

**AUSTRALIAN CAPITAL TERRITORY**  
**Optometrists Act 1956**  
**INSTRUMENT NO. 242.OF 2000**

**EXPLANATORY STATEMENT**

The *Optometrists Act 1956* (the Act) provides for the registration of optometrists, to control the practice of optometry and for related purposes. Section 55 of the Act provides for the Minister to determine fees for the purposes of the Act and publish that determination in the ACT Gazette.

Instrument No 72 of 1997 determining fees for the purpose of the Act was notified in the ACT Special Gazette No. S106 on Friday 18 April 1997. Instrument No. 119 of 2000 determining fees for the purpose of the Act was notified in the ACT Gazette No. 18 on Thursday 4 May 2000. This determination made an incorrect reference to the Section of the Act under which the determination was made. The attached instruments retract this determination and amend this anomaly.

This instrument revokes those fees and determinations and sets new fees for the provisions of paragraph 17(2)(b), section 20, subsection 28(1), and paragraph 30(2)(b) which have been increased to reflect the move towards full cost recovery for services provided by the Board. Determined fees for subsections 11(2), 24(4), 33(3), 56(1) and 56(2) remain unchanged as they are consistent with fees for similar provisions in other health registration legislation and appear at this time to be at cost recovery level.

**1. Paragraph 17(2)(b), fee for registration pursuant to section 8 and fee for registration at the discretion of the Board pursuant to section 10.**

Registration under the provisions of sections 8 and 10 relate to persons who apply for initial registration with the ACT Optometrists Board, that means, applicants are not registered with a registration authority in another Australian State or Territory.

Entitlement to registration under section 8 is not subject to any conditions, which means that the person meets all the requirements for full registration. Entitlement to registration at the discretion of the Board under section 10, however, is subject to such conditions as the Board considers appropriate.

Section 20 of the Act requires that applications for registration other than applications by persons who are entitled to registration pursuant to the *Mutual Recognition Act* be accompanied by the determined fee payable under paragraph 17(2)(b).

The determined fee for unconditional registration and registration at the discretion of the Board as determined by determination No. 72 of 1997 as notified in the ACT Special Gazette No S106, Friday 18 April 1997 was \$185.00. Determination No. 119 of 2000 as notified in the ACT Gazette No 18, Thursday 4 May 2000 set this fee at \$240.00, however an incorrect

reference was made to the Section of the Act under which the determination was made. This instrument seeks to retract this determination and amend the anomaly.

The fee for the purposes of paragraph 17(2)(b), for registration pursuant to section 8 and fee for registration at the discretion of the Board pursuant to section 10, is now set at \$240.00. This fee reflects the move towards full cost recovery for services provided by the Board. The fee increase also relates to the administrative work required for an initial application as opposed to an annual renewal.

## **2. Section 20, Registration fee under Mutual Recognition provisions.**

Section 9(1) of the Act makes provision for a person who is registered as an optometrist under the law in force in a State or another Territory that is a participating jurisdiction within the meaning of the *Mutual Recognition Act* to registration under the *Optometrists Act 1956*.

Persons seeking registration under the mutual recognition principle are required to pay the fee determined under section 20 of the Act.

The registration fee under the mutual recognition provisions as determined by determination No. 72 of 1997 as notified in the ACT Special Gazette No S106, Friday 18 April 1997 was \$185.00. Determination No. 119 of 2000 as notified in the ACT Gazette No 18, Thursday 4 May 2000 set this fee at \$240.00, however an incorrect reference was made to the Section of the Act under which the determination was made. This instrument seeks to retract this determination and amend the anomaly.

The fee for the purposes of section 20 registration under these provisions is now set at \$240.00. This fee reflects the move towards full cost recovery for services provided by the Board. The fee increase also relates to the administrative work required for a mutual recognition application as opposed to an annual renewal.

## **3. Subsection 28(1), annual registration fee.**

Subsection 28(1) of the Act requires registered optometrists to pay the determined fee on or before 1 July in each year. The payment of this fee entitles the registered optometrist's name to remain on the Register of Optometrists, kept by the Board in accordance with section 22. This entitles the person to practice as an optometrist in the Territory for the next 12 months.

Where a registered optometrist fails to pay the determined fee under subsection 28(1) the Board, under the provisions of subsection 29(2) of the Act, is required to cancel the registration of the person.

The determined annual fee as notified in the ACT Special Gazette No. S106, Friday 18 April 1997 was \$185.00. Determination No. 119 of 2000 as notified in the ACT Gazette No 18, Thursday 4 May 2000 set this fee at \$200.00, however an incorrect reference was made to the Section of the Act under which the determination was made. This instrument seeks to retract this determination and amend the anomaly.

The fee for registration under subsection 28(1) is now set at \$200.00. This fee reflects the move towards full cost recovery for services provided by the Board.

#### **4. Paragraph 30(1) entitlement to re-registration fee**

A person whose registration has been cancelled for failure to pay the determined fee under subsection 28(1) is entitled to be re-registered under the provisions of section 30(1) if he or she makes application for registration in a form approved by the Board and pays the determined fee under paragraph 30(2)(b). Entitlement to re-registration under these provisions is on the same terms and conditions as applied to the person's registration immediately before the removal of his or her name from the Register.

The determined fee for entitlement to re registration as determined by determination No. 72 of 1997 as notified in the ACT Special Gazette No. S106, Friday 18 April 1997 was \$185.00. Determination No. 119 of 2000 as notified in the ACT Gazette No 18, Thursday 4 May 2000 set this fee at \$240.00, however an incorrect reference was made to the Section of the Act under which the determination was made. This instrument seeks to retract this determination and amend the anomaly.

The fee for the purposes of paragraph 30(2)(b) is now set at \$200.00 which is equivalent to the annual practicing fee. This fee reflects the move towards full cost recovery for services provided by the Board.

#### **5. Subsection 11(2), entitlement to interim registration.**

Under section 11 of the Act, interim registration may be granted to a person where the applicant is entitled to full registration under the provisions of section 8 but where it is not practicable to wait until the Board can consider the application, or where the person would be entitled to registration under section 8 except for the fact that the degree or award to which the applicant is entitled has not yet been conferred or granted by the institution concerned.

A person authorized by the Board for the purposes of section 11, may grant an applicant for registration interim registration on payment of the fee determined under Subsection 11(2).

Interim registration remains in force until such time as the Board grants the person registration, has notified the person that his or her application for registration has been refused or cancels the person's interim registration. A person who holds interim registration is for all purposes to be taken to be a registered optometrist.

The determined fee for entitlement to interim registration as determined by determination No. 72 of 1997 as notified in the ACT Special Gazette No. S106, Friday 18 April 1997 was \$20.00. Determination No. 119 of 2000 as notified in the ACT Gazette No 18, Thursday 4 May 2000 set this fee at \$240.00, however an incorrect reference was made to the Section of the Act under which the determination was made. This instrument seeks to retract this determination and amend the anomaly.

For the purposes of subsection 11(2) this fee remains unaltered as it is consistent with the fee determined for the same provision in other health registration legislation and covers the administrative costs associated with granting interim registration.

**6. Subsection 24(4), fee for duplicate certificate.**

Under the provisions of section 24 of the Act, the Board is required to issue to a person who is registered as an optometrist, a certificate of registration signed by the Chairperson or Deputy Chairperson. The certificate is to state the provision by virtue of which the person is entitled to be registered and set out any conditions to which the person's registration is subject.

Where a person's certificate of registration has been lost or destroyed the Board may, subject to certain conditions, issue a duplicate certificate to the person subject to the payment of the determined fee under subsection 24(4).

For this provision the determined fee as determined by determination No. 72 of 1997 as notified in the ACT Special Gazette No. S106, Friday 18 April 1997 was \$30.00. Determination No. 119 of 2000 as notified in the ACT Gazette No 18, Thursday 4 May 2000 set this fee at \$240.00, however an incorrect reference was made to the Section of the Act under which the determination was made. This instrument seeks to retract this determination and amend the anomaly.

The fee for the purposes of subsection 24(4) remains unaltered as it is consistent with the determined fee for this provision in other health registration legislation and appears at this time to reflect the cost associated with providing a duplicate certificate. This covers printing and administrative costs associated with providing this service.

**7. Subsection 33(3), fee for alteration of particulars in the register.**

Under the provisions of section 33 of the Act the Board may, from time to time, at the request of the person or of its own accord, make such alterations to particulars in the Register as are necessary. Such alterations allow for amendment of incorrect particulars, additions of relevant information, removal of names of people who have died or who have ceased to become registered or to alter particulars pursuant to disciplinary orders.

The Board is not entitled to make an alteration to particulars in the Register at the request of a person unless satisfied that the determined fee under subsection 33(3) has been paid. The

determined fee for this provision determined by determination No. 72 of 1997 as notified in the ACT Special Gazette No. S106, Friday 18 April 1997 was \$10.00. Determination No. 119 of 2000 as notified in the ACT Gazette No 18, Thursday 4 May 2000 set this fee at \$240.00, however an incorrect reference was made to the Section of the Act under which the determination was made. This instrument seeks to retract this determination and amend the anomaly.

For the purposes of subsection 33(3) the fee remains unaltered as it is consistent with the determined fee for this provision in other health registration legislation and appears at this time to reflect the cost associated with making such alterations.

**8. Subsection 56(1), fee to inspect an entry in the register.**

Under subsection 56(1) of the *Optometrists Act 1956* a person may on payment of the determined fee inspect an entry in the Register. The determined fee for this provision determined by determination No. 72 of 1997 as notified in the ACT Special Gazette No. S106, Friday 18 April 1997 was \$5.00. Determination No. 119 of 2000 as notified in the ACT Gazette No 18, Thursday 4 May 2000 set this fee at \$240.00, however an incorrect reference was made to the Section of the Act under which the determination was made. This instrument seeks to retract this determination and amend the anomaly.

The determined fee for the purposes of subsection 56(1) remains unaltered as it is consistent with the determined fee for this provision in other health registration legislation and appears at this time to reflect the cost associated with providing this service.

**9. Subsection 56(2), fee to obtain a certified copy of an entry in the register.**

Under subsection 56(2) of the *Optometrists Act 1956* a person may on payment of the determined fee obtain a certified copy of an entry in the Register. The determined fee for this provision determined by determination No. 72 of 1997 as notified in the ACT Special Gazette No. S106, Friday 18 April 1997 was \$5.00. Determination No. 119 of 2000 as notified in the ACT Gazette No 18, Thursday 4 May 2000 set this fee at \$240.00, however an incorrect reference was made to the Section of the Act under which the determination was made. This instrument seeks to retract this determination and amend the anomaly.

The determined fee for the purposes of subsection 56(2) remains unaltered as it is consistent with the determined fee for this provision in other health registration legislation and appears at this time to reflect the cost associated with providing this service.

10. A comparative chart for ease of reference is attached.

| <b>Optometrists Act 1956</b>   | <b>1998/99<br/>Fee</b> | <b>1999/2000<br/>Fee</b> |
|--|------------------------|--------------------------|
| Paragraph 17(2)(b) application fee for registration pursuant to section 9 and section 11 | \$185.00               | \$240.00                 |
| Section 20 fee for registration under the Mutual Recognition principle                   | \$185.00               | \$240.00                 |
| Subsection 28(1) annual registration fee   | \$120.00               | \$200.00                 |
| Paragraph 30(2)(b) entitlement to re-registration subject to payment of fee              | \$120.00               | \$200.00                 |
| Subsection 11(2) entitlement to interim registration                                     | \$20.00                | \$20.00                  |
| Subsection 24(4) fee for duplicate certificate   | \$30.00                | \$30.00                  |
| Subsection 33(3) fee for alteration of the register                                      | \$10.00                | \$10.00                  |
| Subsection 56(1)(a) fee to inspect an entry in the register                              | \$5.00                 | \$5.00                   |
| Subsection 56(2) fee to obtain a certified copy of an entry in the register              | \$10.00                | \$10.00                  |

**OPTOMETRISTS BOARDS FEES APPLIED THROUGH AUSTRALIA FOR APPLICATIONS FOR REGISTRATION UNDER INITIAL REGISTRATION, MUTUAL RECOGNITION AND ANNUAL FEES FOR RETENTION ON THE REGISTER.**

| <b>BOARD</b>                 | <b>INITIAL</b> | <b>MUTUAL FEES</b> | <b>ANNUAL</b> |
|------------------------------|----------------|--------------------|---------------|
| Northern Territory           | \$ 50.00       | \$ 50.00           | \$ 0.00       |
| New South Wales              | \$110.00       | \$110.00           | \$110.00      |
| Queensland                   | \$200.00       | \$200.00           | \$155.00      |
| Western Australia            | \$200.00       | \$175.00           | \$175.00      |
| Victoria                     | \$252.00       | \$252.00           | \$235.20      |
| South Australia              | \$220.00       | \$220.00           | \$220.00      |
| Tasmania                     | \$100.00       | \$240.00           | \$425.00      |
| Australian Capital Territory | \$240.00       | \$240.00           | \$200.00      |