

CLAUSE NOTES

Optometry Offences Bill 2010

- Clause 1** **Short Title**
- Clause 2** The Act will commence on the day that section 23 of the *Health Practitioner Regulation National Law (Tasmania) Act 2010* commences: that is, on the day that the *Optometrists Registration Act 1994* is repealed.
- Clause 3** **Interpretation provisions**
- A number of words and terms are defined, including “optical appliance”, “contact lens” and “prescription”.
- Clause 4** **Investigations**
- This clause provides that the Secretary may, in writing, authorise a person to act as an inspector if the Secretary reasonably suspects that section 5, 6 or 8 are being contravened.
- Subclause (2) sets out the powers of the inspector.
- Subclause (3) provides that an inspector may be assisted by a police officer or other persons when conducting an investigation and those persons have the same powers as an inspector.
- Subclause (5) provides that it is an offence for a person to give or offer an inspector a gift, reward or other inducement to do or abstain from doing anything in relation to an investigation.
- Clause 5** **Unauthorised dispensing**
- Clause 5 makes it an offence to dispense an optical appliance except by prescription. The definition of “prescription” in clause 3 sets out who may issue a prescription, i.e. an optometrist, a medical practitioner, an orthoptist (in the case of spectacles) or a prescribed person.
- Clause 6** **Dispensing expired prescription**
- Clause 6 makes it an offence to dispense an optical appliance using an expired prescription. A prescription for a contact lens expires after 18 months and a prescription for another optical appliance expires after 3 years.
- Clause 7** **Failure to give free prescription on request**
- A person is entitled to request and receive a copy of their optical appliance prescription from both the prescribing person, and the dispenser.

Clause 8 Unauthorised practices in respect of contact lenses

The effect of this clause is that only an optometrist, a medical practitioner or a prescribed person can assess a person's suitability to wear a contact lens.

Similarly those persons, or a person acting under their direction, are the only persons who may instruct a person on how to place a contact lens on the eye, remove a contact lens from the eye or care for a contact lens.

In this clause "prescribed person" is limited to a person prescribed in the regulations as being authorised to issue a prescription for a contact lens.

Clause 9 Offences of dishonesty

This clause makes an offence for a person to give false or misleading statements, whether oral or written, in connection with an investigation by an inspector under section 4.

Clause 10 Obstruction

It is an offence to obstruct, hinder, threaten or intimidate another person in the exercise by that person of powers conferred by this Act or in the performance by that person of duties imposed under the Act.

Clause 11 No right of recovery

If an optometrist or optical dispenser is convicted of an offence under sections 5 or 6 (unauthorised dispensing or dispensing on an expired prescription) in respect of an optical appliance, then they are not entitled to any fee or payment for the optical appliance.

Clause 12 Transitional provision

This clause provides that any proceedings for offences committed under sections 62, 63, 64 or 65 of the repealed *Optometrists Registration Act 1994* that have been instituted by the Optometrists Registration Board but have not been finalised when this Act commences, may be continued by the Secretary.

Similarly, any proceedings for an offence committed under sections 62, 63, 64 or 65 of the repealed *Optometrists Registration Act 1994* that could have been instituted by the Optometrists Registration Board before this Act commences, may be commenced by the Secretary.

Clause 13 Regulations

Clause 14 Administration of Act