

SOUTH AUSTRALIA

OPTOMETRISTS REGULATIONS, 1975

CONSOLIDATION OF REGULATIONS UNDER THE OPTOMETRISTS ACT, 1920

Optometrists Regulations, 1975

being

Gaz. 16 October 1975, p. 2034

as varied by

Gaz. 17 November 1977, p. 1510

No. 184 of 1979: *Gaz.* 20 December 1979, p. 2300

No. 197 of 1981: *Gaz.* 26 November 1981, p. 2158

No. 50 of 1983: *Gaz.* 14 April 1983, p. 879

No. 209 of 1986: *Gaz.* 30 October 1986, p. 1532

No. 204 of 1989: *Gaz.* 9 November 1989, p. 1453

No. 145 of 1990: *Gaz.* 12 July 1990, p. 271¹

No. 240 of 1991: *Gaz.* 5 December 1991, p. 1715

No. 215 of 1992: *Gaz.* 17 December 1992, p. 2217²

No. 152 of 1993: *Gaz.* 1 July 1993, p. 348³

No. 1 of 1995: *Gaz.* 5 January 1995, p. 47⁴

No. 6 of 1996: *Gaz.* 4 January 1996, p. 82⁵

¹ Came into operation 3 August 1992: reg. 2.

² Came into operation 17 December 1992: reg. 2.

³ Came into operation (except reg. 9) 1 July 1993: reg. 2(1); reg. 9 came into operation 1 January 1994: reg. 2(2).

⁴ Came into operation 5 January 1995: reg. 2.

⁵ Came into operation 4 January 1996: reg. 2.

N.B. The following regulation has been disallowed:

No. 101 of 1992: *Gaz.* 25 June 1992, p. 1915 see *Gaz.* 13 May 1993, p. 1634.

Note: Asterisks indicate repeal or deletion of text. For further explanation see Appendix.

2.

Introductory

1. These regulations may be cited as the *Optometrists Regulations, 1975*.

2. These regulations are a consolidation of the regulations made under the *Opticians Act, 1920-1974*, and published in the *Gazette* on the dates and at the pages stated below:—

"Gazette" Reference

| Date | Page |
|--------------------------------|------|
| 28th February, 1929 | 470 |
| 26th June, 1929 | 1494 |
| 5th September, 1929 | 570 |
| 8th March, 1934 | 462 |
| 4th April, 1940 | 679 |
| 28th March, 1946 | 529 |
| 13th March, 1947 | 850 |
| 4th December, 1952 | 1439 |
| 19th May, 1955 | 1142 |
| 28th November, 1957 | 1282 |
| 7th April, 1960 | 992 |
| 25th June, 1964 | 1604 |
| 22nd July, 1965 | 171 |
| 5th August, 1965 | 287 |
| 27th October, 1966 | 1758 |
| 12th September, 1968 | 797 |
| 9th April, 1970 | 1350 |
| 1st October, 1970 | 1409 |
| 18th March, 1971 | 1145 |
| 18th November, 1971 | 2084 |
| 21st December, 1972 | 2748 |
| 31st October, 1974 | 2881 |

Interpretation

3. In these regulations—

"the Act" means the *Optometrists Act, 1920*;

"the Register" means the register of optometrists.

Meetings and Proceedings of the Board

4. An ordinary meeting of the Board shall be held in each month, at such time and place as the Board may appoint.

3.

5. It shall be lawful for the presiding member or any two members of the Board, by a notice in writing addressed to the Registrar, to require him to convene a special meeting of the Board. Thereupon the Registrar shall, by notice in writing, summon each member of the Board to meet on a day and place mentioned in such notice, such day being not less than seven days after the date of the issue thereof.

* * * * *

7. (a) If a quorum is not present within half an hour after the time appointed for a meeting, the members present, or any one member, if only one is present, or the Registrar, if no member is present, may adjourn such meeting to a later time during the same day, or to any other time not later than seven days from the date of such adjournment.

(b) Any meeting may be adjourned by resolution carried thereat, to a later date, and from day to day as may be necessary in order to finish the business of the meeting.

8. Any meeting at which a quorum is not present, and which is not adjourned as in regulation 7 provided, shall be deemed to have lapsed.

* * * * *

10. At every ordinary meeting of the Board the business shall be transacted in the following order:—

- (a) Reading and confirmation (or otherwise) of minutes.
- (b) Business arising out of minutes.
- (c) Correspondence and reports of subcommittees.
- (d) Presentation of bank statement.
- (e) Presentation of accounts for payment.
- (f) Applications for registration certificates.
- (g) Motions on the notice paper.

11. Any member may bring before the Board any business, not being business included in subheadings (a) to (f) of the next preceding regulation, on motion, of which not less than seven days previous notice in writing shall have been given to the Registrar.

The Registrar, upon receiving any such notice of motion as aforesaid, shall set down the same upon the agenda paper for the meeting to be held next after the expiration of seven days from the date of receiving such notice.

12. Any motion not seconded shall not be further discussed.

13. All powers vested in the Board shall be exercised by the majority of the members present at any meeting duly held, and not otherwise. The voting shall, in all cases, be by show of hands.

4.

The Chairman, or, as the case may be, the chairman for the day for the time being presiding, shall have a vote, and when there is an equal division of votes upon any question he shall have an additional or casting vote.

14. It shall be lawful for the Board from time to time to appoint such subcommittees as the Board may deem fit, and to abolish any subcommittee. Every such subcommittee shall consist of not less than three members of the Board. The presiding member of the Board shall be *ex officio*, a member of every subcommittee. Two members of any such subcommittee shall form a quorum; and the rules prescribed by these regulations for the conduct of meetings of the Board shall apply so far as the same are applicable to meetings of each subcommittee.

15. Every notice of a meeting shall be in writing, and shall either be delivered personally to the member to whom it is addressed, or be posted or otherwise sent to the address of such member, not less than seven days before the date of the meeting.

Registers of Optometrists and Optical Dispensers

16. The registers shall contain such information as is prescribed in the First Schedule hereto.

17. Every person whose name is on a register shall, in the event of his changing his place of residence or his place of business, forthwith give notice to the Registrar of such change and of the address of his new place of residence or business, as the case may be.

Spectacle Sellers

18. No person who is not registered under this Act shall sell spectacles by retail or to the public.

Registration Under Section 20

19. Any person who has satisfied the conditions for registration as prescribed by the Act and these regulations may make application for registration in the form of the Second Schedule hereto. Such application shall contain all such information as is therein indicated, and shall be verified by the applicant by a statutory declaration.

Annual Renewals of Certificates

20. Every holder of a certificate under the Act who desires to have his certificate renewed shall make application for the purpose in the form of the Third Schedule hereto, and shall furnish the Board with all such information as is therein indicated.

Fees for registration as optometrist

21. The fee for registration as an optometrist is \$220.

Prescribed courses in optometry

22. The following courses are prescribed courses in optometry for the purposes of section 20(b) of the Act:

- Degree of Bachelor of Optometry — University of New South Wales;
- Degree of Bachelor of Science (Optometry) — University of Melbourne;
- Degree of Bachelor of Applied Science (Optometry) — Queensland University of Technology.

Prescribed qualifications and experience for optical dispensers

23. (1) The following are prescribed qualifications for the purposes of section 21(1)(a) of the Act:

- Advanced Certificate in Optical Dispensing — Department of Employment and Technical and Further Education of South Australia;
- Advanced Certificate in Optical Dispensing — Department of Technical and Further Education of Western Australia;
- Certificate of Optical Dispensing — Department of Technical and Further Education of New South Wales;
- Diploma of Optical Dispensing — Guild of Dispensing Opticians (Australia) Ltd.;
- Fellow of the British Association of Dispensing Opticians;
- Graduates of the Guild course — Georgia College, Canada.

(2) The following is prescribed experience for the purposes of section 21(1)(b) of the Act:

- (a) employment in the dispensing of optical appliances under the supervision of an optometrist at premises at which the practice of optometry is conducted for a period of two years or more (or for two or more periods that when aggregated comprise two years or more) during the period of three years immediately preceding the commencement of the *Opticians Act Amendment Act 1988*;
 - (b) employment in the dispensing of optical appliances under the supervision of an optometrist for periods that when aggregated comprise 800 hours or more;
- or
- (c) employment in the dispensing of optical appliances under the supervision of an optical dispenser at premises at which the practice of optical dispensing is conducted for periods that when aggregated comprise 800 hours or more.

(3) Where an application for registration as an optical dispenser is based on completion of one of the courses referred to in subregulation (1) and on employment referred to in subregulation (2)(b) or (c), the employment must—

6.

- (a) not have commenced until after the applicant had completed the first year of the course;
 - (b) have been completed within three years after the applicant completed the course;
- and
- (c) in the opinion of the Optical Dispensers Registration Committee, have provided sufficient practical experience in optical dispensing.

(4) An application for registration as an optical dispenser must be in the form of the fourth schedule and must be verified by a statutory declaration.

(5) The prescribed fee in respect of an application for registration as an optical dispenser is \$100.

Fees for renewal of practising certificate

24. (1) The fee for renewal of a practising certificate that has not lapsed is \$220 in the case of an optometrist and \$100 in the case of an optical dispenser.

(2) The fee for the renewal of a lapsed practising certificate is \$50 plus the fee payable if the certificate had not lapsed.

Notices by Travelling Optometrists

35. A travelling optometrist may display at his usual place of practice in any country town a notice bearing his name and qualifications, together with the necessary particulars of dates and hours of visits. Such notice shall not exceed in size ninety centimetres by sixty centimetres.

Offences and Penalties

36. (1) A person must not publish, or cause or permit to be published, an advertisement that promotes the practice of optometry by an optometrist if—

- (a) the advertisement is dishonest or misleading; or
- (b) the advertisement discredits another optometrist or group of optometrists whether by comparison with the optometrist in whose favour the advertisement is published or in any other way; or
- (c) the advertisement states or suggests that the optometrist in whose favour the advertisement is published has greater expertise in providing optometric services than any other optometrist; or
- (d) if the advertisement offers to supply services or optical appliances at a fee, price or other charge (whether including inducements to accept the offer or not) but does not state all the other factors (if any) necessary for an evaluation of the offer; or
- (e) the advertisement takes the form of, or includes, a testimonial from an actual or fictitious patient; or

(f) the advertisement would have the effect of encouraging overservicing.

(2) An optometrist must not, in an advertisement or when dealing with a patient or members of the public, state or suggest that he or she has any title or qualification in reference to his or her practice of optometry other than those included in the Register in relation to his or her registration as an optometrist.

(3) A communication in any form with a patient or member of the public that is intended to promote the practice of optometry by an optometrist constitutes the publication of an advertisement for the purposes of this regulation.

* * * * *

39. An optometrist deemed by the Board to have contravened any of the provisions of these regulations may be summoned to appear before the Board to show cause why his name should not be removed from the Register, and his certificate should not be suspended or cancelled.

40. Any person contravening any of the provisions of these regulations shall be guilty of an offence, and shall be liable to a penalty not exceeding Ten Dollars for a first offence, and not exceeding Twenty Dollars for any subsequent offence.

41. If any person is convicted two several times of offences against these regulations, he shall be liable to have his licence or certificate cancelled by the Board, and his name struck off the Register.

Selection of optometrists for nomination for appointment to the board

42. The optometrists who are to be nominated for appointment to the board under section 5(1)(c) of the Act must be selected as follows:

- (a) where there is a vacancy or vacancies to be filled under that paragraph the registrar must circularize all optometrists inviting nominations for the vacancy or vacancies;
- (b) a nomination—
 - (i) must be in writing signed by the nominee and at least two other optometrists;and
 - (ii) must be forwarded so as to reach the registrar not later than 21 days after the circular;
- (c) where the number of nominations does not exceed the number of vacancies to be filled, the registrar must treat the nominees as having been duly nominated for the purposes of the Act and forward the names of the nominees to the Governor;
- (d) where the number of nominees exceeds the number of vacancies the registrar must have ballot papers prepared setting out the names of all optometrists duly nominated for appointment;

8.

- (e) a ballot paper (together with an envelope in which it is to be enclosed and voting instructions) must be sent by the registrar to each optometrist;
 - (f) an optometrist votes by—
 - (i) making a tick or cross by the name of the candidates for whom the optometrist desires to vote (but the number of candidates for whom the optometrist votes must not exceed the number of vacancies to be filled);
 - (ii) folding the ballot paper, enclosing it in the envelope provided and completing the endorsements on the envelope in accordance with the voting instructions;
- and
- (iii) returning the envelope to the registrar in accordance with the voting instructions;
- (g) a vote must be rejected if the endorsements on the envelope in which it is contained have not been duly completed in accordance with the voting instructions;
 - (h) where the registrar is satisfied by inspection of the endorsement that an envelope contains a ballot paper from an optometrist, the registrar must have the envelope opened and, without unfolding the ballot paper, place it in a ballot box;
 - (i) where the time allowed by the registrar for return of ballot papers has expired and all envelopes returned within that time have been either rejected or dealt with in accordance with paragraph (h), the registrar must count the vote;
 - (j) a ballot paper is informal if paragraph (f)(i) is not satisfied;
 - (k) a candidate is entitled to inspect the ballot papers and the envelopes in which they were contained in order to verify the results obtained by the registrar;
 - (l) the registrar must forward to the Governor that nomination or those nominations (as the case requires) that are supported by the greatest number of votes;
 - (m) if there is an equality of votes between two or more candidates, the nomination or nominations to be forwarded to the Governor must be determined by lot under the direction of the registrar.

* * * * *

Regulations Relating to Section 20(1)(d) of the Act

44. (1) Any of the following qualifications shall be sufficient to entitle the holder to be registered, subject to the provisions of the Act and Regulations:—

- (a) registration as an optometrist (or optician or certified optometrist or certified optician) with any Australian Board of Optometrical Registration or its equivalent prior to 1st January, 1974, subject to subregulation (3) of this regulation;

9.

- (b) the degree of Bachelor of Optometry of the University of New South Wales;
- (c) the degree of Bachelor of Science in Optometry of the University of Melbourne;
- (d) the Diploma in Applied Science (Optometry) previously known as the Associate Diploma in Optometry of the Queensland Institute of Technology.

(2) Any of the following qualifications shall be sufficient to entitle the holder to be registered, subject to subregulation (3) of this regulation and any other provisions of the Act and Regulations:—

- (a) in relation to New Zealand:—
 - (i) registration with the New Zealand Opticians Board and the Diploma in Optometry of the University of Auckland between the years 1965 and 1970;
 - (ii) the Diploma in Optometry of the University of Auckland since 1970;
 - (iii) Bachelor of Optometry — University of Auckland (bestowed during or after 1984).

* * * * *

(3) In relation to any applicant for registration under subregulations (1)(a) or (2) of this regulation, the Board may require at its discretion one or more of the following as a precondition of registration to the extent necessary to ensure a standard equivalent to that required of a person possessing qualifications referred to in (b), (c) or (d) of subregulation (1):—

- (a) further training specified by the Board;
- (b) examinations, oral or written or both set at the direction of the Board;
- (c) a test of the command of the English language set at the direction of the Board.

(4) Every person applying for registration as an optometrist shall apply in writing to the Registrar in the Form of the Second Schedule to these regulations.

* * * * *

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47. The Registrar shall insert in the entry on the Register in respect of each registered person the degree or qualification obtained by that registered person from any university, college or other institution which was sufficient to entitle the holder to be registered as an optometrist pursuant to Regulation 44 or Regulation 45.

Removal of Names from Register

48. The Board may deregister any person:—

- (a) whose registration has been obtained by fraud or misrepresentation: or
- (b) whose qualification has been withdrawn or cancelled by the Board or other competent authority by which it was conferred: or
- (c) who, owing to mental defect is proved to the Board to be no longer capable of practising as an optometrist: or
- (d) who, either before or after his registration, has been convicted of any felony or misdemeanour, or of any offence which, if committed in the State of South Australia, would be a felony or misdemeanour: or
- (e) who is deemed by the Board to have been guilty of infamous conduct in any professional respect: or
- (f) who is guilty of habitual drunkenness or habitual addiction to any drug: or
- (g) who is guilty of a breach of any provision of the Act.

Practice of Optometry by unregistered persons

49. A person who is not a medical practitioner, optometrist or corporate practitioner of optometry may measure—

- (a) aided and unaided distance visual acuity;
 - (b) aided and unaided near visual acuity;
 - (c) colour vision;
- and
- (d) binocular vision,

in order to determine whether the subject of the measurements should consult a medical practitioner, optometrist or corporate practitioner of optometry.

Sale of ready-made glasses

50. (1) The prescribed standard for the purposes of section 36(2)(c) of the Act is Australian Standard 2228.

11.

(2) The prescribed warning for the purposes of section 36(2)(d) of the Act is as follows:

Warning

- The lenses in these glasses are NOT prescription lenses
- They are not intended to correct any PROBLEMS with your eyesight
- POOR VISION is a result of:
 - a need for correctly prescribed glasses;
 - or
 - a disease of the eye
- Many eye diseases show no obvious external signs or symptoms in the early stages; therefore you should have your eyes examined regularly by an OPTOMETRIST or OPHTHALMOLOGIST
- The young and ageing are most at risk.

(3) This warning must be printed in the form of subregulation (2) on a bright yellow label in black letters that are 10 point Roman type or larger.

(4) The label must be attached to the glasses by cotton twine.

THE FIRST SCHEDULE

The Register must contain, in respect of each optometrist and optical dispenser, the following information:

- Registration number.
- Date registered.
- Name.
- Residential address.
- Business address.
- Date of birth.
- Sex.
- Qualifications recognized by Board.
- Section under which registered.
- Date removed from register.
- Reason for removal.
- Date restored to register.

THE SECOND SCHEDULE

The Opticians Act, 1920-1971

APPLICATION FOR REGISTRATION UNDER SECTION 20

To the Registrar, Board of Optical Registration, South Australia.

I, of
hereby apply to the board of Optical Registration of South Australia to be registered as an Optician and
Optometrist.

Full Name

Residential Address

Business Addresses

Date of Birth Sex.

Qualifications

Enclosed are—

- (1) Originals of two character references from
and
- (2) The following documents as proof of qualifications
- (3) Application fee of \$.

Declared at this. day
of, 19 ..
before me—

.....
Applicant

.....
Justice of the Peace

THE THIRD SCHEDULE

The Opticians Act, 1920-1971

To the Registrar,
Board of Optical Registration,
.....
.....
South Australia.

I (full name)
hereby apply for renewal of my certificate No. which expires on 31st December,
19 . I enclose herewith the sum of \$. in payment of the prescribed annual fee, and
submit the following information:—

Residential address

Business addresses at which I practise—

Principal

Branches

Dated this day of, 19 .

(Signed).....

Applicant

FOURTH SCHEDULE

THE *OPTOMETRISTS ACT 1920*

APPLICATION FOR REGISTRATION UNDER SECTION 21

To the Registrar
Optical Dispensers Registration Committee.

I,
(Full Name)

of
(Residential Address)

apply to be registered on the register of Optical Dispensers

Business Address (Principal)
(Branches)

I am years of age

Qualifications

Details of Experience:

*1. I have been employed in accordance with regulation 23(2)(a) as an optical dispenser for a period of two years or more during the three years immediately preceding the commencement of the *Opticians Act Amendment Act 1988*.

or

*2. I have completed 800 hours practical experience in accordance with regulation 23(2)(b) or (c).

I enclose—

(a) the following documents as proof of qualifications:

.....

(b) the following documents as proof of experience:

.....

(c) certificate of identity

(d) application fee of \$

(e) statutory Declaration.

Signed.....

Dated.....

*** Please delete as necessary.**

* * * * *

APPENDIX**LEGISLATIVE HISTORY**

| | |
|----------------------------------|---|
| Regulation 1: | substituted by 145, 1990, reg. 3 |
| Regulation 3: | substituted by 145, 1990, reg. 4 |
| Regulation 5: | varied by 145, 1990, Sched. |
| Regulation 6: | revoked by 145, 1990, reg. 5 |
| Regulation 9: | revoked by 145, 1990, reg. 6 |
| Regulation 13: | varied by 145, 1990, reg. 7 |
| Regulation 14: | varied by 145, 1990, Sched. |
| Heading preceding regulation 16: | varied by 145, 1990, Sched.; substituted by 152, 1993, reg. 3 |
| Regulation 16: | varied by 152, 1993, reg. 4 |
| Regulation 17: | varied by 152, 1993, reg. 5 |
| Regulation 21: | varied by <i>Gaz.</i> 17.11.77, p. 1510, reg. 1; 197, 1981, reg. 2; 209, 1986, reg. 2; 204, 1989, reg. 2; 240, 1991, reg. 2; 215, 1992, reg. 3; substituted by 152, 1993, reg. 6; varied by 6, 1996, reg. 3 |
| Regulation 22: | varied by 145, 1990, Sched.; substituted by 152, 1993, reg. 6 |
| Regulations 23 and 24: | inserted by 152, 1993, reg. 6 |
| Regulation 24(1): | varied by 6, 1996, reg. 4 |
| Heading preceding regulation 35: | varied by 145, 1990, Sched. |
| Regulation 35: | varied by 50, 1983, reg. 2; 145, 1990, Sched. |
| Regulation 36: | substituted by 50, 1983, reg. 3; varied by 145, 1990, Sched.; substituted by 1, 1995, reg. 3 |
| Regulation 36a: | inserted by 50, 1983, reg. 3; varied by 145, 1990, Sched.; revoked by 1, 1995, reg. 3 |
| Regulation 39: | varied by 145, 1990, Sched. |
| Heading preceding regulation 42: | revoked by 145, 1990, reg. 8 |
| Regulation 42: | substituted by 145, 1990, reg. 8 |
| Regulation 43: | revoked by 145, 1990, reg. 8 |
| Regulation 44: | substituted by 184, 1979, reg. 3 |
| Regulation 44(2): | varied by 152, 1993, reg. 7 |
| Regulation 44(2)(b): | revoked by 1, 1995, reg. 4 |
| Regulation 45: | revoked by 184, 1979, reg. 3 |
| Regulation 46: | revoked by 145, 1990, reg. 9 |
| Regulation 47: | inserted by <i>Gaz.</i> 17.11.77, p. 1510, reg. 2; varied by 145, 1990, Sched. |
| Regulation 48: | varied by 145, 1990, Sched. |
| Regulation 49: | inserted by 152, 1993, reg. 8 |
| Regulation 50: | inserted by 152, 1993, reg. 9 |
| First Schedule: | varied by 145, 1990, Sched.; 152, 1993, reg. 10 |
| Fourth Schedule: | varied by 145, 1990, Sched.; substituted by 152, 1993, reg. 11 |
| Fifth - Eighth Schedules: | revoked by 145, 1990, reg. 10 |