

Queensland



Chiropractors and Osteopaths Act 1979

CHIROPRACTORS AND OSTEOPATHS BY-LAW 1990

**Reprinted as in force on 1 May 2002
(includes amendments up to SL No. 228 of 2001)**

This is the reprint current on the repeal date

Reprint No. 2D

This reprint is prepared by
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Warning—This reprint is not an authorised copy

Information about this reprint

This by-law 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.**

Queensland



CHIROPRACTORS AND OSTEOPATHS BY-LAW 1990

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CHIROPRACTORS AND OSTEOPATHS BY-LAW 1990

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

PART 1—PRELIMINARY

1 Short title

This by-law may be cited as the *Chiropractors and Osteopaths By-law 1990*.

2 Definition

In this by-law—

“**approved examination**” means an examination approved by the board in relation to a subject mentioned in section 17(1)(e) whether written, oral or practical or a combination of these.

4 Fees

The fees set out in the schedule are fees payable for the matters to which they relate.

PART 2—ADMINISTRATION

7 Notice of meetings of board

The registrar shall give notice in writing to each member of the board not less than 7 days before an ordinary meeting and not less than 3 days before a special meeting setting forth the place, date and time of the meeting and the business thereof.

8 Quorum

If at the expiration of half an hour after the time appointed for any meeting a quorum is not present, the meeting shall lapse.

9 Order of business of board meetings

The order of business at an ordinary meeting of the board shall be as follows—

- (a) reading of the minutes of the last meeting and unconfirmed minutes of special meetings;
- (b) confirmation or otherwise of the minutes;
- (c) business arising out of those minutes;
- (d) outward correspondence and consideration of inward correspondence;
- (e) finance—
 - (i) financial statement; and
 - (ii) production of statements for accounts kept by the board with a financial institution; and
 - (iii) accounts for payment; and
 - (iv) other matters of finance;
- (f) restorations;
- (g) registrations;
- (h) additional qualifications;
- (i) motions of which notice has been given;
- (j) general business;
- (k) date of next meeting.

10 Special meetings of board

(1) A special meeting of the board shall be convened by the registrar at the direction of the chairperson or on the requisition in writing by 3 members.

(2) At a special meeting only the business stated in the direction or requisition shall be transacted.

11 Rescission etc. of resolution

A resolution passed or any act, matter or thing done or authorised by or at any meeting shall not be rescinded, amended, cancelled or revoked at a subsequent meeting unless prior notice of the intended rescission, amendment, cancellation or revocation was given in the notice convening the meeting.

12 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 in accordance with the *Statutory Bodies Financial Arrangements Act 1982*, section 31.¹

(3) A payment may be made from the account only—

- (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.

13 Common seal

(1) The common seal of the board shall be in the name of the Chiropractors and Osteopaths Board of Queensland in such design as the board may determine.

(2) The seal shall remain in the custody of the registrar and shall be affixed under the registrar's signature to certificates of registration and such other documents as the board may direct.

¹ *Statutory Bodies Financial Arrangements Act 1982*, section 31 (General banking powers for day-to-day operations)

PART 3—REGISTRATION

14 The register

(1) The register shall contain the following particulars of each chiropractor and osteopath recorded therein—

- (a) registration number;
- (b) full name;
- (c) address of principal place of practice or home address;
- (d) date of registration;
- (e) type of registration;
- (f) initial qualification;
- (g) additional qualifications relating to chiropractic and osteopathy.

(2) The register shall be kept in alphabetical order of the names of the persons registered.

15 Records to be retained by registrar

The registrar shall retain a record of the prescribed particulars previously entered in the register relating to any chiropractor and osteopath whose name has been removed from the register pursuant to the Act and the record shall be suitably endorsed with particulars of that removal.

16 Registration

(1) An application for registration as a chiropractor and osteopath shall be made to the board in the approved form, and shall be accompanied by the prescribed application for registration fee.

(2) Upon approval of the application and payment of the prescribed registration fee and the annual licence fee the applicant shall be registered as a chiropractor and osteopath.

17 Qualifications for registration

(1) For the purposes of section 18(1)(e) of the Act, a prescribed qualification is—

- (a) Bachelor of Applied Science (Chiropractic) of—
 - (i) the Phillip Institute of Technology, Melbourne; or
 - (ii) the Royal Melbourne Institute of Technology; or
- (b) Bachelor of Applied Science (Osteopathy) of—
 - (i) the Phillip Institute of Technology, Melbourne; or
 - (ii) the Royal Melbourne Institute of Technology; or
- (c) Graduate Diploma in Chiropractic of the Sydney College of Chiropractic; or
- (d) Master of Chiropractic of the Macquarie University, Sydney; or
- (e) registration to practise chiropractic and osteopathy in another State or a Territory and, subject to subsection (2), successful completion of approved examinations in the following subjects—
 - (i) basic sciences including anatomy, pathology, physiology and biochemistry;
 - (ii) clinical sciences including differential diagnosis, neurology, orthopaedics and radiology.

(2) For the purposes of subsection (1)(e), the board may exempt a person from undertaking an approved examination if the board is satisfied that the person has sufficient knowledge of the subject because of experience and competence in the practice of chiropractic and osteopathy.

(3) A person must pay the prescribed fee before undertaking an approved examination.

18 Additional qualifications

An application by a person who is registered as a chiropractor and osteopath for an additional qualification to be registered shall be made to the board in writing, signed by the chiropractor and osteopath, and accompanied by—

- (a) documentary evidence (or a certified copy thereof) that the chiropractor and osteopath is the holder of the additional qualification; and
- (b) the prescribed registration fee.

PART 4—PRACTICE

Division 1—Preliminary

19 Definitions

In this part—

“advertise” means advertise a practice, or advertise a person as being a chiropractor and osteopath, by—

- (a) giving a newsletter to a person; or
- (b) placing an advertisement in a newspaper; or
- (c) placing an entry in a directory; or
- (d) displaying a sign; or
- (e) using printed stationery; or
- (f) doing any other thing.

“advertise on screen” means advertise by—

- (a) making an entry in a video directory; or
- (b) advertising on television; or
- (c) otherwise displaying an advertisement on a screen.

“approved logo” for a practice means a logo approved for the practice under section 20 (Approved logos).

“approved professional association” means a professional association approved under section 21 (Approved professional associations).

“permissible advertising matter” means a matter mentioned in section 22 (Permissible advertising matters).

“practice” means a chiropractic and osteopathy practice.

“registered charity” means an association registered as a charity under the *Collections Act 1966*.

20 Approved logos

The board may approve a logo for a practice if it is satisfied that the logo—

- (a) is not offensive; and
- (b) is not misleading as to the nature of the practice; and
- (c) does not imply superiority for the practice over other practices.

21 Approved professional associations

The board may approve a professional association for the purposes of this part if it is satisfied the association—

- (a) has an acceptable code of ethics; and
- (b) provides for the continuing professional education of its members.

22 Permissible advertising matters

(1) The following are “**permissible advertising matters**” for a practice—

- (a) the name of the practice;
- (b) the following particulars for each chiropractor and osteopath who works in the practice—
 - (i) name;
 - (ii) registered qualifications;
 - (iii) the name (written out in full) of any approved professional association of which the chiropractor and osteopath is a member;
 - (iv) any other competency held by the chiropractor and osteopath approved under subsection (2);
- (c) the business address of the practice;
- (d) the places where the practice is carried on;
- (e) the telephone numbers of the practice (including any after hours number);
- (f) the fact that it is a chiropractic and osteopathy practice or that each person mentioned in paragraph (b) is a chiropractor and osteopath;
- (g) the days and hours the practice is attended;

- (h) an approved logo for the practice;
- (i) a matter required to be included in an advertisement by another law (for example, information required by the Corporations Law to appear on the practice's stationery).

(2) The board may approve, as a permissible advertising matter for a practice, a specified competency held by a chiropractor and osteopath who works in the practice.

Examples—

- qualifications other than registered qualifications
- training successfully completed
- an area of specialty.

(3) The board must ensure that its criteria for approving a competency of a particular description (for example, that a person is a specialist in an area) are consistently applied.

Division 2—Advertising

23 Advertising

(1) A chiropractor and osteopath must not advertise if the advertisement contains anything other than a permissible advertising matter.

Maximum penalty—25 penalty units.

(2) Subsection (1) does not apply to a chiropractor and osteopath while—

- (a) acting as a spokesperson for an approved professional association; or
- (b) acting for a registered charity.

(3) Subsection (1) is subject to section 24 (Advertising by newsletter).

24 Advertising by newsletter

(1) A chiropractor and osteopath must not give a newsletter to a person other than—

- (a) a patient of the practice; or
- (b) a chiropractor and osteopath; or

- (c) a medical practitioner; or
- (d) a physiotherapist; or
- (e) a person who has requested the newsletter.

Maximum penalty—25 penalty units.

(2) A chiropractor and osteopath must not give to a person a newsletter that—

- (a) is false, misleading or deceptive; or
- (b) is vulgar or sensational in a way that is likely to adversely affect the standing of the chiropractic and osteopathy professions; or
- (c) claims or implies superiority for the chiropractor and osteopath or the practice over other chiropractors and osteopaths or practices; or
- (d) denigrates other professions; or
- (e) contains an endorsement or testimonial about the chiropractor and osteopath or the practice.

Maximum penalty—25 penalty units.

(3) Section 23(1) (Advertising) does not apply to a chiropractor and osteopath who gives a newsletter to a person in compliance with this section.

25 Advertising on screen

A chiropractor and osteopath must not advertise on screen unless the advertisement consists only of a single screen image.

Maximum penalty—25 penalty units.

Example—

This section would allow permissible advertising matters for a practice to be displayed by a single image on a television screen, but not by a moving picture.

26 Practice names

(1) A chiropractor and osteopath must not practise under a name other than—

- (a) the name of the chiropractor and osteopath; or

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

Maximum penalty—25 penalty units.

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

- (a) is not offensive; 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.

27 Canvassing or soliciting

(1) A chiropractor and osteopath must not—

- (a) canvass or solicit business as a chiropractor and osteopath; or
- (b) allow a person to canvass or solicit business on behalf of the chiropractor and osteopath.

Maximum penalty—25 penalty units.

(2) In subsection (1)—

“**solicit**” includes offer an inducement to use a particular chiropractor and osteopath.

28 Obligation on members of associations

(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 this by-law is complied with.

Maximum penalty—25 penalty units.

(2) In this section—

“**member**” has the meaning given by section 25A of the Act.

PART 5—MISCELLANEOUS

29 When annual licence fee must be paid

(1) A person who is already registered as a chiropractor and osteopath at the beginning of a year, or becomes registered in January of a year, must pay the annual licence fee for the year on or before 31 January in the year.

(2) A person who is not registered as a chiropractor and osteopath in January of a year, but applies to be registered in the year, must pay the annual licence fee for the year with the registration fee.

(3) If a person is registered as a chiropractor and osteopath in December of a year, the annual licence fee for the following year is waived.

SCHEDULE**FEES**

section 4

	\$
1. Inspection of register	10.00
2. Application for registration	78.00
3. Registration	78.00
4. Registration of an additional qualification	10.00
5. Duplicate or certified copy of certificate of registration . .	20.00
6. Annual licence fee	249.00
7. Restoration of name to register	130.00
8. Examination fee	208.00

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

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	to SL No. 411 of 1996	3 February 1997
1A	to SL No. 345 of 1997	18 November 1997
1B	to SL No. 290 of 1998	2 November 1998
2	to SL No. 290 of 1998	3 March 1999
2A	to SL No. 259 of 1999	9 November 1999
2B	to SL No. 302 of 2000	15 December 2000
2C	to SL No. 228 of 2001	7 December 2001

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Corrected minor errors	2
Renumbered provisions	1

6 List of legislation

Chiropractors and Osteopaths By-law 1990 (prev Chiropractors and Osteopaths By-laws 1990)

made by Chiropractors and Osteopaths Board of Queensland on 29 March 1990
pubd gaz 31 March 1990 pp 1607–27
commenced on date of publication
rep 1 May 2002 (2001 No. 3 s 216)
amending legislation—

Chiropractors and Osteopaths (Amendment) By-law 1991

pubd gaz 25 May 1991 p 454
commenced on date of publication

Chiropractors and Osteopaths Amendment By-law 1992 SL No. 11

pubd gaz 1 February 1992 pp 438–41
commenced on date of publication

Chiropractors and Osteopaths Amendment By-law (No. 1) 1994 SL No. 134

notfd gaz 15 April 1994 pp 1491–2
commenced on date of notification

Chiropractors and Osteopaths Amendment By-law (No. 2) 1994 SL No. 464
notfd gaz 16 December 1994 pp 1792–7
commenced on date of notification

Chiropractors and Osteopaths Amendment By-law (No. 1) 1996 SL No. 297
notfd gaz 25 October 1996 pp 764–7
commenced on date of notification

Chiropractors and Osteopaths Amendment By-law (No. 2) 1996 SL No. 411
notfd gaz 20 December 1996 pp 1588–98
commenced on date of notification

Chiropractors and Osteopaths Amendment By-law (No. 1) 1997 SL No. 324
notfd gaz 3 October 1997 pp 481–2
commenced on date of notification

Chiropractors and Osteopaths Amendment By-law (No. 2) 1997 SL No. 345
notfd gaz 24 October 1997 pp 786–8
commenced on date of notification

Chiropractors and Osteopaths Amendment By-law (No. 1) 1998 SL No. 290
notfd gaz 30 October 1998 pp 815–16
commenced on date of notification

Chiropractors and Osteopaths Amendment By-law (No. 1) 1999 SL No. 259
notfd gaz 5 November 1999 pp 918–21
commenced on date of notification

Chiropractors and Osteopaths Amendment By-law (No. 1) 2000 SL No. 302
notfd gaz 1 December 2000 pp 1289–90
commenced on date of notification

Chiropractors and Osteopaths Amendment By-law (No. 1) 2001 SL No. 228
notfd gaz 30 November 2001 pp 1179–82
commenced on date of notification

7 List of annotations

PART 1—PRELIMINARY

pt hdg sub 1992 SL No. 11 s 3

Short title

s 1 sub 1992 SL No. 11 s 3

Definition

prov hdg sub 1996 No. 297 s 3(1)

s 2 sub 1992 SL No. 11 s 3

def “**prescribed form**” om 1996 SL No. 297 s 3(2)

Approval of forms

s 3 sub 1992 SL No. 11 s 3

om 1996 SL No. 297 s 4

Fees

s 4 sub 1992 SL No. 11 s 3
amd 1996 SL No. 297 s 5

Fees

s 5 om 1992 SL No. 11 s 3

Forms

s 6 om 1992 SL No. 11 s 3

Order of business of board meetings

s 9 amd 1997 SL No. 324 s 3

Board's funds

s 12 sub 1997 SL No. 324 s 4

The register

s 14 amd 2000 SL No. 302 s 3

Registration

s 16 amd 1996 SL No. 297 s 6

Qualifications for registration

s 17 sub 1992 SL No. 11 s 4
amd 1994 SL No. 134 s 3; 1998 SL No. 290 s 3

PART 4—PRACTICE

pt hdg sub 1994 No. 134 s 4

Division 1—Preliminary

div hdg ins 1994 No. 134 s 4

Definitions

s 19 sub 1994 No. 134 s 4

Approved logos

s 20 sub 1994 No. 134 s 4

Approved professional associations

s 21 sub 1994 No. 134 s 4

Permissible advertising matters

s 22 sub 1994 No. 134 s 4

Division 2—Advertising

div hdg ins 1994 No. 134 s 4

Advertising

s 23 sub 1994 No. 134 s 4

Advertising by newsletter

s 24 sub 1994 No. 134 s 4

Advertising on screen

s 25 sub 1994 No. 134 s 4

Practice names

s 26 sub 1994 No. 134 s 4

Canvassing or soliciting

s 27 sub 1994 No. 134 s 4

Obligation on members of associations

s 28 sub 1994 No. 134 s 4

PART 5—MISCELLANEOUS

pt hdg prev pt 5 hdg om 1994 No. 134 s 4
 pres pt 5 hdg ins 1996 SL No. 411 s 3

When annual licence fee must be paid

s 29 prev s 29 om 1994 No. 134 s 4
 pres s 29 ins 1996 SL No. 411 s 3

SCHEDULE—FEES**sch hdg** amd 1992 SL No. 11 s 5

sch amd by-law pubd gaz 25 May 1991 p 454; 1994 SL No. 464 s 3; 1996 SL
 No. 297 s 7
 sub 1997 SL No. 345 s 3; 1998 SL No. 290 s 4
 amd 1999 SL No. 259 s 3; 2000 SL No. 302 s 4; 2001 SL No. 228

SECOND SCHEDULE—LIST OF FORMS

om 1992 SL No. 11 s 6