

South Australia

# Optometry Practice (General) Regulations 2007

under the *Optometry Practice Act 2007*

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## 1—Short title

These regulations may be cited as the *Optometry Practice (General) Regulations 2007*.

## 2—Commencement

These regulations will come into operation on 22 October 2007.

## 3—Interpretation

In these regulations—

*Act* means the *Optometry Practice Act 2007*.

#### 4—Representative bodies

For the purposes of the definition of **representative body** in section 3(1) of the Act, each of the following is a representative body:

- (a) Optometrists Association Australia (SA Division) Incorporated;
- (b) Health Consumers Alliance of South Australia Incorporated.

#### 5—Annual report

- (1) For the purposes of section 24(2)(a)(iv) of the Act, the following information is to be included in the Board's annual report in relation to the relevant financial year:
  - (a) the number of persons registered in each category of registration;
  - (b) the number of persons in each category of registration registered with limited registration;
  - (c) the number of optometry services providers who have given notice to the Board under section 34(1) of the Act;
  - (d) the number of complaints received by the Board against registered persons, optometry services providers or persons who occupy positions of authority in corporate or trustee optometry services providers from persons of Aboriginal or Torres Strait Islander descent;
  - (e) the number of persons included on the register of persons who have been prohibited by order of the Board from carrying on business as an optometry services provider or occupying a position of authority in a corporate or trustee optometry services provider;
  - (f) the number of disciplinary proceedings commenced before the Board and the outcomes of those proceedings;
  - (g) a statement of whether codes of conduct or professional standards for registered persons, codes of conduct for optometry services providers or guidelines on continuing optometry education for optometrists have been prepared or endorsed by the Board and, if so, a summary of the codes, standards or guidelines;
  - (h) a description of any committees established by the Board and the purposes for which they were established;
  - (i) the number of persons in each category of registration in respect of whom reports have been received by the Board under section 46(1) of the Act;
  - (j) the number of persons in each category of registration in respect of whom reports have been received by the Board under section 46(2) of the Act;
  - (k) the number and nature of orders made by the Board under section 47 of the Act;
  - (l) the number of persons in each category of registration who have submitted information to the Board under section 59(1) of the Act;
  - (m) the number of persons in each category of registration in respect of whom notices have been received by the Board under section 65 of the Act;

- (n) the number of claims in respect of which information has been provided to the Board under section 68(1) of the Act;
  - (o) the number of claims in respect of which information has been provided to the Board under section 68(2) of the Act;
  - (p) the number of persons found guilty of an offence against the Act, the nature of the offences and the penalties imposed.
- (2) Information presented in relation to the relevant financial year should be presented in a manner enabling it to be compared with statistical data from previous years.

## **6—Authority conferred by registration as optometry student**

- (1) For the purposes of section 26(a) of the Act, registration on the optometry student register authorises the person to provide optometry treatment under the supervision of an optometrist.
- (2) However, registration on the optometry student register does not authorise the person to prescribe, supply or administer drugs for the purpose of treating abnormalities or disorders of the eye.

## **7—Fees and returns**

Section 32 of the Act does not apply to a person registered on the optometry student register.

## **8—Information to be given to Board by optometry services providers**

Section 34(1)(e) of the Act does not apply to an optometry services provider who—

- (a) keeps a written record of the full names and nominated contact addresses of the optometrists through the instrumentality of whom the provider is providing optometry treatment; and
- (b) provides a copy of that record to the Board within 21 days of the Board making a written request for such a copy.

## **9—Section 39 of Act not to apply to certain procedures**

Section 39 of the Act does not apply in relation to the use of surgery by an optometrist to—

- (a) remove a foreign body from an eye; or
- (b) irrigate a blocked tear duct; or
- (c) insert a punctal plug into a tear drain; or
- (d) epilate ingrowing eyelashes.

## **10—Obligation to report medical unfitness or unprofessional conduct of optometrist or optometry student**

- (1) For the purposes of section 46(1) of the Act, the following information is required to be included in a report to the Board:
  - (a) the diagnosis of the condition of the optometrist or optometry student and its likely duration and prognosis;

- (b) if the person making the report is of the opinion that the optometrist or optometry student is or may be medically unfit to provide optometry treatment only in a particular branch of optometry—a statement specifying the particular branch of optometry and the reasons for the opinion.
- (2) For the purposes of section 46(2) of the Act, the following information is required to be included in a report to the Board:
  - (a) the date, time and place at which it is alleged the optometrist or optometry student engaged in unprofessional conduct;
  - (b) the nature of the alleged unprofessional conduct.

### 11—Meaning of health product

For the purposes of the definition of **health product** in section 57 of the Act, the following are declared to be health products for the purposes of Part 6 of the Act:

- (a) therapeutic goods within the meaning of the *Therapeutic Goods Act 1989* of the Commonwealth;
- (b) frames for prescription glasses.

### 12—Meaning of health service

For the purposes of the definition of **health service** in section 57 of the Act, each of the following is declared to be a health service for the purposes of Part 6 of the Act:

- (a) homeopathy;
- (b) naturopathy;
- (c) nutritional therapy;
- (d) traditional Chinese medicine;
- (e) western herbal medicine.

### 13—Registered person etc must declare interest in prescribed business

- (1) For the purposes of section 59(1) of the Act, the information that must be given to the Board by a person who has an interest in a prescribed business is—
  - (a) the full name and residential and postal address of the person who has the interest; and
  - (b) if the person who has the interest is a prescribed relative of a registered person—the relationship of the person to the registered person; and
  - (c) the name, address and nature of the prescribed business in which the person has the interest; and
  - (d) the nature of the interest and of any benefit derived from the interest; and
  - (e) if the interest consists of a shareholding in a prescribed business—the number, nominal value and class of shares held and particulars of any voting rights exercisable by the holder at a meeting of shareholders.
- (2) For the purposes of section 59(2) of the Act, details of the change in the information referred to in subregulation (1) must be given to the Board by the person.

## **14—Information relating to claim against registered person to be provided**

- (1) For the purposes of section 68(1)(a) and (2)(a) of the Act, the information relating to a claim referred to in that section to be provided to the Board within 30 days after the claim is made is—
  - (a) the nature of the optometry treatment that is alleged to have been carried out negligently; and
  - (b) full details of the alleged negligence; and
  - (c) the address of the premises at which the negligence is alleged to have occurred; and
  - (d) the time at which and the date on which the negligence is alleged to have occurred; and
  - (e) full details of the injury suffered or allegedly suffered by the claimant as a result of the alleged negligence; and
  - (f) the date of the claim.
- (2) For the purposes of section 68(1)(b) and (2)(b) of the Act, the information relating to the claim referred to in that section to be provided to the Board within 30 days after any order is made by a court to pay damages or other compensation in respect of that claim or any agreement has been entered into for payment of a sum of money in settlement of that claim (whether with or without a denial of liability) is—
  - (a) information adequate to identify the claim; and
  - (b) details of any change in information previously provided to the Board relating to the claim; and
  - (c) details of the order or agreement (including the amount ordered or agreed to be paid).

## **15—Fees**

- (1) The Board may fix—
  - (a) fees or charges for the purposes of the Act;
  - (b) fees or charges for services provided by the Board in the exercise of its functions under the Act.
- (2) However, no fee may be charged for registration on the optometry student register.
- (3) The Board may recover a fee or charge fixed under this regulation by action in a court of competent jurisdiction as a debt due to the Board from the person liable for payment of the fee or charge.

## **Schedule 1—Revocation and transitional provision**

### **Part 1—Revocation of *Optometrists Regulations 1996***

The *Optometrists Regulations 1996* are revoked.

## **Part 2—Transitional provision**

### **1—Transitional provision**

A person who was a member of the Board immediately before the commencement of Schedule 1 clause 2(2) of the Act may continue to act as a member of the Board for the purpose of continuing and completing proceedings under the repealed Act.

## Legislative history

### Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Principal regulations

| Year | No  | Reference                      | Commencement    |
|------|-----|--------------------------------|-----------------|
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