

TASMANIA

**OPTOMETRISTS REGISTRATION
AMENDMENT BILL 2004**

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OPTOMETRISTS REGISTRATION AMENDMENT BILL 2004

*(Brought in by the Minister for Health and Human
Services, the Honourable David Edward Llewellyn)*

A BILL FOR

An Act to amend the *Optometrists Registration Act 1994*

Be it enacted by His Excellency the Governor of Tasmania,
by and with the advice and consent of the Legislative
Council and House of Assembly, in Parliament assembled,
as follows:

Short title

1. This Act may be cited as the *Optometrists Registration
Amendment Act 2004*.

Commencement

2. This Act commences on the day on which this Act
receives the Royal Assent.

Principal Act

3. In this Act, the *Optometrists Registration Act 1994** is referred to as the Principal Act.

Section 3 amended (Interpretation)

4. Section 3(1) of the Principal Act is amended by omitting “or used” from the definition of “optical appliance”.

Section 6 amended (Membership of Board)

5. Section 6(1) of the Principal Act is amended by omitting paragraph (a).

Section 42 amended (Specific matters in respect of which complaints may be made)

6. Section 42(2) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (h) “substance.” and substituting “substance; or”;
- (b) by inserting the following paragraphs after paragraph (h):
 - (i) influences or attempts to influence the provision of an optometrical service in a way that is likely to compromise patient care; or

*No. 87 of 1994

- (j) fails to properly supervise a person employed or engaged by the optometrist; or
- (k) advertises his or her optometrical services in a false or misleading way.

Part 6, Division 1: Heading amended

7. Division 1 of Part 6 of the Principal Act is amended by omitting “*Protection of the profession*” from the heading to that Division and substituting “*Public and professional safeguards*”.

Section 60 substituted

8. Section 60 of the Principal Act is repealed and the following section is substituted:

Improper directions to employees or agents

60. (1) In this section –

“**business**” means the business of providing optometrical services;

“**induce**” means induce by making a threat or offering a reward;

“**optometrical service provider**” means –

- (a) a registered optometrist; or
- (b) a body corporate, or a person other than a registered optometrist, that engages in business; or

- (c) a person who, in any capacity, is involved in the management of a business and is in a position to direct or influence the way in which that business is conducted;

“provide” means provide or assist in providing.

(2) An optometrical service provider must not direct, induce or allow an employee or agent of the optometrical service provider to provide an optometrical service in a particular way if the optometrical service provider knows, or reasonably ought to know, that providing the optometrical service in that way is, or is likely to be, detrimental to patient welfare.

Penalty: Fine not exceeding 50 penalty units.

Section 61 repealed

9. Section 61 of the Principal Act is repealed.

Section 63 repealed

10. Section 63 of the Principal Act is repealed.

Section 64 substituted

11. Section 64 of the Principal Act is repealed and the following section is substituted:

Failure to give free prescription on request

64. (1) Subject to subsection (2), a registered optometrist who prescribes an optical appliance for a person must give the person a free copy of the prescription on request.

Penalty: Fine not exceeding 25 penalty units.

(2) In the case of a contact lens, a registered optometrist's obligation under subsection (1) does not arise until after he or she has finished prescribing and fitting the lens.

(3) A person who dispenses an optical appliance for a person on and in accordance with the prescription of a registered optometrist or medical practitioner must give the person a free copy of the prescription on request.

Penalty: Fine not exceeding 25 penalty units.

Section 67 repealed

12. Section 67 of the Principal Act is repealed.