

Queensland



# OPTOMETRISTS ACT 1974

**Reprinted as in force on 1 February 2002  
(includes amendments up to Act No. 10 of 2001)**

**This is the reprint current on the repeal date**

**Reprint No. 1D**

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# Information about this reprint

This Act is reprinted as at 1 February 2002. 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.**

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**OPTOMETRISTS ACT 1974**

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# OPTOMETRISTS ACT 1974

[as amended by all amendments that commenced on or before 1 February 2002]

**An Act relating to the qualifications and registration of optometrists and the regulation of the practice of optometry, and for purposes connected therewith**

## PART 1—PRELIMINARY

### Short title

1. This Act may be cited as the *Optometrists Act 1974*.

## PART 2—ADMINISTRATION

### Administration of Act

6. This Act shall be administered by the Minister and, subject to the Minister, by the board.

### Constitution of board

7.(1) The Board of Optometrical Registration constituted under the *Optometrists Act 1917* and continued as a body corporate under the *Medical Act and Other Acts (Administration) Act 1966* is preserved, continued in existence and constituted under this Act under the name the Optometrists Board of Queensland.

(2) The board shall have and may exercise and discharge the powers, authorities, duties and functions conferred and imposed upon it by or under

this Act.

(3) The board shall continue to be a body corporate with perpetual succession and a common seal and, subject to this Act, shall be capable in law of suing and being sued, of compounding or proving in any court of competent jurisdiction all debts or sums of money due to it, and of acquiring, holding, alienating and otherwise dealing with property and of doing and suffering all such acts and things as bodies corporate may in law do and suffer.

(4) All courts and persons acting judicially shall take judicial notice of the common seal of the board and, until the contrary is proved, shall presume that it was duly affixed to any document on which it appears.

### **Members of board**

**8.(1)** The board shall consist of 9 members appointed by the Governor in Council, namely—

- (a) 4 persons nominated by the Minister of whom at least 2 are to be optometrists; and
- (b) 3 optometrists or other persons nominated by an association or associations accepted by the Minister as representative of optometrists; and
- (c) 1 person representing users of the services of optometrists; and
- (d) a barrister or solicitor of the Supreme Court.

(2) Nomination pursuant to subsection (1)(b) shall be made within the time and in the manner prescribed or, where not prescribed, as determined by the Minister, and in default of the association or associations entitled to make such nomination doing so as prescribed or as determined by the Minister, as the case may be, the Governor in Council may appoint any optometrist or other person to the board as if the Governor in Council had been duly nominated by the association or associations entitled to make the nomination.

(3) A person may hold office as a member of the board in addition to any position the person holds in the public service.

**Chairperson and deputy chairperson of board**

**9.(1)** In every appointment of the whole number of members of the board the Governor in Council shall appoint members to be respectively the chairperson and deputy chairperson of the board.

**(2)** When a vacancy occurs in the office of chairperson or deputy chairperson of the board, the Governor in Council may appoint another member of the board to the vacant office.

**(3)** The chairperson shall preside at every meeting of the board at which the chairperson attends and in the chairperson's absence the deputy chairperson shall so preside.

**(4)** Where both the chairperson and deputy chairperson are absent from a meeting, another member of the board chosen for the purpose by the majority of the members present and voting shall preside.

**(5)** The deputy chairperson or other member who presides at a meeting of the board in place of the chairperson has and may exercise all the powers and authorities of the chairperson while he or she so presides.

**(6)** Save where the by-laws disentitle him or her to vote on the matter in issue, the chairperson or other member presiding at a meeting of the board is entitled to a deliberative vote on any matter before the meeting and, in the event of an equal division of votes thereon, is entitled to a second or casting vote.

**Tenure of office**

**10.(1)** The appointment of a member of the board shall commence on the date specified therefor in the notification of appointment published in the gazette and, save in the case of an appointment made to fill a casual vacancy, shall be for a term of 3 years.

**(2)** Subject to this Act, a member of the board shall be eligible for reappointment.

**(3)** The office of a member of the board shall become vacant if the member—

- (a)** dies or becomes mentally ill; or
- (b)** becomes bankrupt or compounds with his or her creditors, or

otherwise takes advantage of the laws in force for the time being relating to bankruptcy; or

- (c) is absent without prior leave granted by the board from 3 consecutive ordinary meetings of the board of which due notice has been given to the member; or
- (d) resigns by signed notice delivered to the Minister; or
- (e) is convicted of an indictable offence or an offence against this Act; or
- (f) is removed from office by the Governor in Council by notification published in the gazette on the grounds of mental or physical incapacity to perform duties as a member or because of any conduct which, in the opinion of the Governor in Council, shows the member to be unfit to be a member of the board.

(4) Attendance of a member of the board at the time and place appointed for an ordinary meeting of the board shall be deemed to constitute presence at a meeting notwithstanding that by reason that a quorum is not present no meeting is then and there actually held, and the registrar shall enter in the minute book the names of all members who so attend.

(5) A resignation as member of the board shall be of no effect until notice in writing thereof is received by the Minister or until the operative date specified in the notice, whichever is the later.

### **Casual vacancies**

11. Where a vacancy occurs in the office of a member of the board during the term of office of the members then constituting the board, the Governor in Council may, in accordance with section 8, appoint another person as a member to hold office for the balance of his or her predecessor's term of office as a member.

### **Meetings of board**

12.(1) The board shall meet as often as is necessary for the due administration of this Act, at such times and places as it thinks fit, and shall conduct its business in such manner as may be prescribed or, where or to the extent not prescribed, as it determines from time to time.

(2) A quorum at any meeting of the board shall be 5 members entitled to vote on the business before the meeting who, at a duly convened meeting, shall be competent to transact any business of the board and may exercise and perform all the powers, authorities, duties and functions of the board.

(3) The decision of a majority of the members at a meeting of the board at which a quorum is present shall be the decision of the board.

(4) If a member present at a meeting and entitled to vote abstains from voting the member shall be taken to have cast a vote for the negative.

(5) A proceeding or decision of the board shall not be invalidated or made ineffectual by reason only that—

- (a) the whole number of members had not been appointed at the time; or
- (b) any member was not entitled to take part in the proceeding or decision; or
- (c) there is a defect in the appointment of any member.

### **Committees**

13.(1) The board may select persons to form an advisory committee or advisory committees to advise the board on any matter within the scope of the board's functions referred to the committee or to a particular committee by the board.

(2) A person may be a member of such a committee whether or not the person is a member of the board.

### **Entitlements of members of board or committees**

14. Members of the board and members of a committee formed pursuant to section 13 shall be entitled to such fees and allowances as are approved by the Governor in Council.

### **Holders of office not affected by restrictive employment provisions**

15. A provision of any enactment requiring the holder of an office to devote the whole of his or her time to the duties of the office or prohibiting

the holder from engaging in employment outside the duties of the office shall not operate to hinder holding that office and also an appointment as member, chairperson or deputy chairperson of the board or of any committee formed pursuant to section 13, or, subject to section 14(1), the acceptance and retention of any allowance or remuneration payable under this Act.

### **Registrar and other officers employed under Public Service Act**

**16.** The registrar and other officers of the board are to be employed under the *Public Service Act 1996*.

### **Accounts**

**17.(1)** All moneys received by or on behalf of the board shall be paid into and form part of the funds of the board.

**(2)** The board shall enter or cause to be entered in such books, accounts and records required by the Auditor-General to be kept for the purpose a true account of all sums of money received and paid under this Act.

**(4)** Expenses of and incidental to the administration of this Act shall be paid by the board from its funds.

**(5)** Subsection (4) does not affect the liability, prescribed by any other Act, of the board to pay from its funds moneys for or towards the salaries of the registrar and the officers appointed for the effectual administration of this Act.

### **Board is statutory body**

**17A.(1)** Under the *Statutory Bodies Financial Arrangements Act 1982*, the board is a statutory body.

**(2)** The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way in which the board's powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*.

## **PART 3—REGISTRATION OF OPTOMETRISTS**

### **The register**

**18.(1)** The board shall cause the registrar to keep, in such form as it thinks fit, a register (the “**register of optometrists**”) of the names and other prescribed particulars of persons who are entitled to be and who remain registered under this Act as optometrists.

**(3)** The register shall at all reasonable times be open to inspection at the office of the registrar by any person on payment of the prescribed fee.

**(4)** The board shall cause to be published in the gazette—

- (a)** in every year a copy of the register as at 1 May in the year in question or, where another date is prescribed in respect thereof (the board being hereby thereunto authorised), as at that date in the year in question, certified by the registrar; and
- (b)** a supplementary list once in every 3 months of every year indicating all alterations, additions, revisions and removals made in, to and from the register during the preceding 3 months, certified by the registrar.

### **Qualification for registration**

**19.(1)** Subject to this Act, a person is entitled to be registered as an optometrist if the person applies to the board in the approved form, pays the prescribed fee for registration and satisfies the board that the person is of good fame and character and that—

- (a)** the person is the holder of 1 of the prescribed qualifications; or
- (d)** the person is registered as an optometrist (or optician or certified optometrist or certified optician) with any Australian board of optometrical registration or equivalent board or body in Australia and was so registered prior to 1 January 1974; or
- (e)** the person is registered with the New Zealand Opticians Board and holds the Diploma in Optometry of the University of Auckland in respect of any of the years 1965 to 1970 both inclusive; or

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- (f) the person holds the Diploma in Optometry of the University of Auckland in respect of any year since 1970; or
- (g) the person is registered with the General Optical Council of the United Kingdom as an ophthalmic optician following training and qualification in Great Britain at an institution approved by the General Optical Council and was first so registered on or after 1 January 1965; or
- (h) the person is registered as a licensed optometrist in any province of Canada or state of the United States of America following training and qualification in either country at an institution accredited by the Council on Optometric Education of the American Optometric Association and graduated from such institution on or after 1 January 1966.

(2) Subject to this Act, a person who is not entitled to be registered under subsection (1) but who applies to the board in the approved form, pays the prescribed fee for registration and satisfies the board that the person is of good fame and character shall be entitled to be registered as an optometrist if the standard of the person's general and optometrical education is, in the opinion of the board, not less than the standard of the general and optometrical education required of persons under subsection (1)(a).

(3) Notwithstanding the provisions of subsections (1) and (2), the board may require—

- (a) a person who is an applicant for registration under subsection (1) and to whom subsection (1)(e), (f), (g) or (h) is applicable; or
  - (b) a person who is an applicant for registration under subsection (2);
- as a condition precedent to registration and in addition to compliance otherwise with the provisions of this section applicable to the person, to—
- (c) complete further training as determined by the board; or
  - (d) pass an oral examination or a written examination or both oral and written examinations as determined by the board to the satisfaction of the board and to pay to the board such fee in respect of any such examination or examinations as may be prescribed; or
  - (e) pass a test of the person's command of the English language to the satisfaction of the board and to pay to the board such fee in

respect of such test as may be prescribed;

or to do more than 1 or to do all of those things.

(4) The board may from time to time appoint such examiners as it thinks fit either generally or in a particular case for the purpose of giving effect to the provisions of subsection (3)(d) or (e) and, out of funds at its disposal, may pay to such examiners such fees as may be prescribed, and examiners appointed hereunder shall hold office during the pleasure of the board.

### **Registration of additional qualifications**

20. An optometrist who applies to the board for the purpose of this section and who satisfies the board that the optometrist is the holder of a degree, diploma, status or qualification recognised by the board other than the qualifications in respect of which the optometrist is registered is entitled upon payment of the prescribed fee to have such degree, diploma, status or qualification recorded in the register.

### **Certificate of registration**

21.(1) Every optometrist is entitled to obtain from the registrar a certificate of the optometrist's registration in the approved form.

(2) On application made to the board at any time and on payment of the prescribed fee, the board may issue to any optometrist a duplicate or certified copy of the optometrist's certificate of registration.

### **Annual licence fee**

22.(1) Every optometrist shall pay to the board a prescribed annual licence fee.

(2) The annual licence fee shall be paid to the board within the period in each year commencing on 1 January and concluding on 30 April or, where another period is prescribed in respect thereof (the board being hereby thereunto authorised), within that other period in each year as so prescribed.

(3) If an optometrist fails to pay the annual licence fee within the period as provided in subsection (2), the registrar shall thereupon remove the optometrist's name from the register.

(4) If the name of any person has been removed from the register pursuant to subsection (3), the board shall, subject to this Act, upon application by that person restore the person's name to the register upon payment of the annual licence fee and such restoration fee as may be prescribed.

### **Removal of name from register by request**

23.(1) The board may remove from the register the name of an optometrist who applies in writing to have his or her name removed therefrom.

(2) If the name of any person has been removed from the register pursuant to subsection (1), the board shall, subject to this Act, upon application in writing at any time thereafter by that person for the restoration of his or her name to the register, restore the person's name to the register upon payment of the annual licence fee and such restoration fee as may be prescribed.

### **Correction of register**

25.(1) The registrar shall from time to time strike from the register the names of all optometrists who have died and make such alterations and amendments to the register as the board directs so that the register shall be an accurate record of the names, addresses and qualifications of optometrists.

(2) An optometrist shall notify the board of any change of name, address or other prescribed particulars and furnish particulars of such change within 21 days after the occurrence of the change.

(3) Where the board is satisfied that an optometrist has become mentally ill, it may remove the optometrist's name from the register.

### **Notification of board's determination**

26. When the board refuses an application of any person to be registered as an optometrist or refuses an application of any person for the recording in the register under section 20 of a degree, diploma, status or qualification,

the registrar shall notify the person whose application is refused, in writing, about the refusal.

### **Appeals**

**27.(1)** A person aggrieved by—

- (a) a refusal by the board of the person's application to be registered as an optometrist; or
- (c) a refusal by the board of the person's application for the recording in the register under section 20 of a degree, diploma, status or qualification;

may appeal therefrom to a judge of the District Court at Brisbane who shall have jurisdiction to hear and determine the same and whose decision thereon shall be final and be given effect to by the board.

(2) An appeal shall be by way of re-hearing, and shall be instituted within 30 days after notification of the refusal or order or determination to the person aggrieved, and no later, by filing a notice of appeal in the registry of the District Court at Brisbane setting out the grounds of appeal and by complying with any rules of court made with respect thereto.

(3) The appellant shall serve a copy of the notice of appeal on the registrar of the board not later than 7 days after the notice is filed in the registry of the District Court.

(5) Where upon an appeal a District Court orders a penalty to be paid by an appellant, it shall order the penalty to be paid to the board and, for the purposes of its enforcement, the order shall be deemed to be an order made by the board.

## **PART 4—MISCELLANEOUS**

### **Persons not to assume title implying registration**

**30.(1)** A person who is not an optometrist shall not—

- (a) take or use the name or title of 'optometrist' or 'optician' or any

other title prescribed by the board to designate optometrists or the practice of optometry; or

- (b) take or use any name, title, designation, addition or description, whether by means of initials or letters placed after the person's name or otherwise, implying that the person is registered under this Act.

(2) A person who is not an optometrist or a medical practitioner shall not take or use any name, title, designation, addition or description, whether by means of initials or letters placed after the person's name or otherwise, implying that he or she is a person qualified to practise optometry.

### **Restriction on ownership of optometrical practice or business**

**33.(1)** A person who is not an optometrist shall not be the owner of an optometrical practice or business.

(2) Subject to subsection (3), any person who contravenes this section is guilty of an offence against this Act and liable to a penalty as follows—

Maximum penalty—30 penalty units and, if the offence is continued after the person is convicted therefor, a further penalty of 4 penalty units for each day during which the offence continues thereafter.

(3) Where this section is contravened by a body or association of persons, corporate or unincorporate, the provisions set out in section 32(2) applicable to a contravention of that section are applicable in the respective cases to a contravention of this section.

(4) This section does not apply to the ownership of an optometrical practice or business by a body or an association of persons, corporate or unincorporate, comprised exclusively of optometrists.

### **Penalty for fraudulent practices**

**34.(1)** A person shall not—

- (a) procure or attempt to procure himself, herself or any other person to be registered by making or producing, or causing to be made or produced, any false or fraudulent statement, declaration or representation, either verbal or in writing;

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- (b) make or cause to be made any falsification in the register or in any writing relating to the register or any false statement relating to the register;
- (c) forge, alter or counterfeit any certificate of registration under this Act;
- (d) utter any forged or altered or counterfeit certificate of registration under this Act knowing the same to have been forged or altered or to be counterfeit;
- (e) make any false statement upon any examination or in any declaration before the board, or utter or attempt to utter or put off as true before the board any false, forged, altered or counterfeit certificate, diploma, letter, testimonial or other title, document or writing;
- (f) falsely advertise or hold himself or herself out as having obtained a certificate of registration under or as being registered under this Act, or permit any such advertisement or holding out;
- (g) falsely personate or represent himself or herself as being the person referred to in any certificate or writing presented to the board or in any certificate granted under this Act.

Maximum penalty—30 penalty units or 6 months imprisonment.

(2) The name of any person who procures himself or herself to be registered by any means which contravene this section shall, upon the person being convicted in respect of that contravention, be removed from the register.

(3) The provisions of this section are in addition to and not in substitution for or in derogation of the provisions of the Criminal Code or any other Act.

(4) However, a person is not liable to be convicted both under this Act and under the Criminal Code or any other Act in respect of the same act.

**Continuation of practice of deceased optometrist**

**35.(1)** Notwithstanding any other provision of this Act, the executor, administrator or trustee of a deceased optometrist may carry on in the name of the deceased optometrist the practice formerly carried on by the deceased

optometrist for a period not exceeding 12 months from the date of such death or for such further time as may be permitted by the board (it being hereby thereunto authorised), provided that the practice shall be carried on under the actual personal supervision and management of an optometrist whose name shall be notified to the board by such executor, administrator or trustee.

(2) The executor, administrator or trustee of the deceased optometrist is not guilty of an offence under section 33 in respect of the deceased optometrist's optometrical practice or business whilst he or she carries on the practice pursuant to subsection (1).

### **General penalty**

**36.(1)** A person who contravenes or fails to comply with any provision of this Act commits an offence against this Act and, save where a specific penalty is otherwise provided, is liable to a penalty of 30 penalty units.

(2) All penalties recovered in respect of offences against this Act shall be paid to the board.

### **Proceedings generally**

**37.(1)** An offence against this Act may be prosecuted in a summary way under the *Justices Act 1886* upon the complaint of the registrar, or a person authorised by the board in that behalf.

(2) A prosecution for an offence against this Act may be commenced within 1 year from the time when the matter of complaint arose or within 6 months after the matter of complaint comes to the knowledge of the complainant, whichever is the period later to expire.

(3) Without prejudice to any other right or remedy available to the board with respect thereto, all fees payable to the board under this Act and all penalties or costs ordered by the board to be paid to it under this Act may be recovered in a summary way under the *Justices Act 1886* or as a debt due and owing to the board by action in any court of competent jurisdiction.

### **Evidentiary provisions**

**38.** In any proceeding for the purposes of this Act—

- (a) a certificate purporting to be signed by the registrar certifying the state of any part of the register at a date or during a period specified in the certificate or certifying that a person named therein was not, at a date or during a period specified therein, an optometrist shall, upon its production, be admissible as evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained in the certificate;
- (b) every part of the register, and an extract of any part of the register purporting to be certified as correct by the registrar shall, upon its production, be admissible as evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained therein;
- (c) a statement in a complaint commencing that proceeding of the date on which the matter of complaint came to the knowledge of the complainant shall be evidence and, in the absence of evidence to the contrary, conclusive evidence of its content;
- (d) proof shall not be required of the authority of any person to prosecute an offence against this Act or to take any proceeding on behalf of the board unless evidence is given to the contrary;
- (e) proof shall not be required of the appointment of the registrar or of any other officer appointed for the effectual administration of this Act or of the signature of the registrar.

### **Statutory declarations**

**39.** For the purposes of this Act, the board may—

- (a) take a statutory declaration from any person;
- (b) require that an applicant make a statutory declaration in respect of the application.

### **By-laws**

**40.(1)** The board may make by-laws under this Act.

**(2)** A by-law may be made for or about the following—

- (a) the powers, duties and functions of the registrar and officers

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- appointed for the effectual administration of this Act;
- (b) the register and the manner of its keeping;
  - (c) the making of applications to the board and the effect of furnishing false particulars therein;
  - (d) the conduct of meetings of the board, the entitlement of members of the board to vote upon business before a meeting, and the conduct of proceedings before the board and of the affairs of the board;
  - (e) the common seal of the board, the authentication of documents of the board, and the attesting of documents by or on behalf of the board;
  - (f) the qualifications referred to in section 19(1)(a);
  - (g) regulating the manner in which—
    - (i) optometrists; or
    - (ii) bodies or associations of persons corporate or unincorporate engaged in the practice or business of optometry or the fitting and supply of any optical appliance;
- are authorised to advertise for work or business or to permit or suffer other persons to advertise for work or business for them;
- (h) the matters in respect of which fees are payable for the purposes of this Act, the amounts of fees, the persons who are liable to pay fees, when fees are payable, the waiver of fees and the recovery of unpaid amounts of fees;
  - (i) the allowances payable under this Act and the purposes for which they are payable;
  - (j) regulating and controlling the use by optometrists of titles, letters or words indicating or describing their qualifications, prescribing titles, letters or words that shall or may be used to indicate or describe that any person is an optometrist or to indicate or describe any particular optometrical qualification, prohibiting the use by optometrists, in relation to their qualifications as optometrists or the practice by them of optometry, of any titles, letters or words other than those prescribed for such use or prohibiting any prescribed titles, letters or words from being so

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used and, in relation to optometrical qualifications, either generally or except to indicate or describe a particular qualification;

- (k) penalties to be imposed for breaches of the by-laws but so that no such penalty shall exceed 30 penalty units.

(3) In subsection (2)(g)—

“**advertise**” includes approach in any way, whether to the public generally or a particular person, for attracting work or business.

*Example*

A direct approach by spoken words.

(4) The power to regulate given by subsection (2)(g) includes power to regulate the use of notices, signs, name plates, and anything else used to show the location of a business or practice.

(5) A by-law must be approved by the Governor in Council.<sup>1</sup>

**Approval of forms**

41. The board may approve forms for use under this Act.

**References to the Optometrists Act 1917**

43. In an Act or document, a reference to the *Optometrists Act 1917* may, if the context permits, be taken to be a reference to this Act.

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<sup>1</sup> A by-law is subordinate legislation (see *Statutory Instruments Act 1992*, sections 7, 8(b)(i) and 9(1)(a)).

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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 1 February 2002.

### 3 Key

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

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

### 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	to Act No. 57 of 1995	14 December 1995
1A	to Act No. 54 of 1996	6 May 1997
1B	to Act No. 54 of 1996	12 January 1998
1C	to Act No. 58 of 2000	7 February 2000

## 5 Tables in earlier reprints

### TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Changed citations and remade laws	1
Corrected minor errors	1
Obsolete and redundant provisions	1
Renumbered provisions	1

## 6 List of legislation

### **Optometrists Act 1974 No. 77**

date of assent 1 November 1974

commenced 1 January 1975 (proc pubd gaz 14 December 1974 p 1475)

rep 1 February 2002 (2001 No. 10 s 213)

**Note**—ss 5, 29, 31–32 are relocated to the Optometrists Registration Act 2001 pt 10, div 3 and renumbered as ss 233–236 (2001 No. 10 s 238 sch 3)

amending legislation—

### **Nursing Studies Act and Other Acts Amendment Act 1984 No. 74 pt 10**

date of assent 18 October 1984

commenced on date of assent

### **Medical and Paramedical (Amendment of Inspectorial and Audit Provisions) Act 1987 No. 10 pt 9**

date of assent 15 April 1987

commenced on date of assent

### **Optometrists Act Amendment Act 1987 No. 56**

date of assent 1 October 1987

ss 1–2 commenced on date of assent (see s 2(1))

remaining provisions commenced 14 May 1988 (proc pubd gaz 14 May 1988 p 417)

### **Statute Law (Miscellaneous Provisions) Act 1989 No. 103 s 3 sch**

date of assent 25 October 1989

commenced on date of assent

### **Health Legislation Amendment Act 1992 No. 66 pts 1, 11**

date of assent 7 December 1992

ss 1–2 commenced on date of assent

ss 60–61, 65 and 66 (in so far as it inserts new s 42) commenced 18 December 1992 (1992 SL No. 450)

remaining provisions commenced 1 February 1993 (1992 SL No. 450)

### **Statute Law Revision Act 1995 No. 57 ss 1–2, 4 sch 1 (as amd 1995 No. 58 ss 1–2, 4 sch 1 (as from 28 November 1995 (see s 2(1) sch 1)))**

date of assent 28 November 1995

commenced on date of assent

**Public Service Act 1996 No. 37 ss 1–2, 147 sch 2**

date of assent 22 October 1996

ss 1–2 commenced on date of assent

remaining provisions commenced 1 December 1996 (1996 SL No. 361)

**Statutory Bodies Financial Arrangements Amendment Act 1996 No. 54 ss 1–2, 9 sch**

date of assent 20 November 1996

ss 1–2 commenced on date of assent

remaining provisions commenced 1 June 1997 (1997 SL No. 128)

**Health Practitioners (Professional Standards) Act 1999 No. 58 ss 1–2 pt 14 div 10**

date of assent 18 November 1999

ss 1–2 commenced on date of assent

remaining provisions commenced 7 February 2000 (1999 SL No. 327)

**Optometrists Registration Act 2001 No. 10 ss 1–2, 238 sch 3**

date of assent 11 May 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 1 February 2002 (2001 SL No. 260)

## 7 List of annotations

**Commencement**

s 2 om R1 (see RA s 37)

**Arrangement of Act**

s 3 om R1 (see RA s 36)

**Repeals and savings**

s 4 om 1995 No. 57 s 4 sch 1

**Definitions**

prov hdg sub 1992 No. 66 s 61(1)

s 5 amd 2001 No. 10 s 238 sch 3

reloc (as 2001 No. 10 s 233) 2001 No. 10 s 238 sch 3

def “**approved forms**” ins 1995 No. 57 s 4 sch 1

om 2001 No. 10 s 238 sch 3

def “**fee**” ins 1992 No. 66 s 61(2)

om 2001 No. 10 s 238 sch 3

def “**medical practitioner**” om 1995 No. 57 s 4 sch 1def “**Minister**” om 1992 No. 66 s 61(3)def “**optometrist**” om 2001 No. 10 s 238 sch 3def “**optometry**” amd 1987 No. 56 s 3; 2001 No. 10 s 238 sch 3

reloc 2001 No. 10 s 238 sch 3

def “**register**” om 2001 No. 10 s 238 sch 3def “**registrar**” sub 1995 No. 57 s 4 sch 1

om 2001 No. 10 s 238 sch 3

def “**the board**” om 2001 No. 10 s 238 sch 3def “**the repealed Acts**” om 1995 No. 57 s 4 sch 1

**Members of board**

s 8 amd 1992 No. 66 s 62; 1995 No. 57 s 4 sch 1

**Increase in number of members**

s 8A ins 1992 No. 66 s 63  
om 1995 No. 57 s 4 sch 1

**Chairperson and deputy chairperson of board**

s 9 amd 1995 No. 57 s 4 sch 1

**Tenure of office**

s 10 amd 1989 No. 103 s 3 sch; 1995 No. 57 s 4 sch 1

**Meetings of board**

s 12 amd 1992 No. 66 s 64

**Entitlements of members of board or committees**

s 14 sub 1984 No. 74 s 22  
amd 1995 No. 57 s 4 sch 1

**Holders of office not affected by restrictive employment provisions**

s 15 amd 1989 No. 103 s 3 sch

**Registrar and other officers employed under Public Service Act**

s 16 sub 1996 No. 37 s 147 sch 2

**Accounts**

s 17 amd 1987 No. 10 s 25

**Board is statutory body**

s 17A ins 1996 No. 54 s 9 sch

**The register**

s 18 amd 1995 No. 57 s 4 sch 1

**Qualification for registration**

s 19 amd 1987 No. 56 s 4; 1995 No. 57 s 4 sch 1

**Certificate of registration**

s 21 amd 1995 No. 57 s 4 sch 1

**Disciplinary action**

s 24 amd 1987 No. 56 ss 5, 11; 1995 No. 57 s 4 sch 1  
om 1999 No. 58 s 511

**Notification of board's determination**

s 26 amd 1999 No. 58 s 512

**Appeals**

s 27 amd 1995 No. 57 s 4 sch 1; 1999 No. 58 s 513

**Restriction in relation to drugs**

s 28 om 1987 No. 56 s 6

**Restriction on practice of optometry**

s 29 amd 1987 No. 56 s 7; 2001 No. 10 s 238 sch 3  
reloc (as 2001 No. 10 s 234) 2001 No. 10 s 238 sch 3

**Limitation on use by registrant of unregistered person****prov hdg** amd 2001 No. 10 s 238 sch 3**s 31** amd 1987 No. 56 s 11; 1999 No. 58 s 514; 2001 No. 10 s 238 sch 3  
reloc (as 2001 No. 10 s 235) 2001 No. 10 s 238 sch 3**Provisions relating to practice of optometry by bodies of persons****s 32** amd 1987 No. 56 s 11; 2001 No. 10 s 238 sch 3

reloc (as 2001 No. 10 s 236) 2001 No. 10 s 238 sch 3

**Restriction on ownership of optometrical practice or business****s 33** amd 1987 No. 56 s 11**Penalty for fraudulent practices****s 34** amd 1987 No. 56 s 11**General penalty****s 36** amd 1987 No. 56 s 11**Proceedings generally****s 37** amd 1987 No. 56 s 8**Statutory declarations****s 39** amd 1995 No. 57 s 4 sch 1**By-laws****s 40** amd 1987 No. 56 ss 9, 11; 1992 No. 66 s 65; 1995 No. 57 s 4 sch 1**Approval of forms****s 41** sub 1987 No. 56 s 10; 1992 No. 66 s 66; 1995 No. 57 s 4 sch 1**Approved forms****s 41A** ins 1995 No. 57 s 4 sch 1 (as amd by 1995 No. 58 s 4 sch 1)  
exp 28 May 1996 (see s 41A(3))**Power of board to make by-laws about fees****s 42** ins 1992 No. 66 s 66

om 1995 No. 57 s 4 sch 1

**References to the Optometrists Act 1917****s 43** ins 1995 No. 57 s 4 sch 1**SCHEDULE**

om R1 (see RA s 40)

**8 List of forms****Form O 05 Version November 1998—Application for Registration as an  
Optometrist in Queensland**

pubd gaz 28 May 1999 p 394

**Form O 05m Version November 1998—Application for Registration under  
Mutual Recognition as an Optometrist in Queensland**

pubd gaz 28 May 1999 p 394

**Form O 05MNZ Version April 1999—Application for Registration under  
Trans-Tasman Mutual Recognition as an Optometrist in Queensland**  
pubd gaz 28 May 1999 p 394