

No. , 1954.

A BILL

To reconstitute The Board of Optometrical Registration; to make further provision as to the carrying on of the business of the practice of optometry by firms and companies; for these purposes to amend the Opticians Act, 1930-1946; to validate certain matters; and for purposes connected therewith.

[MR. O'SULLIVAN;—21 *September*, 1954.]

BE 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
5 the same, as follows:—

1. (1) This Act may be cited as the "Opticians Short title
and citation. (Amendment) Act, 1954."

Opticians (Amendment).

(2) The Opticians Act, 1930, as amended by subsequent Acts and by this Act, may be cited as the Opticians Act, 1930-1954.

2. (1) Upon a day to be appointed by the Governor
5 and notified by proclamation published in the Gazette
(which day is in this Act referred to as the "appointed
day") The Board of Optometrical Registration shall be
reconstituted and shall consist of seven members who
shall be appointed in accordance with section five of the
10 Opticians Act, 1930-1954.

Reconstitu-
tion of The
Board of
Optometrical
Registration.

(2) Nothing contained in this section shall prejudice
or affect in any way the continuity of the body corporate
constituted under Part II of the Opticians Act, 1930-
1946, but the same shall continue notwithstanding the
15 provisions of this section.

(3) The members of The Board of Optometrical
Registration holding office immediately before the
appointed day shall cease to hold office upon the
appointed day but shall be eligible for re-appointment.

20 (4) (a) For the purposes only of the appointment
of persons to be members of The Board of Optometrical
Registration as reconstituted under this section, and of
any matters necessary for or incidental to such appoint-
ment or reconstitution the provisions of subsection five
25 of this section shall commence on the day upon which
the assent of Her Majesty to this Act is signified.

(b) The persons so appointed shall assume
their offices as members of The Board of Optometrical
Registration upon the appointed day; and on that day
30 the provisions of subsection five of this section shall
come into force for all purposes.

(5) The Opticians Act, 1930-1946, is amended—

Amendment
of Act No.
20, 1930.

(a) by omitting sections five, six and seven and by
inserting in lieu thereof the following sections:—

Substituted
secs. 5-7.

35 5. (1) There shall be constituted a board, to
be called The Board of Optometrical Registra-
tion, which shall have and may exercise and
discharge

Constitution
of board.

Opticians (Amendment).

discharge the powers, authorities, duties and functions conferred and imposed upon the board by or under this Act.

5 (2) The board shall consist of seven members who shall be appointed by the Governor. Of the members so appointed—

10 (a) three shall be registered optometrists nominated by the Minister from panels of names submitted to him by organisations or associations which, in his opinion, are representative of registered optometrists or any group of registered optometrists;

15 (b) one shall be a barrister or solicitor nominated by the Minister;

(c) one shall be a legally qualified medical practitioner nominated by the New South Wales Branch of the British Medical Association;

20 (d) one shall be a person, not being a registered optometrist or entitled to be so registered, nominated by the New South Wales University of Technology;

25 (e) one shall be the Under Secretary, Department of Public Health.

(3) One of the members referred to in paragraph (a) of subsection two of this section shall in and by his appointment be the chairman of the board.

30 (4) The members of the board shall, subject to this Act, hold office for three years and be eligible for re-appointment.

35 (5) The provisions of the Public Service Act, 1902, or of any Act amending that Act, shall not apply to any appointment of members of the board, and such members shall not in their capacity as members of the board be subject to the provisions of any such Act.

(6)

Opticians (Amendment).

5 (6) Each member of the board, other than the Under Secretary, Department of Public Health, or his deputy as hereinafter provided, shall be paid such fees as the Governor may direct.

(7) The chairman shall preside at all meetings of the board at which he is present.

10 In the absence of the chairman from any meeting of the board the members present shall elect one of their number to preside at the meeting.

15 (8) Four members of the board shall form a quorum, and any meeting of the board at which a quorum is present shall be competent to transact any business of the board.

20 (9) If for any reason the panel of names referred to in paragraph (a) of subsection two of this section is not submitted, or any nomination referred to in paragraph (c) or (d) of the said subsection is not made, the Governor may make the appointment, and the person so appointed shall be deemed to have had his name validly submitted or to have been validly nominated, as the case may require.

25 (10) The Under Secretary, Department of Public Health, may appoint a deputy to act on his behalf at any meeting of the board at which he is unable to attend, and a deputy so appointed shall be entitled so to act and, while so acting, shall be deemed to be a member of the board.

30 6. A member shall be deemed to have vacated his office if he— Vacation of office.

- 35 (a) dies;
- (b) resigns his office by writing under his hand addressed to the Governor;
- (c) becomes an insane person or patient or an incapable person within the meaning of the Lunacy Act, 1898-1952;

(d)

Opticians (Amendment).

- 5 (d) is convicted in New South Wales of a felony or of a misdemeanour or if he is convicted elsewhere than in New South Wales of an offence which, if committed in New South Wales, would be a felony or misdemeanour;
- (e) is absent without leave of the board from four consecutive meetings of the board;
- 10 (f) is removed from office by the Governor; or
- (g) ceases to hold the qualification by virtue of which he was appointed as a member.

15 7. Where a vacancy occurs in the office of a member of the board the Governor may appoint a person to the vacant office. The person so appointed shall have the like prescribed qualification and nomination (if any) as that of the member whose office has become vacant and shall, subject to this Part of this Act, hold office for the residue of his predecessor's term of office, but shall be eligible for re-appointment.

- 20 (b) by omitting from section eight the word "election" and by inserting in lieu thereof the word "nomination";
- 25 (c) by omitting from section nine the words "any board (including the first board)" and by inserting in lieu thereof the words "the board".

30 **3.** (1) The Opticians Act, 1930-1946, is further amended—

- (a) by inserting next after paragraph (a) of sub-section two of section thirty-five the following new paragraph:—
- 35 (al) at such other premises, in addition to those referred to in paragraph (a) of this subsection, as the Minister, after the prescribed date, may permit;

(b)

Opticians (Amendment).

(b) by inserting next after the same subsection the following new subsections:—

5 (2A) Where before the commencement of the Opticians (Amendment) Act, 1954, the Minister has pursuant to subsection one of this section approved of a firm or company carrying on the business of the practice of optometry such firm or company shall carry on such business—

10 (a) at premises in which it was being carried on immediately before such commencement, or in lieu of those premises, at other premises which are distant not more than five miles from the premises at which such business is carried on immediately before such commencement;

15 (b) at such other premises, in addition to those referred to in paragraph (a) of this subsection, as the Minister, after such commencement, may permit;

20 (c) without any alteration in the name under which the business was being carried on immediately before such commencement;

25 (d) by or under the personal supervision and control of a registered optometrist whose name is prominently and legibly displayed upon the premises at which such business is carried on.

30 (2B) Where after the commencement of the Opticians (Amendment) Act, 1954, the Minister pursuant to subsection one of this section approves of a firm or company carrying on the business of the practice of optometry such firm or company shall carry on such business—

35 (a) at premises in respect of which such approval has been given, or in lieu of those premises, at other premises which are distant not more than five miles from such premises;

40 (b)

Opticians (Amendment).

- 5 (b) at such other premises, in addition to those referred to in paragraph (a) of this subsection, as the Minister, after such approval, may permit;
- (c) without any alteration in the name specified in such approval;
- 10 (d) by or under the personal supervision and control of a registered optometrist whose name is prominently and legibly displayed upon the premises at which such business is carried on.

15 (2c) Notwithstanding paragraph (c) of subsection (2A) or paragraph (c) of subsection (2B) of this section a firm or company may carry on the business of the practice of optometry under a name other than that under which the business was being carried on immediately before the commencement of the Opticians (Amendment) Act, 1954, or that specified in the approval referred to in subsection (2B) of this section, as the case may be, if the approval of the Minister in that behalf has been obtained.

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(2) The amendment made by paragraph (a) of subsection one of this section shall be deemed to have
25 commenced upon the first day of September, one thousand nine hundred and forty-five.

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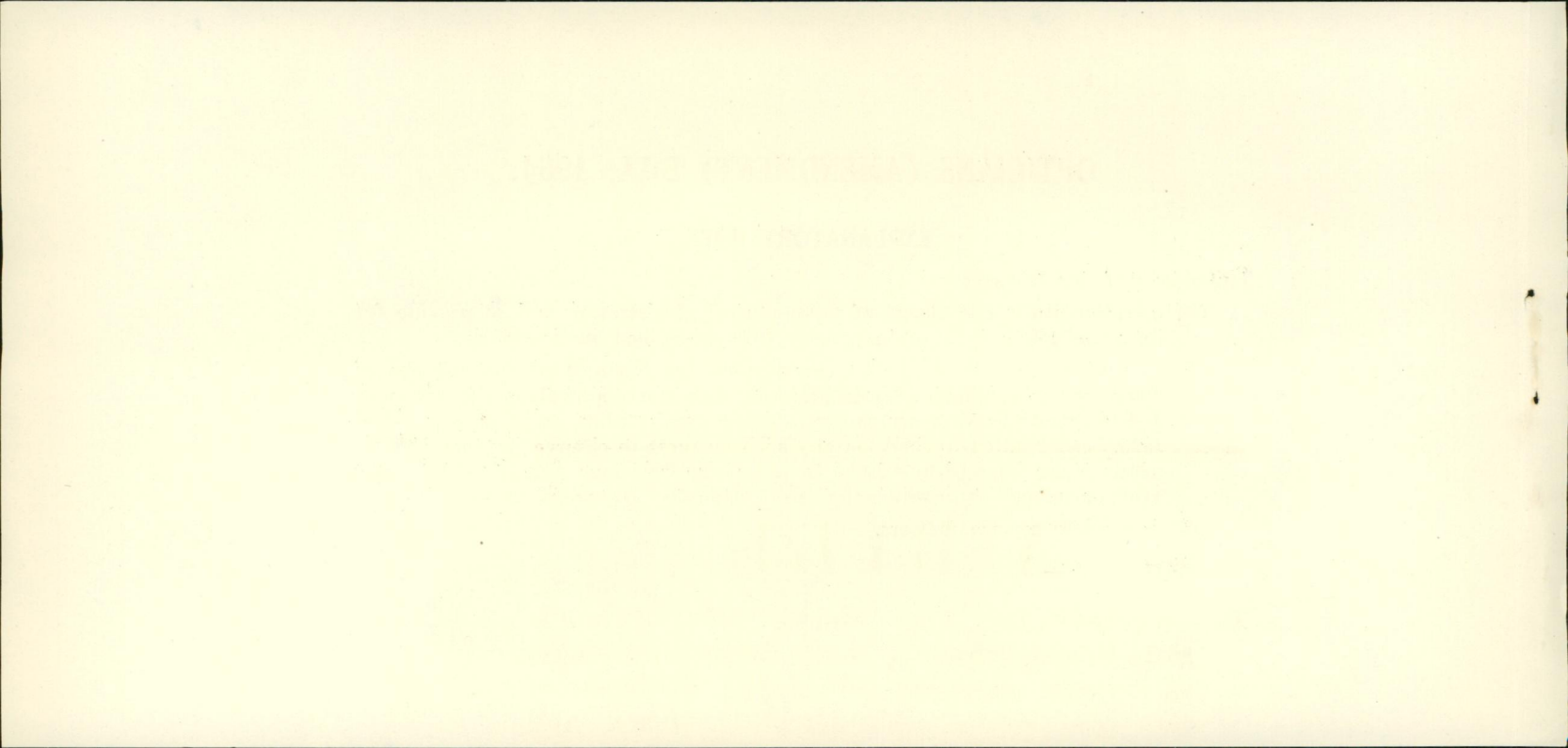
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OPTICIANS (AMENDMENT) BILL, 1954.

EXPLANATORY NOTE.

THE objects of this Bill are—

- (a) to reconstitute The Board of Optometrical Registration and to provide for its membership to be seven persons with prescribed qualifications;
- (b) to enable firms or companies carrying on the business of the practice of optometry to establish branch premises with the approval of the Minister, and to require firms or companies to whom approval has, after 1st September, 1945, been granted to carry on any such business to observe the like requirements as are imposed by section 35 (2) of the Opticians Act, 1930-1946, upon firms or companies to which the said section 35 (2) applies;
- (c) to validate certain matters.



PROOF.

No. , 1954.

A BILL

To reconstitute The Board of Optometrical Registration; to make further provision as to the carrying on of the business of the practice of optometry by firms and companies; for these purposes to amend the Opticians Act, 1930-1946; to validate certain matters; and for purposes connected therewith.

[Mr. O'SULLIVAN;—21 *September*, 1954.]

BE 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:—

1. (1) This Act may be cited as the "Opticians (Amendment) Act, 1954,"

Short title
and citation.

Opticians (Amendment).

(2) The Opticians Act, 1930, as amended by subsequent Acts and by this Act, may be cited as the Opticians Act, 1930-1954.

5 2. (1) Upon a day to be appointed by the Governor and notified by proclamation published in the Gazette (which day is in this Act referred to as the "appointed day") The Board of Optometrical Registration shall be reconstituted and shall consist of seven members who shall be appointed in accordance with section five of the 10 Opticians Act, 1930-1954.

Reconstitution of The Board of Optometrical Registration.

(2) Nothing contained in this section shall prejudice or affect in any way the continuity of the body corporate constituted under Part II of the Opticians Act, 1930-1946, but the same shall continue notwithstanding the 15 provisions of this section.

(3) The members of The Board of Optometrical Registration holding office immediately before the appointed day shall cease to hold office upon the appointed day but shall be eligible for re-appointment.

20 (4) (a) For the purposes only of the appointment of persons to be members of The Board of Optometrical Registration as reconstituted under this section, and of any matters necessary for or incidental to such appointment or reconstitution the provisions of subsection five 25 of this section shall commence on the day upon which the assent of Her Majesty to this Act is signified.

(b) The persons so appointed shall assume their offices as members of The Board of Optometrical Registration upon the appointed day; and on that day 30 the provisions of subsection five of this section shall come into force for all purposes.

(5) The Opticians Act, 1930-1946, is amended—

Amendment of Act No. 20, 1930.

(a) by omitting sections five, six and seven and by inserting in lieu thereof the following sections:— Substituted secs. 5-7.

35 5. (1) There shall be constituted a board, to be called The Board of Optometrical Registration, which shall have and may exercise and discharge Constitution of board.

Opticians (Amendment).

discharge the powers, authorities, duties and functions conferred and imposed upon the board by or under this Act.

5 (2) The board shall consist of seven members who shall be appointed by the Governor. Of the members so appointed—

10 (a) three shall be registered optometrists nominated by the Minister from panels of names submitted to him by organisations or associations which, in his opinion, are representative of registered optometrists or any group of registered optometrists;

15 (b) one shall be a barrister or solicitor nominated by the Minister;

(c) one shall be a legally qualified medical practitioner nominated by the New South Wales Branch of the British Medical Association;

20 (d) one shall be a person, not being a registered optometrist or entitled to be so registered, nominated by the New South Wales University of Technology;

25 (e) one shall be the Under Secretary, Department of Public Health.

(3) One of the members referred to in paragraph (a) of subsection two of this section shall in and by his appointment be the chairman of the board.

30 (4) The members of the board shall, subject to this Act, hold office for three years and be eligible for re-appointment.

35 (5) The provisions of the Public Service Act, 1902, or of any Act amending that Act, shall not apply to any appointment of members of the board, and such members shall not in their capacity as members of the board be subject to the provisions of any such Act.

(6)

Opticians (Amendment).

5 (6) Each member of the board, other than the Under Secretary, Department of Public Health, or his deputy as hereinafter provided, shall be paid such fees as the Governor may direct.

(7) The chairman shall preside at all meetings of the board at which he is present.

10 In the absence of the chairman from any meeting of the board the members present shall elect one of their number to preside at the meeting.

15 (8) Four members of the board shall form a quorum, and any meeting of the board at which a quorum is present shall be competent to transact any business of the board.

20 (9) If for any reason the panel of names referred to in paragraph (a) of subsection two of this section is not submitted, or any nomination referred to in paragraph (c) or (d) of the said subsection is not made, the Governor may make the appointment, and the person so appointed shall be deemed to have had his name validly submitted or to have been validly nominated, as the case may require.

25 (10) The Under Secretary, Department of Public Health, may appoint a deputy to act on his behalf at any meeting of the board at which he is unable to attend, and a deputy so appointed shall be entitled so to act and, while so acting, shall be deemed to be a member of the board.

30 6. A member shall be deemed to have vacated his office if he— Vacation of office.

- 35 (a) dies;
- (b) resigns his office by writing under his hand addressed to the Governor;
- (c) becomes an insane person or patient or an incapable person within the meaning of the Lunacy Act, 1893-1952;

(d)

Opticians (Amendment).

- 5 (d) is convicted in New South Wales of a felony or of a misdemeanour or if he is convicted elsewhere than in New South Wales of an offence which, if committed in New South Wales, would be a felony or misdemeanour;
- (e) is absent without leave of the board from four consecutive meetings of the board;
- 10 (f) is removed from office by the Governor; or
- (g) ceases to hold the qualification by virtue of which he was appointed as a member.
- 15 7. Where a vacancy occurs in the office of a member of the board the Governor may appoint a person to the vacant office. The person so appointed shall have the like prescribed qualification and nomination (if any) as that of the member whose office has become vacant and shall, subject to this Part of this Act, hold office for the residue of his predecessor's term of office, but shall be eligible for re-appointment.
- 20 (b) by omitting from section eight the word "election" and by inserting in lieu thereof the word "nomination";
- 25 (c) by omitting from section nine the words "any board (including the first board)" and by inserting in lieu thereof the words "the board".
- 30 3. (1) The Opticians Act, 1930-1946, is further amended—
- (a) by inserting next after paragraph (a) of subsection two of section thirty-five the following new paragraph:—
- 35 (al) at such other premises, in addition to those referred to in paragraph (a) of this subsection, as the Minister, after the prescribed date, may permit;
- (b)

Vacancies—
appointment
of members.

Sec. 8.
(Proceed-
ings of
board.)

Sec. 9.
(Removal
from office.)

Further
amendment
of Act No.
20, 1930.

Sec. 35.
(Firm or
company
not to
carry on
business
except as
provided
by this
section.)

Opticians (Amendment).

(b) by inserting next after the same subsection the following new subsections:—

5 (2A) Where before the commencement of the Opticians (Amendment) Act, 1954, the Minister has pursuant to subsection one of this section approved of a firm or company carrying on the business of the practice of optometry such firm or company shall carry on such business—

10 (a) at premises in which it was being carried on immediately before such commencement, or in lieu of those premises, at other premises which are distant not more than five miles from the premises at which such business is carried on immediately before such commencement;

15 (b) at such other premises, in addition to those referred to in paragraph (a) of this subsection, as the Minister, after such commencement, may permit;

20 (c) without any alteration in the name under which the business was being carried on immediately before such commencement;

25 (d) by or under the personal supervision and control of a registered optometrist whose name is prominently and legibly displayed upon the premises at which such business is carried on.

30 (2B) Where after the commencement of the Opticians (Amendment) Act, 1954, the Minister pursuant to subsection one of this section approves of a firm or company carrying on the business of the practice of optometry such firm or company shall carry on such business—

35 (a) at premises in respect of which such approval has been given, or in lieu of those premises, at other premises which are distant not more than five miles from such premises;

40 (b)

Opticians (Amendment).

- (b) at such other premises, in addition to those referred to in paragraph (a) of this subsection, as the Minister, after such approval, may permit;
- 5 (c) without any alteration in the name specified in such approval;
- (d) by or under the personal supervision and control of a registered optometrist whose name is prominently and legibly displayed upon the premises at which such business is carried on.
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- (2c) Notwithstanding paragraph (c) of subsection (2A) or paragraph (c) of subsection (2B) of this section a firm or company may carry on the business of the practice of optometry under a name other than that under which the business was being carried on immediately before the commencement of the Opticians (Amendment) Act, 1954, or that specified in the approval referred to in subsection (2B) of this section, as the case may be, if the approval of the Minister in that behalf has been obtained.
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- (2) The amendment made by paragraph (a) of subsection one of this section shall be deemed to have commenced upon the first day of September, one thousand nine hundred and forty-five.

