

Queensland



CHIROPRACTORS AND OSTEOPATHS ACT 1979

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Information about this reprint

This Act is reprinted as at 1 May 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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ACT 1979**

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CHIROPRACTORS AND OSTEOPATHS ACT 1979

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

An Act to provide for the constitution of a Chiropractors and Osteopaths Board, the establishment of a register of chiropractors and osteopaths and the regulation of the practice of chiropractic and osteopathy

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Chiropractors and Osteopaths Act 1979*.

Meaning of “chiropractic and osteopathy company”

4A. In this Act—

“**chiropractic and osteopathy company**” means a company under the Corporations Act—

- (a) that is authorised by its memorandum and articles of association to engage in chiropractic and osteopathy; and
- (b) the memorandum and articles of which provide that—
 - (i) the company must not carry on the practice of chiropractic and osteopathy if less than half of its directors are chiropractors and osteopaths; and
 - (ii) at least—
 - (A) half of the shares included in all classes of shares that entitle the holder to vote at a meeting of the company;

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and

(B) half of the shares in each class specified in sub-subparagraph (A);

must be held by the following persons—

(C) a chiropractor and osteopath;

(D) a spouse, child or grandchild of a chiropractor and osteopath;

(E) an executor or administrator of the estate of, or trustee of a trust for the benefit of, a person specified in sub-subparagraph (C) or (D); and

(c) that engages in chiropractic and osteopathy through a chiropractor and osteopath.

PART 2—ADMINISTRATION

Administration of Act

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

Constitution of board

6.(1) The body corporate constituted under the *Chiropractic Manipulative Therapists Act 1979* under the name and style ‘The Chiropractic Manipulative Therapists Board of Queensland’ is hereby preserved, continued in existence and constituted under the name and style ‘The Chiropractors and Osteopaths Board of Queensland’ and shall have and may exercise and discharge the powers, authorities, duties and functions conferred and imposed upon it by or under this Act.

(2) The board shall 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,

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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.

(3) 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

7.(1) The board shall consist of 9 members appointed by the Governor in Council.

(2) The members of the board shall consist of—

- (a) 4 persons nominated by the Minister of whom at least 2 must be chiropractors and osteopaths; and
- (b) 3 chiropractors and osteopaths acceptable to and nominated by the Minister from a panel or panels of names submitted by 1 or more associations accepted by the Minister as representative of chiropractors and osteopaths; and
- (c) 1 person representing users of the services of chiropractors and osteopaths; and
- (d) a barrister or solicitor of the Supreme Court.

(3) Submission of a panel referred to in subsection (2)(b) shall be made within the time and in the manner prescribed or, where not prescribed, as determined by the Minister, as the case may be, or in the event that insufficient names of chiropractors and osteopaths acceptable to the Minister are submitted, the Governor in Council may appoint as a member of the board any person who is qualified as prescribed to be nominated as if the person's name had been duly submitted by the association or associations entitled to make the submission.

(4) 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

8.(1) In every appointment of the whole number of members of the board the Governor in Council shall appoint members to be respectively the

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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, deputy 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

9.(1) The appointment of a member of the board (other than a member appointed to fill a casual vacancy) is to be for a term of 3 years.

(2) A member of the board shall be eligible for re-appointment if the member is qualified as prescribed to be nominated therefor.

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

- (a) dies; or
- (b) becomes bankrupt or compounds with the member's 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

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- (d) resigns the member's office by writing under the member's hand 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 the member's duties as a member or of 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

10. When 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 7, appoint another person as a member, to hold office for the balance of the person's predecessor's term of office as a member.

Meetings of board

11.(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.

(2A) 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.

(2B) If a member present at a meeting and entitled to vote abstains from voting the member shall be taken to have cast the member's vote for the negative.

Committees

12.(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

13.(1) Members of the board and members of a committee formed pursuant to section 12 shall be entitled to such fees and allowances as are approved by the Governor in Council.

(2) Members of the board and members of a committee shall be entitled to be reimbursed such out of pocket expenses necessarily incurred by them in the performance of their duties as such members as are approved by the board.

Members of board etc. not affected by restrictive employment provisions

14. A provision of any enactment requiring the holder of an office to devote the whole of the holder's time to the duties of the holder's office or prohibiting the holder from engaging in employment outside the duties of the holder's office shall not operate to hinder the holder holding that office and also an appointment as member, chairperson or deputy chairperson of the board or of any advisory committee selected by the board, or the holder's acceptance and retention of remuneration payable to a member of the board under this Act.

Registrar and other officers employed under Public Service Act

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

Funds of board

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

(3) Subsection (2) does not affect the liability, prescribed by any other Act, of the board to pay from its funds the salaries of the registrar and the officers appointed for the effectual administration of this Act.

Board is statutory body

16A.(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 CHIROPRACTORS
AND OSTEOPATHS****The register**

17.(1) The board shall cause the registrar to keep in such form as it thinks fit a register (to be called the Register of Chiropractors and Osteopaths) of the names and other prescribed particulars of persons who are entitled to be and who remain registered under this Act as chiropractors and osteopaths or persons who are deemed by this Act to be so registered.

(2) 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.

(3) The registrar shall cause to be published—

- (a) by 30 June in each year the ‘List of Chiropractors and Osteopaths, Queensland’ certified by the registrar as correct to 1 May in that year;
- (b) from time to time, as the registrar thinks desirable, a supplementary list indicating all alterations, additions, revisions and removals made in the register during the period indicated in such supplementary list and certified by the registrar to a date indicated in that list.

(4) A list published pursuant to subsection (3) shall not contain the name of any person deemed by section 19 or 21 to be registered as a chiropractor and osteopath.

Qualifications for registration

18.(1) A person shall be entitled to be registered as a chiropractor and osteopath if—

- (a) the person applies to the board in the approved form; and
- (b) the person pays the prescribed fee; and
- (c) the person satisfies the board that the person is of good fame and character; and
- (d) the person satisfies the board that the person is medically fit to practise as a chiropractor and osteopath; and
- (e) the person is the holder of—
 - (i) a qualification prescribed by the by-laws; or
 - (ii) a certificate of conditional registration granted pursuant to section 19 and satisfies the board that the person is practising as a chiropractor and osteopath within the State and has complied with any conditions to which the certificate is subject.

(2) If a person to whom a certificate of conditional registration has been granted pursuant to section 19 becomes entitled to be registered under this section while that certificate is in force, the person’s registration under this

section shall, unless otherwise decided by the board, date from the granting of the certificate of conditional registration.

(3) For the purpose of determining whether an applicant for registration under subsection (1) or conditional registration under section 19 is medically fit to practise as a chiropractor and osteopath, the board may require the applicant to appear before a committee of medical practitioners appointed by the board for that purpose.

(4) A certificate given by a committee in respect of the medical fitness of an applicant to practise as a chiropractor and osteopath shall be binding on the board.

Conditional registration

19.(1) A person shall be entitled to be granted a certificate in the approved form of conditional registration as a chiropractor and osteopath if—

- (a) the person applies to the board in the approved form;
- (b) the person pays the prescribed fee;
- (c) the person satisfies the board as mentioned in section 18(1)(c) and (d);
- (d) the person satisfies the board that the person has a sound understanding of the English language and possesses sufficient knowledge of and sufficient skill in the expression of that language, both written and oral;
- (e) the person satisfies the board that the person has an adequate knowledge of the conditions governing the practice of chiropractic and osteopathy in Australia;
- (f) the person satisfies the board that, having duly completed a course of study in an educational institution outside Australia, the person is the holder of a degree, diploma or certificate of an equivalent standard to a qualification prescribed for the purposes of section 18 and nominated by the board for the purposes of this paragraph;
- (g) the person satisfies the board that the person has the knowledge, skill and ability to practise as a chiropractor and osteopath in the State.

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(2) The board may, for the purpose of determining an application for conditional registration, require the applicant to complete such practical or oral or written examinations as it thinks fit and may appoint examiners in respect of those examinations.

(3) An examiner shall notify the board in writing of an applicant's results in an examination and may recommend that the board, if it grants conditional registration to the applicant, require the applicant to undertake a period of supervised practice in chiropractic and osteopathy in the State as mentioned in section 19A(2).

(4) A person granted a certificate of conditional registration shall, while it remains in force, be deemed to be registered under this Act as a chiropractor and osteopath and this Act shall apply to and with respect to the person accordingly.

(5) A certificate of conditional registration shall be granted for a period of 12 months, which period shall not be extended.

(6) The board may at any time, without taking disciplinary proceedings under the *Health Practitioners (Professional Standards) Act 1999*, order the registrar to cancel a certificate of conditional registration issued to any person who shall thereupon cease to be deemed to be registered as a chiropractor and osteopath.

Board may impose conditions

19A.(1) The board may subject a grant of registration or conditional registration to such conditions as it thinks fit and may at any time revoke or amend the conditions.

(2) Without limiting the generality of the power conferred by subsection (1), the board, when granting a person's application for registration or conditional registration, may require the person to undertake a specified period of supervised practice in chiropractic and osteopathy in the State (whether or not a recommendation to that effect has been made under section 19(3)) under conditions approved by the board.

Registration for a limited period

20.(1) Subject to this Act, a person who makes application to the board in

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that behalf in the approved form and who satisfies the board that the person is of good fame and character and that the person is the holder of a degree, diploma or certificate in chiropractic and osteopathy (in each case recognised by the board and obtained after due examination) conferred by an institution recognised in the State or Territory or other country wherein it is situated and by the board as authorised to confer such degree, diploma or certificate and that the person has come to Queensland—

- (a) at the request of a teaching institution, any State authority or any association recognised by the board as representative of chiropractors and osteopaths for the purpose of teaching, lecturing, giving clinical demonstrations or engaging in research work; or
- (b) to undertake post graduate study in chiropractic and osteopathy;

shall be entitled to registration as a chiropractor and osteopath at all times during the period the person is so engaged.

(2) A person registered under this section shall notify the board forthwith upon the person's ceasing to engage in the duties mentioned in subsection (1) and the board shall then direct the registrar to remove that person's name from the register.

(3) The board may at any time by notice in writing call upon a person registered under this section to show cause at a place, date and time specified by the board in such notice why the person's name should not be erased from the register.

(4) If such cause be not shown to the board's satisfaction as requested by the board, the board may direct the registrar to remove that person's name from the register.

Provisional registration

21.(1) When a person has applied to the board in the approved form to be registered or, as the case may be, conditionally registered as a chiropractor and osteopath and has paid the prescribed fee for registration, the chairperson, or (in the absence of the chairperson) a member of the board authorised generally in that behalf by the board, upon being satisfied that such person is entitled to be registered or, as the case may be, conditionally registered as a chiropractor and osteopath, may grant to such person a

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certificate in the approved form of provisional registration as a chiropractor and osteopath.

(2) A person who has been granted a certificate of provisional registration as a chiropractor and osteopath shall be deemed to be registered under this Act as a chiropractor and osteopath and this Act shall apply to and with respect to that person accordingly—

- (a) until the date stated in such certificate; or
- (b) until such later date as may be fixed by the board;

which stated date or later date (if any) fixed by the board shall not in any case be later than 6 months from the granting of such certificate.

(2A) However, the board may at any time before the date so stated or fixed, without taking disciplinary proceedings under the *Health Practitioners (Professional Standards) Act 1999*, direct the registrar to cancel such certificate and such person shall thereupon cease to be deemed to be registered as a chiropractor and osteopath and such cancellation shall, for the purposes of this Act, be deemed to be a refusal by the board of the application by that person to be registered or, as the case may be, conditionally registered as a chiropractor and osteopath.

(3) If a person to whom a certificate of provisional registration has been granted becomes registered or, as the case may be, conditionally registered as a chiropractor and osteopath while that certificate is still in force the person's registration shall, unless otherwise decided by the board, date from the granting of that certificate.

Certificate of registration

22.(1) Every chiropractor and osteopath shall be entitled to obtain from the registrar a certificate of his or her 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 chiropractor and osteopath a duplicate or certified copy of his or her certificate of registration.

Annual licence fee

23.(1) Every chiropractor and osteopath shall pay to the board a prescribed annual licence fee.

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(1A) The annual licence fee shall be paid to the board within the period in each year commencing on 1 January to 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.

(1B) A chiropractor and osteopath shall at the time of the payment of the annual licence fee furnish the board with particulars of his or her address for entry in the register.

(2) If a chiropractor and osteopath fails to pay the annual licence fee within the period as provided in subsection (1A), the registrar shall thereupon remove his or her name from the register.

(3) If the name of any person has been removed from the register pursuant to subsection (2) or section 24(1)(a) the board shall, subject to this Act, upon application by that person direct the registrar to 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

24. The board may instruct the registrar to remove from the register the name of a chiropractor and osteopath—

- (a) who applies in writing to have his or her name removed therefrom;
- (b) whose name has at any time been ordered to be erased absolutely or for a limited period from a register of chiropractors and osteopaths maintained under that or any other name by any other registration authority and whose name at the material time has not been restored to that register;
- (c) whose name erroneously remains on the register or has been erroneously entered in the register.

Obligation on members of associations of persons

25A.(1) Each member of an association of persons engaged in the practice of chiropractic and osteopathy must ensure that appropriate procedures are in place to ensure that a person who is an agent, employee or

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member of the association does not engage in unsatisfactory professional conduct in the course of the person's agency, employment or membership.

Maximum penalty—20 penalty units.

(2) In this section—

“member”, in relation to an association of persons, means—

- (a) in the case of an incorporated association—a member of the association's governing body, by whatever name called; and
- (b) in the case of an unincorporated association—a member of the association.

“unsatisfactory professional conduct” means anything that if done by a chiropractor and osteopath would be unsatisfactory professional conduct under the *Health Practitioners (Professional Standards) Act 1999*.

Correction of register

26.(1) The registrar shall from time to time strike from the register the names of all chiropractors and osteopaths 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 chiropractors and osteopaths.

(2) A chiropractor and osteopath 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.

Notification of board's determinations

27. When the board refuses an application of any person to be registered or, as the case may be, conditionally registered as a chiropractor and osteopath, the registrar must give written notice to the person about the refusal.

Appeals

28.(1) A person aggrieved by—

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- (a) a refusal by the board of the person's application to be registered or, as the case may be, conditionally registered as a chiropractor and osteopath; or
- (b) an order made against the person by the board under section 19(6); or
- (c) any condition imposed by the board under section 19A or the amendment of any condition;

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

(1A) Where an appeal by a person from an order made by the board under section 19(6) is allowed, the court may—

- (a) direct that the person's certificate of conditional registration be restored to the person; or
- (b) grant the person registration as a chiropractor and osteopath.

(2) An appeal shall be by way of rehearing, and shall be instituted within 30 days after notification of the refusal or order to the person aggrieved, and no later, by filing a notice of appeal in the registry of the District Court at Brisbane 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) The proceeding on appeal under this section shall be deemed to be a proceeding before a District Court.

(6) If the judge hearing an appeal under this section is of the opinion that the appeal involves a question of special knowledge and skill, the judge may appoint 1 or more assessors who in the judge's opinion possess the special qualifications necessary for the particular case to assist the judge in the judge's determination.

(6A) An assessor shall be paid such fees and expenses as the Governor in Council shall from time to time determine.

(6B) An assessor may advise the judge on any matter but all questions of law and fact shall be determined by the judge who shall place such weight

(if any) as the judge thinks fit, on the advice.

(7) 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 3A—CHIROPRACTIC AND OSTEOPATHY COMPANIES

Formation of chiropractic and osteopathy companies

28A. Nothing in this Act prohibits the formation of a chiropractic and osteopathy company or the practice of chiropractic and osteopathy in the company's name.

Regulation of company names

28B.(1) A chiropractic and osteopathy company must not practise chiropractic and osteopathy except under an approved name.

(3) A—

- (a) chiropractic and osteopathy company that has been given a notice under subsection (7); or
- (b) a chiropractor and osteopath who proposes to establish or join in establishing a chiropractic and osteopathy company;

must submit a list of proposed company names to the board.

(4) The list must contain the number of names specified by the board.

(5) The board must consider the names on the list and must either—

- (a) select 1 or more names acceptable to the board as approved names; or
- (b) reject the names as unacceptable.

(6) The board must promptly give written notice to the company or the

chiropractor and osteopath, as the case may be, of—

- (a) the board’s decision; and
- (b) if the board has rejected the names—the reasons for the decision.

(7) The board may give written notice to a chiropractic and osteopathy company requiring it to alter its name to an approved name within a reasonable time specified by the board.

(8) In this section—

“**approved name**” means a name that—

- (a) is approved by the board; and
- (b) is approved by any other person or authority that, under any other law, is required to approve the name of a company.

Offence by company

28C. A company must not engage in chiropractic and osteopathy unless it is a chiropractic and osteopathy company.

PART 4—MISCELLANEOUS

Use of surgery or drugs prohibited

29. A chiropractor and osteopath shall not use surgery or prescribe any drug or medicine to any person for internal use.

Penalty for fraudulent practices

33.(1) A person shall not—

- (a) 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; or
- (b) utter any false, forged or counterfeit certificate or writing pertaining to the person’s qualification to practise chiropractic and

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osteopathy; or

- (c) 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; or
- (d) 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; or
- (e) fraudulently or by false representation obtain any certificate of registration under this Act; or
- (f) forge, alter or counterfeit any certificate of registration under this Act; or
- (g) utter any forged, altered or counterfeit certificate of registration under this Act knowing the same to have been forged, altered or to be counterfeit; or
- (h) falsely advertise himself or herself 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.

Maximum penalty—30 penalty units or imprisonment for 6 months.

(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 shall be 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 shall not be liable to be convicted both under this Act and under the Criminal Code or any other Act in respect of the same act.

General penalty

34.(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 35 penalty units.

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

Proceedings generally

35.(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 and 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 provision

36. 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, a chiropractor and osteopath 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 certificate purporting to be signed by the registrar certifying that at a date or during a period specified therein the board had or had not approved any of the persons or things it is empowered by this Act to approve and the conditions (if any) specified in such approval 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;
- (d) 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;
- (e) 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;
- (f) 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

37. For the purposes of this Act, the board may—

- (a) demand and accept a declaration under the *Oaths Acts 1867* from any person for the purposes of this Act;
- (b) require an applicant to verify by way of declaration under the *Oaths Acts 1867* (the taking of which being hereby authorised) information furnished to the board in respect of the applicant's application for registration.

By-laws

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

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

- (a) the powers, duties and functions of the registrar, officers and inspectors appointed for the effectual administration of this Act;
- (b) the register and the manner of its keeping;

Chiropractors and Osteopaths Act 1979

- (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;
- (e) the common seal of the board, and the attesting of documents by or on behalf of the board;
- (f) the manner and method in which a chiropractor and osteopath may advertise himself or herself as qualified to practise chiropractic and osteopathy and the place where that practice takes place;
- (g) the purposes for which fees are payable under 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;
- (ga) the allowances payable under this Act and the purposes for which they are payable;
- (i) the penalties to be imposed for breaches of the by-laws but so that no such penalty shall exceed 30 penalty units;
- (j) regulating and controlling the use by chiropractors and osteopaths 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 a chiropractor and osteopath or to indicate or describe any particular chiropractic and osteopathy qualification, prohibiting the use by chiropractors and osteopaths, in relation to their qualifications as chiropractors and osteopaths or the practice by them of chiropractic and osteopathy, of any titles, letters or words, other than those prescribed for such use or prohibiting any prescribed titles, letters or words from being so used and, in relation to chiropractic and osteopathy qualifications, either generally or except to indicate or describe a particular qualification;
- (k) the nature of supervised practice that the board may require to be undertaken pursuant to section 19A(2);
- (l) regulating, controlling and prohibiting canvassing or soliciting

work or business by, for or on behalf of chiropractors and osteopaths.

(3) A by-law must be approved by the Governor in Council.¹

Approval of forms

39. The board may approve forms under this Act.

PART 5—TRANSITIONAL PROVISIONS

Chiropractic Manipulative Therapists Act 1979 references

40. In an Act or document, a reference to the *Chiropractic Manipulative Therapists Act 1979* is a reference to this Act.

Chiropractic manipulative therapy and therapist references etc.

41.(1) In an Act or document, a reference to chiropractic manipulative therapy is a reference to chiropractic and osteopathy.

(2) In an Act or document, a reference to a chiropractic manipulative therapist is a reference to a chiropractor and osteopath.

(3) In an Act or document, a reference to the Chiropractic Manipulative Therapists Board is a reference to the board constituted under this Act.

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

ENDNOTES**1 Index to 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 1 May 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. 79 of 1993	1 July 1994
2	to Act No. 57 of 1995	5 December 1995
2A	to Act No. 54 of 1996	4 December 1996
2B	to Act No. 54 of 1996	12 November 1997
2C	to Act No. 58 of 1999	7 February 2000
2D	to Act No. 45 of 2001	10 August 2001

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of Table	Reprint No.
Changed citations and remade laws	1
Changed names and titles	1
Obsolete and redundant provisions	1
Renumbered provisions	1

6 List of legislation

Chiropractors and Osteopaths Act 1979 No. 42 (prev Chiropractic Manipulative Therapists Act 1979)

date of assent 26 June 1979

ss 1–16 commenced 30 August 1979 (proc pubd gaz 1 September 1979 p 99)

remaining provisions commenced 14 November 1981 (proc pubd gaz 14 November 1981 p 1164)

rep 1 May 2002 (2001 No. 3 s 216)

Note—ss 4, 30 and 32 are relocated to the Chiropractors Registration Act 2001 pt 10, div 3 and renumbered as ss 237–239 (2001 No. 3 s 242 sch 3)

amending legislation—

Nursing Studies Act and Other Acts Amendment Act 1984 No. 74 pt 4

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 4

date of assent 15 April 1987

commenced on date of assent

Chiropractic Manipulative Therapists Act Amendment Act 1988 No. 3

date of assent 7 April 1988

ss 1–2 commenced on date of assent

remaining provisions commenced 31 March 1990 (proc pubd gaz 31 March 1990 p 1648)

Statute Law (Miscellaneous Provisions) Act 1990 No. 88 s 3 sch

date of assent 6 December 1990

commenced 31 March 1990 (see s 2(2))

Health Legislation Amendment Act 1992 No. 66 pts 1–2

date of assent 7 December 1992

ss 1–2 commenced on date of assent

ss 3–5, 9–12 commenced 18 December 1992 (1992 SL No. 450)

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

Health Legislation Amendment Act 1993 No. 79 pts 1–2

date of assent 17 December 1993

ss 1–2 commenced on date of assent

ss 7–8 commenced on 18 December 1993 (see s 2(2))

remaining provisions commenced 14 March 1994 (1994 SL No. 84)

Statute Law Revision Act 1995 No. 57 ss 1–2, 4 sch 1 (this Act is amended, see amending legislation below)

date of assent 28 November 1995

commenced on date of assent

amending legislation—

Statute Law Revision Act 1995 No. 58 ss 1–2, 4 sch 1 (amends 1995 No. 57 above)

date of assent 28 November 1995

commenced on date of assent (see s 2(1) sch 1)

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 1

date of assent 18 November 1999

ss 1–2 commenced on date of assent

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

Chiropractors Registration Act 2001 No. 3 ss 1–2, 242 sch 3

date of assent 11 May 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 1 May 2002 (2002 SL No. 73)

Corporations (Ancillary Provisions) Act 2001 No. 45 ss 1–2, 29 sch 3

date of assent 28 June 2001

ss 1–2 commenced on date of assent

sch 3 commenced 15 July 2001 (see s 2(2) of Act 2001 No. 45 (Qld) and Corporations Act 2001 No. 50 (Cwlth) and proc pubd Cwlth of Australia gaz 13 July 2001, No. S285)

remaining provision commenced immediately before 15 July 2001 (see s 2(1) of Act 2001 No. 45 (Qld) and Corporations Act 2001 No. 50 (Cwlth) and proc pubd Cwlth of Australia gaz 13 July 2001, No. S285)

7 List of annotations

Title sub 1988 No. 3 s 5

Short title

s 1 amd 1988 No. 3 s 3(1)

Commencement

s 2 om R2 (see RA s 37)

Arrangement of Act

s 3 amd 1988 No. 3 s 18

om R1 (see RA s 39)

Definitions

prov hdg amd 1992 No. 66 s 4(1)

s 4 amd 2001 No. 3 s 242 sch 3

reloc (as 2001 No. 3 s 237) 2001 No. 3 s 242 sch 3

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

om 2001 No. 3 s 242 sch 3

def “**association of persons**” ins 1992 No. 66 s 4(3)

om 2001 No. 3 s 242 sch 3

def “**board**” amd 1988 No. 3 s 6(a)

om 2001 No. 3 s 242 sch 3

def “**chiropractic**” ins 1988 No. 3 s 6(b)

sub 1992 No. 66 s 4(2)–(3)

amd 2001 No. 3 s 242 sch 3

def “**chiropractic and osteopathy company**” ins 1992 No. 66 s 4(3)

om 2001 No. 3 s 242 sch 3

def “**chiropractic manipulative therapist**” om 1988 No. 3 s 6(b)

def “**chiropractic manipulative therapy**” om 1988 No. 3 s 6(b)

def “**chiropractor and osteopath**” ins 1988 No. 3 s 6(b)

om 2001 No. 3 s 242 sch 3

def “**fee**” ins 1992 No. 66 s 4(3)

om 2001 No. 3 s 242 sch 3

def “**medical practitioner**” om 1995 No. 57 s 4 sch 1

def “**Minister**” om 1992 No. 66 s 4(2)

def “**osteopath**” ins 2001 No. 3 s 242 sch 3

def “**physiotherapist**” sub 2001 No. 3 s 242 sch 3

def “**register**” amd 1988 No. 3 s 6(c)

sub 1995 No. 57 s 4 sch 1

om 2001 No. 3 s 242 sch 3

def “**registrar**” sub 1995 No. 57 s 4 sch 1

om 2001 No. 3 s 242 sch 3

Meaning of “chiropractic and osteopathy company”

s 4A ins 1992 No. 66 s 5

amd 1993 No. 79 s 4; 2001 No. 45 s 29 sch 3

Constitution of board

s 6 amd 1988 No. 3 s 18; 1990 No. 88 s 3 sch; 1995 No. 57 s 4 sch 1

Members of board

s 7 amd 1988 No. 3 ss 7, 18; 1992 No. 66 s 6; 1993 No. 79 s 5; 1995 No. 57
 s 4 sch 1

Increase in number of members

s 7A ins 1992 No. 66 s 7
 om 1995 No. 57 s 4 sch 1

Chairperson and deputy chairperson of board

s 8 amd 1995 No. 57 s 4 sch 1

Tenure of office

s 9 amd 1993 No. 79 s 6; 1995 No. 57 s 4 sch 1

Meetings of board

s 11 amd 1992 No. 66 s 8; 1995 No. 57 s 4 sch 1

Entitlements of members of board or committees

s 13 sub 1984 No. 74 s 9
 amd 1995 No. 57 s 4 sch 1

Registrar and other officers employed under Public Service Act

s 15 sub 1996 No. 37 s 147 sch 2

Funds of board

s 16 amd 1987 No. 10 s 15

Board is statutory body

s 16A ins 1996 No. 54 s 9 sch

PART 3—REGISTRATION OF CHIROPRACTORS AND OSTEOPATHS

pt hdg amd 1988 No. 3 s 18

The register

s 17 amd 1988 No. 3 s 8

Qualifications for registration

s 18 sub 1988 No. 3 s 9
 amd 1995 No. 57 s 4 sch 1

Conditional registration

s 19 sub 1988 No. 3 s 9
 amd 1995 No. 57 s 4 sch 1; 1999 No. 58 s 406

Board may impose conditions

s 19A ins 1988 No. 3 s 9
 amd 1999 No. 58 s 407

Registration for a limited period

s 20 amd 1988 No. 3 s 18; 1995 No. 57 s 4 sch 1

Provisional registration

s 21 amd 1988 No. 3 ss 10, 18; 1995 No. 57 s 4 sch 1; 1999 No. 58 s 408

Certificate of registration

s 22 amd 1988 No. 3 s 18; 1995 No. 57 s 4 sch 1

Annual licence fee

s 23 amd 1988 No. 3 s 18

Removal of name from register

s 24 amd 1988 No. 3 ss 11, 18; 1999 No. 58 s 409

Disciplinary action

s 25 amd 1988 No. 3 ss 12, 18–19; 1995 No. 57 s 4 sch 1
om 1999 No. 58 s 410

Obligation on members of associations of persons

s 25A ins 1992 No. 66 s 9
amd 1999 No. 58 s 411

Correction of register

s 26 amd 1988 No. 3 s 18

Notification of board's determinations

s 27 amd 1988 No. 3 s 13; 1999 No. 58 s 412

Appeals

s 28 amd 1988 No. 3 s 14; 1995 No. 57 s 4 sch 1; 1999 No. 58 s 413

PART 3A—CHIROPRACTIC AND OSTEOPATHY COMPANIES

pt hdg ins 1992 No. 66 s 10

Formation of chiropractic and osteopathy companies

s 28A ins 1992 No. 66 s 10

Regulation of company names

s 28B ins 1992 No. 66 s 10
amd 1993 No. 79 s 7; R1 (see RA s 37)

Offence by company

s 28C ins 1992 No. 66 s 10
amd 1993 No. 79 s 8; R1 (see RA s 37)

Use of surgery or drugs prohibited

s 29 amd 1988 No. 3 s 18

Prohibited practices

s 30 amd 1988 No. 3 ss 18–19; 1995 No. 57 s 4 sch 1; 2001 No. 3 s 242 sch 3
reloc (as 2001 No. 3 s 238) 2001 No. 3 s 242 sch 3

Rules of practice

s 31 amd 1988 No. 3 s 18; 1995 No. 57 s 4 sch 1
om 1999 No. 58 s 414

Exemptions

s 32 sub 1988 No. 3 s 15
amd 2001 No. 3 s 242 sch 3
reloc (as 2001 No. 3 s 239) 2001 No. 3 s 242 sch 3

Penalty for fraudulent practices

s 33 amd 1988 No. 3 ss 18–19; R1 (see RA s 39); 1995 No. 57 s 4 sch 1

General penalty

s 34 amd 1988 No. 3 s 19; 1995 No. 57 s 4 sch 1

Evidentiary provision

s 36 amd 1988 No. 3 s 18

Statutory declarations

s 37 amd 1995 No. 57 s 4 sch 1

By-laws

s 38 amd 1988 No. 3 ss 16, 18–19; 1992 No. 66 s 11; 1995 No. 57 s 4 sch 1

Approval of forms

s 39 sub 1995 No. 57 s 4 sch 1

PART 5—TRANSITIONAL PROVISIONS

pt hdg ins 1995 No. 57 s 4 sch 1

Chiropractic Manipulative Therapists Act 1979 references

s 40 ins 1992 No. 66 s 12
sub 1995 No. 57 s 4 sch 1

Chiropractic manipulative therapy and therapist references etc.

s 41 ins 1992 No. 66 s 12
sub 1995 No. 57 s 4 sch 1

Approved forms

s 42 ins 1995 No. 57 s 4 sch 1 (amd 1995 No. 58 s 4 sch 1)
exp 28 May 1996 (see s 42(3))

8 List of forms

Form B 09 Version May 1999—Application for Registration as a Chiropractor and Osteopath in Queensland

pubd gaz 28 May 1999 p 392

Form B 09m Version May 1999—Application for Registration under Mutual Recognition as a Chiropractor and Osteopath in Queensland

pubd gaz 28 May 1999 p 392

Form B 09MNZ Version April 1999—Application for Registration under Trans-Tasman Mutual Recognition as a Chiropractor and Osteopath in Queensland

pubd gaz 28 May 1999 p 392