



ANNO DUODECIMO

ELIZABETHAE II REGINAE

A.D. 1963

No. 43 of 1963

An Act to amend the Opticians Act, 1920-1949.

[Assented to 28th November, 1963.]

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, 1963". Short titles.

(2) The Opticians Act, 1920-1949, as amended by this Act, may be cited as the "Opticians Act, 1920-1963".

(3) The Opticians Act, 1920-1949, is hereinafter referred to as "the principal Act".

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.

3. The following sections are inserted in the principal Act after section 16 thereof:— Enactment of ss. 16a and 16b of principal Act—

16a. (1) If in the opinion of the board a certified optician is guilty of unprofessional conduct, the board may impose on him all or any of the following penalties, namely, the board may—

(a) censure him ;

(b) order him to pay the board's costs and expenses of inquiring into the matter alleged against him, and of hearing any charge in relation

Board may impose penalties on opticians.

thereto including witness fees, and may also suspend him from practising until such costs and expenses are paid ;

(c) require him to give such undertaking as the board thinks fit to abstain in the future from the conduct complained of ;

(d) impose a fine not exceeding fifty pounds.

(2) The powers of the board under this section are in addition to and do not derogate from its powers under section 16 of this Act.

Board to hold full enquiry.

16b. (1) Before determining any complaint against a person under section 16 or 16a of this Act, the board shall—

(a) give to the person, by post by registered letter, addressed to the last known place of residence or business of the person, at least fourteen days notice in writing of the complaint against him and of the day, time, and place fixed for hearing of the complaint ; and

(b) hold full inquiry into the matter of the complaint, and afford the person an opportunity of giving an explanation personally or in writing.

(2) In any such inquiry, the board may examine any person upon oath, affirmation, or declaration, and for that purpose any member thereof may administer an oath, affirmation, or declaration.

(3) A summons issued by the board requiring the attendance of any person or the production of any documents, and signed by the registrar, shall have the same effect as a subpoena *ad testificandum* or *duces tecum*, as the case may be, issued out of the Supreme Court in a civil action ; and obedience thereto, or non-observance thereof, or refusal to give evidence, shall be enforced or punished by a judge of the Supreme Court in chambers, in the same manner as in the case of disobedience or non-observance of a subpoena issued out of the Court, or refusal to give evidence before the Court.

Amendment of principal Act, s. 19.

4. Section 19 of the principal Act is amended by striking out all the words therein after the words "this Act" (first occurring) therein and inserting in lieu thereof the words "may be expended by the Board as required to defray the costs and expenses of administering this Act and for promoting facilities for optometrical education, training and research".

5. Section 23 of the principal Act is amended—

Amendment of
principal Act,
s. 23.

- (a) by striking out all of the words after the word “Act” in subsection (1) thereof and inserting in lieu thereof the words “such fee as shall be prescribed and such annual fee thereafter for each renewal of the certificate as shall be prescribed” ;
- (b) by striking out all the words after the word “Act” in subsection (2) thereof and inserting in lieu thereof the words “such fee as shall be prescribed and such annual fee thereafter for each renewal of the licence as shall be prescribed” ;
- (c) by striking out the word “hereby” in subsection (3) thereof.

6. The Fourth Schedule to the Principal Act is amended by striking out the word “Deciding” in paragraph 10 thereof and inserting in lieu thereof the word “Defining”.

Amendment of
principal Act,
Fourth
Schedule.

7. The principal Act is further amended as set out in the schedule to this Act.

Penalties.

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

EDRIC BASTYAN, Governor.

 THE SCHEDULE

 AMENDMENTS OF THE OPTICIANS ACT, 1920-1949.

Section of Act.	Manner Amended.
Section 21	The words "ten pounds" are struck out and the words "twenty-five pounds" are inserted in lieu thereof.
Section 27	The words "fifty pounds" are struck out and the words "one hundred pounds or to imprisonment for not more than six months" are inserted in lieu thereof.
Section 28	The words "twenty pounds" are struck out and the words "fifty pounds" are inserted in lieu thereof.
Section 30	The words "twenty pounds and not less than three pounds" are struck out and the words "fifty pounds" are inserted in lieu thereof.
Section 31	The words "twenty pounds" are struck out and the words "fifty pounds" are inserted in lieu thereof.
Section 35	The words "one hundred pounds" are struck out and the words "two hundred pounds" are inserted in lieu thereof.
Section 37	The words "fifty pounds" are struck out and the words "one hundred pounds" are inserted in lieu thereof.
Section 38	The words "ten pounds" are struck out and the words "twenty-five pounds" are inserted in lieu thereof.
Section 46	The words "ten pounds" are struck out and the words "fifty pounds" are inserted in lieu thereof.