

Queensland



Optometrists Act 1974

OPTOMETRISTS BY-LAW 1996

**Reprinted as in force on 7 December 2001
(includes amendments up to SL No. 231 of 2001)**

Reprint No. 11

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Information about this reprint

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

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

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

Also see endnotes for information about—

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

Queensland



OPTOMETRISTS BY-LAW 1996

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OPTOMETRISTS BY-LAW 1996

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

PART 1—PRELIMINARY

1 Short title

This by-law may be cited as the *Optometrists By-law 1996*.

2 Definitions

In this by-law—

“**advertise**” means advertise a practice, or advertise a person as being an optometrist, in any way.

Examples of ways of advertising—

- (a) placing an advertisement in a newspaper or professional journal;
- (b) placing an entry in a directory;
- (c) distributing a circular;
- (d) displaying a sign or nameplate;
- (e) using printed stationery.

“**directory**” includes an electronic directory.

“**meeting**” means a board meeting.

“**member**” means a board member.

“**practice**” means an optometry practice.

PART 2—BOARD MEETINGS

Division 1—Ordinary meetings

3 Notice of meeting

The registrar must give each member written notice of the time and place of an ordinary meeting at least 3 clear days before the meeting.

4 Order of business at ordinary meeting

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

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

Division 2—Special meetings

5 When a special meeting is to be held

- (1) The registrar must call a special meeting—
- (a) at the chairperson's request; or

(b) on the written request of 3 members.

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

6 Notice of special meeting

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

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

7 Business that may be considered at special meeting

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

Division 3—General

8 Adjournment of meeting

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

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

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

9 Disclosure of interests by members

(1) This section applies if—

(a) a member has a direct or indirect personal interest in an issue being considered, or about to be considered, by the board; and

(b) the interest could conflict with the proper performance of the member's duties in considering the issue.

(2) The member must disclose the nature of the interest at a meeting as soon as practicable after the member becomes aware of the possible conflict of interest.

(3) The disclosure must be recorded in the minutes and, unless the board otherwise decides, the member must not—

- (a) be present when the board considers the issue; or
- (b) take part in a decision of the board on the issue.

Maximum penalty—30 penalty units.

(4) A member who makes a disclosure must not—

- (a) be present when the board is considering whether or not the member should be present when the board considers the issue; or
- (b) take part in a decision by the board under subsection (2).

Maximum penalty—30 penalty units.

PART 3—ADMINISTRATION

10 Board's funds

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

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

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

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

11 Board's common seal

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

(2) The registrar may only attach the common seal to—

- (a) a certificate of registration; or
- (b) another document if—
 - (i) the attachment is authorised in writing by the chairperson;or

- (ii) the attachment is authorised by resolution of the board and witnessed by 2 members.

PART 4—REGISTRATION

12 Qualifications for registration—Act s 19(1)(a)

The following are the qualifications for registration—

- (a) Bachelor of Applied Science (Optometry), Queensland University of Technology;
- (b) Bachelor of Applied Science (Optometry), Queensland Institute of Technology;
- (c) Diploma of Applied Science (Optometry), Queensland Institute of Technology;
- (d) Bachelor of Optometry, University of New South Wales;
- (e) Bachelor of Science (Optometry), University of Melbourne;
- (f) Bachelor of Optometry, University of Melbourne;
- (g) Bachelor of Optometry, University of Auckland.

13 Register to be kept

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

- (a) business address;
- (b) registration number;
- (c) date of registration;
- (d) qualifications entitling the optometrist to registration;
- (e) qualifications the optometrist is entitled under section 20 of the Act to have recorded in the register.

PART 5—PRACTICE

14 Practice names

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

- (a) the optometrist's name; or
- (b) if the optometrist practices as a member of an association of optometrists and the name of the association consists only of the name of its members or former members—the name of the association; or
- (c) a name approved by the board.

Maximum penalty—30 penalty units.

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

- (a) is not misleading as to the persons working in the practice or the nature of the practice; and
- (b) does not imply superiority for the practice over other practices; and
- (c) does not imply the practice is the only practice in the area; and
- (d) is not vulgar or sensational; and
- (e) does not otherwise bring the profession of optometry into disrepute.

(3) If an optometrist practices under a name that does not include his or her name, the optometrist must display his or her name in a way that is clearly visible to persons visiting the practice.

Maximum penalty—30 penalty units.

PART 6—ADVERTISING

15 Advertising

(1) An optometrist must not advertise in a way that—

- (a) is false, misleading or deceptive; or
- (b) is vulgar or sensational; or
- (c) implies superiority for the optometrist over other optometrists; or
- (d) is otherwise unprofessional.

Maximum penalty—30 penalty units.

(2) An optometrist must not include in an advertisement—

- (a) an endorsement of, or testimonial about, the optometrist, the optometrist's practice or a service or product provided by the optometrist or practice; or
- (b) a reference to fees for a service or product provided by the optometrist or optometrist's practice; or
- (c) a claim that the optometrist holds a qualification, unless the qualification is recorded in the register for the optometrist.

Maximum penalty—30 penalty units.

16 Directory advertising

(1) An optometrist must not place an entry for a practice in a directory other than under subsection (2).

Maximum penalty—30 penalty units.

(2) The entry must—

- (a) include only the following matters—
 - (i) the name of the optometrist or the optometrist's practice;
 - (ii) the business address of the practice;
 - (iii) the telephone and facsimile numbers of the practice (including any after hours number); and
- (b) be in standard or common size print used in the directory.

17 Advertising by another person

An optometrist must not permit another person to advertise the optometrist's practice, or a service or product provided by the optometrist, in a way that is contrary to this by-law.

Maximum penalty—30 penalty units.

PART 7—MISCELLANEOUS

18 Board may serve notice to comply

(1) If the board believes, on reasonable grounds, that an optometrist is practising or advertising in contravention of this by-law, the board may give the optometrist a written notice (“**notice to comply**”) under this section.

(2) A notice to comply must state—

- (a) the act or omission comprising the alleged contravention; and
- (b) the action the person must take to rectify the alleged contravention; and
- (c) the day by which the optometrist must take the action (the “**due date**”).

(3) The time between when the notice to comply is given to the optometrist and the due date must be reasonable, having regard to the action the optometrist must take.

(4) The optometrist must comply with the notice unless the optometrist has a reasonable excuse.

Maximum penalty—10 penalty units.

(5) An optometrist who receives a notice to comply may not be prosecuted for the alleged contravention unless the optometrist does not comply with the notice by the due date.

(6) An optometrist may be prosecuted for an offence against this by-law even though the optometrist has not received a notice to comply.

19 Fees

The fees payable under the Act are in the schedule.

20 When annual licence fee must be paid

(1) A person who is already registered as an optometrist 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 an optometrist 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 an optometrist in December of a year, the annual licence fee for the following year is waived.

21 Expiry

This by-law expires on 1 July 2002.

SCHEDULE**FEES**

section 19

	\$
1. Inspection of register	5.00
2. Registration	45.00
3. Registration of an additional qualification	5.00
4. Duplicate or certified copy of certificate of registration	5.00
5. Annual licence fee	168.00
6. Restoration of name to the register	5.00
7. Examination or test of an applicant for registration	76.00
8. Fee payable to an examiner for examining or testing applicant for registration	61.00

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 7 December 2001. Future amendments of the Optometrists By-law 1996 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

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

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

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

Reprint No.	Amendments included	Reprint date
1	none	26 September 1996
1A	to SL No. 407 of 1996	4 March 1997
1B	to SL No. 377 of 1997	6 January 1998
1C	to SL No. 121 of 1998	24 July 1998
1D	to SL No. 37 of 1999	2 April 1999
1E	to SL No. 263 of 1999	15 November 1999
1F	to SL No. 107 of 2000	23 June 2000
1G	to SL No. 305 of 2000	15 December 2000
1H	to SL No. 71 of 2001	29 June 2001

5 List of legislation

Optometrists By-law 1996 SL No. 140

made by the Optometrists Board of Queensland on 3 June 1996
notfd gaz 21 June 1996 pp 1067–8
commenced on date of notification
exp 1 July 2002 (see s 21)

as amended by—

Optometrists Amendment By-law (No. 1) 1996 No. 407

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

Optometrists Amendment By-law (No. 1) 1997 SL No. 377

notfd gaz 7 November 1997 pp 967–8
commenced on date of notification

Optometrists Amendment By-law (No. 1) 1998 SL No. 121

notfd gaz 15 May 1998 pp 311–16
commenced on date of notification

Optometrists Amendment By-law (No. 1) 1999 SL No. 37

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

Optometrists Amendment By-law (No. 2) 1999 SL No. 263

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

Optometrists Amendment By-law (No. 1) 2000 SL No. 107

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

Optometrists Amendment By-law (No. 2) 2000 SL No. 305

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

Optometrists Amendment By-law (No. 1) 2001 SL No. 71

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

Optometrists Amendment By-law (No. 2) 2001 SL No. 231

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

6 List of annotations**Order of business at ordinary meeting**

s 4 amd 1997 SL No. 377 s 3

When annual licence fee must be paid

s 20 prev s 20 om R1 (see RA s 40)
 pres s 20 ins 1996 SL No. 407 s 3

Expiry

s 21 sub 1998 SL No. 121 s 3
 amd 1999 SL No. 37 s 3; 2000 SL No. 107 s 3; 2001 SL No. 71 s 3

SCHEDULE—FEES

amd 1996 SL No. 407 s 4; 1997 SL No. 377 s 4; 1999 SL No. 263 s 3; 2000
 SL No. 305 s 3; 2001 SL No. 231 s 3