences:** Assessing the availability of defences based on a mental health impairment or cognitive impairment, pursuant to Part 3 of the *Mental Health and Cognitive Impairment Forensic Provisions Act (2020) NSW*.
- e. **Fitness for trial assessments:** Forensic Psychologists have the requisite legal understanding and relevant training to evaluate fitness for trial, including applying the statutory test contained in Part 4 of the *Mental Health and Cognitive Impairment Forensic Provisions Act (2020) NSW*. If a client’s condition requires evaluation of specific skills that may be relevant to fitness, they are well positioned to identify these and recommend involvement of other specialties as relevant (e.g., psychiatry, clinical neuropsychology, neurology, geriatrician).

What are the differences between Forensic Psychologists and other Psychologists?

11. All registered psychologists have ‘general’ registration and hence are considered to have the same fundamental skills inherent to all registered psychologists. The eight basic competencies include:
 - a knowledge of the discipline of psychology,
 - an understanding of relevant ethical, legal, and professional matters as they relate to the discipline of psychology,
 - general psychological assessment and measurement skills,
 - intervention strategies (i.e., the ability to conduct therapy),
 - the ability to conduct psychological research and evaluation,

- skill in oral and written communication and the ability to develop and maintain interpersonal relationships,
- working with people from diverse groups, and
- experience in practice across the lifespan.

In December of 2025, these general competencies will be amended to include reflective practice and self-care strategies, and the ability to work within a framework of health equity and human rights approach when working with Aboriginal and Torres Strait Islander Peoples, families and communities, and other cultural backgrounds. All registered psychologists will continue to be required to ensure they meet current competencies through supervision and ongoing professional practice.

12. Over and above this, all areas of endorsement in Australia, as recognised by Ahpra, are considered to require additional training with unique skills amenable to working in specific areas or environments. The following highlights some key distinctions between these areas. It is noted that psychologists may have more than one area of endorsement (a psychologist may be endorsed in both Forensic and Clinical Psychology, meaning they are recognised to have undertaken additional training and/or experience in both endorsed areas).

13. Below is a list of the recognised areas of endorsement in Australia and how each profession may assist the Court in expert testimony:

a. Clinical Neuropsychology:

- Clinical neuropsychologists assess and treat individuals with **neurological conditions** (such as dementia), focusing on cognitive and behavioural aspects. They have advanced training in neuroanatomy and disorders that impact the nervous system.
- Clinical neuropsychologists undergo training in understanding the relationship between brain function and behaviour and often work in medical settings (e.g., hospitals, rehabilitation centres) and collaborate with neurologists and other healthcare professionals.
- They have extensive training in understanding the relationship between cognition, behaviour and psychological functioning and cognitive rehabilitation.
- Clinical neuropsychologists can serve as experts to inform the Courts as to an individual's cognition and its relationship to behaviour. For example, they can provide insights as to whether any underlying neurological conditions may explain an individual's clinical presentation.

b. Clinical Psychology:

- Clinical psychologists assess, diagnose, and treat **mental illness and disorders**, and provide treatment for mental health conditions. They work in various settings, including private practice, hospitals, and community mental health centres.

- Their work with the courts often involves reporting on mental health treatment they have provided to a client in the community.

c. Community Psychology:

- Community psychologists emphasise **community-level interventions** and social change. Their focus is on advocacy in addressing **social issues**, promoting community well-being, and working with diverse populations. They collaborate with community organisations, policymakers, and advocacy groups.
- Community psychologist can offer valuable insights and expertise on the social and psychological factors that influence individual behaviour and community dynamics

d. Counselling Psychology:

- Counselling psychologists focus on **individual and group counselling** with clients facing **life transitions**, relationship issues, and personal growth. They often practice in educational institutions, private practice, or counselling centres.

e. Educational and Developmental Psychology:

- Psychologists with this endorsement work in **education and child development** working with children, adolescents, and families to address **learning difficulties**, behaviour management, and developmental milestones.

f. Health Psychology:

- Health psychologists are trained in treating in **health-related behaviour**, including health promotion, coping with illness, and adherence to medical recommendations. They work in healthcare settings, research, and public health programs.

g. Organisational Psychology:

- Organisational psychologists apply psychology to **workplace dynamics**. They address employee well-being, leadership, team dynamics, and organisational change and work in corporate, government, or consulting roles.

h. Sport and Exercise Psychology:

- Sport and exercise psychologists enhance **performance, motivation, and mental skills** in athletes and exercisers. They work with sports teams, fitness centres, and individual athletes.

14. To obtain endorsement in one of the nine areas identified, there is a minimum standard of education and training. It should also be noted that above and beyond this, each psychologist will have additional work experience, professional

development training and potential research that may increase their skill base and ability to provide expertise to the Court.

Where do I find a forensic psychologist?

15. A practitioner's registration as a psychologist and areas of endorsement can be checked on the Ahpra [Register of practitioners](https://www.ahpra.gov.au/Registration/Registers-of-Practitioners.aspx) page.⁴

16. Further, there are relevant professional groups that can assist such as the Australian Psychological Society, College of Forensic Psychologists.⁵



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Program Director, M(Psychol) Forensic Program, University of New South Wales



Yiota Zingirlis, Forensic Psychologist
Chair, College of Forensic Psychologists - NSW Section

⁴ <https://www.ahpra.gov.au/Registration/Registers-of-Practitioners.aspx>

⁵ <https://groups.psychology.org.au/cfp/>

Brief Curriculum Vitae

Dr Amanda Jane White

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Website: www.nafservices.com.au

Summary of Expertise and Skills

I am an endorsed Forensic Psychologist and Clinical Neuropsychologist with extensive training and experience in the preparation of forensic psychological and neuropsychological expert reports. I am skilled in the comprehensive assessment of cognitive, behavioural and psychological impairments associated with complex histories, multiple comorbidities and a range of conditions, including acquired brain injury, neurodegenerative disorders, psychological and psychiatric illness, developmental disorders, neurological conditions, intellectual disability, drug and alcohol issues and forensic matters including risk assessment. I have extensive experience conducting inpatient and outpatient clinical neuropsychological assessments in NSW hospitals. My PhD research allowed me to develop expertise and knowledge regarding capacity assessments and in particular, fitness to stand trial assessments. As a part of my research, I consulted with international experts, lawyers and policy makers. I have published papers in international journals and have worked as a peer reviewer for an international journal. I have appeared as an expert witness in the NSW courts and various tribunals. I am an MAA approved assessor for the evaluation of whole person impairment.

Academic Qualifications

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| 2001-2006 | Bachelor of Psychology (Honours First Class)
Sydney University |
| 2007-2008 | Masters of Forensic Psychology (Honours Class 2 Division 1)
University of New South Wales |
| 2009-2015 | Doctor of Philosophy with a Masters of Clinical Neuropsychology
Macquarie University |

Professional Memberships/Appointments

- Registered with the Psychology Board of Australia: PSY0001060973
 - Endorsements in Clinical Neuropsychology and Forensic Psychology
 - PBA approved supervisor (Forensic Psychology & Clinical Neuropsychology)
- Member of the Australian Psychological Society (APS)
- Fellow of the College of Forensic Psychologists (APS)
- Fellow of the College of Clinical Neuropsychologists (APS)
- Committee Member of the National College of Forensic Psychologists (APS) (2018-present) & Treasurer (2019 - present)
- Member of the Australian and New Zealand Association of Psychiatry, Psychology and Law (ANZAPPL) and President of NSW branch (2014-present)
- Professional Member, Psychology Council of NSW
- Council Directed Health Assessors List appointed, Health Professional Councils Authority
- Casual Lecturer & Supervisor, Masters of Forensic Psychology Program, UNSW
- Health Practitioner Authorised to give evidence (HPA), SIRA
- Expert Reviewer, Health Care Complaints Commission (HCCC)

Brief Curriculum Vitae Anita M^cGregor

Registered Psychologist, Endorsement in Forensic Psychology

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EXECUTIVE SUMMARY OF SKILLS/EXPERTISE

I am an endorsed forensic psychologist with over 30 years of experience in assessment and treatment of forensic clients. I have been involved in both the development and teaching of courses for graduate and post graduate forensic psychologists in not only assessment and treatment, but as well in risk assessment, ethics, supervision and cultural competency. I have appeared as an expert witness in tribunals and courts in NSW and in Canada.

WORK EXPERIENCE

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| August 2006 -
Present | UNIVERSITY OF NEW SOUTH WALES
<i>Senior Lecturer (Education Focused), Program Director, Master/Combined Program in Forensic Psychology</i>
I have held several positions within the program; Lecturer, Placement Coordinator, Supervisor, Clinic Director and Program Director. Over the years, my efforts were seminal in developing the UNSW Forensic Psychology Clinic, a training site where students gain foundational skills working with a variety of forensic clientele providing assessment and treatment interventions. Additionally, I developed a curriculum for courses that include ethics, applied psychological assessment, risk assessment, and clinical forensic intervention skills. Key additional responsibilities include overview of accreditation and other internal and external compliance and program review. Since 2013 I developed and provided training and consultation to supervisors and supervision of students (Ahpra accredited trainer for two day training, evaluation component and master classes). Development of working relationships with national and international government departments. |
| 1991-2006 | Prior to moving to Australia from Canada in 2006, I worked primarily for Correctional Services Canada, developing and running the psychology department for the Southern Alberta region. Duties included assessment and treatment of offenders on conditional release, development of programs, contracting of allied mental health professionals. I also taught at universities and community colleges, and ran a private practice. |

EDUCATION

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| 2024 | PhD commencement, project on use of simulated learning in responding to HALO (High Acuity, Low Occurrence) situations in psychology training and beyond, Deakin University |
| 1993 | M.Ed. Psychology (Clinical) (University of Alberta, Canada) |
| 1985 | B.A. Special (Criminology) with distinction (University of Alberta, Canada) |

PROFESSIONAL AFFILIATIONS

- Psychologists Board of Australia, Registration PSY0001173107 (since 2006), Accredited Supervisor, Accredited Ahpra supervisor trainer (2013-present)
- APS (2006 to 2024)

Brief Curriculum Vitae Yiota Zingirlis

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Summary of skills/expertise

Ms Zingirlis is a Forensic Psychologist, Director of Zingirlis Psychology as well as being employed part-time by Justice Health & the Forensic Mental Health Network in the Community Forensic Mental Health Service. Ms Zingirlis has over 18 years' experience providing a range of assessments, treatment and therapy in a diverse array of settings. These have included employment with the St George Mental Health service in acute and community settings, the St George Pain Clinic, the Magistrates Early Referral into Treatment Program, the Justice Health & Forensic Mental Health Network Forensic Hospital, NSW Community Forensic Mental Health Service and Research Unit as well as private practice settings. She was the co-founder of a company that provided allied health services to individuals with intellectual disabilities, acquired brain injuries and mental health issues. In 2018 she established her own company that provides specialised psychology services to assist individuals seeking treatment, solicitors seeking assessments and professionals pursuing training and support.

She has provided presentations and education for psychology undergraduate programs at the University of New South Wales and the University of Technology Sydney, the Forensic Master's program at the University of Central Lancashire, delivers training to health staff through the NSW Health Education and Institute Training and supervision to psychologists nationwide in government and non-government settings. She has also co-authored research in the areas of custodial and forensic mental health settings as well as presented at national and international conferences. She has formal training in risk assessment tools, assessments of neurocognitive functioning, personality and psychopathy as well as clinical and forensic treatment interventions. She has been trained in validated treatment programs aimed at reducing the risk of violence for individuals with antisocial/ violent histories and has developed drug and alcohol, violence reduction and psychoeducation programs for forensic populations. She is an accredited trainer for assessments of violence (HCR 20 version 3, Violence Risk Scale, version 2 and the Structured Assessment of Protective Factors) and delivers training to NSW Local Health districts on clinical risk assessment and management.

EDUCATION/QUALIFICATIONS

2020 – ongoing	PhD candidate - Swinburne University
2020 – 2022	Certificate in Research and Innovation Management Swinburne University
2004 – 2006	Masters in Psychology (Forensic) University of New South Wales
2000 – 2003	Bachelor of Science with Honours in Psychology and Criminology, Lancaster University (UK)

Professional Affiliations/Appointments

Ms Zingirlis has full registration with the Australian Health Practitioner Regulation Agency (Ahpra), and endorsement in Forensic Psychology (PSY0001324132). She holds Ahpra supervisor level for the Registrar Program Forensic Psychology, Higher Degree Program. She holds the position of Chair for the NSW College of Forensic Psychologists, Committee Member of the National College of Forensic Psychologists, is a full Member of the Australian Psychological Society and holds membership with the Australia and New Zealand Association of Psychiatry, Psychology and Law (ANZAPPL). She has also previously held positions as Chair of the St George Hospital & Community Health Service Psychology Peer Consultation Group and Chair of the Justice Health & Forensic Mental Health Psychology Forum.