

1995—No. 506

OPTOMETRISTS ACT 1930—REGULATION

(Optometrists Regulation 1995)

NEW SOUTH WALES



[Published in Gazette No. 105 of 1 September 1995]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Optometrists Act 1930, has been pleased to make the Regulation set forth hereunder.

ANDREW REFSHAUGE
Deputy Premier and Minister for Health.

PART 1—PRELIMINARY

Citation

1. This Regulation may be cited as the Optometrists Regulation 1995.

Commencement

2. This Regulation commences on 1 September 1995.

Definitions

3. (1) In this Regulation:

Board means the Board of Optometrical Registration constituted by the Act;

“register” means the register of Optometrists;

“the Act” means the Optometrists Act 1930.

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

PART 2—REGISTRATION**Making of application for registration**

4. An application for registration under the Act is to be made by sending it by post to, or by lodging it with, the registrar.

Fee for registration: sec. 19 (1)

5. (1) For the purposes of section 19 (1) of the Act, the prescribed fee for registration as an optometrist is \$110.

(2) If an application for registration is refused, the prescribed fee or that part of the prescribed fee that the board specifies (either generally or in the particular case) is to be refunded to the applicant.

Prescribed examinations for persons not entitled to be registered: sec. 19 (2)

6. (1) The prescribed examinations for the purposes of section 19 (2) (b) (ii) of the Act are the theoretical examination referred to in subclause (2) and the practical and viva examination referred to in subclause (3).

(2) The theoretical examination is to consist of one or more papers testing the candidate's knowledge of one or more of the following subjects:

- (a) anatomy;
- (b) physiology;
- (c) pathology;
- (d) pharmacology;
- (e) diseases of the eye;
- (f) optics;
- (g) contact lenses;
- (h) binocular vision;
- (i) public or occupational health;
- (j) legal aspects of the practice of optometry.

(3) The practical and viva examination is to examine the candidate's knowledge of clinical optometry.

(4) A candidate must pass both examinations, and is not to be permitted to undertake the practical and viva examination until he or she has passed the theoretical examination.

- (5) The fees payable by a person applying to take the examinations are:
- (a) \$226.00 for the theoretical examination; and
 - (b) \$537.00 for the practical and viva examination.

Certificate of registration: sec. 21 (1)

7. For the purposes of section 21 (1) of the Act, the prescribed form of a certificate of registration is a form in or to the effect of Form 1.

Change of name

8. If satisfied that an optometrist has changed his or her name, the board may:

- (a) enter particulars of the changed name in the register; and
- (b) issue a replacement certificate of registration in or to the effect of Form 1 in the changed name.

Duplicate certificate of registration

9. If an optometrist satisfies the board that his or her certificate of registration has been lost, destroyed or mutilated, the registrar may issue to the optometrist a duplicate certificate, clearly marked as such, on payment of a fee of \$20.

Keeping of register: sec. 11

10. For the purposes of section 11 of the Act, the register is to be compiled by the registrar and is to be kept in an electronic form.

Other particulars to be entered in register: sec. 13 (1)

11. For the purposes of section 13 (1) of the Act, other prescribed particulars to be entered in the register are the following:

- (a) the certificate number of each certificate of registration issued to an optometrist;
- (b) the date of registration of each optometrist;
- (c) the languages, other than English, (if any) spoken by each optometrist.

Annual roll fee: sec. 13 (2)

12. For the purposes of section 13 (2) of the Act, the prescribed roll fee is \$110.

Restoration of name to register: sec. 13 (4)

13. (1) For the purposes of section 13 (4) of the Act:

- (a) the prescribed form of an application to restore a name to the register is a form in or to the effect of Form 2; and
- (b) the prescribed fee to restore a name to the register is \$220.

(2) The board may, in a particular case, waive payment of that part of the fee prescribed by this clause that the board considers proper.

Surrender of certificate of registration

14. If the name of a registered optometrist is removed from the register or the registration of a registered optometrist is suspended, the optometrist must surrender his or her certificate of registration to the registrar within 14 days after the removal or suspension takes effect.

Maximum penalty: 1 penalty unit.

PART 3—USE OF DRUGS BY OPTOMETRISTS**Prescribed drugs: sec. 29A (2) and (3)**

15. (1) For the purposes of section 29A (2) and (3) of the Act:

- (a) drugs, being:
 - (i) staining agents; or
 - (ii) ocular lubricants; or
 - (iii) any ocular astringents or decongestants that are listed in Schedule Two or Three of the Poisons List proclaimed under section 8 of the Poisons Act 1966,
are prescribed for use for the purpose of fitting contact lenses and examination of the eyes; and
- (b) drugs, being local anaesthetics, are prescribed for the purpose of tonometry.

(2) For the purposes of section 29A (2) (c) of the Act, the strength that a drug referred to in Column 1 of the following Table must not exceed is the strength prescribed opposite that drug in Column 2 of that Table.

TABLE

Column 1	Column 2	
Drug	Strength	%
(a) CYCLOPLEGICS		
(i) Homatropine Hydrobromide		2.0
(ii) Cyclopentolate Hydrochloride		1.0
(iii) Tropicamide		1.0
(b) LOCAL ANAESTHETICS		
(i) Amethocaine		0.5
(ii) Oxybuprocaine (Benoxinate) Hydrochloride		0.4
(iii) Proxymetacaine (Proparacaine) Hydrochloride ...		0.5
(c) MYDRIATICS		
(i) Tropicamide		1.0
(ii) Cyclopentolate Hydrochloride		0.5
(iii) Phenylephrine Hydrochloride		2.5
(d) MIOTICS		
(i) Pilocarpine Nitrate		2.0
(ii) Pilocarpine Hydrochloride		2.0

(3) For the purposes of section 29A (2) (c) of the Act, a drug referred to in this clause must not be used except in the form of

- (a) drops and in a suitable aqueous or oily vehicle whether or not that vehicle contains preservative or buffering agents; or
- (b) sterile impregnated dry strips.

Prescribed course of instruction in use of drugs: sec. 29A (4)

16. For the purposes of section 29A (4) of the Act, a prescribed course of instruction in the use of drugs in refraction or examination of the eyes is any one of the following:

- (a) the course entitled “The use of drugs in refraction or examination of the eyes” conducted by the University of New South Wales;
- (b) any degree course in Optometry conducted by the University of New South Wales that includes the subjects “Principles of Medicine”, “Pharmacology and Drugs used in Refraction” and “Diseases of the Eye”;

- (c) any course conducted by a university, college or other institution in a place outside New South Wales that results in the granting (by any person or body authorised under the law of that place to grant it) of an authorisation to use drugs in the practice of optometry and that, in the opinion of the board, is equivalent to a course referred to in paragraph (a) or (b).

Certificate authorising optometrist to use drugs: sec. 29A (4)

17. For the purposes of section 29A (4) of the Act, the prescribed form of certificate authorising a registered optometrist to use drugs in the practice of optometry is a form in or to the effect of Form 3.

Fee for certificate authorising optometrist to use drugs

18. An application under section 29A (4) of the Act for a certificate authorising a registered optometrist to use drugs in the practice of optometry must be accompanied by a fee of \$16.

PART 4—ADVERTISING

Restriction on advertising

19. A registered optometrist or a firm or company or other person (not being a registered optometrist) that carries on the business of the practice of optometry pursuant to section 35 of the Act must not advertise except in the manner and to the extent authorised by this Part.

Maximum penalty: 1 penalty unit.

Advertising in general

20. (1) An advertisement by a registered optometrist or an unregistered person must not:

- (a) be false, misleading or deceptive; or
- (b) create an unjustified expectation of beneficial treatment; or
- (c) promote the unnecessary or inappropriate use of the services of a registered optometrist or an unregistered person; or
- (d) claim prominence for a registered optometrist or an unregistered person in the practice of optometry; or
- (e) compare the practice of a registered optometrist or an unregistered person with that of any other registered optometrist or an unregistered person.

(2) An advertisement by a registered optometrist or an unregistered person, other than an advertisement prohibited by subclause (1), is authorised.

(3) A reference in this clause to a optometrist includes a reference to a corporation engaged or associated in the practice of optometry and to each registered optometrist employed by the corporation.

(4) In this clause, “unregistered person” means a firm or company or other person (not being a registered optometrist) that carries on the business of the practice of optometry pursuant to section 35 of the Act.

PART 5—MISCELLANEOUS

Special and urgent meetings of Board

21. (1) A special meeting of the Board may be called on written requisition given to the registrar by the chairperson or any 3 members and is to be held within 7 days of the receipt of the requisition by the registrar.

(2) An urgent meeting of the Board may be called by the chairperson for any purpose at any time.

(3) At least 24 hours’ notice of the time and place of any special or urgent meeting is to be given by the registrar to each member.

Repeal

22. (1) The Optometrists Regulations 1965 are repealed.

(2) Any act, matter or thing that was done for the purposes of or, immediately before the repeal of the Optometrists Regulations 1965, had effect under those Regulations is taken to have been done for the purposes of or to have effect under this Regulation.

SCHEDULE 1—FORMS

Form 1

(Cl. 7)

CERTIFICATE OF REGISTRATION
BOARD OF OPTOMETRICAL REGISTRATION

Certificate of Registration No.

This is to certify that, in accordance with the provisions of the Optometrists Act 1930,

.....
was on the day of

1995—No. 506

..... 19 registered as an optometrist.
..... Chairperson
Dated at Sydney, this day of 19
..... Registrar

Form 2

(Cl. 13 (1))

APPLICATION FOR RESTORATION OF NAME TO THE REGISTER

OPTOMETRISTS ACT 1930

OPTOMETRISTS REGULATION 1995 (Cl. 13)

Application for restoration of name to the register

I hereby make application for my name to be restored to the register of optometrists. I enclose \$220, being the fee (prescribed by clause 13 (1) (b) of the Optometrists Regulation 1995) to restore a name to the register.

The reasons for this application are as follows:

I further apply for waiver of (state part) of the fee on the following grounds: (Here state grounds for waiver)

Signed
Address
Date

Form 3

(Cl. 17)

CERTIFICATE OF AUTHORISATION TO USE PRACTICE OF OPTOMETRY

BOARD OF OPTOMETRICAL REGISTRATION

Certificate of Authorisation to use drugs in the practice of Optometry No.

This is to certify that, in accordance with the provisions of the Optometrists Act 1930, a registered optometrist, is authorised to use drugs in the practice of optometry under and in accordance with section 29A of the Act and the regulations made under the Act.

..... Chairperson
Dated at Sydney, this day of 19
..... Registrar

NOTES**TABLE OF PROVISIONS****PART 1—PRELIMINARY**

1. Citation
2. Commencement
3. Definitions

PART 2—REGISTRATION

4. Making of application for registration
5. Fee for registration: sec. 19 (1)
6. Prescribed examinations for persons not entitled to be registered: sec. 19 (2)
7. Certificate of registration: sec. 21 (1)
8. Change of name
9. Duplicate certificate of registration
10. Keeping of register: sec. 11
11. Other particulars to be entered in register: sec. 13 (1)
12. Annual roll fee: sec. 13 (2)
13. Restoration of name to register: sec. 13 (4)
14. Surrender of certificate of registration

PART 3—USE OF DRUGS BY OPTOMETRISTS

15. Prescribed drugs: sec. 29A (2) and (3)
16. Prescribed course of instruction in use of drugs: sec. 29A (4)
17. Certificate authorising optometrist to use drugs: sec. 29A (4)
18. Fee for certificate authorising optometrist to use drugs

PART 4—ADVERTISING

19. Restriction on advertising
20. Advertising in general

PART 5—MISCELLANEOUS

21. Special and urgent meetings of Board
 22. Repeal
-

The object of this Regulation is to repeal the Optometrists Regulations 1965 and to replace them with this Regulation.

This Regulation deals with the following:

- (a) the registration of optometrists and matters associated with the keeping of the register of optometrists (Part 2);
- (b) the use of drugs by optometrists (Part 3);
- (c) advertising (Part 4);

- (d) the prescribing of certain forms to be used in connection with the above (clauses 7, 13 (1) and 17);
- (e) the procedure to be adopted by the Board of Optometrical Registration for the calling of special or urgent meetings (clause 21);
- (f) certain technical matters (such as definitions and repeal) (Part 1 and clause 22).

This Regulation is made under the Optometrists Act 1930, including sections 11 (Keeping of register), 13 (Register), 19 (Qualifications for registration), 21 (Certificates), 29A (Use of drugs by optometrists) and 30 (the general regulation-making power).

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