

3 GEO. VI.  
No. 15.  
THE  
OPTICIANS  
ACTS  
AMENDMENT  
ACT OF  
1939.

## An Act to Amend "The Opticians Acts, 1917 to 1933," in certain particulars.

[ASSENTED TO 21ST NOVEMBER, 1939.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as "*The Opticians Acts Amendment Act of 1939*," and shall be read as one with \*"*The Opticians Acts, 1917 to 1933*," herein referred to as the Principal Act.

Collective title.

The Principal Act and this Act may collectively be cited as "*The Opticians Acts, 1917 to 1939*."

### *Amendments of the Principal Act.*

Amendment of s. 10.

2. Section ten of the Principal Act is amended as follows:—

(a) The words "application to the Board and upon" are inserted before the word "payment" in the first paragraph thereof, and the words "in respect of the place to which his application relates" are added to the said paragraph.

(b) The following paragraph is added thereto, namely:—

"Any person who sells, or has in his possession for sale, spectacles at any time when and/or at any place in respect of which he does not hold a license under this section shall be liable to a penalty of not more than five pounds."

New s. 16A.

3. The following new section is inserted after section sixteen of the Principal Act and numbered 16A, namely:—

Prohibitions.

"[16A.] (1.) No certified optician shall cause or suffer or permit any person who is not a certified optician—

(a) To do or perform any optometry work or business which has been entrusted to such certified optician except under the direct personal supervision and in the presence of a certified optician; or

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(b) To canvass or solicit work or business for or on behalf or on account of such certified optician whether by making house-to-house visits or otherwise howsoever.

(2.) Any certified optician guilty of a contravention of this section shall be liable for any first offence to a penalty not exceeding five pounds. For any subsequent offence he shall be liable to a penalty not exceeding ten pounds and, in addition, the Board may suspend him from the practice or pursuit of his calling for such period as the Board may think fit. Penalty in case of breach.

(3.) In any prosecution for an offence against this section, proof that any person who is not a certified optician did in fact do or perform any optometry work or business or canvass or solicit work or business (as the case may require) for or on behalf or on account of such certified optician, shall be sufficient evidence of permission by the defendant so to do, unless it be proved to the satisfaction of the court that the defendant did not authorise the act complained of, and that it was done, performed, or committed without his knowledge or approval. Onus of proof in proceedings.

(4.) It shall be a defence for a certified optician charged with an offence against paragraph (b) of subsection one of this section to prove that the alleged canvassing or soliciting did not relate, and was not capable of relating—

- (i.) To optometry work ; or
- (ii.) To the sale or supplying by him or on his behalf of any optical goods whatsoever.

(5.) This section shall not be so construed as to prevent any person from engaging in the actual craft of lens-grinding and spectacle making.” Saving.

4. Section eighteen of the Principal Act is hereby amended by adding thereto the following subsections, namely :— Amendment of s. 18.

“(3.) The Governor in Council on the recommendation of the Public Service Commissioner may appoint such inspectors and other officers other than the registrar as may be deemed necessary for carrying out the provisions and objects of this Act. Appointment of inspectors, &c.

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The salary of the registrar and of any inspectors and other officers so appointed shall from time to time be determined by the Governor in Council.

(4.) Any inspector or other officer appointed by the Governor in Council on the recommendation of the Public Service Commissioner before the passing of \**"The Opticians Acts Amendment Act of 1939"* shall be deemed to have been so appointed pursuant to this section and any such appointment is hereby ratified accordingly."

Repeal of  
and new  
s. 28.

5. Section twenty-eight of the Principal Act is repealed and the following section is inserted in lieu thereof, namely:—

Registration  
fees.

"[28.] (1.) There shall be payable to the Board, in respect of the registration of any certified optician who applies to be registered under this Act, a fee of three pounds and an annual fee thereafter of one pound ten shillings for each renewal of the certificate.

Licensing  
fees.

(2.) There shall be payable to the Board, in respect of registration of any person who applies to be licensed under section ten of this Act, a fee of one pound and one shilling and an annual fee thereafter of one pound where the spectacle-seller concerned carries on his business as such at a place in any city or town within the meaning of †*"The Local Government Act of 1936"*; an annual fee of five shillings where the spectacle-seller concerned carries on his business as such at a place elsewhere than in a city or town; and an annual fee of ten shillings where the spectacle-seller concerned hawks spectacles.

(3.) The annual fees hereby prescribed shall be payable to the Board by every person registered under this Act on or before the first day of January in each year following the year in which he is registered."

Amendment  
of s. 31.

6. The following new subsection four is added to section thirty-one of the Principal Act, namely:—

General  
penalty.

"(4.) Any person who contravenes or fails to comply with any provision of this Act shall be guilty of an offence and liable, if no specific penalty is provided, to a penalty of not more than twenty pounds."

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\* This Act,

† 1 Geo. VI. No. 1, *supra*, page 16035.

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7. (1.) The following new section is inserted after New s. 34. section thirty-three of the Principal Act and numbered section thirty-four, namely :—

“[34.] Notwithstanding any Act or law to the No premium in respect of apprenticeship. contrary, any person who, after the passing of \**“The Opticians Acts Amendment Act of 1939,”* demands, accepts, or agrees to accept any consideration, premium, gift, forbearance, or allowance in connection with the employment or indenturing by him of any apprentice or pupil in optometry shall be guilty of an offence and shall be liable to a penalty not exceeding twenty pounds ; and the court shall order, in addition, that any sum of money received by any person contrary to this section shall be refunded by him to the person who made such payment.”

(2.) Subsection one of this section shall not apply Saving. or extend to any contract of employment or indenture of apprenticeship duly made before the thirtieth day of September, one thousand nine hundred and thirty-nine.

8. The Second Schedule to the Principal Act is Amendment of Sch. II. amended as follows :—

(a) The words “including advertising by them ” are added to clause eight thereof.

(b) The proviso to clause eleven of the said Second Schedule beginning with the words “Provided that, apart ” and ending with the words “fifth class in English, Mathematics, and Geography,” is repealed and the following new proviso is inserted in lieu thereof, namely :—

“Provided that the preliminary examination for apprentices to optometry shall be the Junior Public Examination of the University of Queensland, or any other examination which in the opinion of the Board is equivalent thereto, when the pass obtained in any such examination includes a pass in all of the subjects enumerated in Group I. hereunder, and one subject at least from each of Groups II. and III. hereunder, namely :—

Group I.—

English,  
Arithmetic,  
Algebra, and  
Geometry ;

\* This Act.

## Group II.—

French,  
German, and  
Latin ;

## Group III.—

Chemistry,  
Physics,  
Physiology, and  
Trigonometry.”

(c) The following new clause is inserted after clause thirteen and numbered 13A, namely :—

“ 13A. Prescribing the powers, duties, and authorities of inspectors.”

Amendment  
of Sch. IV.

9. In the Fourth Schedule to the Principal Act the words “ sell spectacles ” are repealed and the words and brackets “ sell [*here describe place to which license relates*] spectacles ” are inserted in lieu of such repealed words.

3 GEO. VI.  
NO. 16.  
THE  
PHARMACY  
ACTS  
AMENDMENT  
ACT OF  
1939.

**An Act to Amend “The Pharmacy Acts, 1917 to 1936,” in certain particulars, and for other purposes.**

[ASSENTED TO 21ST NOVEMBER, 1939.]

**B**E it enacted by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows :—

Short title  
and  
construction.

1. This Act may be cited as “ *The Pharmacy Acts Amendment Act of 1939*,” and shall be read as one with \* “ *The Pharmacy Acts, 1917 to 1936*,” herein referred to as the Principal Act.

Collective  
title.

The Principal Act and this Act may be collectively cited as “ *The Pharmacy Acts, 1917 to 1939*.”

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\* 8 Geo. V. No. 11 and amending Acts, *supra*, pages 8320 *et seq.*