

OPTICAL DISPENSERS ACT 1963—REGULATION

(Optical Dispensers Regulation 1992)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, on the recommendation of the Optical Dispensers Licensing Board, and in pursuance of the Optical Dispensers Act 1963, has been pleased to make the Regulation set forth hereunder.

RONPHILLIPS
Minister for Health.

Citation

1. This Regulation may be cited as the Optical Dispensers Regulation 1992.

Commencement

2. This Regulation commences on 1st September, 1992.

Definitions

3. (1) In this Regulation:

“**approved**” means approved by the Board;

“**Board**” means the Optical Dispensers Licensing Board;

“**register**” means the register referred to in section 21 of the Act;

“**the Act**” means the Optical Dispensers Act 1963.

(2) In this Regulation, a reference to a numbered form is a reference to a form set out in Schedule 1.

Inspection of register

4. For the purposes of section 21 (3) of the Act, the prescribed fee to inspect the register is \$10.

Licences

5. (1) For the purposes of section 22 of the Act:

- (a) the prescribed age is 18 years; and
- (b) the prescribed fee is \$90.

(2) The fee is payable when the application for the licence is lodged, but is refundable if the application is refused.

Prescribed qualifications

6. The following diplomas or awards are prescribed for the purposes of section 22 (a) of the Act:

- (a) the diploma issued by The Guild of Dispensing Opticians (Australia) Limited on the successful completion of its course in optical dispensing;
- (b) the award issued by the TAFE Commission on the successful completion of its course in optical dispensing.

Provisional licences

7. For the purposes of section 22A (2) of the Act:

- (a) the prescribed form is Form 1; and
- (b) the prescribed fee is \$45.

Duplicate licences

8. The holder of a licence which, in the opinion of the Board, has been lost, stolen, defaced or destroyed is entitled, on payment of a fee of \$20, to receive a duplicate licence.

Display of licences

9. The person in charge of an optical dispensing practice at any premises for a period in excess of 30 days must not fail to display the person's licence in a prominent position in the premises.

Production of proof of current registration

10. (1) A person who carried out optical dispensing for fee or reward must, when requested by an authorised person to do so, produce to the

authorised person proof of current registration as an optical dispenser or of current approval to practise under section 22B of the Act.

(2) In this clause, “**authorised person**” means a person authorised for the time being by the Board for the purposes of this clause.

Change of name or address

11. (1) An optical dispenser must not fail to notify the Board of any change in his or her name or address within one month after the change.

(2) An optical dispenser who has changed his or her name is entitled, on payment of a fee of \$20 and on surrendering his or her current licence, to have the new name entered in the register and a replacement licence issued in that name.

(3) For the purposes of this clause, a reference to a change of name by a person is a reference to a change in the name under which the person carries out optical dispensing.

Roll fee

12. For the purposes of section 23 (1) of the Act, the prescribed roll fee is \$70.

Restoration of name to register

13. (1) For the purposes of section 23 (3) of the Act:

- (a) the prescribed form is Form 2; and
- (b) the prescribed fee is \$90.

(2) The Board may waive so much of the prescribed fee as it considers proper in the circumstances.

Complaint of misconduct

14. (1) A complaint concerning the misconduct of an optical dispenser, in his or her practice as an optical dispenser, may be preferred to the Board by lodging with the Secretary a statement of the alleged misconduct.

(2) As soon as practicable after receipt of the complaint, the Secretary is to invite the optical dispenser, in a notice accompanied by a copy of the complaint, to make representations in response to the complaint within such time as is specified in the notice.

(3) The Secretary is to forward the complaint, and any representations made, to the chairman of the Board who is to refer the matter to the Board at its next ordinary meeting.

(4) The Board, after considering the complaint and any representations by the optical dispenser, may dismiss the complaint or set down a special meeting of the Board to conduct an inquiry into the complaint.

(5) If the optical dispenser does not appear at the inquiry, either personally or by his or her legal representative, the Board may deal with the complaint in his or her absence.

(6) The Secretary is to give at least 14 days notice in writing of the place, date and time of the inquiry:

- (a) to the Board members who are in New South Wales at the time the notice is served; and
- (b) to the complainant; and
- (c) to the optical dispenser.

(7) The notice:

- (a) may be served personally or by post; and
- (b) is to be accompanied by a copy of the complaint and any representations made by the optical dispenser; and
- (c) in the notice to the optical dispenser, is to state that the complaint may be dealt with in the optical dispenser's absence if he or she does not appear at the inquiry.

(8) The Secretary may, by notice in writing served personally or by post, require a person to appear before the Board at the inquiry for the purpose of giving evidence relevant to the inquiry at a place and at a time and date (being not less than 7 days after the service of the notice) specified in the notice.

(9) Any member of the Board may require a person appearing before the Board at an inquiry to answer a question that is reasonably related to the purpose of the inquiry.

(10) A person must not:

- (a) without reasonable cause, fail to comply with a requirement under this clause to appear before the Board or answer a member's question; or
- (b) make a statement to a member that is false or misleading in a material particular when appearing before the Board.

(11) The Board may adjourn an inquiry at any time it thinks fit and may deal with one or more complaints against an optical dispenser at the same inquiry.

Repeal of Optical Dispensers Regulations

15. The Optical Dispensers Regulations are repealed.

SCHEDULE 1—FORMS

(C1. 3)

Form 1

(C1. 7)

OPTICAL DISPENSERS ACT 1963

PROVISIONAL LICENCE

(Section 22A)

No.

I certify that
was granted a provisional licence to practise optical dispensing in New
South Wales from
until or until such later date as is fixed by the Optical
Dispensers Licensing Board.

Signed:.....

Designation:

Date:

Form 2

(C1. 13)

OPTICAL DISPENSERS ACT 1963

APPLICATION FOR RESTORATION TO REGISTER

(Section 23)

I,, apply for my name to be restored to
the Register of Optical Dispensers of New South Wales on the following
grounds:

.....
.....

I also apply for a waiver of the fee paid in relation to this application on the following grounds:

.....
.....

Signed:

Address:.....
.....

Date:

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SCHEDULE 1—FORMS

EXPLANATORY NOTE

The purpose of this Regulation is to repeal and replace the Optical Dispensers Regulations. The new Regulation makes provision, under the Optical Dispensers Act 1963, as to the following matters:

- (a) the prescribed qualifications for licensing;
- (b) various prescribed fees;
- (c) the issue of duplicate licences;
- (d) the display of the licence of the optical dispenser in charge of an optical dispensing practice;
- (e) the production of proof of current registration by persons carrying out optical dispensing for fee or reward;

- (f) notification of changes of name or address;
- (g) restoration of an optical dispenser's name to the register,
- (h) procedures for dealing with a complaint of misconduct against an optical dispenser.

This Regulation is made in connection with the staged repeal of subordinate legislation under Part 3 of the Subordinate Legislation Act 1989.
