

Western Australia

Optometrists Act 2005

Optometrists Regulations 2006

As at 30 Aug 2010

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Optometrists Regulations 2006

CONTENTS

1.	Citation	1
2.	Commencement	1
3.	Criminal record screening	1
4.	Prescribed qualifications under section 27(2)(f) for registration	1
5.	Prescribed period for registration and renewal of registration under section 33	2
6.	Day on which fee falls due under section 34(1)	2
7.	Prescribed information under section 36(g)	2
8.	Amendment of particulars	3
9.	Change of name	3
10.	Complaints to the complaints assessment committee	3
11.	Appointment of a conciliator	3
12.	Advertising	4
13.	Proceedings valid despite notice irregularities	4
14.	Fees	4
15.	Fees for registration under the <i>Mutual Recognition (Western Australia) Act 2001</i> or <i>Trans-Tasman Mutual Recognition (Western Australia) Act 2007</i>	4
16.	Reduction, waiver or refund of fees	5

Schedule 1 — Fees

Schedule 2 — Fees for registration under *Mutual Recognition* (*Western Australia*) Act 2001 or

*Trans-Tasman Mutual
Recognition (Western Australia)
Act 2007*

Notes

Compilation table	9
Provisions that have not come into operation	9

Optometrists Regulations 2006

1. Citation

These regulations are the *Optometrists Regulations 2006*¹.

2. Commencement

These regulations come into operation on the day on which the *Optometrists Act 2005* comes into operation.

3. Criminal record screening

The Board may require a person who applies to the Board for registration under the Act section 27 or 29 to give the Board authority to obtain details of any record of criminal convictions of that person.

4. Prescribed qualifications under section 27(2)(f) for registration

For the purposes of the Act section 27(2)(f), the degrees or certificate specified in column 1 of the Table to this regulation opposite the university or council specified in column 2 of that Table are prescribed as a qualification for registration as an optometrist.

Table

Column 1	Column 2
Diploma or degree	Institution
Bachelor of Applied Science	Queensland University of

r. 5

Column 1 Diploma or degree	Column 2 Institution
(Optometry)	Technology
Bachelor of Optometry	University of Melbourne
Bachelor of Optometry	University of New South Wales
Bachelor of Optometry	University of Auckland
Certificate of Competency	Optometry Council of Australia and New Zealand

5. Prescribed period for registration and renewal of registration under section 33

- (1) For the purposes of the Act section 33(a), the prescribed period for which registration has effect is a period equal to the period commencing on the day on which registration is granted and ending on the next succeeding 30 June.
- (2) For the purposes of the Act section 33(b), the prescribed period for which registration may be renewed is a period equal to the period commencing on the day on which the registration is renewed and ending on the next succeeding 30 June.

6. Day on which fee falls due under section 34(1)

For the purposes of the Act section 34(1), the day in each year on which the prescribed fee for the renewal of registration falls due is 30 June.

7. Prescribed information under section 36(g)

For the purposes of the Act section 36(g), the following information is prescribed —

- (a) any offence under the Act for which the optometrist has been convicted;
- (b) the date on which the optometrist was first registered as an optometrist;
- (c) any authorisation given to the optometrist under the *Poisons Act 1964*.

8. Amendment of particulars

An optometrist may at any time apply to the Board for the amendment of the particulars recorded in the register relating to that optometrist, and if the Board is satisfied that the amendment may properly be made, the Board, on payment of the prescribed fee, is to cause those particulars to be amended.

9. Change of name

- (1) An optometrist must give the registrar written advice of any change to his or her name that is recorded in the register.
Penalty: a fine of \$1 000.
- (2) The advice referred to in subregulation (1) must be given no later than 30 days after the change of name.

10. Complaints to the complaints assessment committee

- (1) A complaint to the complaints assessment committee is to be in writing.
- (2) A person who complains to the complaints assessment committee must give to the committee —
 - (a) his or her name; and
 - (b) such other information relating to the person's identity as the Board or registrar may require.

11. Appointment of a conciliator

- (1) After consulting a person with knowledge of and experience in the conciliation of complaints, the complaints assessment committee may appoint a person with knowledge of and experience in the conciliation of complaints to be a conciliator to preside over a conference under the Act section 76(2).
- (2) The Board may pay a conciliator appointed under this regulation a fee for, and such reasonable expenses as may be incurred by the conciliator in, presiding over conferences under the Act section 76(2).

12. Advertising

An optometrist who advertises, or causes to be advertised, any material relating to the optometrist's practice of optometry that —

- (a) is false, misleading or deceptive; or
- (b) creates an unjustified expectation of beneficial treatment; or
- (c) promotes the unnecessary or inappropriate use of the optometrist's services,

commits an offence.

Penalty: a fine of \$1 000.

13. Proceedings valid despite notice irregularities

Proceedings at any meeting of the Board are not invalidated by reason only of —

- (a) the omission to give due notice of the meeting to one or more members of the Board in accordance with the procedure for convening meetings of the Board determined by the Board under the Act Schedule 1 Division 1 clause 5(4); or
- (b) the non-receipt of a notice by a member.

14. Fees

The fees in Schedule 1 are the prescribed fees payable in respect of the matters specified in that Schedule and the persons liable for payment of the fees are the persons specified in that Schedule.

15. Fees for registration under the *Mutual Recognition (Western Australia) Act 2001* or *Trans-Tasman Mutual Recognition (Western Australia) Act 2007*

The fees in Schedule 2 are prescribed as the fees payable in respect of the registration of a person entitled under —

- (a) the *Mutual Recognition Act 1992* (Commonwealth), as adopted by the *Mutual Recognition (Western Australia) Act 2001*; or
- (b) the *Trans-Tasman Mutual Recognition Act 1997* (Commonwealth), as adopted by the *Trans-Tasman Mutual Recognition (Western Australia) Act 2007*,

to be registered in this State as an optometrist.

[Regulation 15 inserted in Gazette 22 Dec 2009 p. 5262.]

16. Reduction, waiver or refund of fees

The Board may authorise the reduction, waiver or refund of any fee provided for in these regulations if the Board considers it appropriate to do so.

Schedule 1 — Fees

[r. 14]

	Type of fee	Provision of Act	Fee \$
1.	Fee payable by a person who applies for a copy of the minutes of the Board available for inspection under the Act section 20(4).	s. 20(5)	\$5 plus \$1 per page up to a maximum fee of \$10
2.	Registration fee payable by a person if registration is effected in the months of July, August, September, October, November or December.	s. 27(1)(b)	250
3.	Registration fee payable by a person if registration is effected in the months of January, February, March, April, May or June.	s. 27(1)(b)	125
4.	Fee payable by a person who applies for registration under the Act section 27 for the conduct of criminal record screening.	s. 27 and 97(2)(h)	50
5.	Registration fee payable by a person for provisional registration.	s. 28(1)(c)	250
6.	Registration fee payable by a person for conditional registration.	s. 29(1)(c)	250
7.	Fee payable by the applicant to accompany an application for registration.	s. 31(1)(c)	150
8.	Fee payable by an optometrist for renewal of registration of the optometrist.	s. 34(1)	250

	Type of fee	Provision of Act	Fee \$
9.	Additional amount to be paid to the Board by an applicant to have name restored to the register.	s. 34(2)	75
10.	Fee payable by a person who applies for a certified copy of the register or an entry in the register for the copy.	s. 37(4)	20
11.	Fee payable by an applicant for amendment of particulars entered in the register.	r. 8 and s. 97(2)(h)	20

Schedule 2 — Fees for registration under *Mutual Recognition (Western Australia) Act 2001* or *Trans-Tasman Mutual Recognition (Western Australia) Act 2007*

[r. 15]

[Heading inserted in Gazette 22 Dec 2009 p. 5263.]

Type of fee	Fee \$
1. Fee for lodgment of written notice seeking registration in accordance with mutual recognition principle or Trans-Tasman mutual recognition principle	150
2. Fee for grant of registration in accordance with mutual recognition principle or Trans-Tasman mutual recognition principle if registration effected in January, February, March, April, May or June	125
3. Fee for grant of registration in accordance with mutual recognition principle or Trans-Tasman mutual recognition principle if registration effected in July, August, September, October, November or December	250

[Schedule 2 inserted in Gazette 22 Dec 2009 p. 5263.]

Notes

¹ This is a compilation of the *Optometrists Regulations 2006* and includes the amendments made by the other written laws referred to in the following table ^{1a}.

Compilation table

Citation	Gazettal	Commencement
<i>Optometrists Regulations 2006</i>	13 Dec 2006 p. 5573-84	20 Apr 2007 (see r. 2 and <i>Gazette</i> 30 Mar 2007 p. 1451)
<i>Optometrists Amendment Regulations 2009</i>	22 Dec 2009 p. 5262-3	r. 1 and 2: 22 Dec 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 23 Dec 2009 (see r. 2(b))

^{1a} On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Short title	Number and year	Assent	Commencement
<i>Health Practitioner Regulation National Law (WA) Act 2010</i> s. 15(2)(i) ²	35 of 2010	30 Aug 2010	To be proclaimed (see s. 2(b))

² On the date as at which this compilation was prepared, the *Health Practitioner Regulation National Law (WA) Act 2010* s. 15(2)(i) had not come into operation. It reads as follows:

15. Codes of practice, regulations and rules repealed

- (2) These regulations are repealed:
 - (i) the *Optometrists Regulations 2006*;