



ANNO DECIMO OCTAVO

**ELIZABETHAE II REGINAE**

A.D. 1969

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**No. 104 of 1969**

An Act to amend the Opticians Act, 1920-1963.

[Assented to 18th December, 1969.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Opticians Act Amendment Act, 1969". Short titles.

(2) The Opticians Act, 1920-1963, as amended by this Act, may be cited as the "Opticians Act, 1920-1969".

(3) The Opticians Act, 1920-1963, is hereinafter referred to as "the principal Act".

2. Section 2 of the principal Act is amended by striking out the passage "and spectacle sellers" wherever it occurs. Amendment of principal Act, s. 2—  
Arrangement of Act.

3. Section 3 of the principal Act is amended—

(a) by striking out the definition of "certified optician" and inserting in lieu thereof the following definition:—

"certified optician" means a person who is the holder of a valid certificate under section 22 of this Act, whereby he is entitled to practise as an optometrist or optician ; ;

(b) by striking out from the definition of "co-operating State" the passage "and any state or colony within His Majesty's dominions" and inserting in lieu

Amendment of principal Act, s. 3—  
Interpretation.

thereof the passage “or any State or Territory of the Commonwealth, or any country or state outside the Commonwealth” ;

and

(c) by striking out the passage “and licensed spectacle sellers” in the definition of “register”.

**Amendment of principal Act, s. 4—  
Constitution of board.**

**4.** Section 4 of the principal Act is amended by inserting after subsection (2) the following subsections :—

(3) The board shall be a body corporate with perpetual succession and a common seal, and shall, subject to this Act—

(a) be capable of suing or being sued, and of acquiring, taking or letting on lease, holding, selling, and otherwise disposing of property of all kinds ;

and

(b) have the powers, duties, functions and authorities conferred, imposed, or prescribed by or under this Act.

(4) Where a document purports to bear the common seal of the board, any court or person acting judicially shall presume, in the absence of evidence to the contrary, that the common seal has been duly affixed to the document.

**Repeal of s. 5 of principal Act.**

**5.** Section 5 of the principal Act is repealed.

**Amendment of principal Act, s. 6—**

**6.** Section 6 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “On the expiration of the period for which the members of the first board have been appointed, another board” and inserting in lieu thereof the passage “The members of the board” ;

and

(b) by inserting after subsection (2) the following subsection :—

(3) The members of the board holding office immediately before the commencement of the Opticians Act Amendment Act, 1969, shall, subject to this Act, continue to hold office for the remainder of the term for which they were appointed.

**Amendment of principal Act, s. 7—  
Triennial appointment.**

**7.** Section 7 of the principal Act is amended by striking out the passage “in like manner as is hereinbefore provided in relation to the second board” and inserting in lieu thereof the passage “in accordance with section 6 of this Act”.

8. Section 8 of the principal Act is amended by striking out the passage "The persons constituting the second and subsequent boards" and inserting in lieu thereof the passage "The members of the board".

Amendment of principal Act, s. 8—  
Chairman.

9. Section 9 of the principal Act is amended—

(a) by striking out from paragraph (d) the passage "twenty shillings in the pound" and inserting in lieu thereof the passage "one hundred cents in the dollar";

Amendment of principal Act, s. 9—  
Vacancies.

and

(b) by striking out from paragraph (h) the passage "or a person deemed by the Governor to be a competent optician and appointed to the first board".

10. Section 10 of the principal Act is repealed and the following section is enacted and inserted in lieu thereof:—

Repeal of s. 10 of principal Act and enactment of new s. 10—  
Appointment to casual vacancy.

10. (1) The Governor shall make such appointments as are necessary to fill any vacancy in the membership of the board occurring before the expiration of the term for which its members were appointed.

(2) A person appointed under subsection (1) of this section shall be so appointed upon nomination by the Minister or by certified opticians, according to the vacancy to be filled, and shall be a certified optician or a legally qualified medical practitioner according to the calling of the person whose seat has become vacant, but if the vacant seat is that of a legally qualified medical practitioner and no suitable legally qualified medical practitioner is willing to accept the appointment, a certified optician may be nominated and appointed.

(3) A person so appointed shall, subject to this Act, hold office for the unexpired portion of the term of office of the person in whose place he was appointed.

11. Section 11 of the principal Act is amended by striking out subsection (3).

Amendment of principal Act, s. 11—  
Failure to nominate.

12. Section 16 of the principal Act is amended—

(a) by striking out from paragraph (a) the passage "or licensed spectacle seller";

Amendment of principal Act, s. 16—  
Powers of board.

(b) by striking out from paragraph (b) the passage "or licence";

(c) by striking out from paragraph (c) the passage "or licence";

and

(d) by striking out from paragraph (e) the passage "and licences".

Amendment of  
principal Act,  
s. 16a—  
Board may  
impose  
penalties.

**13.** Subsection (1) of section 16a of the principal Act is amended by striking out the passage “fifty pounds” and inserting in lieu thereof the passage “one hundred dollars”.

Amendment of  
principal Act,  
s. 18—  
Reciprocity.

**14.** Subsection (1) of section 18 of the principal Act is amended—

(a) by striking out the passage “any state or colony within His Majesty’s dominions” and inserting in lieu thereof the passage “any State or Territory of the Commonwealth, or any country or state outside the Commonwealth” ;

and

(b) by striking out the passage “country, state, or colony” and inserting in lieu thereof the passage “country, state or territory”.

Amendment of  
principal Act,  
s. 20—  
Qualifications  
for registration.

**15.** Section 20 of the principal Act is amended—

(a) by striking out paragraphs (a) and (b) of subsection (1) and inserting in lieu thereof the following paragraphs :—

(a) who was, immediately before the commencement of the Opticians Act Amendment Act, 1969, registered under this Act as in force before the commencement of that Act as a certified optician ;

(b) who has successfully completed a prescribed course in optometry, or otherwise satisfied the board of his competency, and has otherwise complied with this Act, and produces evidence satisfactory to the board that he is of good character ;

(b) by striking out paragraphs (e) and (f) of subsection (1) and the word “or” immediately preceding paragraph (e) ;

and

(c) by striking out subsection (2).

Repeal of  
s. 21 of  
principal Act.

**16.** Section 21 of the principal Act is repealed.

Amendment of  
principal Act,  
s. 22—  
Board to issue  
certificates.

**17.** Section 22 of the principal Act is amended—

(a) by striking out subsection (2) ;

and

(b) by striking out the passage “and licences” in subsection (3).

- 18.** Section 23 of the principal Act is amended by striking out subsection (2). Amendment of principal Act, s. 23—  
Registration fees.
- 19.** Section 24 of the principal Act is amended by striking out the passage “or licence” wherever it occurs. Amendment of principal Act, s. 24—  
Failure to pay annual fee.
- 20.** Section 26 of the principal Act is amended by striking out the passage “and licences”. Amendment of principal Act, s. 26—  
List to be gazetted annually.
- 22.** Subsection (2) of section 28 of the principal Act is amended by striking out the passage “fifty pounds” and inserting in lieu thereof the passage “one hundred dollars”. Amendment of principal Act, s. 28—  
Persons not to assume certain titles.
- 23.** Section 30 of the principal Act is amended—
- (a) by striking out from subsection (2) the passage “of not exceeding ten pounds” and inserting in lieu thereof the passage “not exceeding twenty dollars”;
- and
- (b) by striking out from subsection (3) the passage “fifty pounds” and inserting in lieu thereof the passage “one hundred dollars”.
- Amendment of principal Act, s. 30—  
Restrictions upon companies and firms.
- 24.** Subsection (1) of section 31 of the principal Act is amended by striking out the passage “of not exceeding fifty pounds, and to a further penalty not exceeding ten pounds” and inserting in lieu thereof the passage “not exceeding one hundred dollars, and to a further penalty not exceeding twenty dollars”. Amendment of principal Act, s. 31—  
Business to be under control of certified optician.
- 25.** The heading immediately preceding section 32 of the principal Act is amended by striking out the passage “AND SPECTACLE SELLERS”. Amendment of heading in principal Act.
- 26.** Section 32 of the principal Act is amended—
- (a) by striking out the passage “and Spectacle Sellers”;
- and
- (b) by striking out the passage “and licensed”.
- Amendment of principal Act, s. 32—  
Register of opticians.

Amendment of  
principal Act,  
s. 35—  
Offences.

**27.** Section 35 of the principal Act is amended—

- (a) by striking out the passage “or licence” wherever it occurs ;
- (b) by striking out the word “licence” wherever it occurs ;
- and
- (c) by striking out the passage “two hundred pounds” and inserting in lieu thereof the passage “four hundred dollars”.

Amendment of  
principal Act,  
s. 37—  
Restriction on  
medical or  
surgical  
practice.

**28.** Section 37 of the principal Act is amended by striking out the passage “one hundred pounds” and inserting in lieu thereof the passage “two hundred dollars”.

Repeal of  
s. 38 of  
principal Act.

**29.** Section 38 of the principal Act is repealed.

Amendment of  
principal Act,  
s. 45—  
Evidence.

**30.** Subsection (5) of section 45 of the principal Act is amended by striking out the passage “and licensed spectacle sellers”.

Amendment of  
principal Act,  
s. 46—  
Regulations.

**31.** Subsection (2) of section 46 of the principal Act is amended by striking out the passage “fifty pounds” and inserting in lieu thereof the passage “one hundred dollars”.

Repeal of  
third  
schedule to  
principal Act.

**32.** The third schedule to the principal Act is repealed.

Amendment of  
fourth  
schedule to  
principal Act.

**33.** The fourth schedule to the principal Act is amended—

- (a) by striking out from paragraph 4 the passage “and licences” ;
- (b) by striking out paragraph 5 and inserting in lieu thereof the following paragraph :—
  - 5. Prescribing the courses and examinations in optometry that shall be recognized by the board for the purposes of this Act. ;
- (c) by striking out from paragraph 9 the passage “the advertising matter issued by persons registered and licensed under this Act” and inserting in lieu thereof the passage “advertising matter pertaining to optometry” ;

(d) by inserting after paragraph 9 the following paragraph :—

9a. Prescribing a code of ethics to be observed and obeyed by all certified opticians. ;

and

(e) by striking out from paragraph 13 the word "licence".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. W. HARRISON, Governor.