

Queensland



*Occupational Therapists Act 1979*

# **OCCUPATIONAL THERAPISTS BY-LAW 1995**

**Reprinted as in force on 7 December 2001  
(includes amendments up to SL No. 230 of 2001)**

**Reprint No. 2F**

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the Office of the Queensland Parliamentary Counsel  
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# Information about this reprint

This by-law is reprinted as at 7 December 2001. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Queensland



# OCCUPATIONAL THERAPISTS BY-LAW 1995

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# OCCUPATIONAL THERAPISTS BY-LAW 1995

[as amended by all amendments that commenced on or before 7 December 2001]

## PART 1—PRELIMINARY

### 1 Short title

This by-law may be cited as the *Occupational Therapists By-law 1995*.

### 2 Definitions

In this by-law—

“**additional qualifications**” means a qualification other than a required qualification.

“**required qualifications**” means the qualifications mentioned in section 18(1)(a), (b) or (c)<sup>1</sup> of the Act.

## PART 2—BOARD MEETINGS

### *Division 1—Ordinary meetings*

### 3 Notice of meetings

(1) The registrar must give each member written notice of the time, date and place of an ordinary board meeting at least 7 clear days before the meeting.

(2) The notice must state the business to be considered at the meeting.

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<sup>1</sup> Section 18 (Qualification for registration) of the Act

#### **4 Order of business at ordinary meeting**

Unless the board decides otherwise, the order of business at an ordinary meeting of the board is as follows—

- (a) reading the minutes of the board's last meeting and any unconfirmed minutes of a special meeting;
- (b) confirming the minutes;
- (c) business arising out of the minutes;
- (d) considering correspondence received, or prepared, by the board;
- (e) financial matters;
- (f) considering applications for—
  - (i) restoration of a person's name to the register; or
  - (ii) registration as an occupational therapist; or
  - (iii) registration of additional qualifications;
- (g) motions of which notice has been given;
- (h) general business;
- (i) deciding the date of the next ordinary meeting.

#### *Division 2—Special meetings*

#### **5 When a special meeting is to be held**

(1) The registrar must call a special meeting of the board—

- (a) at the chairperson's request; or
- (b) on the written request of 3 members of the board.

(2) The request must state the business to be considered at the meeting.

#### **6 Notice of special meeting**

(1) The registrar must give each member written notice of the time, date and place of a special meeting at least 3 clear days before the meeting.

(2) The notice must state the business to be considered at the meeting.

## **7 Business that may be considered at special meeting**

The board may conduct business at a special meeting only if the business was specified in the notice of the meeting.

### *Division 3—General*

## **8 Adjournment of meeting**

(1) The members present at a meeting of the board may adjourn the meeting at any time.

(2) If a quorum is not present within 30 minutes after a meeting is due to start, the registrar may adjourn the meeting for not more than 14 days.

(3) The registrar must give each member of the board written notice of the time, date and place of the adjourned meeting.

## **PART 3—ADMINISTRATION**

## **9 Board's funds**

(1) An amount payable to the board must be given to the registrar.

(2) The registrar must deposit the amount in an account kept by the board with a financial institution.

(3) A payment may be made from the board's account only if the payment is made—

- (a) by a cheque signed by the registrar and a board member authorised by the board to sign cheques; or
- (b) in another way decided by the board.

## **10 Board's common seal**

(1) The registrar must have custody of the board's common seal.

(2) The common seal may be used only as authorised by the board.

## **PART 4—REGISTRATION**

### **11 Application for registration**

(1) An application for registration as an occupational therapist must be accompanied by—

- (a) 2 passport photographs of the applicant—
  - (i) taken not more than 6 months before the date of the application; and
  - (ii) certified by the applicant to be a photograph of the applicant and witnessed by a justice of the peace or commissioner of declarations; and
- (b) a copy of the required qualification certified, by a justice of the peace or a commissioner of declarations, to be a copy of the required qualification held by the applicant; and
- (c) 2 certificates, in a form approved by the board, about the applicant's character; and
- (d) a summary of the applicant's practice of occupational therapy; and
- (e) a statement whether the applicant is a resident of the State and the period of the applicant's residency.

(2) The board may, by written notice, ask the applicant to give further documents or information relevant to the application.

### **12 Additional qualifications**

(1) An occupational therapist may apply to the board to have an additional qualification registered.

(2) An application must be—

- (a) in the form approved by the board; and
- (b) accompanied by a copy of the qualification certified, by a justice of the peace or commissioner of declarations, to be a copy of the qualification held by the therapist; and
- (c) accompanied by the fee stated in the schedule.

(3) The board may register the qualification if satisfied it is beneficial to the therapist's practice of occupational therapy.

### **13 Register to be kept**

The following particulars must be recorded in the register for each occupational therapist—

- (a) full name;
- (b) postal address;
- (c) registration number;
- (d) date of registration;
- (e) type of registration;
- (f) required qualifications;
- (g) any additional qualifications registered under section 12.

### **14 Additional records**

(1) This section applies if the name of an occupational therapist is removed from the register.

(2) The registrar must keep a record of—

- (a) the particulars for the therapist recorded in the register before the removal; and
- (b) the reason for the removal.

## **PART 5—PRACTICE**

### **15 Practice names**

(1) An occupational therapist must not practise under a name other than—

- (a) the therapist's name; or

- (b) if the therapist practises as a member of a partnership and the name of the partnership consists only of the name of its members or former members—the name of the partnership; or
- (c) a name approved by the board.

Maximum penalty—8 penalty units.

(2) The board may approve a name for a practice only if it is satisfied the name—

- (a) does not bring the profession of occupational therapy into disrepute; and
- (b) is not misleading as to the persons working in the practice or the nature of the practice; and
- (c) does not imply superiority for the practice over other practices.

## **16 Canvassing or soliciting**

An occupational therapist must not—

- (a) canvass or solicit business as an occupational therapist by offering an inducement; or
- (b) allow a person to canvass or solicit business on behalf of the occupational therapist by offering an inducement.

Maximum penalty—8 penalty units.

## **PART 6—MISCELLANEOUS**

### **17 Fees**

The fees payable under the Act are in the schedule.

### **18 Annual licence fee**

(1) A person who is already registered as an occupational therapist at the beginning of a year must pay the annual licence fee for the year on or before 31 January in the year.

(2) The annual licence fee is waived for the year in which a person is first registered as an occupational therapist.

(3) If a person is first registered as an occupational therapist in December of a year, the annual licence fee for the following year is also waived.

## **19 Expiry**

This by-law expires on 1 July 2002.

**SCHEDULE****FEES**

section 17

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1. Inspection of register . . . . .	5.00
2. Registration . . . . .	138.00
3. Registration of an additional qualification . . . . .	5.00
4. Duplicate or certified copy of certificate of registration . . . . .	5.00
5. Annual licence fee . . . . .	181.00
6. Restoration of name to the register . . . . .	25.00
7. Examination fee . . . . .	110.50

## ENDNOTES

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 7 December 2001. Future amendments of the Occupational Therapists By-law 1995 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	prev	= previous
amd	= amended	(prev)	= previously
amdt	= amendment	proc	= proclamation
ch	= chapter	prov	= provision
def	= definition	pt	= part
div	= division	pubd	= published
exp	= expires/expired	R[X]	= Reprint No.[X]
gaz	= gazette	RA	= Reprints Act 1992
hdg	= heading	reloc	= relocated
ins	= inserted	renum	= renumbered
lap	= lapsed	rep	= repealed
notfd	= notified	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 1992
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered

## 4 Table of earlier reprints

### TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	none	10 November 1995
1A	to SL No. 372 of 1995	10 October 1996
1B	to SL No. 408 of 1996	4 March 1997
2	to SL No. 146 of 1998	14 July 1998
2A	to SL No. 36 of 1999	12 April 1999
2B	to SL No. 262 of 1999	15 November 1999
2C	to SL No. 106 of 2000	23 June 2000
2D	to SL No. 304 of 2000	15 December 2000
2E	to SL No. 70 of 2001	29 June 2001

## 5 List of legislation

### **Occupational Therapists By-law 1995 SL No. 286**

made by the Occupational Therapists Board on 14 September 1995  
notfd gaz 20 October 1995 pp 753–4  
commenced on date of notification  
exp 1 July 2002 (see s 19)

as amended by—

### **Occupational Therapists Amendment By-law (No. 1) 1995 SL No. 372**

notfd gaz 15 December 1995 pp 1560–5  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 January 1996 (see s 2)

### **Occupational Therapists Amendment By-law (No. 1) 1996 SL No. 408**

notfd gaz 20 December 1996 pp 1588–98  
commenced on date of notification

### **Occupational Therapists Amendment By-law (No. 1) 1997 SL No. 335**

notfd gaz 10 October 1997 pp 586–7  
commenced on date of notification

### **Occupational Therapists Amendment By-law (No. 1) 1998 SL No. 146**

notfd gaz 22 May 1998 pp 509–14  
commenced on date of notification

### **Occupational Therapists Amendment By-law (No. 1) 1999 SL No. 36**

notfd gaz 26 March 1999 pp 1450–3  
commenced on date of notification

**Occupational Therapists Amendment By-law (No. 2) 1999 SL No. 262**

notfd gaz 5 November 1999 pp 918–21  
commenced on date of notification

**Occupational Therapists Amendment By-law (No. 1) 2000 SL No. 106**

notfd gaz 9 June 2000 pp 456–9  
commenced on date of notification

**Occupational Therapists Amendment By-law (No. 2) 2000 SL No. 304**

notfd gaz 1 December 2000 pp 1289–90  
commenced on date of notification

**Occupational Therapists Amendment By-law (No. 1) 2001 SL No. 70**

notfd gaz 15 June 2001 pp 633–4  
commenced on date of notification

**Occupational Therapists Amendment By-law (No. 2) 2001 SL No. 230**

notfd gaz 30 November 2001 pp 1179–82  
commenced on date of notification

## **6 List of annotations**

**Order of business at ordinary meeting**

**s 4** amd 1997 SL No. 335 s 3

**Annual licence fee**

**s 18** amd 1996 SL No. 408 s 3

**Expiry**

**s 19** prev s 19 om 1995 SL No. 372 s 4  
pres s 19 ins 1996 SL No. 408 s 4  
sub 1998 SL No. 146 s 3  
amd 1999 SL No. 36 s 3; 2000 SL No. 106 s 3; 2001 SL No. 70 s 3

**Repeal**

**s 20** om R1 (see RA s 40)

**SCHEDULE—FEES**

amd 1995 SL No. 372 s 5; 1996 SL No. 408 s 5; 1997 SL No. 335 s 4; 1999  
SL No. 262 s 3; 2000 SL No. 304 s 3; 2001 SL No. 230 s 3