

# SECOND READING SPEECH

## *Optometry Offences Bill 2010*

Mr Speaker

As foreshadowed in the second reading speech for the *Health Practitioner Regulation National Law (Tasmania) Bill 2010*, this Bill is one in a series of legislative amendments that follow from the National Registration and Accreditation Scheme for Health Professionals.

As members are aware, the first and principal Bill - the *Health Practitioner Regulation National Law (Tasmania) Bill 2010* - adopts the Health Practitioner Regulation National Law as law of Tasmania.

While the National Law limits who can prescribe optical appliances, it does not place limits on who can sell or supply them. The Australian Health Ministers Council agreed last year that the regulation of the sale and supply of optical appliances would remain a matter for individual states and territories.

Upon commencement of the National Law, the *Optometrists Registration Act 1994* will be repealed. Division 2 of Part 6 of the *Optometrists Registration Act* currently regulates the supply of optical appliances in Tasmania. These provisions are not being carried over into the National Law.

In recognition that these provisions have health and safety implications for the public, the Government committed, during consultation on the National Law, to maintain the provisions.

Hence, the *Optometry Offences Bill* imports the relevant sections from the current Act, together with the investigation powers and some other minor offence provisions. Apart from some updating of wording and drafting style the Bill does not make any changes of substance to the current law.

The relevant provisions at clauses 5, 6 and 7:

- prohibit dispensing an optical appliance without a prescription;
- prohibit dispensing an optical appliance on an expired prescription; and
- provide that a patient is entitled to receive a free copy of a prescription from the prescribing optometrist or medical practitioner; or from the person who dispenses the optical appliance according to a prescription. This is to ensure that a person can shop around for their optical appliances using the one prescription.

Clause 8 prohibits a person who is not an optometrist or medical practitioner from assessing a person's suitability to wear a contact lens.

On advice from the former chairperson of the Optometrists Registration Board, clause 8 rephrases the current section 65 to reflect the actual practice and processes that occur when determining whether a patient should be prescribed contact lenses.

Not all patients are able to wear contact lenses, so an important part of the process is an assessment, by an optometrist or medical practitioner, of the patient's eyes as to their suitability to wear a lens.

If a person's eyes are suitable, then as well as instructing the person how to place the lens on their eyes, it is important that they are instructed on how to care for the lens, in order to minimise the risk of infection. The Bill provides that the only persons who may provide that instruction are the relevant health professionals, or persons acting under their direction.

The Bill maintains existing safeguards against the supply of optical appliances by persons not properly trained to do so. There is an expectation that these restrictions will continue to apply in the interests of public safety.

I commend the Bill to the House.