

As in force at 12 June 2003.

South Australia

OPTOMETRISTS REGULATIONS 1996

REGULATIONS UNDER THE OPTOMETRISTS ACT 1920

Optometrists Regulations 1996

being

No. 198 of 1996: *Gaz.* 29 August 1996, p. 864¹

as varied by

No. 258 of 2000: *Gaz.* 2 November 2000, p. 2929²

No. 223 of 2001: *Gaz.* 27 September 2001, p. 4322³

No. 147 of 2003: *Gaz.* 12 June 2003, p. 2500⁴

¹ Came into operation 1 September 1996: reg. 2.

² Came into operation 1 January 2001: reg. 2.

³ Came into operation 27 September 2001: reg. 2.

⁴ **Came into operation 12 June 2003: reg. 2.**

NOTE:

- *Asterisks indicate repeal or deletion of text.*
- *Entries appearing in bold type indicate the amendments incorporated since the last consolidation.*
- *For the legislative history of the regulations see Appendix.*

Contents

1. Short title
2. Commencement
3. Revocation
4. Interpretation
5. Selection procedures for nomination of optometrists for appointment to the board (s. 5)
6. Registration as an optometrist (s. 20)
7. Registration as an optical dispenser (s. 21)
8. Annual renewal of practising certificates (s. 23)
9. Registers of optometrists and optical dispensers (s. 32)
10. Prescribed qualifications in optometry (s. 20)
11. Prescribed qualifications and experience for optical dispensers (s. 21)
12. Restriction of advertising by optometrists
13. Practice of optometry by unregistered persons
14. Sale of ready-made glasses (s. 36)
15. Fees

Schedule 1—Application for registration under section 20 of Act

Schedule 2—Application for registration under section 21 of Act

Schedule 3—Application for renewal of practising certificate

Schedule 4—Information to be included in registers

Schedule 5—Fees

Appendix—Legislative history

Short title

1. These regulations may be cited as the *Optometrists Regulations 1996*.

Commencement

2. These regulations will come into operation on 1 September 1996.

Revocation

3. The *Optometrists Regulations 1975* (see *Gazette* 16 October 1975 p. 2034), as varied, are revoked.

Interpretation

4. In these regulations, unless the contrary intention appears—

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

"**the register**" means the register of optometrists or the register of optical dispensers, as the case may require.

Selection procedures for nomination of optometrists for appointment to the board (s. 5)

5. 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 circularise 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;
- (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); and

5.

- (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.

Registration as an optometrist (s. 20)

6. An application for registration as an optometrist must be in the form of Schedule 1 and must be verified by statutory declaration.

Registration as an optical dispenser (s. 21)

7. An application for registration as an optical dispenser must be in the form of Schedule 2 and must be verified by statutory declaration.

Annual renewal of practising certificates (s. 23)

8. An application for renewal of a practising certificate must be in the form of Schedule 3.

Registers of optometrists and optical dispensers (s. 32)

9. (1) The registers must contain the information prescribed in Schedule 4.

(2) A registered person must, in the event of changing his or her place of residence or business, give notice to the registrar of the new address.

Maximum penalty: \$50.

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(3) On written application made to the registrar by a registered person, the registrar may enter in the relevant register any further qualification obtained by the person that is specified in the application.

(4) The registrar may refer an application under subregulation (3) to the board for determination.

Prescribed qualifications in optometry (s. 20)

10. The following courses are prescribed courses in optometry for the purposes of section 20(1)(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;
- Degree of Bachelor of Optometry — University of Auckland.

Prescribed qualifications and experience for optical dispensers (s. 21)

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

- National 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;
- Graduate 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 for periods that when aggregated comprise 800 hours or more; or
- (b) 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), the employment—

7.

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

Restriction of advertising by optometrists

12. (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.

Maximum penalty: \$500.

(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.

Maximum penalty: \$500.

(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.

Practice of optometry by unregistered persons

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

- (a) aided and unaided distance visual acuity; or
- (b) aided and unaided near visual acuity; or
- (c) colour vision; or
- (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 (s. 36)

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

(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.

Fees

15. The fees set out in Schedule 5 are payable in respect of the matters specified in that Schedule.

Schedule 2—Application for registration under section 21 of Act

To the Registrar, Optical Dispensers Registration Committee, South Australia.

I
(full name)

of
(residential address)

apply to the Committee to be registered on the register of optical dispensers.

1. Business address(es) (Principal)
(Branches)

2. Date of birth Sex

3. Qualifications

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

5. I *am/am not registered or licensed as an optical dispenser (or similar profession) in a place outside South Australia. (Give particulars of any such registration or licence)
.....

6. I *have/have not had my registration/licence as an optical dispenser (or similar profession) cancelled or suspended in a place outside South Australia. (Give particulars of any such cancellation or suspension) ..
.....

7. I *have/have not been convicted of an indictable offence (in or outside South Australia). (Give particulars of any such conviction)
.....

8. Attached are—

- (1) the following documents as proof of qualifications:
.....
- (2) the following documents as proof of experience:
.....

STATUTORY DECLARATION

I solemnly and sincerely declare that the statements in this application are true and correct to the best of my knowledge and belief and that I am the person named in the attached documents. I make this solemn declaration conscientiously believing the same to be true and by virtue of the *Oaths Act 1936*.

.....
(Signature of applicant)

Declared at

this day of 19 ...

Before me

A Justice of the Peace, Notary Public or Commissioner for taking affidavits

*Delete whichever is inapplicable.

Schedule 3—Application for renewal of practising certificate

To the Registrar, Optometrists Board, South Australia.

I (full name)
 apply for renewal of my certificate No. which expires on 31 December 19

I enclose the sum of \$. in payment of the prescribed annual fee, and submit the following information:

Residential address

Business address(es) at which I practise—

Principal

Branches

.....

Dated the day of, 19

.....
 Signature of applicant

Schedule 4—Information to be included in registers

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

- Registration number.
- Date registered.
- Name.
- Residential address.
- Business address(es).
- Date of birth.
- Sex.
- Qualifications recognised by board.
- Section under which registered.
- Date removed from register.
- Reason for removal.
- Date restored to register.

Schedule 5—Fees

1. Registration as an optometrist	\$260.00
2. Registration as an optical dispenser	\$100.00
3. Renewal of practising certificate—	
(a) optometrist	\$260.00
(b) optical dispenser	\$100.00
<u>plus</u> , if the practising certificate has lapsed, a late renewal fee of	\$50.00
4. Application for entry of additional qualification on a register	\$20.00

APPENDIX

LEGISLATIVE HISTORY

(entries in bold type indicate amendments incorporated since the last consolidation)

Schedules 1 - 4 headings:	substituted by 147, 2003, Sched. 1
Schedule 5	
Clause 1:	varied by 258, 2000, reg. 3(a); 223, 2001, reg. 3
Clause 3:	varied by 258, 2000, reg. 3(b); 223, 2001, reg. 3