

OPTICIANS (AMENDMENT) ACT.

Act No. 36, 1945.

George VI.
No. 36, 1945. An Act to amend the Opticians Act, 1930-1931,
and certain other Acts in certain respects;
and for purposes connected therewith.
[Assented to, 19th December, 1945.]

BE it enacted by the King's Most Excellent Majesty,
by and with the advice and consent of the Legis-
lative Council and Legislative Assembly of New South
Wales in Parliament assembled, and by the authority of
the same, as follows:—

Short title,
citation and
commence-
ment.

1. (1) This Act may be cited as the "Opticians
(Amendment) Act, 1945."

(2) The Opticians Act, 1930, as amended by
subsequent Acts and by this Act, may be cited as the
Opticians Act, 1930-1945.

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(3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette. No. 36, 1945.

2. The Opticians Act, 1930-1931, is amended—

Amendment
of Act No. 20,
1930.

(a) by inserting in section four in the definition of "Optometry" or the "practice of optometry" after the words "adaptation of" the words "lenses or prisms or"; Sec. 4.
(Definitions.)

(b) by omitting subsection two of section thirteen and by inserting in lieu thereof the following subsections:— Sec. 13.
(Register.)

(2) Every registered optometrist shall, in or before the month of October in each year, pay to the registrar a roll fee of such amount as may be prescribed for the following year.

The fee so prescribed shall not be less than ten shillings nor more than two pounds.

(3) If any registered optometrist does not pay the prescribed roll fee before the thirty-first day of October in any year the board shall notify him by registered letter addressed to him at the address appearing in the register, that if the fee be not paid within one month after the posting of the letter, his name will be removed from the register.

If any registered optometrist who has been so notified fails to pay such fee within the time specified in the letter, the board shall remove his name from the register.

(4) If the name of any registered optometrist is removed from the register under this section, the board shall, upon application in the prescribed form, restore his name to the register upon payment of such fees as are prescribed by the regulations made under this Act.

The regulations may provide for the waiver of such part of the fees as the board may, in a particular case, deem proper

(5) Together with the roll fee the registered optometrist shall furnish particulars of his address for entry in the register.

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(6) Where the name of any person has been removed from the register, and until the name has been restored thereto, such person shall be deemed not to be a registered optometrist.

Sec. 15.
(Removal
from
register.)

- (c) (i) by inserting in paragraph (b) of subsection five of section fifteen after the words "practice and supervision" the words "during the hours in which such premises are open for the practice of optometry."
(ii) by omitting paragraph (c) of the same subsection and by inserting in lieu thereof the following paragraphs:—

(c) advertises otherwise than in accordance with the regulations or advertises in contravention of the regulations; or

(d) canvasses for optometrical business;

- (iii) by inserting in the same subsection after the words "in a professional respect shall" the words "except where the same is lodged by the Director-General of Public Health or by an officer of the Public Service appointed by him for the purpose either generally or in any particular case."

Sec. 19.
(Qualifications
for registration.)

- (d) by omitting paragraph (d) of section nineteen;

Substituted
sec. 21.

- (e) by omitting section twenty-one and by inserting in lieu thereof the following section:—

Certificates.

21. (1) The board shall issue to every person registered as an optometrist after the commencement of the Opticians (Amendment) Act, 1945, a certificate in the prescribed form within three months of registration.

(2) Every person who, immediately before the commencement of the Opticians (Amendment) Act, 1945, was the holder of a certificate issued under the section which this section replaces shall, within three months after such commencement, surrender such certificate to the board.

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The board shall issue to each person who so surrenders his certificate a certificate in the prescribed form. No. 36, 1945.

- (f) by omitting section twenty-two; Sec. 22.
(Consequen-
tial.)
- (g) (i) by omitting paragraph (d1) of subsection one of section thirty and by inserting in lieu thereof the following paragraph:— Sec. 30.
(Regula-
tions.)

(d1) regulating the employment of pupils in optometry or prohibiting the employment of such pupils otherwise than under the personal supervision of a registered optometrist;

- (ii) by inserting next after paragraph (f) of the same subsection the following new paragraph:—

(f1) prescribing the manner in which and the extent to which an optometrist or a firm or company carrying on the business of the practice of optometry is authorised to advertise;

- (h) by omitting section thirty-five and by inserting in lieu thereof the following new sections:— Subs. sec. 35
and new sec.
36, 37 and 38

35. (1) Except as provided in subsection two of this section, or with the approval of the Minister in writing, no firm or company shall carry on the business of the practice of optometry. Firm or
company not
to carry on
business except
as provided by
this section.

(2) Subsection one of this section shall not operate to prohibit a firm or company which was, immediately before the prescribed date, carrying on the business of the practice of optometry from continuing to carry on such business where the carrying on of the business is so continued:—

- (a) at premises in which it was being carried on immediately before the prescribed date, or in lieu of those premises.

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premises, at other premises which are distant not more than five miles from the premises in which such business was carried on immediately before the prescribed date;

- (b) without any alteration in the name under which the business was being carried on immediately before the prescribed date;
- (c) by or under the personal supervision and control of a registered optometrist whose name is prominently and legibly displayed upon the premises at which such business is carried on.

For the purpose of this subsection the "prescribed date" shall be the first day of September, one thousand nine hundred and forty-five.

Notwithstanding paragraph (b) of this subsection a firm or company may carry on the business of the practice of optometry under a name other than that under which the business was being carried on immediately before the prescribed date if the approval of the Minister in that behalf has been obtained.

(3) If any firm or company contravenes any provision of this section it shall be guilty of an offence against this Act and shall be liable to a penalty of not less than one hundred pounds and not exceeding two hundred pounds.

Advertising,
etc., by firm
or company.

36. Any firm or company carrying on the business of the practice of optometry pursuant to section thirty-five of this Act which—

- (a) without the consent of the board takes or uses in connection with such business any title, designation, addition or description other than that of "optometrist" or "optometrists"; or
- (b) advertises otherwise than in accordance with the regulations or advertises in contravention of the regulations; or
- (c)

(c) employs, engages or uses any person to canvass for optometrical business, No. 33, 1945.

shall be liable on summary conviction to a penalty not exceeding fifty pounds.

37. Any optometrist, firm or company carrying on the business of the practice of optometry shall not in carrying on such business use or operate a mobile refracting unit except with the consent of the Minister. The Minister in granting such consent may impose such terms, conditions and restrictions as he may, in his absolute discretion, determine. Any optometrist, firm or company contravening the provisions of this section or any such terms, conditions and restrictions, shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding one hundred pounds: Mobile refracting unit.

Provided, however, that any optometrist, firm or company carrying on the business of the practice of optometry which at the date of commencement of the Opticians (Amendment) Act, 1945, was using or operating a mobile refracting unit in carrying on such business may continue to use or operate such unit for a period not exceeding three months from the date of such commencement without the consent of the Minister.

38. A document purporting to be a certificate under the hand of the registrar and stating that any person was or was not on any date or during any period mentioned in the certificate registered under this Act shall, in all courts and before all persons and bodies authorised by law to receive evidence, be prima facie evidence of the facts stated. Certificate of registrar to be prima facie evidence. cf. Act No. 10, 1934, s. 19.

(i) by omitting from the matter relating to Part V in section three the figures "35" and by inserting in lieu thereof the figures "38." Sec. 3. (Consequential.)

3. The Opticians (Amendment) Act, 1931, is amended by omitting paragraph (d) of section two and section three. Amendment of Act No. 16, 1931. (Consequential.)