

OPTICIANS (AMENDMENT) ACT.

Act No. 7, 1955.

An Act to reconstitute The Board of Optometrical Registration; to make further provision Elizabeth II,
No. 7, 1955. as to the carrying on of the business of the practice of optometry by firms and companies; for these purposes to amend the Opticians Act, 1930-1946; to validate certain matters; and for purposes connected therewith. [Assented to, 9th March, 1955.]

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

1. (1) This Act may be cited as the "Opticians Short title
and citation. Amendment) Act, 1955."

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No. 7, 1955.

(2) The Opticians Act, 1930, as amended by subsequent Acts and by this Act, may be cited as the Opticians Act, 1930-1955.

Reconstitu-
tion of The
Board of
Optometrical
Registration.

2. (1) Upon a day to be appointed by the Governor and notified by proclamation published in the Gazette (which day is in this Act referred to as the "appointed day") The Board of Optometrical Registration shall be reconstituted and shall consist of seven members who shall be appointed in accordance with section five of the Opticians Act, 1930-1955.

(2) Nothing contained in this section shall prejudice or affect in any way the continuity of the body corporate constituted under Part II of the Opticians Act, 1930-1946, but the same shall continue notwithstanding the provisions of this section.

(3) The members of The Board of Optometrical Registration holding office immediately before the appointed day shall cease to hold office upon the appointed day but shall be eligible for re-appointment.

(4) (a) For the purposes only of the appointment of persons to be members of The Board of Optometrical Registration as reconstituted under this section, and of any matters necessary for or incidental to such appointment or reconstitution the provisions of subsection five of this section shall commence on the day upon which the assent of Her Majesty to this Act is signified.

(b) The persons so appointed shall assume their offices as members of The Board of Optometrical Registration upon the appointed day; and on that day the provisions of subsection five of this section shall come into force for all purposes.

(5) The Opticians Act, 1930-1946, is amended—

Amendment
of Act No.
20, 1930.

Substituted
secs. 5-7.

(a) by omitting sections five, six and seven and by inserting in lieu thereof the following sections:—

Constitution
of board.

5. (1) There shall be constituted a board, to be called The Board of Optometrical Registration, which shall have and may exercise and discharge

discharge the powers, authorities, duties and functions conferred and imposed upon the board by or under this Act. No. 7, 1955.

(2) The board shall consist of seven members who shall be appointed by the Governor. Of the members so appointed—

- (a) two shall be registered optometrists nominated by the Australian Optometrical Association (New South Wales Division);
- (b) one shall be a registered optometrist nominated by the Opticians and Optometrists Association of New South Wales;
- (c) one shall be a barrister or solicitor nominated by the Minister;
- (d) one shall be a legally qualified medical practitioner nominated by the New South Wales Branch of the British Medical Association;
- (e) one shall be a person, being a registered optometrist or entitled to be so registered, nominated by the New South Wales University of Technology;
- (f) one shall be the Under Secretary, Department of Public Health.

(3) One of the members referred to in paragraph (a) or (b) of subsection two of this section shall in and by his appointment be the chairman of the board.

(4) The members of the board shall, subject to this Act, hold office for three years and be eligible for re-appointment.

(5) The provisions of the Public Service Act, 1902, or of any Act amending that Act, shall not apply to any appointment of members of the board, and such members shall not in their capacity as members of the board be subject to the provisions of any such Act.

(6)

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(6) Each member of the board, other than the Under Secretary, Department of Public Health, or his deputy as hereinafter provided, shall be paid such fees as the Governor may direct.

(7) The chairman shall preside at all meetings of the board at which he is present.

In the absence of the chairman from any meeting of the board the members present shall elect one of their number to preside at the meeting.

(8) Four members of the board shall form a quorum, and any meeting of the board at which a quorum is present shall be competent to transact any business of the board.

(9) If for any reason any nomination referred to in paragraph (a), (b), (d) or (e) of subsection two of this section is not made the Governor may make the appointment and the person appointed shall be deemed to have been validly nominated.

(10) The Under Secretary, Department of Public Health, may appoint a deputy to act on his behalf at any meeting of the board at which he is unable to attend, and a deputy so appointed shall be entitled so to act and, while so acting, shall be deemed to be a member of the board.

Vacation of
office.

6. A member shall be deemed to have vacated his office if he—

- (a) dies;
- (b) resigns his office by writing under his hand addressed to the Governor;
- (c) becomes an insane person or patient or an incapable person within the meaning of the Lunacy Act, 1898-1952;
- (d)

- (d) is convicted in New South Wales of a felony or of a misdemeanour or if he is convicted elsewhere than in New South Wales of an offence which, if committed in New South Wales, would be a felony or misdemeanour; No. 7, 1955
- (e) is absent without leave of the board from four consecutive meetings of the board;
- (f) is removed from office by the Governor;
or
- (g) ceases to hold the qualification by virtue of which he was appointed as a member.

7. Where a vacancy occurs in the office of a member of the board the Governor may appoint a person to the vacant office. The person so appointed shall have the like prescribed qualification and nomination (if any) as that of the member whose office has become vacant and shall, subject to this Part of this Act, hold office for the residue of his predecessor's term of office, but shall be eligible for re-appointment.

- (b) by omitting from section eight the word "election" and by inserting in lieu thereof the word "nomination"; Sec. 8.
(Proceedings of board.)
- (c) by omitting from section nine the words "any board (including the first board)" and by inserting in lieu thereof the words "the board". Sec. 9.
(Removal from office.)

3. (1) The Opticians Act, 1930-1946, is further amended— Further amendment of Act No. 20, 1930.

- (a) by inserting next after paragraph (a) of sub-section two of section thirty-five the following new paragraph:— Sec. 35.
(Firm or company not to carry on business except as provided by this section.)
 - (a1) at such other premises, in addition to those referred to in paragraph (a) of this subsection, as the Minister, after the prescribed date, may permit;
 - (b)

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(b) by inserting next after the same subsection the following new subsections:—

(2A) Where before the commencement of the Opticians (Amendment) Act, 1955, the Minister has pursuant to subsection one of this section approved of a firm or company carrying on the business of the practice of optometry such firm or company shall carry on such business—

- (a) at premises in which it was being carried on immediately before such commencement, or in lieu of those premises, at other premises which are distant not more than five miles from the premises at which such business is carried on immediately before such commencement;
- (b) at such other premises, in addition to those referred to in paragraph (a) of this subsection, as the Minister, after such commencement, may permit;
- (c) without any alteration in the name under which the business was being carried on immediately before such commencement;
- (d) 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.

(2B) Where after the commencement of the Opticians (Amendment) Act, 1955, the Minister pursuant to subsection one of this section approves of a firm or company carrying on the business of the practice of optometry such firm or company shall carry on such business—

- (a) at premises in respect of which such approval has been given, or in lieu of those

those premises, at other premises ^{No. 7, 1955.} which are distant not more than five miles from such premises;

- (b) at such other premises, in addition to those referred to in paragraph (a) of this subsection, as the Minister, after such approval, may permit;
- (c) without any alteration in the name specified in such approval;
- (d) 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.

(2c) Notwithstanding paragraph (c) of subsection (2A) or paragraph (c) of subsection (2B) of this section 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 commencement of the Opticians (Amendment) Act, 1955, or that specified in the approval referred to in subsection (2B) of this section, as the case may be, if the approval of the Minister in that behalf has been obtained.

(2d) As from the commencement of the Opticians (Amendment) Act, 1955, no approval or permission of the Minister shall be given under this section except upon the recommendation of the board.

(2) The amendment made by paragraph (a) of subsection one of this section shall be deemed to have commenced upon the first day of September, one thousand nine hundred and forty-five.