

# OPTICAL DISPENSERS (AMENDMENT) ACT 1987 No. 276

NEW SOUTH WALES



## TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act No. 35, 1963
4. Savings and transitional provisions

SCHEDULE 1—AMENDMENTS

SCHEDULE 2—SAVINGS AND TRANSITIONAL PROVISIONS

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**OPTICAL DISPENSERS (AMENDMENT) ACT 1987 No. 276**

NEW SOUTH WALES



**Act No. 276, 1987**

An Act to amend the Optical Dispensers Act 1963 with respect to the membership of the Optical Dispensers Licensing Board and in certain other respects. [Assented to 16 December 1987]

*Optical Dispensers (Amendment) 1987***The Legislature of New South Wales enacts:****Short title**

1. This Act may be cited as the Optical Dispensers (Amendment) Act 1987.

**Commencement**

2. (1) Except as provided by subsection (2), this Act shall commence on a day to be appointed by proclamation.

(2) Section 4 and Schedule 2 shall commence on the date of assent to this Act.

**Amendment of Act No. 35, 1963**

3. The Optical Dispensers Act 1963 is amended as set out in Schedule 1.

**Savings and transitional provisions**

4. Schedule 2 has effect.

**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

(1) Section 6 (**The board**)—

(a) Section 6 (1)—

Omit "seven", insert instead "12".

(b) Section 6 (2)—

Omit the subsection, insert instead:

(2) Of the members so appointed—

(a) 1 shall be an optical dispenser nominated by the Australian Association of Dispensing Opticians;

(b) 1 shall be an optical dispenser nominated by The Guild of Dispensing Opticians (N.S.W.) Limited;

(c) 1 shall be an optical dispenser nominated by the Association of Spectacle Makers Limited;

(d) 1 shall be a medical practitioner who is practising as an ophthalmologist, nominated by the Royal Australian College of Ophthalmologists;

(e) 1 shall be a registered optometrist nominated by The Board of Optometrical Registration;

(f) 1 shall be a person engaged in optical dispensing education nominated by the Minister;

*Optical Dispensers (Amendment) 1987*SCHEDULE 1—AMENDMENTS—*continued*

- (g) 1 shall be an officer of the Department of Health nominated by the Minister;
  - (h) 1 shall be a barrister or solicitor nominated by the Minister; and
  - (i) 4 shall be persons nominated by the Minister.
- (c) Section 6 (3)—  
Omit “(b), (c), (d), (e) or (f)”, insert instead “(a), (b), (c), (d) or (e)”.
- (2) Section 7 (**Deputy of member from Department of Health**)—  
Omit “(a)”, insert instead “(g)”.
- (3) Section 12—  
Omit the section, insert instead:  
**President and deputy president**
12. (1) Of the members of the board, one member (being an optical dispenser) shall, in and by the relevant instrument of appointment as such a member, or by another instrument executed by the Governor, be appointed as president of the board and one member shall be so appointed as deputy president of the board.
- (2) The deputy president, during the absence or illness of the president, shall act in the office of the president and, while so acting, has (except as provided by section 22A) all the powers, authorities, duties and functions of the president.
- (3) The president or, in the absence of the president, the deputy president or, in the absence of both the president and the deputy president, another member of the board elected to chair the meeting by the members present shall preside at a meeting of the board.
- (4) The person presiding at any meeting of the board has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.
- (5) The Governor may remove a member of the board from the office of president or deputy president at any time.
- (6) A person vacates office as president or deputy president if the person—
- (a) is removed from that office by the Governor;
  - (b) resigns that office by instrument in writing addressed to the Minister; or
  - (c) ceases to be a member of the board.

*Optical Dispensers (Amendment) 1987*SCHEDULE 1—AMENDMENTS—*continued*

- (4) Section 16 (**Quorum and procedure of board**)—  
Section 16 (1)—  
Omit “four”, insert instead “7”.
- (5) Section 22A (**Provisional licence**)—  
Section 22A (1)—  
Omit “chairman”, insert instead “president”.
- (6) Section 28 (**Practice by unlicensed persons prohibited**)—  
Section 28 (1)—  
At the end of the subsection, insert:  
Penalty: 10 penalty units.
- (7) Section 29 (**Use of certain titles**)—  
At the end of the section, insert:  
Penalty: 5 penalty units.
- (8) Section 29A (**Supply of optical appliance pursuant to prescription**)—  
At the end of the section, insert:  
Penalty: 10 penalty units.
- (9) Section 32 (**Offences and penalties**)—  
Section 32 (1)—  
Omit “one hundred dollars”, insert instead “10 penalty units in the case of a contravention of a provision of this Act and not exceeding 5 penalty units in the case of a contravention of a provision of a regulation”.
- (10) Section 35 (**Regulations**)—  
Section 35 (1) (e1)—  
After section 35 (1) (e), insert:  
(e1) regulating or prohibiting advertising with respect to optical dispensing by optical dispensers and others (including, despite section 3, medical practitioners and optometrists), including the advertising or the making of claims or representations concerning optical appliances and other matters relating to optical appliances and optical dispensing;

*Optical Dispensers (Amendment) 1987*

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## SCHEDULE 2—SAVINGS AND TRANSITIONAL PROVISIONS

(Sec. 4)

**Definitions**

1. In this Schedule—

“new board” means the Optical Dispensers Licensing Board under the Optical Dispensers Act 1963 on the commencement of this Act;

“old board” means the Optical Dispensers Licensing Board under the Optical Dispensers Act 1963 before the commencement of this Act.

**Members of old board**

2. A person who, immediately before the commencement of this Act, held office as a member of the old board—

(a) shall cease to hold office as such on that commencement; and

(b) is eligible (if otherwise qualified) to be appointed as a member of the new board.

**Appointments etc. before commencement**

3. For the purpose only of enabling the new board to be constituted on or after (but not before) the commencement of this Act, appointments may be made under the Optical Dispensers Act 1963, as amended by this Act, and anything else may be done, before that commencement, as if this Act commenced on the date of assent to this Act, but so that no appointment as a member of the new board as so constituted takes effect before that commencement.

**First meeting of new board**

4. The Minister for Health shall call the first meeting of the new board in such manner as the Minister thinks fit.