

**OPTOMETRISTS AND OPTICAL DISPENSERS
(AMENDMENT) ACT.**

New South Wales



ANNO OCTAVO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 57, 1969.

An Act to make further provision with respect to the registration of optometrists and the practice of optometry and optical dispensing by unregistered persons; for these and other purposes to amend the Optometrists Act, 1930, and the Optical Dispensers Act, 1963; and for purposes connected therewith. [Assented to, 17th October, 1969.]

BE

Optometrists and Optical Dispensers (Amendment).

No. 57, 1969 **B**E 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:—

Short title
and com-
mencement.

1. (1) This Act may be cited as the "Optometrists and Optical Dispensers (Amendment) Act, 1969".

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment
of Act No.
20, 1930.

2. The Optometrists Act, 1930, is amended—

Sec. 4.
(Defini-
tions.)

(a) (i) by omitting the definition of "Optical dispensing" in section four and by inserting in lieu thereof the following definition:—

"Optical dispensing" has the meaning ascribed thereto in section two of the Optical Dispensers Act, 1963.

(ii) by omitting the definition of "Recognised certificate" in the same section and by inserting in lieu thereof the following definition:—

"Recognised certificate" means a certificate, diploma, membership, degree, letters, testimonial or other title, status or document granted by a university, college, association, department, board or other institution in any place outside New South Wales, recognised by the board as furnishing sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of optometry in New South Wales.

(iii)

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- (iii) by omitting the definition of "Registered optometrist" in the same section and by inserting in lieu thereof the following definition :—

"Registered optometrist" means a person registered under this Act.

- (b) by omitting from subsection one of section thirteen the words "the provisions of";

Sec. 13.
(Register.)

- (c) by omitting paragraphs (c) and (d) of subsection two of section fifteen and by inserting in lieu thereof the following paragraph :—

Sec. 15.
(Removal of name on account of misconduct.)

- (c) advertises, or otherwise solicits for optometrical business, in contravention of the regulations;

- (d) (i) by omitting from paragraph (b) of section nineteen the word "or";

Sec. 19.
(Qualifications for registration.)

- (ii) by inserting in paragraph (c) of the same section after the word "certificate" the following word and new paragraph :—

; or

- (d) is the holder of a certificate under subsection two of this section declaring him to be an approved person for the purposes of this paragraph;

- (iii) by inserting at the end of the same section the following new subsections :—

(2) Where—

- (a) a person possesses qualifications with respect to optometry but would not be entitled to be registered under this Act by virtue of those qualifications alone;

(b) he obtains further qualifications by—

- (i) undertaking, in a manner satisfactory to the board, such courses of training with respect to optometry; and

(ii)

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(ii) passing such examinations with respect to optometry,

as the board may prescribe in respect of him; and

(c) the board is satisfied that, by virtue of the qualifications referred to in paragraph (a) of this subsection, together with the further qualifications referred to in paragraph (b) of this subsection (other than subparagraph (i) or (ii), as the case may be, of that paragraph if he has been exempted therefrom under subsection three of this section), he possesses the requisite knowledge and skill for the efficient practice of optometry in New South Wales,

the board may issue to him a certificate declaring him to be an approved person for the purposes of paragraph (d) of subsection one of this section.

(3) The board may, if in the special circumstances of the case it thinks fit to do so, exempt a person referred to in paragraph (a) of subsection two of this section from the provisions of either subparagraph (i) or subparagraph (ii) of paragraph (b) of that subsection, but not both.

(4) The board may direct the removal from the register of the name of a person registered under this Act by virtue of his being the holder of a certificate under subsection two of this section if the board is of the opinion that he was not entitled to be issued with such a certificate.

(e)

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- (e) by inserting next after section nineteen the following No. 57, 1969
new section :—

New sec.
19A.

19A. (1) Where—

- (a) a person has applied to be registered under this Act; Provisional registration.
- (b) he is entitled to be so registered; and
- (c) his application for registration has not been dealt with by the board,

the chairman of the board or, in his absence from the City of Sydney, any other member of the board authorised generally by the board to grant certificates of provisional registration, may, upon payment of the prescribed fee, grant to that person a certificate of provisional registration.

(2) Where, on an application made by any person for a certificate of provisional registration under this subsection, the board, the chairman of the board or, in his absence from the City of Sydney, any other member of the board authorised generally by the board to grant certificates of provisional registration is satisfied—

- (a) that that person is justly entitled—
- (i) to a degree referred to in paragraph (a) of subsection one of section nineteen of this Act that is to be granted to him by the University of New South Wales; or
- (ii) to a recognised certificate that is to be granted to him by a university, college, association, department, board or other institution;
- (b) that he will in due course have that degree or recognised certificate granted to him according to the practice of the University of New South Wales or the university, college,

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college, association, department, board or other institution referred to in paragraph (a) of this subsection, as the case may be; and

- (c) that he is of good character and has attained the age of twenty-one years,

the board or if the board has not dealt with his application under this subsection the chairman of the board or other such member of the board may, upon payment of the prescribed fee, grant to that person a certificate of provisional registration.

(3) Where a person has obtained a certificate of provisional registration he shall be deemed to be a registered optometrist until—

- (a) the date stated in the certificate; or

(b) such later date as may be fixed by the board, which date shall, in either case, be not later than six months after the granting of the certificate.

(4) The board may, at any time before the date so stated or fixed, for such cause as to it seems proper, cancel a certificate of provisional registration without prejudice to the application of the holder of the certificate to be registered under this Act.

(5) Upon the cancellation of a certificate of provisional registration, the holder of the certificate shall thereupon cease to be deemed to be a registered optometrist.

(6) If a person to whom a certificate of provisional registration has been granted becomes a registered optometrist before the date stated or fixed pursuant to subsection three of this section in respect of that certificate, his registration under this Act shall, unless otherwise decided by the board, date from the granting of the certificate.

(f)

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- (f) by omitting paragraph (b) of subsection three of section twenty-four and by inserting in lieu thereof the following paragraph :—
- No. 57, 1969
Sec. 24.
(Persons who may practise optometry.)
- (b) prevent any person from carrying out optical dispensing if he is authorised to do so under the Optical Dispensers Act, 1963;
- (g) by omitting from paragraph (a) of section twenty-eight the words “of registration”;
- Sec. 28.
(Obtaining registration by false pretences.)
- (h) (i) by omitting paragraph (c) of subsection one of section thirty;
- Sec. 30.
(Regulations.)
- (ii) by omitting paragraph (f1) of the same subsection and by inserting in lieu thereof the following paragraph :—
- (f1) regulating the manner in which a registered optometrist or a firm or company or other person not being a registered optometrist carrying on the business of the practice of optometry is authorised to advertise or otherwise solicit for optometrical business, and prohibiting any form of advertising or other soliciting for optometrical business specified in the regulations or any forms thereof other than those specified in the regulations;
- (iii) by inserting at the end of the same section the following new subsection :—
- (3) The regulations made in pursuance of paragraph (f1) of subsection one of this section may regulate or prohibit the employment, engagement or use, by a person, firm or company to which the regulations apply, of any person, firm or company for the purpose of advertising or otherwise soliciting for optometrical business.

(i)

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Sec. 35.

(Firm or company or unregistered person not to carry on business except as provided by this section.)

(i) by inserting next after subsection (2D) of section thirty-five the following new subsection :—

(2E) As from the commencement of the Optometrists and Optical Dispensers (Amendment) Act, 1969, no approval of the Minister shall be given under subsection one of this section.

Sec. 36.

(Advertising, etc., by firm or company or unregistered person.)

(j) (i) by omitting from paragraph (a) of section thirty-six the word “or” where lastly occurring;

(ii) by omitting paragraphs (b) and (c) of the same section.

Amendment of Act No. 35, 1963.

3. The Optical Dispensers Act, 1963, is amended—

Sec. 2.
(Definitions.)

(a) (i) by omitting the definition of “Optical dispensing” in section two and by inserting in lieu thereof the following definition :—

“Optical dispensing” means the doing or performing of any act, matter or thing that is within one or more of the following classes of acts, matters or things :—

(a) the interpretation and dispensing of prescriptions for optical appliances;

(b) the taking of facial measurements for optical appliances;

(c) the fitting of optical appliances for the purposes of the sale thereof; and

(d) the sale of optical appliances, but does not include the fitting of contact lenses, nor any sale of optical appliances

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appliances to any optical dispenser nor any sale of optical appliances preceding their sale to an optical dispenser, nor the doing or performing of any act, matter or thing deemed not to be optical dispensing in pursuance of subsection two of this section. **No. 57, 1969**

- (ii) by inserting next after the definition of "Regulations" in the same section the following new definition :—

"Sale" includes—

- (a) offering or exposing for sale;
- (b) keeping or having in possession for sale;
- (c) bartering or exchanging;
- (d) agreeing to sell;
- (e) sending, forwarding or delivering for sale or on sale; and
- (f) authorising, directing, causing, permitting or suffering any of those acts, matters or things.

- (iii) by inserting at the end of the same section the following new subsection :—

(2) The regulations may provide that the doing or performing of any act, matter or thing that—

- (a) is specified in the regulations; and
- (b) would otherwise be within one of the classes of acts, matters or things specified in paragraphs (a), (b), (c) and (d) of the definition of "Optical dispensing" in subsection one of this section,

shall be deemed not to be optical dispensing for the purposes of this Act.

(b)

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Sec. 28.

(Practice
by unlicensed
persons
prohibited.)

(b) by inserting in paragraph (b) of subsection two of section twenty-eight after the word "Act" the words "or undergoing a course of study and training referred to in paragraph (b) of subsection one of section twenty-two of this Act".