

AUSTRALIAN CAPITAL TERRITORY

OPTOMETRISTS (AMENDMENT) ORDINANCE 1985

OPTOMETRISTS REGULATIONS (REPEAL)

EXPLANATORY STATEMENT

No 51, 1986

The Optometrists (Amendment) Ordinance 1985 (the Amending Ordinance) will amend the Optometrists Ordinance 1956 (the Principal Ordinance). The amendments deal with several distinct matters. The main change to the legislation is to allow the use of diagnostic drugs for optometrical purposes by optometrists. Other changes reflect the increasing importance being placed upon the question of entitlement to review the decisions of bodies holding decision-making powers. There are also other miscellaneous changes, such as the simplification of procedures involved in the fixing of fees, the size of lettering permissible on notices designating premises where optometry is being practised, advertising by optometrical firms or companies and the practice of optometry by way of optometrical firms or companies.

The Amending Ordinance will commence on a date to be fixed by the Minister for Territories in the Gazette.

Section 4 of the Amending Ordinance amends section 4 of the Principal Ordinance to, amongst other things, include a changed definition of "optometry" to permit the use of diagnostic drugs for optometrical purposes by optometrists. This change together with a proposed amendment to the Poisons and Narcotic Drugs Ordinance 1978 will have the effect of allowing the use of certain specified diagnostic drugs for optometrical purposes by optometrists. Section 4 has also been amended to deem a natural person, who is a member of an optometrical firm, as practising optometry.

Section 5 changes section 16 of the Principal Ordinance in its provisions relating to entitlement to registration, including provision for the Minister to declare a qualification acceptable for registration, and the Optometrists Board to specify any additional requirements for entitlement to registration. A new section 17 has been inserted in the Principal Ordinance by section 6, requiring the Board to authorise registration if an applicant is entitled to apply for registration and the

determined fee has been paid.

Section 7 inserts a new section 19A in the Principal Ordinance which requires the Board to publish in the Gazette annually the names and addresses of all optometrists registered under the Ordinance.

Section 8 deems a person, who has been granted provisional, temporary or special registration, to be a registered optometrist for the purposes of the newly created sections 23A and 47AD, and also for the purposes of existing sections 31 and 32.

Section 9 provides for new sections 23, 23A and 23B in the Principal Ordinance, relating to cancellation or suspension of registration of an optometrist, and review by the Optometrists Board of any suspension.

Section 10 amends section 24 of the Principal Ordinance and requires the Optometrists Board to hold an inquiry before taking deregistration or disciplinary action.

Section 11 amends section 26 of the Principal Ordinance providing for appeal to the Administrative Appeals Tribunal against deregistration and certain other decisions of the Optometrists Board.

Section 12 inserts a new section 26A in the Principal Ordinance and requires the Optometrists Board to inform a person affected by an adverse decision of the Board.

Section 13 provides for a new section 27 in the Principal Ordinance and allows for applications for reregistration to be made in certain circumstances.

Section 14 amends sub-section 29(3) of the Principal Ordinance to exclude a company from the requirement that only a registered optometrist practise optometry.

Section 15 of the Amending Ordinance is a new provision and prohibits a firm or company from advertising that it will provide an optometry service. This provision has been inserted for the purpose of standardisation with other Health Professions Registration Ordinances operating in the ACT. A similar provision is found in the Medical Practitioners Registration Ordinance 1930.

Sections 16 and 17 repeal sub-section 32(2) and section 33 of the Principal Ordinance to, amongst other things, remove the prohibition on the use of diagnostic drugs for optometrical purposes by optometrists.

Section 18 amends section 33A of the Principal Ordinance so that eyesight correction sunglasses shall only be sold subject to the same restrictions as other eyesight correction spectacles.

Section 19 repeals sections 34 and 35 of the Principal Ordinance which provided that unregistered persons practising optometry could not sue for fees, or hold appointment as an optometrist in certain organisations.

Section 20 inserts new sections in the Principal Ordinance. New section 47AA permits the Chairman of the Optometrists Board to notify in the Gazette the decision and reasons for the decision made by the Optometrists Board or the Administrative Appeals Tribunal. New section 47AB prevents recovery for optometrical services until the expiry of 3 months from the date of service of the account for those services. New section 47AC provides for review of accounts for optometrical fees within 6 months after service of the account. New section 47AD requires the name of an optometrist to be exhibited in letters not less than 5 centimetres and not more than 8 centimetres in height. New section 47AE provides that prescribed fees are to be determined by the Minister by written notice published in the Gazette, and not as previously, by regulation. As a result of section 47AE, the Optometrists Regulations which prescribe fees become unnecessary, and are to be repealed by the proposed Optometrists Regulations (Repeal).

