



NEW SOUTH WALES

BOARD OF OPTOMETRICAL REGISTRATION

ANNUAL REPORT
YEAR ENDED 30 JUNE 1999



BOARD OF OPTOMETRICAL REGISTRATION

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1 July 1999

The Hon C Knowles MP
Minister for Health
73 Miller St
North Sydney 2060

Dear Mr Knowles

Pursuant to the provisions of the Annual Reports Act 1984, I have pleasure in submitting this Annual Report of the New South Wales Board of Optometrical Registration for the year ended 30 June 1999 for presentation to Parliament.

The Board looks forward to working with you in this the thirteenth year of the revision of the Optometrists Act 1930. As you will see from my previous addresses to the previous five Ministers for Health who have been involved in the updating of this seventy year old Act, the Board is ever optimistic that the next year will see a new Act which is so sorely needed to enable optometrists to work at world's best practice standards for the people of New South Wales. The Board is unaware of any contentious issues pertaining to the new Act that cannot be readily resolved with sufficient goodwill and determination.

Yours faithfully

Keith Masnick
CHAIRMAN

TABLE OF CONTENTS

CHARTER.....	1
AIMS AND OBJECTIVES.....	1
ACCESS.....	1
MANAGEMENT AND STRUCTURE.....	2
Membership.....	2
Attendance at meetings.....	3
Administration.....	3
Administrative Support.....	3
Organisational Chart-Health Professionals Registration Boards.....	5
REVIEW OF OPERATIONS.....	6
Registration.....	6
Complaints and Disciplinary Matters.....	6
Complaints Committee.....	6
Ongoing Certification of “Good Character”.....	10
Board.....	11
Inquiries under Section 15 Of the Optometrists Act.....	13
Appeals against Decisions of the Board.....	13
Legislative Change.....	13
Proposed amendments.....	13
Issues Paper - Review of the Optometrists Act 1930, June 1998.....	13
Waiving of application fees.....	13
Probity checking of registered health professionals.....	14
Post graduate competency testing/Compulsory continuing education.....	14
Issues Paper-Review of the Medical Practice Act 1992.....	14
Meeting with the Minister for Health.....	14
Fees.....	15
Examination for Registration.....	15
Council of Optometrists Registration Authorities (CORA).....	15
University Of New South Wales School Of Optometry.....	16
Optical Dispensers Act 1963.....	16
Optical Dispensers Regulation 1997.....	16
Optical Dispensers Licensing Board.....	17
Representation.....	17
Distribution of newsletter.....	17
Supervision of students in optometry by optical dispensers.....	17
Specialisation.....	17
Applications.....	17
“Contact Lens Practitioner”.....	17
Ongoing Certification of “Good Character”.....	18
World Council of Optometry.....	18

The Optometry Council Of Australia And New Zealand (TOC).....	19
Recognition of TOC.....	19
TOC Examination for Registration.....	20
Trans-Tasman Mutual Recognition Agreement.....	21
Meeting with Director-General of Health.....	21
Review of the Optometrists Act	21
TOC.....	21
Trans-Tasman Mutual Recognition	21
National Registration	22
Clinical Training of Students in Optometry.....	22
Remuneration of Board members.....	22
Section 35 Optometrists Act.....	22
Pro-active Compliance	23
Guidelines Concerning Advertising	23
Workforce Data.....	23
Ethnic Affairs Priorities Statement.....	24
Overseas Trained - Recognition Of Qualifications.....	24
Interpreter And Translation Services.....	24
Languages.....	25
Key Strategies.....	25
Website	25
NSW Government Action Plan For Women.....	26
Year 2000 (Millennium Bug).....	26
Freedom of Information	26
Health Care Complaints Commission Inquiry Into Cosmetic Surgery.....	27
Publications	27
Consultancies.....	27
FINANCE AND BUDGET	27
Format.....	27
Performance	27
Budget.....	28
Expenses.....	28
Payments Performance	28
Investment Performance	28
Insurance and Risk Management.....	29
Annual Report Costs	29
Independent Audit Report.....	30
Statement By Members Of The Board.....	31
Balance Sheet For The Year Ended 30 June 1999	32
Statement Of Income And Expenditure For The Year Ended 30 June 1999.....	33
Statement Of Cash Flows For The Year Ended 30 June 1999	34
Notes To And Forming Part Of The Accounts.....	35

1. CHARTER

The New South Wales Board of Optometrical Registration is established under the provisions of the Optometrists Act 1930 to exercise the powers, authorities, duties and functions imposed on it by the Act.

2. AIMS AND OBJECTIVES

- To maintain a register of legally qualified optometrists.
- To regulate the practice of optometrists; and for the purposes connected therewith.
- To grant registration to optometrists who satisfy the Board that they hold a degree or document certifying to their ability to practice optometry from a university, college or other body recognised by the Board.
- To grant registration to optometrists who do not hold recognised qualifications who satisfy the Board that they possess the requisite knowledge and skill for the efficient practice of optometry by undertaking further courses and/or examinations as the Board may prescribe.
- To grant provisional registration to new graduates for a period not exceeding six months.
- To grant certificates authorising registered optometrists to use drugs in the practice of optometry under and in accordance with the provisions of the Act provided they have successfully completed a prescribed course of instruction in the use of drugs in refraction or examination of the eyes.
- To conduct inquiries under the provisions of section 15 of the Act.

3. ACCESS

The Board is located at the following address:-

Level 2
28-36 Foveaux Street
SURRY HILLS 2010

Correspondence:-

PO Box K599
HAYMARKET 1238

Telephone: (02) 92190233

Facsimile: (02) 92812030

E-mail: optomreg@doh.health.nsw.gov.au

Internet: www.optomreg.health.nsw.gov.au

Hours: 8.30 a.m. - 5.00 p.m., Monday to Friday.

Cashier services cease at 4.30 p.m.

4. MANAGEMENT AND STRUCTURE

4.1 MEMBERSHIP

Membership of the Board is prescribed under section 5 of the Act and comprises seven members, of whom:-

- two are registered optometrists nominated by the Australian Optometrical Association (NSW Branch);

Mr Keith Brian Masnick (Chairman)
B. Optom
M. Optom
MBA

Ms Christine Vicki Craigie
B. Optom

- one is a registered optometrist nominated by the Opticians and Optometrists Association of New South Wales;

Mr Colin Ross Wood
B. Optom

- one is a solicitor nominated by the Minister for Health;

Mr Thomas Joseph Kelly
LL.B

- one is a legally qualified medical practitioner nominated by the New South Wales Branch of the Australian Medical Association;

Dr Charles Neville Banks
M.B.B. Chir
M.R.C.S., L.R.C.P.
F.R.C.S.
F.R.A.C.O.

- one is a registered optometrist nominated by the University of New South Wales; and

Prof Daniel James O'Leary
B. Sc
M. Sc
Ph. D
1 July 1998 – 9 September 1998

Vacant
10 September 1998 - 1 June 1999

Prof Stephen Dain
B. Sc
Ph. D
2 June 1999 – 30 June 1999

- one is an officer of the Department of Health nominated by the Minister for Health.

Ms Kirsty McEwin
B.A.
M.Sc.Soc.

The Board was appointed on 30 November 1997 for a three-year term.

4.2 ATTENDANCE AT MEETINGS

The Board met on 11 occasions during the reporting period, usually on the second Wednesday of each month.

Mr Masnick	attended	10 meetings
Ms Craigie	attended	10 meetings
Mr Wood	attended	9 meetings
Mr Kelly	attended	8 meetings
Dr Banks	attended	11 meetings
Prof O'Leary	attended	2 meetings
Prof Dain	attended	1 meeting
Ms McEwin	attended	9 meetings

The Board granted Mr Kelly leave for the meeting held in July 1998, and Ms Craigie and Ms McEwin for the meetings held in August 1998 and September 1998.

At the Board's invitation Prof Dain attended 3 meetings as an observer.

4.3 ADMINISTRATION

4.3.1 ADMINISTRATIVE SUPPORT

The Health Administration Corporation is responsible for the provision of efficient and effective administrative support to the Board, including managing and paying accounts and employing staff. The Board is self-funding and costs associated with its administration were met from fees received.

Funds received by the Board were transmitted to the Corporation in accordance with the Optometrists Act. Interest paid by the State Bank for the year was apportioned to the Board's account. Registration notices were issued expeditiously and routine renewals were processed within 10 days of receipt.

The Corporation also provides health professionals registration boards established by the following Acts:-

- Chiropractors and Osteopaths Act 1991
- Dental Technicians Registration Act 1975
- Nurses Act 1991
- Optical Dispensers Act 1963
- Physiotherapists Registration Act 1945
- Podiatrists Act 1989
- Psychologists Act 1989

The staff establishment of the Health Professionals Registration Boards was the equivalent of 49 full time positions.

No variation has occurred in the last 3 years. Staff, as employees of the Corporation, derive the benefits of the personnel policies of the Health Department including occupational health and safety, training and equal employment opportunity practices, and are subject to the Department's Code of Conduct. The performance of the Corporation on the personnel policies relating to the Boards- staff is included in the annual report of the Department of Health.

The Boards are managed by Mr J. Tzannes (Director) and Mr R. Dwyer (Deputy Director) for the Corporation.

Within the Boards- accumulated funds recognition was given to future expenditure for refurbishment or relocation, litigation and disciplinary costs.

The total administrative expenditure for all the above boards in 1998/99 was \$4,516,374.00 compared with \$4,342,960.00 in 1997/98.

Registrar

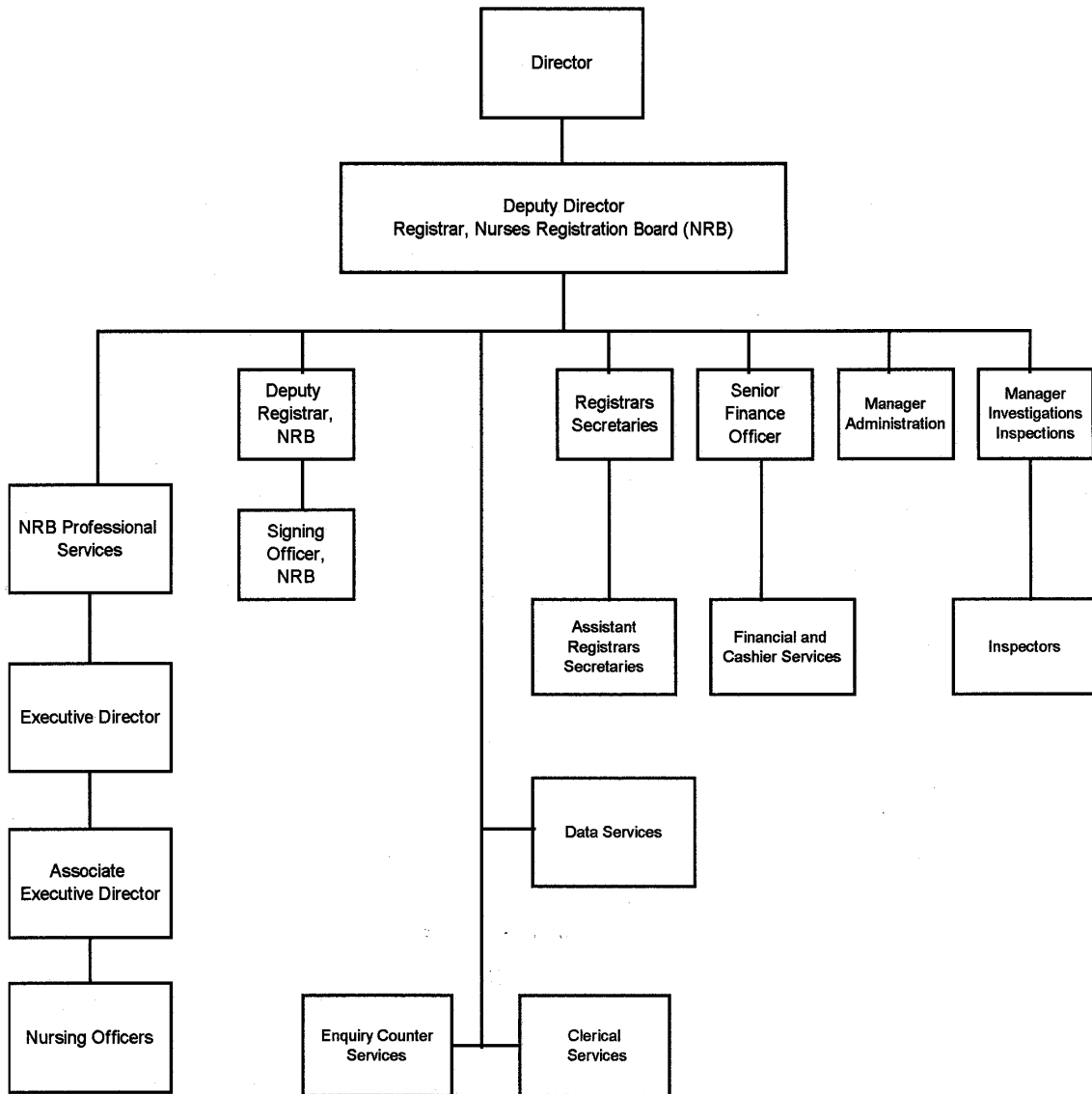
Michael Walsh

Assistant Registrar

Amanda McEacharn 1 July 1998 – 28 February 1999

Vacant 1 March 1999 – 30 June 1999

Organisational Chart-Health Professionals Registration Boards



5. REVIEW OF OPERATIONS

5.1 REGISTRATION

The Board maintained the Register of optometrists as required under the provisions of section 11 of the Act.

Optometrists registered	as at 1 July 1998	1260
	as at 30 June 1999	1336
New registrations		130
Section 19(1)(a)	<i>NSW graduates</i>	46
Section 19(1)(c)	<i>Recognised quals</i>	5
Mutual Recognition Act		22
Trans-Tasman Mutual Recognition Act		57
Restorations		26
Deletions		88
Unfinancial	87	
Deceased	1	
Certificates of authorisation to use drugs		98
Changes of name		7

5.2 COMPLAINTS AND DISCIPLINARY MATTERS

The Health Care Complaints Act 1993 requires the Board and the Health Care Complaints Commission (HCCC) to advise each other of complaints received and consult concerning resolution of complaints. A complaint made to the Board is deemed to be also made to the HCCC, and vice-versa.

To assist in the administrative arrangements to implement the requirements of the Act the Board had established a Complaints Committee to consider complaints and consult with the Commission. The Board delegated to the Committee the authority to make decisions relating to complaints on its behalf. Complaints concerning the provision of services by optometrists were considered by the Committee, and complaints concerning alleged breaches of the Optometrists Act and Regulations were considered by the Board.

5.2.1 COMPLAINTS COMMITTEE

The Committee comprised two members of the Board, Ms Craigie and Ms McEwin. An officer of the Health Care Complaints Commission (HCCC) attended its meetings. The Committee met on 11 occasions and considered 13 new complaints.

- In one case the anonymous complainant alleged that an optometrist had submitted fraudulent Medicare claims, cheated on his income tax, and was a heroin addict. The Committee noted that the Commission considered that, as the complaint was anonymous, the subject matter of the complaint did not warrant either conciliation or investigation. Under the circumstances the Committee resolved to endorse the Commission's recommendation that the Commission decline to deal with the matter.

The Committee agreed that it would be appropriate for the Commission to refer the matter to the optometrist concerned, and directed the Registrar to advise the Commission of the optometrist's registered address.

- In one case the complainant alleged that an optometrist had prescribed spectacles for her son which were not necessary. The Committee resolved to refer the matter to the HCCC for consideration with the recommendation that it be referred for conciliation. The Committee noted that the Commission had independently assessed the matter as appropriate for conciliation.

The Committee subsequently considered a letter from the HCCC, noted that the Commission had formed the view that the respondent should be required to provide an explanation, and resolved to endorse the Commission's recommendation that the matter be referred for investigation.

As at 30 June 1999 the matter was ongoing.

- In one case the complainant alleged that an optometrist had prescribed multi-focal lenses, which did not suit her. The Committee resolved to refer the matter to the HCCC for consideration with the recommendation that it be referred for conciliation.

The Committee subsequently considered a letter from the complainant, and noted that her complaint had been resolved.

- In one case the complainant alleged that an optometrist had prescribed spectacles for her daughter which were not necessary. The Committee resolved to refer the matter to the Commission for consideration with the recommendation that it be referred for investigation: preliminary inquiries.

The Committee subsequently noted advice from the HCCC that the complainant had provided a statutory declaration to verify her complaint. The Committee noted that the Commission had assessed the matter as appropriate for investigation, and resolved to endorse the Commission's recommendation that the matter be referred for investigation.

As at 30 June 1999 the matter was ongoing.

- In one case the complainant alleged that his eyes were still dilated the day after an eye examination, that spectacles prescribed for him did not suit him, and the optometrist concerned had overcharged him. The Committee noted that it was appropriate for the optometrist to fully dilate the complainant's eyes, given his history of laser treatment to his retina, and that it was not impossible that the complainant's refraction had decreased in positive power, or "improved" as the complainant put it, bearing in mind his 68 years of age, and the likely effect of cataracts changing the prescription. The Committee noted that the communication between the optometrist concerned and the complainant appeared to be poor, but agreed that action on the Board's part was not warranted.
- In one case the complainant alleged that an optometrist had supplied spectacles in which the left and right lenses had been transposed. The Committee resolved to refer it to the Commission for consideration with the recommendation that it be referred for conciliation.

The Committee subsequently noted advice from the HCCC that the matter had been referred to the Health Conciliation Registry, and the Commission's file closed.

As at 30 June 1999 the matter was ongoing.

- In one case the complainant alleged that an optometrist had not adequately informed her about her condition [keratoconus], had failed to refer her to another optometrist closer to the complainant's home for follow up, and had inappropriately submitted a Medicare claim thereby disqualifying the complainant from another Medicare consultation with another optometrist. The Committee noted that "keratoconus" was an irregular distortion of the cornea for which hard contact lenses were indicated, and for which surgery may be necessary. The Committee noted that the advice given to the complainant by the respondent optometrist to the effect that hard contact lenses would be required, that she should see someone in her local area, and that an operation may be required, was correct, but that the communication may have been poor. The Committee also noted that, according to Medicare rules, the complainant's consultation with the second optometrist would not have been covered by Medicare. The Committee resolved to endorse the Commission's recommendation that the matter be referred for conciliation.

The Committee subsequently considered a letter from the HCCC and noted that the complainant had declined to consent to conciliation. Under the circumstances the Committee resolved to endorse the Commission's recommendation that the matter be referred for direct resolution with the assistance of a Commission Patient Support Officer.

- In one case the complainant [an optical dispenser] alleged, through his solicitor, that an unnamed optometrist from a group optometrical practice had issued an inadequate prescription which had subsequently been altered. The prescription had been made up by the optical dispenser, and the patient had subsequently been advised by a representative of the optometrical practice that the spectacles had been incorrectly prepared. The Committee noted that the status of the documents used by the optical dispenser in making up spectacles for the patient was unclear, and resolved to refer the matter to the Commission for consideration, with the recommendation that it be referred for direct resolution.

The Committee subsequently noted advice from the HCCC that the matter had been referred to the parties for direct resolution, and the Commission's file closed.

- In one case the complainant alleged that an unnamed optometrist had inappropriately charged her for a consultation when the consultation should have been bulk-billed to Medicare. The Committee noted that in late 1997 the Health Insurance Commission, which administers Medicare, implemented a change to Medicare entitlements to the effect that from that time patients were eligible for only one Medicare funded full eye examination [Item 10900] in each two year period. The Committee noted that the fee of \$45.00 the complainant was charged by the optometrist concerned represented some 85% of the Medicare scheduled fee for an eye examination. The Committee agreed that under the circumstances further action on its part was not warranted. The Committee noted that, depending on the item numbers assigned to the services provided by the optometrist/s in May 1996, December 1997 and December 1998, the complainant may have been entitled to some reimbursement from Medicare, and directed the Registrar to advise her to seek clarification from Medicare.

- In one case the complainant alleged that an optometrist had inappropriately signed her up for an “orthokeratology” trial, which had cost her \$1000.00 and did not improve her sight. The Committee noted that “orthokeratology” was an option for eyesight improvement, as was refractive surgery, that involved using semi-permeable contact lenses to change the shape of the eyeball to reduce myopia. The Committee noted that orthokeratology did not suit every patient, and the rigidity or malleability of the cornea determined its effectiveness. The Committee noted that orthokeratology utilised “cornea mapping”, whereby 4000 points on the eyeball were imaged to assist the optometrist in noting and recording changes to the shape of the cornea. The Committee noted that improvements in vision arising from orthokeratology might take several months. The Committee noted that the complainant had apparently undertaken the trial for two months, and had withdrawn when she was not satisfied there had been an improvement in her sight. The Committee resolved to endorse the Commission’s recommendation that the matter be referred for conciliation.

The Committee subsequently considered a letter from the HCCC and noted that the matter had been referred to the Health Conciliation Registry, and the Commission’s file closed.

The Committee subsequently considered a letter from the Health Conciliation Registry, and noted that the conciliation process was terminated after the parties reached agreement on the matter in dispute.

- In one case the complainant alleged that an optometrist had abused the Medicare system by requiring her daughter to visit him for a third time for aftercare relating to a contact lens prescription. The Committee noted that the complainant’s daughter had consulted the optometrist on two occasions in 1998 for prescription of contact lenses. The Committee noted that the Health Insurance Commission, which administers Medicare, had specific requirements for the reimbursement for services relating to contact lens consultations, in that usually a patient consulting an optometrist for contact lens consultations was not billed until the lenses were delivered. The Committee noted that one of the Medicare restrictions for contact lens consultations provided that a patient must have a defect of vision of greater than five dioptres in order for contact lens services to be reimbursed, and optometrists have a responsibility to ensure that was made clear. The Committee agreed that it was not clear, on the information provided, whether the complainant’s daughter was eligible for Medicare benefits for the services provided by the optometrist concerned. The Committee also noted that the complainant was concerned about the process employed by the optometrist concerned in rendering the accounts. Under the circumstances the Committee resolved to refer the matter to the Commission to clarify the issues, and report to a subsequent meeting.

As at 30 June 1999 the matter was ongoing.

- In one case the complainant alleged that an optometrist had refused to refund his money for spectacles provided by the optometrist and which did not suit the complainant. The Committee resolved to refer it to the HCCC for consideration with the recommendation that it be referred for conciliation.

As at 30 June 1999 the matter was ongoing.

- In one case the complainant alleged that an optometrist had refused to refund her for broken spectacles within a twelve-month warranty period. The Committee resolved to endorse the Commission’s recommendation that the Commission discontinue dealing with it. The Committee noted that the complainant had taken the matter up with the Small Claims Tribunal.

The Committee consulted with the HCCC on 1 matter referred to the Commission during a previous reporting period.

- In one case the complainant had alleged that an optometrist had made an error in dispensing spectacles, and the Committee had resolved to endorse the HCCC's recommendation that the matter be referred for conciliation.

The Committee considered letters from the HCCC and noted that the complainant had consented to conciliation, but the respondent optometrist had not. The Committee also noted the Commission's advice that there were no issues which would warrant investigation. Under the circumstances the Committee resolved to endorse the Commission's recommendation that the matter be referred for direct resolution.

Ongoing Certification of "Good Character"

The Board directed the Registrar to refer matters arising from the amended annual roll fee notice [pertaining to ongoing certification of good character] to the Committee for consideration.

- In one case an optometrist advised the Board that in the District Court of Arbitration he was the respondent in a product liability case related to hardened lenses not to standard, and that the plaintiff was successful. The Committee resolved that further action on the Board's part was not warranted.
- In one case an optometrist advised the Board that he had been named as a defendant in a claim of negligence or other malpractice. The Committee noted the optometrist's advice that the matter had been dismissed, and resolved that further action on the Board's part was not warranted.
- In one case an optometrist advised the Board that he had been named as a defendant in a claim of negligence or other malpractice. The Committee noted the optometrist's advice that the matter had not gone to Court to date. The Committee directed the Registrar to request the optometrist concerned to keep the Board advised of developments.

As at 30 June 1999 the matter was ongoing.

- In one case an optometrist advised the Board of a criminal conviction relating to a Medicare offence during the 1980's. The Committee agreed that action on the Board's part was not warranted.
- In one case an optometrist advised the Board that he had been named as a defendant in a claim of negligence or other malpractice. The Committee noted the optometrist's advice that the matter had been settled out of court, and agreed that action on the Board's part was not warranted.
- In one case an optometrist advised the Board that his registration was suspended in another jurisdiction of Australia. The Committee agreed that action on the Board's part was not warranted.
- In one case an optometrist advised the Board of an out of court settlement with a plaintiff concerning a claim arising from the plaintiff's reduction in vision after a corneal infection. The Committee agreed that action on the Board's part was not warranted.

- In four cases optometrists who had formerly been subject to inquiries under section 15 of the Act notified the Board of the matters. The Committee agreed that further action on the Board's part was not warranted.

The Committee agreed to consider developing protocols outlining the minimum information required by the Board with respect to matters reported by optometrists.

The Committee subsequently considered a draft reporting form, concerning optometrists "being named as a defendant in a Court action for negligence or other malpractice", and resolved to refer the matter to the Board for consideration.

5.2.2 BOARD

The Board considered 7 new complaints, as follows.

- In one case the Board considered a letter from an optometrist concerning the advertising practices of a company selling contact lenses by mail order and directed the Registrar to advise the optometrist of its view that the advertising complained of did not appear to breach the Optometrists Act 1930 or Optometrists Regulation 1995.
- In one case the Board considered letters from the Optometrists Association Australia, and an optometrist, concerning advertising by an optical dispensing company, and expressed concern that use of the words "Need an eye test?...See *name of company*" was misleading, in that the company was not registered or otherwise entitled to carry on the business of the practice of optometry in New South Wales, and may constitute a breach of the Optometrists Act 1930. The Board directed the Registrar to advise the Australian Competition and Consumer Commission, Health Insurance Commission, and the Legal Branch of the Department of Health, of its concern, and resolved to seek advice from the Crown Solicitor's Office as to what action may be available to the Board.

The Board subsequently considered a letter from the Crown Solicitor's Office, and noted the Crown Solicitor's advice that use of the words "Need an eye test?...See *name of company*" in the company's advertising would not breach section 35(1) of the Optometrists Act.

The Board subsequently considered a letter from the Australian Competition and Consumer Commission, and noted that the ACCC did not consider that the advertising complained of by the Board indicated a clear breach of the misleading and deceptive conduct provision of the Trade Practices Act.

The Board subsequently considered a letter from the Crown Solicitor's Office, and noted the Crown Solicitor's view that the advertisements by the company which included the words "Need an eye test...See *name of company*", did not give rise to the optometrists concerned practising optometry in a name other than their own. Under the circumstances the Board agreed that further action on its part was not warranted.

- In one case the Board considered a letter from the Optometrists Association Australia concerning the advertising practices of an optical dispenser, and directed the Register to forward the letter together with a covering letter to the Legal Branch of the Department of Health as an example of what the proposed new Act should address to encompass advertising of optometrical services. The Board agreed that the optometrist undertaking the advertised eye examinations may have left himself open to disciplinary action by the Board by not including his name on the advertisement.

The Board directed the Registrar to request the optometrist concerned to show cause why disciplinary proceedings should not be commenced against him.

The Board subsequently considered a letter from the optometrist and noted his advice that the advertising was undertaken by the optical dispenser without his knowledge or consent. The Board also noted that the optometrist had taken steps to ensure that there would be no repetition. Under the circumstances the Board agreed that further action on its part was not warranted.

- In one case the Board considered a letter from the Optometrists Association Australia concerning the advertising practices of an optical dispensing company and agreed that the optometrists undertaking the advertised eye examinations may have left themselves open to disciplinary action by the Board by not including their name/s on the advertisement of optometrical services. The Board directed the Registrar to request the 11 optometrists concerned to show cause why disciplinary proceedings should not be commenced against them.

The Board subsequently considered letters from the optometrists concerned, and noted their advice that the advertising was undertaken by the optical dispensing company without their knowledge or consent. The Board also noted that they had taken steps to ensure that there would be no repetition. Under the circumstances the Board agreed that further action on its part was not warranted.

- In one case the Board considered a letter from the Optometrists Association Australia concerning a report by an orthoptist, and expressed concern that the report indicated that the orthoptist may have practised beyond the scope of orthoptic practice, extending into the practice of optometry. The Board directed the Registrar to advise the orthoptist of its concern and request her to show cause why prosecution action should not be commenced against her under section 24 of the Optometrists Act.

The Board subsequently considered a facsimile message from a solicitor, on behalf of the orthoptist, and noted her advice that the orthoptist's activities constituted "visual screening". The Board directed the Registrar to advise the solicitor as follows.

"Visual screening" was merely the identification of an abnormality or defect of sight, rather than the measurement of the extent of that abnormality or defect.

The Board adhered to its view, as previously expressed, that the orthoptist had practised beyond the scope of orthoptic practice, extending into the practice of optometry. That the statutory time limit for the commencement of proceedings arising from the orthoptist's report had expired, but that further breaches of the Optometrists Act by the orthoptist may be referred for prosecution.

- In one case the Board considered a letter from an optometrist concerning the advertising practices of a group optometrical practice, and expressed concern that the advertising flier complained of breached the Optometrists Regulation 1995, and the Optometrists Medicare Participation Agreement, by falsely claiming that eye examinations were "free".

The Board directed the Registrar to refer the matter to the Crown Solicitor's Office for commencement of proceedings against the principals of the practice under section 15 of the Optometrists Act, and refer the matter to the Health Insurance Commission for consideration.

As at 30 June 1999 the matter was ongoing.

- The Board considered a letter from an optometrist concerning the activities of an optical dispensing business and noted that it appeared that the optical dispensing business was operating a "Mobile Refracting Unit". The Board noted that the optometrist/s undertaking the relevant eye examinations would be in breach of section 37 of the Optometrists Act 1930, and directed the Registrar to investigate.

As at 30 June 1999 the matter was ongoing.

5.2.3 INQUIRIES UNDER SECTION 15 OF THE OPTOMETRISTS ACT

There were no inquiries under section 15 of the Optometrists Act.

5.3 APPEALS AGAINST DECISIONS OF THE BOARD

There were no appeals lodged against decisions of the Board.

Two appeals lodged during previous reporting periods were ongoing.

5.4 LEGISLATIVE CHANGE

There were no amendments to the Optometrists Act 1930 or Optometrists Regulation 1995.

5.4.1 PROPOSED AMENDMENTS

Issues Paper - Review of the Optometrists Act 1930, June 1998

A Legal Officer from the Department of Health attended a meeting of the Board to discuss the "Issues Paper - Review of the Optometrists Act 1930, June 1998". He provided a brief overview of the Commonwealth-State Competition Principles Agreement whereby anti-competitive provisions in legislation were required to be reviewed and removed unless it could be demonstrated that there was a public interest in retaining them. He noted that the paper had adopted a "back-to-basics" approach with the main issue to be resolved centring on the use of drugs, but that no positions had been adopted by the Department in keeping with the Competition Principles Agreement.

The Board subsequently made a submission to the Department in response to the issues raised in the paper."

Waiving of application fees

The Board considered a letter from the Department of Health concerning a proposed amendment to the Optometrists Act to provide for the Board to waive application fees in appropriate circumstances, and directed the Registrar to advise the Department that it supported the proposal.

Probity checking of registered health professionals

The Board considered a letter from the Minister for Health concerning proposed amendments to health professionals registration Acts arising from the Police Royal Commission and noted that, arising from advice received from the Crown Solicitor's Office concerning the determination of "good character" for registration purposes, it had reviewed its annual roll fee procedures to require each registered optometrist to provide details of the following.

- Convictions for offences.
- Refusal, suspension, withdrawal, or revocation of registration/licensure in other jurisdictions.
- Restrictions or conditions imposed on registration/licensure in other jurisdictions.
- Current complaints as a provider of optometrical services.
- Court action for negligence or other malpractice in the provision of optometrical services.
- Adverse findings relating to conduct as a provider of optometrical services, or character, by a Court, Royal Commission or NSW Independent Commission Against Corruption.

The Board directed the Registrar to advise the Minister for Health that it supported the proposed amendments to the Optometrists Act 1930 outlined in the NSW Department of Health document entitled "Probity Checking of Registered Health Professionals", including those relating to reporting to the proposed Commission for Children and Young People.

Post graduate competency testing/Compulsory continuing education

The Board considered a letter from the Optometrists Association Australia concerning postgraduate competency testing, and compulsory continuing education, and directed the Registrar to refer it to the Legal Branch of the Department of Health for information.

Issues Paper-Review of the Medical Practice Act 1992

The Board considered a letter from the Department of Health concerning a review of the Medical Practice Act 1992, and noted that the following matters, canvassed in the issues paper, would be useful for inclusion in the Optometrists Act.

- Power to assess performance on reasonable grounds
- Advertising in the context of corporate practice

Meeting with the Minister for Health

The Board directed the Registrar to seek a meeting between the Board and the Minister for Health to discuss the timetable for proposed amendments to the Optometrists Act 1930. As at 30 June 1999 the matter was ongoing.

5.5 FEES

The fees charged for the Board's services were unchanged as follows.

	\$
Registration Fee	110
Restoration Fee	220
Annual Renewal Fee	110
Drugs Certificate Fee	16
Duplicate certificate	20
Examination (Part 1)	226
Examination (Part 2)	537

5.6 EXAMINATION FOR REGISTRATION

The Board had developed an examination for registration for applicants for registration whose optometrical qualifications were not recognised. The examination comprises 4 sections in 2 parts, and candidates are required to successfully complete each section before proceeding to the next section.

The Board noted that one candidate, with qualifications in "Opticianry" and "Refractometry", had applied for the examination. The Board directed the Registrar to advise the applicant that he did not meet the Board's published eligibility criteria in that he had no qualifications in "optometry", nor was he registered as an optometrist in his country of origin. The Board also directed the Registrar to refer the applicant to the Optical Dispensers Licensing Board for information concerning licensure as an optical dispenser in New South Wales, and the School of Optometry, University of NSW, for information concerning the Bachelor of Optometry.

The Board discussed developments in Europe with reference to the European Diploma of optometry, and implications for the Board's examination for registration, and the TOC examination. The Board agreed that a comprehensive report was required and resolved to commission a report into the implications of the European Diploma of optometry, with reference to the US National Board of Examiners in Optometry, Schools of Optometry in Australia and New Zealand, and implications for the Board's examination for registration, and the TOC examination. As at 30 June 1999 the matter was ongoing.

5.7 COUNCIL OF OPTOMETRISTS REGISTRATION AUTHORITIES (CORA)

The Council of Optometrists Registration Authorities was held in Canberra in November 1998. Mr Masnick and the Registrar attended. The following matters were discussed.

- Compulsory continuing education and competency
- Lacrimal Dilation and Lavage

The Board subsequently considered a letter from the South Australia Opticians Board, arising from the meeting, including a letter from the South Australia Crown Solicitor's Office concerning "Lacrimal Dilation and Lavage" and the definition of optometry in South Australia.

- The Optometry Council of Australia and New Zealand

CORA resolved to endorse TOC's budget for 1999/2000, as amended.

- Accreditation of schools of optometry

CORA extended provisional accreditation to optometry courses at the University of New South Wales, Queensland University of Technology, University of Melbourne, and the University of Auckland until 31 December 1999.

- Qualifications to be recorded in the Register for persons who successfully complete TOC examinations
- Attendance of CORA representatives at World Council of Optometry meetings
- CORA letterhead
- Trans-Tasman Mutual Recognition

CORA resolved to request TOC to arrange a comparison between the qualifications and training leading to the award of the "Member, British College of Optometrists" and that undertaken by graduates of optometry schools in Australia and New Zealand.

The Board noted that, arising from the meeting, the Registrar was requested to undertake research concerning the performance of MBCO holders in the Board's examination and trends in Trans-Tasman Mutual Recognition for the information of the Western Australia Board. The Board noted that the following information was provided.

As at 7/12/98 a total of 31 persons had been registered in NSW under Trans Tasman Mutual Recognition. 17 were known to hold the MBCO [copies of their MBCO were held by the Board], and 9 were believed to hold the MBCO [according to advice from the New Zealand Opticians Board]. Of the others, 2 were NZ graduates, 2 were South Africa graduates, and 1 was unknown. One person known to hold the MBCO had previously failed the Board's examination. The two SA graduates had previously failed the Board's examination, but were registered in NZ having completed a post-graduate university course.

The Board subsequently noted a letter from TOC concerning a report by Prof B Cole, prepared for CORA at the request of TOC, comparing undergraduate optometrical training in the UK and Australia and New Zealand.

- National registration

5.8 UNIVERSITY OF NEW SOUTH WALES SCHOOL OF OPTOMETRY

Mr Masnick continued as the Board's nominee on the UNSW School of Optometry Visiting Committee.

5.9 OPTICAL DISPENSERS ACT 1963

5.9.1 OPTICAL DISPENSERS REGULATION 1997

The Board provided advice to the Department of Health concerning the Optical Dispensers Regulation 1997.

5.9.2 OPTICAL DISPENSERS LICENSING BOARD

Representation

The Optical Dispensers Act provides for the nomination of a representative of the Board for membership of the Optical Dispensers Licensing Board. Ms Malinda Pauline Halley continued her appointment as the Board's nominee. Her three-year term expires on 5 May 2001.

Distribution of newsletter

The Board granted approval for the Optical Dispensers Licensing to reproduce the contents of the Board's newsletter in relation to "Recent District Court Judgement" for distribution to optical dispensers.

Supervision of students in optometry by optical dispensers

The Board considered a letter from the Optical Dispensers Licensing Board concerning proposed amendments to the Optometrists Regulation 1995 to facilitate the supervision of students in optometry by optical dispensers, and directed the Registrar to advise the ODLB that it did not support the proposed amendment.

5.10 SPECIALISATION

5.10.1 APPLICATIONS

There were no applications for specialist recognition received.

5.10.2 "CONTACT LENS PRACTITIONER"

The Board considered a report from the Specialisation Committee concerning a proposal by the Optometrists Association Australia for optometrists to be permitted to use the description *Contact Lens Practitioner* as follows.

The Committee reviewed the present situation which allows the Board to recommend suitably qualified optometrists to use a specialist title. The Committee was of the opinion that this aspect of specialisation was working as intended and was effective.

In considering the OAA's request the Committee considered the following.

1. What benefit exists for the public if an optometrist has such an intermediate title?
2. What restrictions are there on the practice of contact lenses by optometrists at present?
3. What standard should such a title exist at should there be a perceived need for it?
4. Should such a title be granted?

In answering the first question the Committee was firmly of the opinion that any title used by an optometrist in the practice of optometry must clearly identify the optometrist as someone at a significantly higher knowledge and skills when compared to a colleague. In this way a member of the public, on consulting a title holder, will expect and should receive a significantly higher level of expertise.

On the second question the Committee recognised that the granting or not of titles in no way restricted the scope of any optometrist's contact lens practice. Furthermore, it is within the province of any optometrist to qualify for the specialist title should an optometrist put in the necessary effort. The standards for the specialist title are clearly laid out, democratic, comparable to other professions and are as objective as is possible.

On the third question some members of the Committee came to the conclusion that an acceptable level of expertise would, at minimum, be a Fellowship of a relevant learned society such as the Contact Lens Society. However this has problems in that such Fellowships are not necessarily clinical in nature. Given this the general feeling was that the required standard would be effectively undifferentiable from the current specialist requirements.

On the fourth question the Committee recommends against the granting of any intermediate title in any specialty. It believes that such an intermediate title will confuse the public and be administratively difficult to institute and enforce. In addition the Committee expressed the opinion that a plethora of titles will be counterproductive to the current system which is designed to better inform the public.

The Board endorsed the Committee's recommendation, and subsequently advised the OAA along the above lines.

5.11 ONGOING CERTIFICATION OF "GOOD CHARACTER"

The Board considered a draft reporting form concerning optometrists "being named as a defendant in a Court action for negligence or other malpractice", and noted that the matter had previously been considered by its Complaints Committee. The Board noted that the Committee had expressed concern that bulk insurance arrangements in place for the optometry profession may lead to optometrists waiving their rights to object to the settlement of cases, and had referred the matter to the Board for consideration. The Board directed the Registrar to refer the draft reporting form, as amended, to the Optometrists Association of Australia (NSW Division) for comment.

As at 30 June 1999 the matter was ongoing.

5.12 WORLD COUNCIL OF OPTOMETRY

The Board is an affiliate member of the World Council of Optometry.

Mr Masnick attended the WCO General Delegates Meeting held in Brasilia, Brazil, 1-5 May 1999.

5.13 THE OPTOMETRY COUNCIL OF AUSTRALIA AND NEW ZEALAND (TOC)

5.13.1 RECOGNITION OF TOC

The Board resolved to recommend to TOC that its Memorandum of Association be amended as follows.

[] denote deletions. *Italics* denote additions.

Objects

The objects for which the Council is established are:

- 5.1 to [grant] *make recommendations to the Australian and New Zealand registration Boards, Council of Optometry Registration Authorities, Schools of Optometry in Australia and New Zealand, and the Australian and New Zealand professional associations, concerning accreditation [to] of Australia and New Zealand optometry schools and the courses conducted by those schools leading to basic optometric qualifications;*
- [5.2 at the Council's discretion, to withdraw or suspend any accreditation previously granted by the Council in the event that the Council resolves that such accreditation should be withdrawn or suspended;]
- 5.3 to *make recommendations to the Australian and New Zealand registration Boards, Council of Optometry Registration Authorities, Schools of Optometry in Australia and New Zealand, and the Australian and New Zealand professional associations, concerning the assessment of optometrists [assess] for admission to practice in Australia and New Zealand [overseas trained optometrists];*
- 5.4 to advise and make recommendations to the Council of Optometry Registration Authorities (or its successor body), *or any of its constituent Boards*, on matters concerning the registration of optometrists, *or on any other matter specifically requested by the Council of Optometry Registration Authorities (or its successor body), or any of its constituent Boards.*

The Board resolved to recommend to the Health Administration Corporation that an amount of \$26460.00, being the Board's levy of \$21.00 per registrant as at 30 June 1998, be transferred to TOC. The Board directed the Registrar to advise TOC that it would review its future participation in light of TOC's progress in addressing its concerns about TOC's objects and operations.

The Board subsequently noted a letter from TOC seeking payment of the TOC levy.

The Board subsequently considered a letter from Mr J Tzannes, Director, Health Professionals Registration Boards, concerning the Board's recommendation that \$26460.00 be transferred to TOC, and noted Mr Tzannes' advice that the matter had been referred for further legal advice.

The Board also noted that Mr Tzannes sought the Board's views on the following issues.

- (i) The appropriateness of providing funding to TOC, a private company limited by guarantee, given its current membership aims and objects.
- (ii) The specific benefits to NSW of TOC given the operation of mutual recognition and the fact that the Board conducted its own examinations.
- (iii) Whether the registering authorities through CORA had considered tendering examination and accreditation services, and if so how did costs compare with the TOC proposal.
- (iv) Whether any funding agreement was involved with the establishment of TOC, and if so could the Board supply him a copy.

The Board resolved to refer the matter to TOC for advice as to the issues raised by Mr Tzannes.

The Board subsequently considered a letter from TOC, and directed the Registrar to refer the matter to Mr Tzannes for information.

The Board subsequently considered a letter from Mr Mick Reid, Director General, NSW Health, and noted that Mr Reid had been advised as follows.

- The Board was concerned about providing funding to TOC under its current Memorandum and Articles of Association and that the Board was suggesting appropriate changes.
- The benefits of TOC to NSW had not been clearly established.
- There was no formal funding agreement supporting the establishment of TOC.
- The registering authorities, through the Council of Optometry Registration Authorities (CORA), had not considered tendering for alternative services provided for examination and accreditation services.
- It was questionable whether the *Health Administration Corporation* may authorise (under s. 13A(3) of the *Health Administration Act 1982*) the provision of a grant to TOC under current circumstances, as grants are, by their very nature, discretionary and would not appear to be a cost incurred by the Board to fulfil its functions.

The Board noted Mr Reid's advice as follows.

- While formal participation of the Board in TOC was a matter for the Board's consideration, in the likely event that such participation entailed financial commitments it was appropriate for the Health Administration Corporation to be a party to, and involved with, the financial negotiations.
- In view of the advice received and subject to any further representation from the Board on the matter, he was not in a position at this stage to accede to the Board's request to authorise the payment of a grant to The Optometry Council.

The Board directed the Registrar to refer Mr Reid's letter to TOC for information.

As at 30 June 1999 the matter was ongoing.

5.13.2 TOC EXAMINATION FOR REGISTRATION

The Board considered the TOC *Candidate Guide* and *Supplementary Materials* for competency based assessment for entry to the profession of optometry in Australia and New Zealand, and expressed concern about the appropriateness of the TOC assessment for experienced optometrists. The Board directed the Acting Registrar to advise TOC of its concern.

The Board subsequently considered a letter from TOC and directed the Registrar to draft a reply for consideration at its next meeting.

As at 30 June 1999 the matter was ongoing.

5.13.3 TRANS-TASMAN MUTUAL RECOGNITION AGREEMENT

The Board considered a letter from TOC concerning implementation of the Trans-Tasman Mutual Recognition Agreement and directed the Registrar to advise TOC that, until such time as optometry was excluded from the Trans-Tasman Mutual Recognition Act, it was obliged to give effect to the provisions of the Act.

The Board subsequently noted a memorandum from TOC concerning consideration of eligibility of MBCO holders for registration under Trans-Tasman mutual recognition by the Australian Health Ministers Advisory Council, and directed the Registrar to seek advice from the Minister for Health as to the current situation.

As at 30 June 1999 the matter was ongoing.

5.14 MEETING WITH DIRECTOR-GENERAL OF HEALTH

Messrs Mick Reid [Director-General, Health Department], Jim Tzannes [Director, Health Professionals Registration Boards], and Anthony Lean [Legal Officer, Health Department] attended a meeting of the Board. The following matters were canvassed.

5.14.1 REVIEW OF THE OPTOMETRISTS ACT

Mr Masnick noted that the new Act was urgently required, particularly as commercial interests were making inroads. Mr Reid noted that ownership of optometrical businesses remained a sticking point, but that the Government was committed to introducing amendments in the current session of Parliament.

5.14.2 TOC

Mr Masnick noted that the Board had recommended to the Health Administration Corporation that an amount of \$26460.00 be transferred to TOC. Mr Tzannes noted that the legal advice received by the Board from the Crown Solicitor was equivocal, and consequently he had requested the Board to provide advice on a range of issues of concern, and had sought further legal advice on behalf of the Corporation. He added that those issues of concern were essentially the same as those that had previously been raised by the Board in correspondence with TOC. Mr Masnick noted that the Board was outvoted in the discussions at the Conference of Optometrists Registering Authorities leading to TOC's establishment, and was one-out in opposing TOC. Prof O'Leary noted that the Board's examination system for overseas-trained optometrists was better than that administered by TOC. Mr Reid noted that the Australian Health Minister's Conference [AHMC] may provide a forum for resolving the matter. Mr Tzannes noted that the volume of overseas-trained optometrists requiring examination was small, and there were costs/benefits and economies of scale to consider.

5.14.3 TRANS-TASMAN MUTUAL RECOGNITION

Mr Masnick referred to the Board's concern about recognition of the "MBCO" for registration in New Zealand. Mr Reid noted that the matter was discussed at a recent Australian Health Ministers' Conference, but that the New Zealand representative was unmoved by the concerns expressed to date.

Mr Lean added that there may be some options available for the Ministers to seek to move the New Zealand position to facilitate a harmonisation of standards.

5.14.4 NATIONAL REGISTRATION

Mr Masnick referred to the desirability of National registration. Mr Reid noted that the Minister for Health was known to support such a move, and that it may be appropriate for the Board to write to the Minister and request the matter be discussed by the AHMC. Mr Tzannes noted that it was understood that mutual recognition represented a compromise position by the AHMC in the aftermath of previous initiatives for National registration.

5.14.5 CLINICAL TRAINING OF STUDENTS IN OPTOMETRY

Dr Banks referred to the desirability of students in optometry having access to the Eye Department at Prince of Wales Hospital for obtaining clinical training. He noted that there were a number of factors necessitating such a development, and cited co-management of patients [between optometrists and ophthalmologists], the likely approval for use of therapeutic drugs, and specialisation. In response to Mr Reid's request, Prof O'Leary noted that there had been discussions [between the University of NSW and the Eye Dept] but that facilities were the problem. In this context he added that it was understood that about \$500, 000.00 would be required to provide the necessary facilities. Mr Reid noted that he was in frequent contact with the Chief Executive Officer of the Eastern Sydney Area Health Service, Ms Debbie Green, and would be prepared to take the matter up with her on the Board's behalf. Prof O'Leary agreed to provide Mr Reid with background information, and noted that the matter would be followed up by the new Head of the School of Optometry, Prof Stephen Dain.

As at 30 June 1999 the matter was ongoing.

5.14.6 REMUNERATION OF BOARD MEMBERS

Mr Masnick noted that the fees for Board members [about \$20.00 per hour] were not adequate, in that an optometrist in private practice was more likely to receive about \$105.00 per hour. He added that external members of Board Committees were entitled to be remunerated at \$71.00 per meeting but that members of the Board were not entitled to any. He noted that his attendance at the upcoming CORA meeting in Canberra would take him out of practice for three days. Mr Tzannes noted that the fees had been reviewed in 1997 and an increase of 10%, in line with the then CPI increase, had been approved by the Minister. Mr Masnick noted that the base was the problem rather than the CPI. Mr Reid noted that the Department was reviewing remuneration payable to members of Area Health Service Boards, and that he expected a decision some time after the next State election. He invited the Board to make a submission concerning appropriate remuneration for Board members.

As at 30 June 1999 the matter was ongoing.

5.15 SECTION 35 OPTOMETRISTS ACT

The Board considered letters from a firm of solicitors, on behalf of a company permitted to carry on the business of the practice of optometry, concerning the relocation of one of its approval sites. The Board noted that the company concerned apparently had been permitted, pursuant to section 35 of the Act, to carry on the business of the practice of optometry at two locations in the Sydney CBD, and that the company intended to "recommence" one of the locations to a suburban location from January 1999.

The Board noted that the CBD practice had been closed for over thirty years, and expressed concern that the recommencement of the practice at the suburban location would not be permitted by section 35 of the Act, in that section 35(2) referred to “‘continuing’ to carry on such business where the carrying on of the business is so ‘continued’”. The Board directed the Registrar to refer the matter to the Crown Solicitor’s Office for advice as to whether section 35 of the Act permitted the company to “recommence” its defunct CBD practice at the suburban location after a hiatus period.

The Board subsequently considered a letter from the firm of solicitors, and noted their advice that the company would assume that the Board did not oppose recommencement of practice from the proposed suburban location if an adverse decision was not made at the Board’s next meeting. The Board directed the Registrar to advise the firm of solicitors that the company was not entitled to make any assumptions about the Board’s position, and that the Board would consider the matter further upon receipt of advice from the Crown Solicitor’s Office.

The Board subsequently considered a letter from the Crown Solicitor’s Office, and directed the Registrar to advise the firm of the Board’s view that the opening of an optometrical practice by the company at the suburban location could contravene section 35(2)(a) of the Optometrists Act 1930, and this, in turn, could result in a successful prosecution under s. 35(3) of the Act.

5.16 PRO-ACTIVE COMPLIANCE

The Board directed the Registrar to seek advice from the other health professionals registration Boards, including the Medical Board, as their position with respect to pro-active compliance issues [periodic inspections, fact-finding visits etc] where breaches of legislation were suspected.

As at 30 June 1999 the matter was ongoing.

5.17 GUIDELINES CONCERNING ADVERTISING

The Board resolved to brief Mr Wood and Ms Craigie to develop guidelines concerning advertising to assist registered optometrists in complying with the Optometrists Regulation 1995. The Board agreed that Mr Wood and Ms Craigie co-opt assistance from the profession as required.

As at 30 June 1999 the matter was ongoing.

5.18 WORKFORCE DATA

The Board resolved to endorse a redrafted workforce survey to accompany the annual roll fee notices.

5.19 ETHNIC AFFAIRS PRIORITIES STATEMENT

As noted earlier, the Board is one of eight health professional boards administered by the Health Professionals Registration Boards (HPRB) on behalf of the Health Administration Corporation. The Board in conjunction with the HPRB undertook a number of initiatives to support our culturally diverse population, including to:-

- (i) promote the recognition and registration of overseas trained health professionals;
- (ii) assist overseas-trained applicants to register;
- (iii) increase the number and range of bilingual health professionals employed by HPRB;
- (iv) ensure ethnic media is used in any information languages sponsored by the Board;
- (v) ensure the Board receives advice on matters relating to people of culturally diverse backgrounds.

5.19.1 OVERSEAS TRAINED - RECOGNITION OF QUALIFICATIONS

There are two methods of obtaining registration under the Optometrists Act:-

- (i) persons who have certificates recognised by the Board are eligible for registration without further examination; and
- (ii) persons who have not undertaken recognised courses may become eligible for registration following successful completion of an examination arranged by the Board.

The purpose of the examination, which is held annually, is to determine whether applicants possess the requisite knowledge and skill for the efficient practice of optometry.

5.19.2 INTERPRETER AND TRANSLATION SERVICES

Professional interpreters and translation services are made available on an as required basis. HPRB staff are also able to provide assistance to clients in the following languages.

Arabic, Cantonese, Fijian Pidgin English, Filipino (Tagalog), French, German, Greek, Italian, Mandarin, Singhalese, Spanish, Taiwanese.

5.19.3 LANGUAGES

The Board has recorded 437 registrants as speaking languages other than English. The languages (and number of registrants per language) are set out in the following table

	28	21	1	2	2	1	1	55	4	1	1	2	3	19	1	19	48	2	6	2	11	1	6	9
AFRIKANS	ARABIC	IRANIAN	LEBANESE	ARMENIAN	BULGARIAN	BURMESE	CANTONESE	CROATIAN	CZECH	CZECHOSLOVAKIAN	DUTCH	TAGALOG	FRENCH	AUSTRIAN	GERMAN	GREEK	HINDI	HUNGARIAN	BAHASA	INDONESIAN	MALAY	MALAYSIAN	CHINESE	
ITALIAN	JAPANESE	KOREAN	LAOTIAN	LATVIAN	MACEDONIAN	MALTESE	POLISH	PORTUGUESE	ROMANIAN	RUSSIAN	SERBIAN	SERBO CROATIAN	SLOVAK	SPANISH	TAMIL	THAI	TURKISH	UKRAINIAN	VIETNAMESE	HEBREW	SWAHILI	ZULU	MANDARIN	42
	1	5	1	1	1	2	2	4	3															437
FUCHOW	HOKKIEN	TAIWANESE	ARAMC	FARSI	GUJARATI	INDIAN	PERSIAN	PUNJABI																TOTAL

5.19.4 KEY STRATEGIES

The EAPS statement developed in consultation with the Ethnic Affairs Commission includes initiatives relating to the Board of Optometrical Registration under the key result areas of social justice, community harmony, economic and cultural opportunities. Within the legislative framework pathways for the registration of overseas-trained professionals were applied.

The main initiatives of the existing statement remain the key strategies for 1999-2000. These are to:-

- (i) promote the recognition and registration of overseas trained health professionals as provided for in legislation; and
- (ii) assist overseas-trained applicants through the provision of information, interpreters and translation services, as required, to register.

5.20 WEBSITE

The Board finalised development of an Internet Website. The Website, at www.optomreg.health.nsw.gov.au, includes general and specific information concerning registration of optometrists in New South Wales, and the Board's activities.

5.21 NSW GOVERNMENT ACTION PLAN FOR WOMEN

The NSW Government's philosophy in relation to women is based on the principles of equity, access, rights of participation and provides a focus on women with the least access to social and economic resources. It is recognised that women's issues, including promoting the position of women in all aspects of society are central to the core business of all Government agencies.

The Government is committed to ensuring that membership of Boards reflect the broader community and that in filling current vacancies consideration is given inter-alia to the nomination of female representatives. It is the Government's intention to progressively increase the number of women on Boards to 50% of Board representation. It is recognised that not all nominations to Boards are made by the Minister. Nominating bodies are advised of the Government's policy in relation to female representation when vacancies occur or when nominations for a new Board are requested.

Of the 7 members, the Board has currently 2 female members.

Whilst the Board is not responsible for the promotion of access to the profession for women it is in a position to indicate the number of women who have satisfied registration requirements and who currently hold an authority to practise. The number of female registrants was 510 (38.2% of total registrants).

These figures vary during the reporting period in line with the changing status of registrants during renewal periods.

5.22 YEAR 2000 (MILLENNIUM BUG)

The year 2000 issue is the result of shortcomings in many electronic data processing systems and other electronic equipment that may adversely affect the Health Professionals Registration Boards' operation on the date change from 1999 to 2000.'

The Department of Health, which provides computerised support systems for the Board through the Health Administration Corporation, implemented a program to address the potential computer system failures attributable to the date change from 1999 to 2000. The program includes risk analysis, remedial action, including internal testing and contingency planning. There is no indication to suggest that the program will not be achieved. Because of the unprecedented nature of the Year 2000 issue, its effects and the success of remedial action will not be fully determinable until the year 2000 and thereafter.

5.23 FREEDOM OF INFORMATION

The FOI Coordinator of the Department of Health attended a meeting of the Board to provide a briefing on the requirements of FOI legislation and the Department's expectations of the Board and its staff.

5.24 HEALTH CARE COMPLAINTS COMMISSION INQUIRY INTO COSMETIC SURGERY

The Board considered an advertisement in the Sydney Morning Herald seeking submissions in writing on a range of issues related to cosmetic surgery, and resolved that the Registrar prepare a submission to the inquiry on its behalf concerning the role of optometrists in refractive surgery.

5.25 PUBLICATIONS

The Board published information concerning registration as an optometrist in New South Wales, including information concerning its examination for registration.

5.26 CONSULTANCIES

The Board had engaged a consultant at the rate of \$1000.00 per day to review expert evidence in an appeal to the District Court against a decision of the Board.

An amount of \$10709.97, comprising \$10000.00 in consulting fees and \$709.97 in disbursements, was paid to the consultant.

6. FINANCE AND BUDGET

6.1 FORMAT

In order to comply with statutory and audit requirements the Board's fees received and transmitted to the Health Administration Corporation were shown as the only entries in the Statement of Income and Expenditure. The income and expenditure for administrative purposes appear in the accounts of the Department of Health for the Health Administration Corporation. Details of the administrative operations are also contained in the notes to the audited accounts set out in the annual report.

6.2 PERFORMANCE

The accounts in respect of the Board's administrative operations for the year showed a surplus of \$30,997. This is more than the budgeted operating deficit of \$20,586 as shown in last year's annual report.

Reported income was \$174,737 which was more than the 1998/2000 budget.

The actual expenditure for the year was \$143,740 which was less than budget. The reasons for this result include the fact that actual costs associated with disciplinary hearings were below budget expectations.

The Board achieved its objective of paying all its accounts within the stated terms.

6.3 BUDGET

The budget in respect of the administrative operation for the period 1 July 1999 to 30 June 2000 is as follows:-

	\$
INCOME:-	
Fees	162,156
Interest	<u>22,086</u>
Total	<u>184,242</u>
EXPENDITURE:-	
Salaries & Associated Staff Costs	82,850
Building Expenses	2,093
Subsistence & Transport	19,246
Members Fees	9,781
Fees for Service	42,505
Post & Communications	8,454
Printing & Stationery	6,760
Plant & Equipment	350
Miscellaneous	11,920
Depreciation	<u>367</u>
Total	<u>184,326</u>
Operations Deficit	<u>(84)</u>
Capital Expenditure	<u>380</u>
<small>(Share of purchases bought on behalf of 8 boards administered by the Health Administration Corporation)</small>	

6.4 EXPENSES

The 1999/2000 year's budget includes salary oncost charges which reflect deferred liability provisions for superannuation as well as anticipated expenditure in relation to disciplinary hearings. The estimated deficit will be comfortably covered by accumulated funds.

6.5 PAYMENTS PERFORMANCE

The Board achieved its objective of paying all its accounts within the stated terms.

6.6 INVESTMENT PERFORMANCE

The Board through a Special Interest Arrangement with the Colonial State Bank of NSW earned a rate which varied between 4.18% and 4.49% p.a. on all its funds. This rate changed each week but was applied to daily balances.

6.7 INSURANCE AND RISK MANAGEMENT

Insurance activities were undertaken by the Department of Health Insurance cover.

Insurance policies held included:-

- Industrial Special Risks Policy to cover all buildings, plant and contents;
- Comprehensive Motor Vehicle Insurance Policy;
- Public/Liability Insurance Policy; and
- Personal Accident Policy.

Risk Management activities included:-

- Regular preventive maintenance programs on all plant and equipment;
- Security alarm system for premises occupied by the Board;
- Security entry system for access to the Board's building during office hours;
- Disaster Recovery Plan for the computer system; and
- Off site back-up of computer data.

6.8 ANNUAL REPORT COSTS

This year the Board has planned to publish 1602 copies of the Annual Report at an approximate cost of \$ 1.64 per copy.

6.9 INDEPENDENT AUDIT REPORT



BOX 12 GPO
SYDNEY NSW 2001

INDEPENDENT AUDIT REPORT

BOARD OF OPTOMETRICAL REGISTRATION

To Members of the New South Wales Parliament and Members of the Board

Scope

I have audited the accounts of the Board of Optometrical Registration for the year ended 30 June 1999. The members of the Board are responsible for the financial report consisting of the accompanying balance sheet, income and expenditure statement and statement of cash flows, together with the notes thereto, and the information contained therein. My responsibility is to express an opinion on the financial report to Members of the New South Wales Parliament and Members of the Board based on my audit as required by sections 34 and 41C(1) of the *Public Finance and Audit Act 1983*.

My audit has been conducted in accordance with the provisions of the Act and Australian Auditing Standards to provide reasonable assurance whether the financial report is free of material misstatement. My procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial report, and the evaluation of accounting policies and significant accounting estimates.

In addition, other legislative and policy requirements, which could have an impact on the Board of Optometrical Registration financial report, have been reviewed on a cyclical basis. For this year, the requirements examined comprised compliance with:

- core business activities being in accordance with *Optometrists Act 1930*; and
- the time limits set in the *Annual Reports (Statutory Bodies) Act 1984* for the presentation of the Board's annual report to Parliament.

These procedures have been undertaken to form an opinion whether, in all material respects, the financial report is presented fairly in accordance with the requirements of the *Public Finance and Audit Act 1983*, Accounting Standards and other mandatory professional reporting requirements so as to present a view which is consistent with my understanding of the Board's financial position, the results of its operations and its cash flows.

The audit opinion expressed in this report has been formed on the above basis.

Audit Opinion

In my opinion, the financial report of the Board of Optometrical Registration complies with section 41B of the Act and presents fairly in accordance with applicable Accounting Standards and other mandatory professional reporting requirements the financial position of the Board as at 30 June 1999 and the results of its operations and its cash flows for the year then ended.

M. T. SPRIGGINS
DIRECTOR OF AUDIT

(duly authorised by the Auditor-General of New South Wales
under section 41C(1A) of the Act)

SYDNEY
18 August 1999


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6.10 STATEMENT BY MEMBERS OF THE BOARD**BOARD OF OPTOMETRICAL REGISTRATION****YEAR ENDED 30 JUNE 1999****STATEMENT BY MEMBERS OF THE BOARD**

Pursuant to the Public Finance and Audit Act, 1983, and in accordance with the resolution of the members of the Board of Optometrical Registration, we declare on behalf of the Board that in our opinion:-

1. The accompanying financial statements exhibit a true and fair view of the financial position of the fees received on behalf of the Health Administration Corporation as at 30 June 1999 and transactions for the year then ended.
2. The statements have been prepared in accordance with the provisions of Australian Accounting Standards, other mandatory professional reporting requirements, the Public Finance and Audit Act, 1983, the Public Finance and Audit (General) Regulation, 1995, and the Treasurer's Directions.

Further, we are not aware of any circumstances which would render any particulars included in the financial statements to be misleading or inaccurate.


 Date: 11/8/99


 Date: 11.8.99.

6.11 BALANCE SHEET FOR THE YEAR ENDED 30 JUNE 1999**BOARD OF OPTOMETRICAL REGISTRATION****BALANCE SHEET AS AT 30 JUNE 1999**

1998 \$		Notes	1999 \$
-	Total Assets	1 & 5	-
-	Total Liabilities	1 & 5	-
-	Net Assets		-
-	Equity		-
-	Accumulated Funds		-
-	Total Equity		-

The balance sheet should be read in conjunction with the accompanying notes.

6.12 STATEMENT OF INCOME AND EXPENDITURE FOR THE YEAR ENDED 30 JUNE 1999

BOARD OF OPTOMETRICAL REGISTRATION

STATEMENT OF INCOME AND EXPENDITURE FOR THE YEAR ENDED 30 JUNE 1999

1998 \$		Notes	1999 \$
	Income		
144,226	Fees received	1, 2, 3, 4 & 6	154,298
<u>144,226</u>			<u>154,298</u>
	Expenditure		
144,226	Fees transmitted to the Health Administration Corporation	1, 2, 3, 4 & 6	154,298
<u>144,226</u>			<u>154,298</u>
-	Result for Year		-
-	Accumulated funds at beginning of Financial Year		-
<u>-</u>	Accumulated funds at end of Financial Year		<u>-</u>
<u>-</u>			<u>-</u>

The statement of income and expenditure should be read in conjunction with the accompanying notes.

6.13 STATEMENT OF CASH FLOWS FOR THE YEAR ENDED 30 JUNE 1999**BOARD OF OPTOMETRICAL REGISTRATION****STATEMENT OF CASH FLOWS FOR THE YEAR ENDED 30 JUNE 1999**

1998 \$		Notes	1999 \$
	Cash flows from operating activities		
144,226	Fees received		154,298
(144,226)	Fees transmitted to Health Administration Corporation		(154,298)
—			—
	Net cash flows from activities	3	—
—	Cash at the beginning of the financial year		—
—	Cash at the end of the financial year		—

The statement of cash flows should be read in conjunction with the accompanying notes.

6.14 NOTES TO AND FORMING PART OF THE ACCOUNTS**BOARD OF OPTOMETRICAL REGISTRATION****NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 1999****1. ACCOUNTING POLICIES**

- 1.1 The Board of Optometrical Registration performs the duties and functions contained in the Optometrists Act 1930 and its financial affairs are administered by the Health Administration Corporation.
- 1.2 The Board's financial report is a general purpose financial report which has been prepared in accordance with Accounting Standards, other mandatory professional reporting requirements, the Public Finance and Audit Act, 1983, and the Treasurer's Directions. An accrual basis of accounting has been adopted. The balance sheet has been prepared on an historical cost basis and does not take into account changing money values.
- 1.3 The Board does not hold any assets in its name, nor is it responsible for any liabilities incurred. Both assets and liabilities relating to the Board of Optometrical Registration are recorded in the financial statements of the Department of Health (Health Administration Corporation). For the purposes of the Statement of Income and Expenditure cash collections are regarded as income to the Board. Transmission of these collections to the Health Administration Corporation is regarded as expenditure of the Board.

2. TRANSMISSION OF FEES

The Board of Optometrical Registration is required by statute to collect fees from its registrants and transmit the monies to the Health Administration Corporation. The Corporation may pay out from such monies the amounts required to meet the costs incurred in the administration or execution of the Act establishing the Board. The figures relate to actual receipts as distinct from accrual figures shown in Note - 4.

3. NOTES TO THE STATEMENT OF CASH FLOWS

As there is no cash retained by the Board net cash flows or operating results for the year are nil or do not apply.

4. INCOME AND EXPENDITURE ACCOUNTED FOR THROUGH THE HEALTH ADMINISTRATION CORPORATION

Actual income and expenditure in respect of the Board's operations are accounted for on an accrual basis and form part of the accounts of the Department of Health for the Health Administration Corporation.

BOARD OF OPTOMETRICAL REGISTRATION

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 1999

Details of transactions accounted for through the Health Administration Corporation are as follows:-

1998		1999
\$		\$
	Income	
141,591	Fees	152,651
21,463	Interest	22,086
<u>163,054</u>	Total	<u>174,737</u>
	Expenditure	
50,037	Salaries & Associated Staff Costs	53,331
2,595	Building Expenses	1,862
23,139	Subsistence & Transport	12,852
9,054	Members Fees	9,781
37,220	Fees for Service	40,361
5,713	Post & Communications	8,020
3,804	Printing & Stationery	6,427
614	Plant & Equipment	317
6,761	Miscellaneous	10,685
97	Audit Fees (allocation)	104
<u>139,034</u>	Total	<u>143,740</u>
<u>24,020</u>	Surplus	<u>30,997</u>

5. ASSETS AND LIABILITIES ACCOUNTED FOR BY HEALTH ADMINISTRATION CORPORATION

As at 30th June 1999 the Health Administration Corporation recorded assets totalling \$483,171 (\$455,379 in 1997/98) and liabilities totalling \$81,398 (\$71,584 in 1997/98) which related to the Board of Optometrical Registration. Included within assets are cash and investments of \$479,234 (\$452,560 in 1997/98).

6. FINANCIAL INSTRUMENTS

Financial instruments give rise to positions that are a financial asset of either the company or its counterpart and a financial liability (or equity instrument) of the other party. They include cash at bank, receivables and creditors. All classes of financial, including revenue, expenses or other cash flows arising from instruments, are recognised at cost on an accrual basis.

In accordance with Australian Accounting Standard AAS 33, information is disclosed regarding interest rate risk and credit risk of financial instruments. All amounts are carried in the accounts at net fair value which is considered to be same as the carrying amount in the balance sheet.

BOARD OF OPTOMETRICAL REGISTRATION

**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 1999**

6. FINANCIAL INSTRUMENTS (Cont)

Interest rate risk affects cash at bank and investments where the value of these instruments is subject to fluctuation due to changes in market interest rates.

The average interest rate earned for the year was 4.31% p.a..

The board's exposure to interest rate risk and the effective interest rates of financial instruments at year end are:

1998			1999
\$			\$
452,560	Cash	all at floating interest rates	479,233
1,780	Receivables	all non-interest bearing	2,128
3,588	Creditors	all non-interest bearing	11,545

It is not considered that the receivables are subject to a credit risk.

7. CONSULTANCY CHARGES

The Health Administration Corporation arranged for consultancy services on behalf of the boards it administered during the year. The Board of Optometrical Registration's share of these consultancy costs was \$472 (\$497 in 1997/98).

INDEX

Access.....	1	Review of Operations.....	6
Aims and Objectives.....	1	Appeals Against Decisions of the Board..	13
Charter.....	1	Complaints and Disciplinary Matters	6
Finance And Budget.....	27	Consultancies.....	27
Annual Report Costs.....	29	Council Of Optometrists Registration	
Balance Sheet For The Year Ended 30		Authorities (CORA)	15
June 1999.....	32	Ethnic Affairs Priorities Statement.....	24
Budget.....	28	Examination For Registration.....	15
Expenses.....	28	Fees	15
Format	27	Freedom of Information	26
Independent Audit Report.....	30	Guidelines Concerning Advertising.....	23
Insurance And Risk Management.....	29	Health Care Complaints Commission	
Investment Performance	28	Inquiry Into Cosmetic Surgery.....	27
Notes To And Forming Part Of The		Legislative Change	13
Accounts	35	Meeting with Director-General of	
Payments Performance.....	28	Health	21
Performance	27	NSW Government Action Plan For	
Statement By Members Of The Board	31	Women.....	26
Statement Of Cash Flows For The Year		Ongoing Certification of "Good	
Ended 30 June 1999	34	Character".....	18
Statement Of Income And Expenditure		Optical Dispensers Act 1963	16
For The Year Ended 30 June 1999	33	Pro-active Compliance	23
Management and Structure.....	2	Publications	27
Administration	3	Registration	6
Attendance at meetings.....	3	Section 35 Optometrists Act.....	22
Membership.....	2	Specialisation	17
		The Optometry Council Of Australia And	
		New Zealand (TOC)	19
		University Of New South Wales School	
		Of Optometry.....	16
		Website.....	25
		Workforce Data	23
		World Council of Optometry.....	18
		Year 2000 (Millennium Bug).....	26