



Western Australia

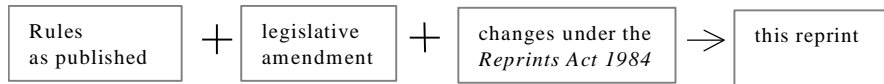
Optometrists Act 1940

Optometrists Registration Board Rules 1941

Reprint 2: The Rules as at 7 March 2003

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original rules and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the rules being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a rule that was inserted, or has been amended, since the rules being reprinted were made, editorial notes at the foot of the rule give some history of how the rule came to be as it is. If the rule replaced an earlier rule, no history of the earlier rule is given (the full history of the rules is in the Compilation table).
Notes of this kind may also be at the foot of Schedules or headings.
2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the rules have been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the rules were published. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the rules are reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Western Australia

Optometrists Registration Board Rules 1941

CONTENTS

1.	Citation	1
	Part 1 — Preliminary	
3.	Interpretation	2
	Part 2 — Election of nominees for appointment to Board	
4.	Three nominees	3
5.	Election dates	3
6.	Casual vacancy	3
7.	Notice	3
8.	Notice of candidates intention	4
9.	If candidates equal to vacancies	4
10.	If candidates exceed vacancies	4
11.	How to vote	4
12.	Chairman to determine election result	5
13.	Non-receipt does not affect validity of election	5
14.	Elected persons	5
	Part 3 — Meetings	
15.	Ordinary meetings	6
16.	Special meetings	6
17.	Quorum	6
18.	Validity of resolutions	6
19.	Minutes	6

Contents

20.	Order of business	7
21.	Validity of meetings	7
21A.	Attendance fee for chairman and members	7
Part 4 — Registrar		
22.	The Registrar	9
Part 5 — The Register		
23.	Form of Register	10
24.	Inspection of Register	10
25.	Withdrawal of name from Register	10
26.	Re-entry of name in Register (section 22)	10
27.	Annuling suspension (section 28)	10
28.	Re-entry of name in Register (section 28)	11
29.	Reasons for Board's decision (section 31)	11
Part 6 — Registration of optometrists		
30.	Evidence of qualification — s. 35(1)(d)(ii)	12
31.	Application for registration	12
32.	Information to accompany application	12
33.	Fees	12
Part 7 — Students and examinations		
34.	Competency test	14
34A.	Syllabus for examinations	14
34B.	Preliminary approval by Board	15
34C.	Matriculation requirement	15
34D.	Study requirements	16
34E.	Attendance at lectures	16
34F.	Ineligibility due to inadequate attendance	16
35.	Course subjects	16
36.	Annual examinations	17
37.	Supplementary examinations	18
38.	Prerequisites for fourth year study	18
39.	Satisfactory progress	18
40.	Diploma of Optometry	18
41.	Conduct of examinations	19
42.	Examination fees	19
Part 8 — Licences		
43.	Optometrists Licence	20

Part 8A — Advertising		
43A.	Optometrist may advertise services	21
43B.	Optometrist not to engage in false or misleading advertising, etc.	21
43C.	Board may give directions to optometrists regarding certain matters	22
43D.	Failure to comply with Board’s direction may lead to suspension	22
Part 9 — Charges or complaints against optometrists		
44.	Charges or complaints	23
45.	Further particulars, including statutory declaration	23
46.	Notice if <i>prima facie</i> case established	23
47.	Response to complaint	23
48.	Complainant may have copy of response	24
49.	Copies of documents for the Registrar	24
50.	Fixing a hearing day	24
51.	Summons	24
52.	Board may vary procedure	24
52A.	Attendance fee for a hearing	25
Part 10 — Fees and fines		
53.	Fees	26
54.	Fines	26
Part 11 — Miscellaneous		
54A.	Miscellaneous	27
55.	Common Seal	27
56.	Forms and Appendices	27
First Appendix		28
Second Appendix		39
Notes		
	Compilation table	40



Reprinted under the
Reprints Act 1984 as
at 7 March 2003

Western Australia

Optometrists Act 1940

Optometrists Registration Board Rules 1941

1. Citation

These rules may be cited as the *Optometrists Registration Board Rules 1941*¹.

[2. *Repealed in Gazette 6 Jan 1998 p. 32.*]

Part 1 — Preliminary

[Heading inserted in Gazette 26 Oct 1999 p. 5284.]

3. Interpretation

- (1) In the construction of these rules section 3 of the Act shall apply.
- (2) In these rules, a reference to an optometrist includes a reference to any person, firm or company carrying on, or purporting to carry on, the practice of optometry.
- (3) In these rules, where an optometrist is prohibited from any course of action the prohibition extends to prohibit him from authorising, permitting or allowing that course of action to be taken by any other person in his name or on his behalf.
- (4) For the purpose of these rules, a person shall be taken to practise optometry if —
 - (a) he practises optometry personally on his own account;
 - (b) he employs a person who practises optometry; or
 - (c) he practises optometry in the employ of another person,and any firm or company which employs a person who practises optometry shall also be taken to practise optometry.
- (5) In these rules, “**approved qualifications**” means qualifications acceptable to the Board pursuant to the Act and such other qualifications as may be approved by the Board from time to time for the purpose of these rules.

[Rule 3 amended in Gazette 1 Nov 1974 p. 4941.]

Part 2 — Election of nominees for appointment to Board

[Heading inserted in Gazette 26 Oct 1999 p. 5284.]

4. Three nominees

The 3 registered optometrists to be nominated from time to time by the registered optometrists for appointment to the Board shall be determined by election.

5. Election dates

The first election shall be held on the second Thursday in the month of October, 1943, and every election thereafter shall be held on the second Thursday in the month of October in each and every succeeding third year.

6. Casual vacancy

If a casual vacancy occur in the office of any such nominated member, an election shall be held as soon as practicable after such vacancy occurs, to fill the vacancy.

Provided that, if the casual vacancy occur within the period of 60 days before the date fixed by these rules for the holding of the first or any triennial election to select the nominated members, no election need be held to fill such casual vacancy unless the Board shall otherwise direct.

7. Notice

At least 28 days before the date of any election, the Registrar shall advertise once at least in the *Government Gazette* and once at least in a newspaper published in Perth a notice drawing attention to such election and requiring nominations of candidates to be forwarded to the Registrar not later than 18 days before the date of the election.

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8. Notice of candidates intention

Every person desiring and being qualified to become a member of the Board shall, not less than 18 days before the date of an election, forward to the Registrar written notice of his intention to seek election, countersigned by at least 2 persons entitled to vote at such election: such notice to be in the hands of the Registrar by 12 o'clock (noon) on the closing date for nominations.

9. If candidates equal to vacancies

If there be no more candidates than the number of vacancies such candidates shall be declared elected.

10. If candidates exceed vacancies

If there be more candidates than the number of vacancies at any election the Registrar shall, at least 10 days before the date of election, post to each person entitled to vote a ballot paper containing the names and addresses of all candidates and setting out the terms of rule 11, and shall initial each of such papers and, together with such ballot paper, the Registrar shall enclose and post a separate envelope, with the name and address of the Registrar printed thereon.

11. How to vote

- (i) The names of the candidates for whom a voter desires to vote shall be left intact and the remaining names scored through with a pen or pencil. If the number of names left intact upon any voting paper be greater or less than the number of members to be elected, or if any mark or writing other than above appear thereon, which in the opinion of the Returning Officer will enable any person to identify the voter, the vote given on and by such paper shall be void and of no effect and shall not be counted by the chairman.
- (ii) The voter shall enclose such voting paper in the envelope posted to him by the Registrar, and shall stamp and post the same or

deliver the same so that it shall be received by the Registrar not later than 12 o'clock (noon) on the day fixed for holding such election.

12. Chairman to determine election result

- (i) All ballot papers shall be opened by the chairman at the office of the Board at 12 o'clock (noon) on the day of election, in the presence of any person entitled to vote who may attend at such time and place, and the candidates receiving the largest number of votes shall be declared elected.
- (ii) In the case of an equality of votes the chairman shall give a second or casting vote.

13. Non-receipt does not affect validity of election

The omission by the Registrar to send or post to or the non-receipt of any ballot paper by any person entitled to vote within the time aforesaid, or at all, shall not in any manner invalidate or affect the election.

14. Elected persons

The persons so elected shall be deemed the nominees of the registered optometrists for appointment to the Board by the Governor, and their names and addresses shall be conveyed by the Registrar to the Governor on the day following the day of the election, which last-mentioned date, for the purposes of section 5(5) of the Act, shall be deemed the "prescribed nomination day".

Part 3 — Meetings

[Heading inserted in Gazette 26 Oct 1999 p. 5284.]

15. Ordinary meetings

Ordinary meetings of the Board shall be held at the office of the Board on the second Thursday in every month, at the hour of 8 p.m., or such other place, date and time as the Board may determine.

16. Special meetings

Special meetings shall be called by the Registrar, whenever requested by the chairman or any 3 members: Provided that 3 clear days' notice of every such meeting shall be given by the Registrar to the members of the Board.

17. Quorum

If a quorum of members be not present within 15 minutes of the time for which the meeting is convened, it may be adjourned to such time and place as any one or more members present may determine.

18. Validity of resolutions

No resolution arrived at or act, matter, or thing done or authorised by any meeting shall be rescinded or amended at any subsequent meeting, unless notice of such intended rescission or amendment be given in the notices convening the meeting at which such rescission or amendment is proposed.

19. Minutes

Minutes of every meeting shall be kept by the Registrar and such minutes, when signed by the chairman of the same or any subsequent meeting, shall be binding and conclusive evidence for all purposes and before all courts of the proceedings at such meeting.

20. Order of business

The arrangement of the order for business for each ordinary meeting shall be as follows: —

- Reading the minutes of the previous meeting.
- Confirmation or otherwise of same.
- Registration of optometrists.
- Ordinary business, including postponed and adjourned matters.
- Special business.
- Reading of correspondence and reports of committees.
- Letters and business arising therefrom.
- Production of bank pass book.
- Accounts for payment.
- Registrar's statement.
- Notices of motion.

Any other business that may be properly brought before the Board.

21. Validity of meetings

The omission to give due notice of a meeting, as hereinbefore provided, to one or more members of the Board, or the non-receipt thereof, shall in no manner affect or prejudice anything done or agreed at such meeting.

21A. Attendance fee for chairman and members

For attendance at each meeting of the Board —

- (a) the chairman is to be paid —
 - (i) if the meeting takes 4 hours or longer, \$323.00;
or
 - (ii) if the meeting takes less than 4 hours, \$213.00;
- and

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- (b) each other member is to be paid —
 - (i) if the meeting takes 4 hours or longer, \$215.00;
or
 - (ii) if the meeting takes less than 4 hours, \$142.00.

[Rule 21A inserted in Gazette 22 Oct 2002 p. 5252.]

Part 4 — Registrar

[Heading inserted in Gazette 26 Oct 1999 p. 5284.]

22. The Registrar

The Registrar shall —

- (1) be appointed by the Board and hold the office subject to these rules and during the pleasure of the Board;
- (2) discharge duties imposed upon the Registrar by the Act;
- (3) be in attendance at his office at such hours and days as the Board may from time to time direct;
- (4) consult the chairman on any business requiring attention between the various meetings of the Board and be responsible for the safe custody of all documents and property belonging to the Board;
- (5) find security to the satisfaction of the Board in the sum of \$500;
- (6) present to the Board a monthly statement showing the receipts and expenditure for the past month, and prepare and present to the Board a yearly balance sheet in the month of September in every year;
- (7) receive and be responsible for all moneys payable to the Board and shall bank the same within 48 hours of the receipt thereof;
- (8) discharge such other duties as the Board from time to time may direct.

[Rule 22 amended by Act No. 113 of 1965 s. 8(1).]

Part 5 — The Register

[Heading inserted in Gazette 26 Oct 1999 p. 5284.]

23. Form of Register

The Register of Optometrists shall be in Form 1 in the First Appendix.

24. Inspection of Register

The Register shall be open to inspection, at the office of the Registrar, during the hours of 2 p.m. and 4 p.m. on Wednesday and Friday of each week, excepting when any of these days falls on a public holiday.

25. Withdrawal of name from Register

Any registered optometrist desirous of having his name withdrawn from the Register shall lodge with the Registrar an application, in writing, according to Form 4 in the First Appendix.

26. Re-entry of name in Register (section 22)

Every person desirous of having his name re-entered in the Register under section 22 of the Act shall make application to the Board in writing, according to Form 5 in the First Appendix and shall lodge such application with the Registrar, together with the sum provided by section 22(3) of the Act, or the sum of \$21, whichever is the less, and together with the prescribed re-entry fee.

[Rule 26 amended by Act No. 113 of 1965 s. 8(1).]

27. Annuling suspension (section 28)

Every person desirous under section 28 of the Act of having his suspension annulled shall lodge with the Registrar an application to the Board in writing according to Form 6 in the First Appendix and shall, when and as often as required, attend in person before the Board and answer verbally or in writing all such questions as may be put to him.

The Board may refuse or grant such application.

28. Re-entry of name in Register (section 28)

Every person desirous of having his name re-entered in the Register under section 28 of the Act shall lodge with the Registrar an application to the Board in writing according to Form 7 in the First Appendix, and shall, when and as often as required, attend in person before the Board and answer verbally or in writing all such questions as may be put to him.

If the application is granted by the Board, the Registrar shall notify the applicant thereof, but the applicant's name shall not be re-entered until the sum payable under section 28(5) of the Act has been paid, together with the prescribed fee for such re-entry.

29. Reasons for Board's decision (section 31)

Every person desirous of obtaining under section 31 of the Act a statement of the Board in writing of its reasons for a decision of the Board on any matter mentioned in section 31 of the Act, shall make application to the Board in writing according to Form 8 in the First Appendix, and shall lodge such application with the Registrar within the time fixed by section 31 of the Act.

Part 6 — Registration of optometrists

[Heading inserted in Gazette 26 Oct 1999 p. 5285.]

30. Evidence of qualification — s. 35(1)(d)(ii)

- (1) For the purposes of section 35(1)(d)(ii) of the Act, the following qualifications are prescribed as sufficient to qualify a person for registration under the Act —
 - (a) a degree in optometry from a school of optometry accredited by the Council;
 - (b) a certificate of competency in optometry issued by the Council.

- (2) In this rule —

“**Council**” means The Optometry Council (ACN 074 875 111).

[Rule 30 inserted in Gazette 28 Jun 2002 p. 3078.]

31. Application for registration

Every person applying for registration as an optometrist shall apply in writing and make and forward to the Registrar an application according to Form 2 or Form 2A in the First Appendix as the case may require.

[Rule 31 amended in Gazette 4 May 1945 p. 425.]

32. Information to accompany application

Each applicant for registration shall supply in writing to the Board the information and evidence required by the Act and shall, when and as often as required, attend in person before the Board and answer verbally or in writing all such questions as may be put to him.

33. Fees

Every person whose application for registration has been approved and whose name has been entered upon the Register of Optometrists after payment of the fees prescribed by the rules

shall be entitled, upon payment of the prescribed fee, to a certificate in Form 3 in the First Appendix.

Part 7 — Students and examinations

[Heading inserted in Gazette 26 Oct 1999 p. 5285.]

34. Competency test

The practical test of competency to practise optometry to be passed by persons seeking registration under section 34(c) of the Act shall be in the following, viz.:

Refraction; History taking and recording; Face and Frame measurements and fitting; Ophthalmoscopy.

34A. Syllabus for examinations

- (i) Until otherwise prescribed the test in the work of an optometrist to be passed by persons seeking registration under section 34A(c) of the *Optometrists Act 1940*, shall be on the following Syllabus: —

Sec. 1. Ophthalmoscopy, Retinoscopy, Keratometry, Perimetry and Scotometry.

Sec. 2. External examination of the eye and its appendages. Recognition of the non-pathological visual apparatus.

Sec. 3. History taking and recording. Refraction.

Sec. 4. Phorometry. Principles and practice of Orthoptics.

Sec. 5. A practical examination in the Clinical practice of Optometry.

- (ii) The theoretical and practical tests in optometry to be passed by persons seeking registration under section 34B of the Act shall be the examinations in the subjects covered by the syllabus for third and fourth year students as set out in rule 35. The provisions of rules 36, 37, 41 and 42 shall apply to persons applying under the provisions of section 34B of the Act.

[Rule 34A inserted in Gazette 4 May 1945 p. 424; amended in Gazette 15 Jul 1958 p. 1555.]

34B. Preliminary approval by Board

- (1) Every person desiring to qualify for registration as an optometrist through and by means of the course of study and training prescribed by rule 35 must first —
 - (a) satisfy the Board —
 - (i) that he has passed the preliminary examination prescribed by rule 34C and
 - (ii) that he has arranged to be employed by a registered optometrist during the 4 years of the course of study and training prescribed by rule 35. Provided that in the case where no surfacing or fitting facilities are available in the optometrical establishment the student may obtain his first and second years mechanical training at an approved ophthalmic laboratory,
and
 - (b) be approved by the Board.
- (2) The Board may in its discretion approve or refuse to approve any such person or may require him to submit further information or evidence as to his good fame and character and as to the matters set out in paragraph (1)(a).
- (3) In rules 34C, 34D and 35, the word “**applicant**” shall mean a person who has fully complied with paragraph (1).

[Rule 34B inserted in Gazette 19 Sep 1952 p. 2242.]

34C. Matriculation requirement

- (1) The prescribed preliminary examination shall be the Matriculation Examination prescribed by the University of Western Australia for persons applying to be admitted to the course for the Degree of Bachelor of Science. If Chemistry has not been taken at the leaving standard, the applicant shall be required to undertake such study of this subject during the first year of the course as the Board may determine.

[Rule 34C inserted in Gazette 19 Sep 1952 p. 2242.]

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34D. Study requirements

Every applicant applying under these rules for registration as an optometrist shall complete the course of study and training prescribed in rule 35, and pass the examinations required, before he may be registered.

[Rule 34D inserted in Gazette 19 Sep 1952 p. 2242.]

34E. Attendance at lectures

All students approved by the Board shall subsequently to their approval attend at least 75% of the lectures and demonstrations each year in each subject.

[Rule 34E inserted in Gazette 19 Sep 1952 p. 2242.]

34F. Ineligibility due to inadequate attendance

Any student not complying with the requirements of rule 34E in any year shall not be eligible to sit for the annual examination in that year, unless the Board for good cause shown shall in its discretion waive this condition.

[Rule 34F inserted in Gazette 19 Sep 1952 p. 2242.]

35. Course subjects

- (1) Until the Board otherwise provides, it will arrange a course of training in the following subjects: —

Physics IC
Zoology
Chemistry
Psychology I
Optical Dispensing I
General and Practical Optics
Physiology IIB
Anatomy of the Eye and Orbit
Optical Dispensing II

Optometry I
Ocular Physiology
Physiological Optics
Optical Dispensing III
Optometry II
Clinical Optometry I
Ocular Physiology II
Optometry III
Clinical Optometry II

- (2) (a) The Board may at its discretion exempt from attendance at any part of the course any applicant who satisfies the Board that he has already undertaken a suitable course of study.
- (b) The Board may at its discretion give credit to an applicant for passes at examinations conducted by an approved university or by a recognised examining body.
- (3) The Board in its discretion may vary the order in which courses and examinations in the subjects prescribed for the third and fourth years under paragraph (1) shall be taken.

[Rule 35 inserted in Gazette 19 Sep 1952 p. 2242-3; amended in Gazette 11 Sep 1953 p. 1690; 28 Apr 1960 p. 1149-50.]

36. Annual examinations

The annual examination shall be held during the period fixed by the University of Western Australia for its annual examinations. Every person desiring to be examined shall make application to the University of Western Australia in the form required by that University.

[Rule 36 inserted in Gazette 19 Sep 1952 p. 2243.]

37. Supplementary examinations

Any student who has failed to pass the annual examination in any one or more subjects may at the discretion of the University of Western Australia, or the Board, be allowed to submit himself at a supplementary examination to be held during the period fixed by the University for its supplementary examinations immediately following in such subject or subjects.

Application to sit for a supplementary examination must be made to the University of Western Australia in the form required by that University.

[Rule 37 inserted in Gazette 19 Sep 1952 p. 2243.]

38. Prerequisites for fourth year study

No student shall be allowed to proceed to the fourth year of the course until he has passed the examinations for the first, second and third years of the course.

[Rule 38 inserted in Gazette 19 Sep 1952 p. 2243.]

39. Satisfactory progress

Students shall be subject to section 10 of the general regulations for degree courses of the University of Western Australia. Satisfactory progress shall be defined as in the first and second year passes in at least 2 units for which the student has been enrolled, and in subsequent years as determined by the examiners.

[Rule 39 inserted in Gazette 19 Sep 1952 p. 2243.]

40. Diploma of Optometry

Every person who has completed the course of optometry established in conjunction with the University of Western Australia, who has in all respects complied with the Act and rules, and who, after 1 December 1951 has qualified for registration as an optometrist under the Act shall be entitled to a certificate in Form 13 in the First Appendix, and shall on payment of the prescribed diploma fee be eligible to receive the

Diploma of Optometry of Western Australia in Form 14 in the First Appendix, and will be entitled to use the affix “Dip. Opt. W.A.”

[Rule 40 inserted in Gazette 19 Sep 1952 p. 2243.]

41. Conduct of examinations

Every examination under these rules shall be conducted by such person or persons in such manner and at such times or places as the Board may from time to time appoint or direct.

42. Examination fees

The respective examination fees payable are as fixed in the Schedule. No fee paid for any examination at which the candidate shall fail to present himself, or which he shall fail to pass to the satisfaction of the Board, shall be available for any subsequent examination, nor shall any such fee be returned.

[42A. Repealed in Gazette 18 Feb 1949 p. 309.]

Part 8 — Licences

[Heading inserted in Gazette 26 Oct 1999 p. 5285.]

43. Optometrists Licence

The Optometrists Licence to be issued under section 36 of the Act shall be in Form 9 in the First Appendix.

Part 8A — Advertising

[Heading inserted in Gazette 26 Oct 1999 p. 5285.]

43A. Optometrist may advertise services

Subject to this Part, an optometrist may advertise his or her services in respect of the practice of optometry in any manner that the optometrist considers appropriate.

[Rule 43A inserted in Gazette 1 Jul 1997 p. 3253.]

43B. Optometrist not to engage in false or misleading advertising, etc.

An optometrist shall not advertise his or her services in respect of the practice of optometry in any way that —

- (a) is false in a material particular;
- (b) is misleading or deceptive or likely to mislead or deceive;
- (c) is likely to affect adversely the reputation of any optometrist, or the standing of optometry in general, in the State;
- (d) claims or implies that the optometrist is superior to any other optometrist or to all other optometrists;
- (e) contains a testimonial or endorsement in respect of the optometrist;
- (f) unless approved by the Board, claims or implies that the optometrist is a specialist, expert or leader in optometry, or an established or experienced optometrist or optician;
- (g) refers to any qualification of the optometrist other than a qualification recorded in the register as held by the optometrist;
- (h) uses a title or any other information relating to the optometrist other than —
 - (i) a qualification recorded in the register as held by the optometrist; or

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(ii) a title or other information approved by the Board;

or

(i) offers to discount the price of a consultation provided by the optometrist.

[Rule 43B inserted in Gazette 1 Jul 1997 p. 3254.]

43C. Board may give directions to optometrists regarding certain matters

The Board may, by notice in writing, direct an optometrist to vary or discontinue the use of any advertisement of his or her services in respect of the practice of optometry if the Board considers the advertisement to be in breach of rule 43B.

[Rule 43C inserted in Gazette 1 Jul 1997 p. 3254.]

43D. Failure to comply with Board's direction may lead to suspension

For the purposes of section 26(1)(f) of the Act, the failure by an optometrist to comply immediately with a direction given to the optometrist under rule 43C is a cause or reason upon which or for which suspension may be ordered by the Board.

[Rule 43D inserted in Gazette 1 Jul 1997 p. 3254.]

Part 9 — Charges or complaints against optometrists

[Heading inserted in Gazette 26 Oct 1999 p. 5285.]

44. Charges or complaints

A charge or complaint against an optometrist shall be made in writing, and shall distinctly state the conduct complained of, give an address in Perth where notices and other communications may be served, and be signed by the complainant or his agent, and lodged with the Registrar.

45. Further particulars, including statutory declaration

The Board may require the complainant to file further particulars of any of the matters complained of, or may require the charge or complaint or any part thereof to be verified by statutory declaration of the complainant or of some other person or persons.

46. Notice if *prima facie* case established

If the Board be satisfied that there is a *prima facie* case, it shall give or post to the last known place of address of the optometrist, whose conduct is complained of, written notice stating shortly the grounds of the charge or complaint. The said optometrist shall be entitled to obtain a copy of the charge or complaint and all other documents then or thereafter filed by the complainant in connection therewith, on payment of the sum of 5 cents per folio of 72 words.

[Rule 46 amended by Act No. 113 of 1965 s. 8(1).]

47. Response to complaint

The optometrist shall within 14 days after the giving or posting of such notice file with the Registrar a statutory declaration in answer to the charge or complaint, and shall give an address in Perth where notices and other communications may be served.

48. Complainant may have copy of response

The complainant may obtain a copy of the said answer and all other documents then and thereafter filed in connection therewith, on payment therefor at the rate fixed by rule 46.

49. Copies of documents for the Registrar

Either party shall when required by the Registrar provide him with such number of copies of all documents filed by such party as the Registrar shall require.

50. Fixing a hearing day

The Board, if not satisfied with such answer, shall fix a day, place, and time for the hearing of the charge or complaint and shall cause notice thereof to be served on the parties at their respective Perth addresses, not later than 10 days before the day of hearing. Provided that, where the optometrist has not furnished an address in Perth for service as required by these rules, the notice aforesaid may be given or posted to the optometrist at his last known place of abode or place of business.

51. Summons

Either party may, not less than 3 days before the day of hearing, apply in writing to the Registrar to issue a summons for the attendance or production of any persons or documents whom or which the party may desire to call or have produced. Such summons shall be in Form 10 in the First Appendix.

52. Board may vary procedure

The Board may —

- (1) Adjourn the hearing from time to time as may be expedient.
- (2) Dispense with any requirement of this part of the rules respecting notices, declarations, and documents, or

service in any case where it appears to the Board to be just to do.

- (3) Extend the time for doing anything under this Part of the rules.

52A. Attendance fee for a hearing

For attendance at each day of the hearing —

- (a) the chairman is to be paid —
- (i) if the hearing sits for 4 hours or longer on that day, \$323.00; or
 - (ii) if the hearing sits for less than 4 hours on that day, \$213.00;
- and
- (b) each other member is to be paid —
- (i) if the hearing sits for 4 hours or longer on that day, \$215.00; or
 - (ii) if the hearing sits for less than 4 hours on that day, \$142.00.

[Rule 52A inserted in Gazette 22 Oct 2002 p. 5253.]

Part 10 — Fees and fines

[Heading inserted in Gazette 26 Oct 1999 p. 5285.]

53. Fees

The fees mentioned in the Second Appendix shall be payable to the Registrar for and in respect of the several matters and proceedings therein set forth.

54. Fines

The fines payable under the proviso to section 37 of the Act shall be \$2.10 for each month or part of a month elapsing from the end of the month on which the first unpaid licence fee became payable by the optometrist, but in no case shall the total amount of these fines exceed \$21.

[Rule 54 amended in Gazette 9 Jan 1961 p. 61; amended by Act No. 113 of 1965 s. 8(1).]

Part 11 — Miscellaneous

[Heading inserted in Gazette 26 Oct 1999 p. 5286.]

54A. Miscellaneous

The practise of dichotomy between registered optometrists or between a registered optometrist and any other person is prohibited.

[Rule 54A inserted in Gazette 5 Nov 1954 p. 1874.]

55. Common Seal

- (i) The Board may adopt a seal as the Common Seal of the Board.
- (ii) Such seal shall be kept in the custody of the Registrar and deposited at the Office of the Board.
- (iii) Such seal shall be affixed by the Registrar, in the presence of the chairman of the Board, to any writing when authorised by a resolution of the Board and not otherwise.

56. Forms and Appendices

- (i) The Appendices to these rules and the Forms and notes thereto contained in the First Appendix shall be deemed part of these rules.
- (ii) Any form in the First Appendix may be varied, with the sanction of the Registrar, to meet the circumstances of the case.

First Appendix

First Appendix

Forms

Form 1

Optometrists Act 1940

REGISTER OF OPTOMETRISTS

Name in full

Address

Date of Registration

Qualification for registration

Additional qualifications approved by Board

Date of Certificate of Registration issued

Date Name removed from Register

Reason for removal

Form 2
Optometrists Act 1940



application for registration as an optometrist

STATE OR TERRITORY IN WHICH REGISTRATION IS SOUGHT		NAME OF REGISTRATION AUTHORITY WITH WHOM REGISTRATION IS SOUGHT	
FAMILY NAME		GIVEN NAMES	TITLE: Mr/Mrs/Miss/Dr/Other
PRESENT ADDRESS (for communication during application)			
BIRTH DETAILS		SEX	NATIONALITY
Date	Town	Country	Male <input type="checkbox"/> Female <input type="checkbox"/>
PRIVATE ADDRESS (to appear on the register)		PROFESSIONAL NAME AND ADDRESS (to appear on the register)	

* To be advised later, if unknown at the time of application

DECLARATION BY APPLICANT

I solemnly and sincerely declare that I am the person named in the attached documents and that the statements made in this application and in the attached documents are to the best of my knowledge true and correct. I have not been convicted of any criminal offence. I am not an undischarged bankrupt. My name has not been removed from any register of optometrists for any reason relating to my professional conduct.

Signature of applicant /20

PROFESSIONAL DETAILS
TRAINING

	Place of education	Date commenced	Date completed	Name of qualification
First optometrical qualification				
Other optometrical qualifications				
Any additional qualifications				

REGISTRATION

Are you at present registered or licensed as an optometrist? Yes <input type="checkbox"/> No <input type="checkbox"/>	If 'Yes', give name of authority with which you are registered
Are you a member of professional association/s for optometrists? Yes <input type="checkbox"/> No <input type="checkbox"/>	If 'Yes', give name of association/s

EXPERIENCE SINCE COMPLETION OF TRAINING

Employer's name and address (if self-employed, state 'self')	From	To	Position held

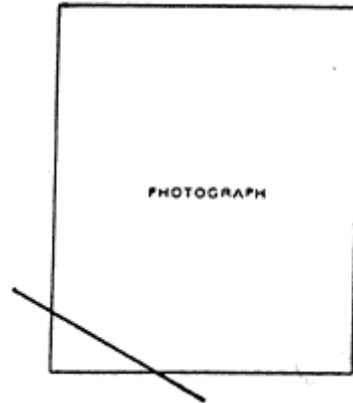
First Appendix



IDENTIFICATION

Please attach the following documents to your application:

- originals or photocopies of optometrical certificates
- originals or photocopies of registration certificates or licence/s (where applicable)
- a recent passport sized photograph



If currently registered, the seal or the stamp of the registration authority must be placed across the corner of the photograph, and the certificate below completed by the registration authority. In the case of applicants not currently registered (including new graduates), the photograph must be endorsed with the stamp or the seal of the school of optometry at which the applicant qualified, or with the stamp or the seal of the previous registration authority, and the certificate below completed by the head of the school of optometry or by the previous registration authority.

CERTIFICATE REGARDING APPLICANT

I,certify that:
(BLOCK LETTERS)

- the photograph is that of the applicant
- the applicant is currently registered
- the applicant has not been guilty of professional misconduct
- the applicant holds the qualifications claimed

Signature and designation

Name and address of authority or school

BACKGROUND AND CHARACTER

The applicant is required to provide the names of 2 character referees from any of the following:

registered or licensed optometrist, head of optometry school, medical or legal practitioner, minister of religion, bank manager, justice of the peace, commissioner for oaths, notary public, serving commissioned officer in the armed services. The applicant must arrange for the character references detailed on the next page to be completed by the referees and forwarded by them directly to the appropriate registration board by airmail.

REFEREES	(1)	(2)
Name		
Address		
Designation		



application for registration — character reference

You have been named as a referee by who is
an applicant for registration as an optometrist in
(State or Territory)

Please provide a confidential reference about the applicant. This should include details about the applicant on the following matters:

- reputation and standing
- criminal convictions, bankruptcy or professional misconduct, if any

Please state:

- your occupation and position
- how long you have known the applicant
- in what capacity you have known the applicant
- whether you are related to the applicant

You are required to forward this reference directly to the following registration board by airmail:

The Registrar
.....
.....

[Form 2 inserted in Gazette 1 Nov 1974 p. 4944-6.]



[Form 2A deleted in Gazette 1 Nov 1974 p. 4946.]

First Appendix

Form 3

Optometrists Act 1940

CERTIFICATE OF REGISTRATION OF AN OPTOMETRIST

No.

I hereby certify that _____,
of _____, was registered as an optometrist
under the *Optometrists Act 1940*, on the _____ day of _____
20_____. (See note below.)

Dated the _____ day of _____ 20_____.

Registrar,
The Optometrists Registration Board.

Note. — This certificate is evidence of original registration only and is not, nor must it be used as, evidence of the identity of the holder with the person named therein, or that the person named therein at any time remains so registered. A licence must be taken out for every year in which the optometrist desires to practice.

Form 4

Optometrists Act 1940

APPLICATION TO WITHDRAW NAME FROM REGISTER

To the Optometrists Registration Board:

I _____ of _____
do hereby request you, under section 21 of the Act, to withdraw my name from
the Register of Optometrists.

Dated the _____ day of _____ 20_____.

Signature of Applicant.

Form 5

Optometrists Act 1940

**APPLICATION TO RE-ENTER NAME IN REGISTER
UNDER SECTION 22**

To the Optometrists Registration Board:

I _____ of _____
do hereby apply, under section 22 of the Act, to have my name re-entered in the
Register of Optometrists.

Dated the _____ day of _____ 20____ .

Signature of Applicant.

Note. — This application must be lodged with the Registrar together with
the sum provided by section 22(3) of the Act, or the sum of \$21, whichever is
the less. And together with the prescribed re-entry fee.

Form 6

Optometrists Act 1940

APPLICATION TO ANNUL SUSPENSION

To the Optometrists Registration Board:

I _____ of _____
do hereby apply, under section 28 of the Act, to have my suspension annulled
for the following reasons, viz.:

Dated the _____ day of _____ 20____ .

Signature of Applicant.

First Appendix

Form 7

Optometrists Act 1940

**APPLICATION TO RE-ENTER NAME IN REGISTER
OR UNDER SECTION 28**

To the Optometrists Registration Board:

I _____ of _____
do hereby apply, under section 28 of the Act, to have my name re-entered in the
Register of Optometrists for the following reasons, viz.:

Dated the _____ day of _____ 20____ .

Signature of Applicant.

Note. — If the application is granted by the Board the applicant will be notified, but the applicant's name will not be re-entered until the sum payable under section 28(5) of the Act has been paid, together with the prescribed fee for such re-entry.

Form 10

Optometrists Act 1940

**SUMMONS TO ATTEND INQUIRY BY BOARD
IN THE MATTER OF**

To _____ of _____

You are hereby required to attend before the Optometrists Registration Board at _____ on _____ day the _____ day of _____ 20____, at the hour of _____ in the noon, and so from day to day until the abovementioned matter is heard and determined —

- (a) to give evidence in the abovementioned matter, and
- (b) also to bring with you and produce at the time and place aforesaid

(Specify documents to be produced.)

Dated the _____ day of _____ 20____.

By order of the Board,
Registrar.

Note. — Attention is drawn to the provisions of section 27(3) of the Act, whereby obedience to this summons may be enforced by the Supreme Court or a Judge thereof on application by the Board.

Strike out (b) if not required.

[Forms 11 and 12 deleted in Gazette 19 Sep 1952 p. 2243.]

First Appendix

Form 13

Optometrists Act 1940

QUALIFYING CERTIFICATE

No.

I hereby certify that _____ of _____ has qualified himself for registration as an optometrist under the *Optometrists Act 1940*.

Dated the _____ day of _____ 20____.

Registrar,
The Optometrists Registration Board.

Form 14

**THE OPTOMETRISTS REGISTRATION BOARD DIP.OPT.
OF WESTERN AUSTRALIA**

In the name of the Board and by authority of same, be it known thathaving fulfilled all the requirements, completed the course of optometry and passed the necessary examinations, has this day been granted the Diploma of Optometry of Western Australia.

In token whereof the Board has authorised the corporate seal of the Board to be affixed.

Dated the day of 20.....

.....
Chairman.

.....
Registrar.

[Form 14 inserted in Gazette 19 Sep 1952 p. 2243.]

Second Appendix

[Heading deleted]

Fees (other than examination fees)

	\$
For registration of an optometrist	20.00
For certificate of registration (section 19)	5.00
For inspection of Register	2.00
For re-entry of name of optometrist on the Register	20.00
For amendment of Register	2.00
Annual licence fee of an optometrist	200.00
For certificate that a person has qualified for registration as an optometrist	5.00
For Diploma of Optometry of Western Australia	10.00

[Heading deleted]

Examination fees

	\$
1. Each annual examination	10.00
2. Each supplementary examination for each subject	10.00
3. Practical test of competency under section 34(c) of the Act	25.00

[Heading deleted]

Annual permit fee

A person who has been granted permission to dispense in accordance with section 34C of the Act shall pay to the Board, no later than 15 January in each year, a fee of \$21.

[Second Appendix inserted in Gazette 12 Mar 1976 p. 733; amended in Gazette 21 Sep 1979 p. 2925; 31 Dec 1980 p. 4424; 19 Dec 1986 p. 4872; 26 Oct 1999 p. 5286; 21 Nov 2000 p. 6325.]

Notes

¹ This reprint is a compilation as at 7 March 2003 of the *Optometrists Registration Board Rules 1941* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Optometrists Registration Board Rules 1941</i>	23 May 1941 p. 692-701 (errata 20 Jun 1941 p. 837)	23 May 1941
Untitled	4 May 1945 p. 424	4 May 1945
Untitled	4 May 1945 p. 425-6	4 May 1945
Untitled	20 Sep 1946 p. 1172	20 Sep 1946
Untitled	18 Feb 1949 p. 308-9	18 Feb 1949
Untitled	10 Mar 1950 p. 481	10 Mar 1950
Untitled	19 Sep 1952 p. 2242-3	19 Sep 1952
Untitled	6 Mar 1953 p. 460	6 Mar 1953
Untitled	11 Sep 1953 p. 1690	11 Sep 1953
Untitled	5 Nov 1954 p. 1874	5 Nov 1954
Untitled	7 Jan 1958 p. 25	7 Jan 1958
Untitled	15 Jul 1958 p. 1554-5	15 Jul 1958
Untitled	30 Jun 1959 p. 1728	30 Jun 1959
Untitled	28 Apr 1960 p. 1149-50	28 Apr 1960

Optometrists Registration Board Rules 1941

Citation	Gazettal	Commencement
Untitled	21 Jul 1960 p. 2189-90	21 Jul 1960
Untitled	9 Jan 1961 p. 61	9 Jan 1961
Untitled	3 Nov 1961 p. 3061	3 Nov 1961
<i>Decimal Currency Act 1965</i> assented to	21 Dec 1965	s. 4-9: 4 Feb 1966 (see s. 2(2)); balance: 21 Dec 1965 (see s. 2(1))
Reprint of the <i>Optometrists Registration Board Rules 1941</i> as at 11 Jul 1966 published in <i>Gazette</i> 15 Jul 1966 p. 1921-36 (includes amendments listed above)		
Untitled	28 Nov 1968 p. 3458-9	28 Nov 1968
<i>Optometrists Registration Board Rules (Amendment) Rules 1974</i>	1 Nov 1974 p. 4941-6	1 Nov 1974
Untitled	9 May 1975 p. 1300	9 May 1975
Untitled	12 Mar 1976 p. 733	12 Mar 1976
Untitled	21 Sep 1979 p. 2925	21 Sep 1979
<i>Optometrists Registration Board Amendment Rules 1980</i>	31 Dec 1980 p. 4424	1 Jan 1981 (see r. 2)
<i>Optometrists Registration Board Amendment Rules 1986</i>	19 Dec 1986 p. 4872	1 Jan 1987 (see r. 2)
<i>Optometrists Registration Board Amendment Rules 1993</i>	31 Dec 1993 p. 6886-7	31 Dec 1993
<i>Optometrists Registration Board Amendment Rules 1997</i>	1 Jul 1997 p. 3253-4	1 Jul 1997
<i>Optometrists Registration Board Amendment Rules (No. 2) 1997</i>	6 Jan 1998 p. 32	6 Jan 1998
<i>Optometrists Registration Board Amendment Rules 1999</i>	26 Oct 1999 p. 5283-6	26 Oct 1999
<i>Optometrists Registration Board Amendment Rules 2000</i>	21 Nov 2000 p. 6325	21 Nov 2000
<i>Optometrists Registration Board Amendment Rules 2002</i>	28 Jun 2002 p. 3078	28 Jun 2002

Optometrists Registration Board Rules 1941

Citation	Gazettal	Commencement
<i>Optometrists Registration Board Amendment Rules (No. 2) 2002</i>	22 Oct 2002 p. 5252-3	22 Oct 2002
Reprint 2: The <i>Optometrists Registration Board Rules 1941</i> as at 7 Mar 2003 (includes amendments listed above)		