
Optometrists (Amendment) Ordinance 1982

No. 31 of 1982

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 25 June 1982.

ZELMAN COWEN
Governor-General

By His Excellency's Command,

J. J. CARLTON
Minister of State for Health

An Ordinance to amend the *Optometrists Ordinance 1956*

Short title

1. This Ordinance may be cited as the *Optometrists (Amendment) Ordinance 1982*.¹

Commencement

2. This Ordinance shall come into operation on such date as is fixed by the Minister of State for the Capital Territory by notice published in the *Gazette*.

Principal Ordinance

3. In this Ordinance, "Principal Ordinance" means the *Optometrists Ordinance 1956*.²

Mode of registration

4. Section 15 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1) "a fee of Two dollars" and substituting "the prescribed fee"; and
- (b) by omitting sub-section (3) and substituting the following sub-sections:

"(3) Where a person is registered as an optometrist under this Ordinance, the Board shall cause to be issued to him a certificate of registration under the hand of the Chairman or Deputy Chairman.

“(4) A certificate of registration issued under sub-section (3) is evidence that the person specified in the certificate was registered as an optometrist under this Ordinance on the date specified in the certificate.”.

5. Sections 18 to 22 (inclusive) of the Principal Ordinance are repealed and the following sections substituted:

Notification of addresses and payment of annual fee

“18. (1) A registered optometrist shall, on or before 1 July in each year

- (a) notify the Board of each of his professional addresses in the Territory or, if he has no professional address in the Territory, of his place of residence; and
- (b) pay the prescribed fee.

“(2) Where a registered optometrist does not comply with the provisions of sub-section (1), the Board shall cause to be sent to him a notice requiring him to comply with the provisions of paragraphs (1) (a) and (b) within one month after the date of the notice and advising him that if he does not do so his registration will be cancelled.

“(3) A notice under sub-section (2) shall be posted to the registered optometrist at his professional address, or at one of his professional addresses, recorded in the Register, or at his last known place of residence.

“(4) Where a registered optometrist to whom a notice under sub-section (2) has been sent does not comply with the requirements of the notice, the Board shall cancel his registration.

“(5) Where a person whose registration has been cancelled under sub-section (4)—

- (a) notifies the Board of each of his professional addresses in the Territory or, if he has no professional address in the Territory, of his place of residence; and
- (b) pays the prescribed fee referred to in paragraph (1) (b),

within 12 months after the date on which his registration was so cancelled, the Board shall re-register the person.

Change of address to be notified

“19. Where

- (a) a change occurs in an address of a registered optometrist entered in the Register under sub-section 15 (1) or furnished to the Board under section 18; or
- (b) a registered optometrist establishes a professional address, or an additional professional address, in the Territory,

the registered optometrist shall, within one month of the change or establishment, as the case may be, notify the Chairman in writing accordingly.

Penalty: \$100.

Provisional registration

“20. (1) Where a person who has applied for registration as an optometrist under this Ordinance applies for provisional registration as an optometrist and pays the prescribed fee for provisional registration, the Chairman may grant provisional registration as an optometrist to the person.

“(2) Provisional registration granted under this section shall, subject to sub-section (3), remain in force for a period of 3 months from the date of the grant and shall not be renewed.

“(3) Where, within the period of 3 months referred to in sub-section (2), the Board makes a decision on the application for registration as an optometrist, the provisional registration ceases to be in force.

Temporary registration

“21. (1) A person may apply to the Chairman for temporary registration as an optometrist if the person—

- (a) is entitled to practise as an optometrist in a State or another Territory; and
- (b) intends to practise as an optometrist, other than a registered optometrist, in the Territory on behalf of a registered optometrist.

“(2) Subject to this section, the Chairman may grant temporary registration on an application made under sub-section (1) where he is satisfied that the prescribed fee has been paid.

“(3) Temporary registration granted under this section shall remain in force for a period of 3 months from the date of the grant and, subject to this section, may, upon application by the person to whom temporary registration was granted and payment of the prescribed fee, be renewed for a further period of 3 months.

“(4) Temporary registration shall not be granted or renewed under this section where the applicant has been temporarily registered for a total period of 6 months during the period of 24 months immediately preceding the date of his application for temporary registration or renewal, as the case may be.

Special registration

“22. (1) This section applies to a person who—

- (a) is entitled to practise as an optometrist in a place outside Australia; and
- (b) is visiting the Territory in connection with research into, or dissemination of knowledge of the theory or practice of, optometry.

“(2) Upon application made to the Board on behalf of a person to whom this section applies by—

- (a) a college of advanced education or other educational institution; or

- (b) a professional association whose objects include the promotion of research into, or the dissemination of knowledge of the theory or practice of, optometry,

and on payment of the prescribed fee, the Board may grant special registration as an optometrist to the person.

“(3) Special registration granted under this section—

- (a) shall remain in force for such period, not exceeding 12 months, as the Board specifies;
- (b) may be renewed, on payment of the prescribed fee, for a further period of 12 months; and
- (c) may be granted subject to such restrictions and conditions as the Board thinks fit.

Effect of provisional, &c., registration

“22A. Subject to paragraph 22 (3) (c), a person who has been granted provisional, temporary or special registration as an optometrist under this Ordinance shall, while the registration is in force, be deemed to be a registered optometrist for the purposes of sections 23, 29, 33A, 35 and 45.

Alteration of Register

“22B. (1) The Board shall cause to be removed from the Register the name of a registered optometrist who has died.

“(2) The Board may, from time to time, at the request of a person or of its own accord, make such other alterations to particulars in the Register as are necessary.

“(3) The Board shall not make an alteration to particulars in the Register at the request of a person unless it is satisfied that the prescribed fee has been paid.”

Repeal of section 25

- 6. Section 25 of the Principal Ordinance is repealed.

Appeal

- 7. Section 26 of the Principal Ordinance is amended—

- (a) by omitting paragraph (1) (c) and substituting the following paragraph:

“(c) refusing to grant special registration to a person under section 22 or refusing to renew special registration granted to a person under that section; or”; and

- (b) by inserting after sub-section (1) the following sub-section:

“(1A) Application may be made to the Tribunal for review of a decision by the Chairman refusing to grant temporary registration to a person under section 21 or refusing to renew temporary registration granted to a person under that section.”

8. After section 27 of the Principal Ordinance the following sections are inserted:

Return of certificates of registration

“27A. (1) Where a person ceases to be registered as an optometrist under this Ordinance, the Board may, by notice in writing given to the person at his professional address, or at one of his professional addresses, recorded in the Register or at his last known place of residence, require him, within one month after receipt of the notice, to deliver his certificate of registration to the Board.

“(2) A person shall not fail to comply with a notice given under sub-section (1).

Penalty: \$100.

“(3) Sub-section (2) does not apply to a person who satisfies the Board that—

- (a) the certificate has been destroyed; or
- (b) after diligent search, the person has been unable to find the certificate.

Duplicate certificates

“27B. Where

- (a) a certificate issued under sub-section 15 (3) has been destroyed or lost; and
- (b) the person to whom the certificate was issued continues to be registered as an optometrist under this Ordinance,

the Board shall, on payment of the prescribed fee, cause to be issued to the registered optometrist to whom the certificate was issued a duplicate certificate.”.

9. After section 47 of the Principal Ordinance the following section is inserted:

Inspection of the Register

“47A. (1) A person may, on payment of the prescribed fee, inspect an entry in the Register.

“(2) A person may, on payment of the prescribed fee, obtain a certified copy of an entry in the Register.

“(3) The Board may, on request by the registration authority of a State, Territory or place outside Australia and without payment by the registration authority of a fee, forward a certified copy of the Register to that registration authority.

“(4) In this section, ‘registration authority’ means a person or body empowered by or under the law of a State, Territory or place outside Australia to register optometrists or otherwise to authorize the practise of optometry.”.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 28 June 1982.
2. No. 4, 1956; No. 4, 1957; No. 14, 1958; No. 19, 1966; No. 19, 1967; No. 36, 1970; No. 19, 1971; No. 47, 1974; No. 17, 1975; No. 65, 1977; No. 46, 1978; No. 26, 1979; No. 49, 1980; No. 50, 1981.