

## OPTICIANS ACT, 1920-1935.

BEING

OPTICIANS ACT, 1920, No. 1443 OF 1920 [ASSENTED TO  
1ST DECEMBER, 1920.]

AS AMENDED BY

OPTICIANS ACT AMENDMENT ACT, 1922, No. 1545 OF 1922  
[ASSENTED TO 21ST DECEMBER, 1922.]

OPTICIANS ACT AMENDMENT ACT, 1923, No. 1591 OF 1923  
[ASSENTED TO 6TH DECEMBER, 1923.]

OPTICIANS ACT AMENDMENT ACT, 1924, No. 1642 OF 1924  
[ASSENTED TO 24TH DECEMBER, 1924.]

AND

STATUTE LAW REVISION ACT, 1935, No. 2246 OF 1935  
[ASSENTED TO 19TH DECEMBER, 1935.]

An Act to secure the better training of opticians and to  
regulate their practice, and for other purposes.

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

### PART I.

### PART I.

### PRELIMINARY.

1. This Act may be cited as the "Opticians Act, 1920-1935," and shall come into operation on a day to be fixed by proclamation. Short title.

2. The provisions of this Act are arranged as follows:— Arrangement  
of Act.

PART I.—Preliminary.

PART II.—The Board of Optical Registration—

DIVISION I.—Constitution of the board:

DIVISION II.—Powers and duties of the board.

PART III.—Registered opticians and spectacle sellers.

**Administration:** On 24th May, 1937, no proclamation was in force committing the administration of this Act to any Minister other than the Chief Secretary.

s. 1. This Act was proclaimed to commence on 23rd June, 1921: *Gazette* 23rd June, 1921, p. 1315.

PART I.

PART IV.—Register of opticians and spectacle sellers.

PART V.—Miscellaneous.

Interpretation.

3. In this Act, unless inconsistent with the context or subject matter—

“Board” means the Board of Optical Registration constituted by this Act:

“certified optician” means a person who is the holder of a certificate in force issued under subsection (1) of section 22 of this Act, entitling him to practice optometry:

“co-operating State” means the United Kingdom, and any state or colony within His Majesty’s dominions with which reciprocal arrangements have been made by the board for the recognition of the status of persons engaged in the practice of optometry:

“Minister” means the Chief Secretary or other Minister of the Crown charged with the administration of this Act:

“optometry” or “the practice of optometry” means the employment of methods, other than the use of drugs, medicine, or surgery, for the measurement of the powers of vision, and the adaptation of lenses for the aid thereof:

“register” means the register of certified opticians and licensed spectacle sellers hereinafter mentioned:

“registrar” means the person who for the time being holds the office of registrar by appointment under this Act; the term includes an acting registrar.

PART II.

## PART II.

## THE BOARD OF OPTICAL REGISTRATION.

DIVISION I.

## DIVISION I.—CONSTITUTION OF THE BOARD.

Constitution  
of board.

4. (1) A board to be called the “Board of Optical Registration,” shall be constituted for carrying this Act into effect.

(2) The board shall consist of five persons, one of whom shall be chairman of the board.

PART II.  
DIVISION I.

First board to  
be appointed  
by Governor.

5. (1) The members of the board shall, as soon as is practicable after the commencement of this Act, be appointed by the Governor, and shall consist of three persons deemed by the Governor to be competent opticians and of two legally qualified medical practitioners: Provided that if the requisite number of legally qualified medical practitioners are unwilling to act as members of the board the Governor may appoint one or two persons deemed by him to be competent opticians to be members of the board according to the deficiency in the number of legally qualified medical practitioners.

(2) The Governor shall appoint one of the members of the board to be chairman of the board.

(3) Subject to this Act such members shall remain in office for a period of three years or until the board has been newly appointed as hereinafter provided.

6. (1) On the expiration of the period for which the members of the first board have been appointed, another board shall be appointed by the Governor after being respectively nominated, as follows, namely:—

Constitution of  
second board.

i. two certified opticians, and one legally qualified medical practitioner shall be nominated by the Minister;

ii. one certified optician and one legally qualified medical practitioner shall be nominated by certified opticians:

Provided that if the requisite number of legally qualified medical practitioners are unwilling to act as members of the board on the nomination of the Minister or certified opticians, then in lieu of any of such legally qualified medical practitioners mentioned in subdivisions i. and ii. hereof, a certified optician may be nominated by the Minister or certified opticians, as the case may require.

(2) Subject to this Act such persons shall remain in office for three years or until their successors are appointed.

7. At the expiration of the said period of three years, and after each successive period of three years, a fresh appointment of members of the board shall be made in like manner as is hereinbefore provided in relation to the second board, and the retiring members shall, if still qualified, be eligible for renomination and reappointment.

Constitution of  
subsequent  
boards.

PART II.  
DIVISION I.

Chairman of  
subsequent  
boards.

8. The persons constituting the second and subsequent boards shall elect one of their number to be chairman of the board.

Vacancies in  
board.

9. If any member of the board—

- (a) dies;
- (b) resigns;
- (c) ceases to reside in the State;
- (d) becomes insolvent or makes an assignment for the benefit of, or a composition with, his creditors, for less than twenty shillings in the pound;
- (e) becomes insane;
- (f) absents himself from three consecutive meetings of the board without leave obtained from the board in that behalf;
- (g) is removed from the board by the Governor; or
- (h) not being a legally qualified medical practitioner or a person deemed by the Governor to be a competent optician and appointed to the first board ceases to be registered under this Act, or is suspended from practising optometry—

his seat shall become vacant.

Filling  
vacancy in  
boards.

10. (1) If any vacancy occurs in the board during the period for which the first members of the board have been appointed, the Governor may appoint some competent person to fill such vacancy.

(2) If the seat of any member appointed to any subsequent board by the Governor becomes vacant the Governor may appoint some competent person to fill such vacancy.

(3) The person appointed by the Governor, under subsection (1) hereof shall be a legally qualified medical practitioner or a person deemed by the Governor to be a competent optician according to the vacancy to be filled, and the person appointed under subsection (2) hereof, shall be nominated by the Minister or by the 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: Provided that in case the vacancy referred to in subsection (1) hereof is in the seat of a legally qualified medical practitioner, and no suitable legally qualified medical practitioner is willing to act in the vacant seat, the Governor may appoint a person

deemed by him to be a competent optician, and, in case the vacancy referred to in subsection (2) hereof is in the seat of a legally qualified medical practitioner, and no suitable legally qualified medical practitioner is willing to act in the vacant seat, the Minister or the certified opticians (according to the person or persons by whom the person whose seat has become vacant has been nominated) may nominate a certified optician to fill such vacancy, and the person so nominated may be appointed by the Governor accordingly.

(4) The person so appointed shall hold office for the unexpired period of office of the person in whose place he was appointed, but he may be renominated and reappointed to be a member, if qualified for membership under this Act.

11. (1) If in any case the person or persons having the right to nominate a person for appointment as a member fails or fail to give notice in writing to the Clerk of the Executive Council of the nomination within two months after being requested in writing by the said clerk to make such nomination the Governor may appoint a member without nomination.

Appointment  
without nomi-  
nation on  
failure to  
nominate.

(2) In the case of certified opticians the request to nominate shall be duly made by being published in the *Gazette*.

(3) If the appointment made by the Governor under this section is to the first board the person appointed shall be a legally qualified medical practitioner, or a person deemed by the Governor to be a competent optician, as the case may require. If such appointment is to the second or any subsequent board, the person so appointed shall be a legally qualified medical practitioner, or a certified optician, as the case may require: Provided that if no suitable legally qualified medical practitioner is willing to be appointed under this section the Governor may appoint a person deemed by him to be a competent optician if such appointment is to the first board, or a certified optician if such appointment is to the second or any subsequent board.

(4) A member appointed pursuant to this section shall be deemed to have been appointed after being nominated by the person or persons having the right to nominate.

12. The Governor may remove any member of the board for neglect of duty, incompetency, dishonourable conduct, or other cause deemed sufficient by the Governor.

Removal of  
members from  
board.

PART II.  
DIVISION I.

Rules for conduct of the board.  
First Schedule.

13. The rules set forth in the first schedule shall apply to the business, conduct, and proceedings of the board, and shall be observed, but may be revoked or altered wholly or in part by the regulations.

DIVISION II.

Board may appoint registrar and examiners.

DIVISION II.—POWERS AND DUTIES OF THE BOARD.

14. (1) The board may, from time to time—

- (a) appoint a registrar (who shall also act as secretary to the board) and such examiners as it thinks necessary for giving effect to this Act; and
- (b) out of the funds at its disposal pay to the registrar such salary as it thinks fit, and to such examiners such fees as may be prescribed.

(2) All such persons shall hold office during the pleasure of the board.

Member of board may not act as examiner.

15. No member of the board shall act as examiner under section 20, but may be appointed and act as an examiner at any other examination, and shall be entitled to any fees granted by the board to such examiners.

Various powers of the board.

16. The board from time to time—

- (a) may temporarily suspend any certified optician or licensed spectacle seller from the practice or pursuit of his calling in any case where such suspension appears to the board to be necessary:
- (b) may decide upon the removal from the register of the name of any person for disobeying this Act or for other misconduct, and the cancelling of the annual certificate or licence of any person whose name is so removed, and may restore to the register the name of any person so removed:
- (c) may remove from the register the name of any person who, having held a certificate or licence, fails to pay the annual fee, and may restore any name so removed on such terms and conditions as to payment of fees in arrear or otherwise as the board thinks fit:
- (d) shall, as necessity arises, hold examinations of persons desiring to qualify for registration as

s. 16. R. v. THE OPTICAL BOARD OF REGISTRATION AND OTHERS; *Ex parte* QURBAN (1933) S.A.S.R. 1. Where the court was of opinion that the board was in reality the accuser in proceedings against an optician for misconduct, held that it was disqualified by want of impartiality from hearing and determining the charges against the optician.

certified opticians under this Act, and fix the places where, and the times when, examinations shall be held:

(e) may issue and cancel certificates and licences;

and generally may do any other act or duty which may be necessary or expedient for effectually carrying out this Act.

17. (1) The board may by summons require the attendance of any person who applies for registration, and of any other person, and may examine or question any such person or any witnesses who attend before the board, upon oath, affirmation, or otherwise, and for any such purposes the chairman may administer an oath or affirmation.

Board may require attendance of witnesses, &c.

(2) Every summons issued by the board requiring the attendance of any person or the production of any documents, shall have the same effect as a subpoena issued by the Supreme Court in a civil action; and the obedience thereto or non-observance thereof may be enforced and punished by a judge of the said court sitting in chambers in the same manner as in the case of the disobedience or non-observance of a subpoena issued by the said court.

18. (1) The board may enter into a reciprocal arrangement with the Board of Optical Registration or other competent authority of the United Kingdom or of any state or colony within His Majesty's dominions for the recognition of the status of any person authorised by such board or other authority to practise optometry in such country, state, or colony, and the registration of such persons under this Act.

Reciprocity.

(2) Any such arrangement may contain a condition that any such person applying to be registered under this Act shall furnish additional satisfactory evidence of character and competency.

19. All moneys received by the board under this Act, except such sum, not exceeding seventy-five pounds in any one financial year, as is required for the payment of expenses of the execution of this Act, shall be paid to the Treasurer for the public uses of the State.

Disposal of fees, &c.

s. 18. Up to 24th May, 1937, reciprocal arrangements under s. 18 have been made with the Tasmanian Board of Optical Registration.

PART III.

## PART III.

REGISTERED OPTICIANS AND SPECTACLE  
SELLERS.

Qualifications  
for registra-  
tion.

**20.** (1) Subject to this Act, any person of or over the age of twenty-one years shall be entitled to be registered and receive a certificate as a certified optician under this Act—

- (a) who, during the full period of three years next before the commencement of this Act, has been *bona fide* engaged in the practice of optometry in this State, and who passés, to the satisfaction of two examiners to be appointed by the Governor—one of whom shall be a legally qualified medical practitioner and the other a person deemed by the Governor to be a competent optician—an elementary practical examination in optometry deemed sufficiently comprehensive to reasonably safeguard the public against possible injury arising from ignorance or incompetence: Provided he is of good character and makes application for registration in the prescribed form before the thirty-first day of March, 1923, and produces to the board such evidence of his title to registration as the board may reasonably require: Provided that if no suitable legally qualified medical practitioner is willing to act as examiner the Governor may appoint as the two examiners above mentioned two persons deemed by him to be competent opticians; or
- (b) who, having complied with this Act as to training, examination, and otherwise, has received from the board's examiners a certificate of competency, and produces the same to the board, together with evidence satisfactory to the board that he is of good character; or
- (c) who is qualified to practise optometry in any co-operating State, is of good character, and has otherwise complied with any conditions authorised by this Act; or
- (d) who proves to the satisfaction of the board that he holds some certificate or other evidence of qualification prescribed by the regulations to be sufficient to entitle him to be registered, and that he is of good character; or
- (e) who has been on active service, is of good character, and was during the full period of three years next

Amended by  
1545, 1922,  
s. 2.



before the date of his enlistment for active service *bona fide* engaged in the practice of optometry in this State;

- (f) who makes a statutory declaration in the form prescribed that he had during the full period of seven years next before the first day of December, nineteen hundred and twenty, been carrying on the practice of optometry in the State as a means of livelihood at a fixed place of business within the State, and produces to the board statutory declarations from at least two other persons that he had so practised: Provided he is of good character and makes application in the prescribed form, and accompanied by the declarations above referred to, within two months from the commencement of the Opticians Act Amendment Act, 1924.
- Substituted by 1642, 1924, s. 3.

(2) In this section "active service" means service in the war with Germany which commenced on the fourth day of August, nineteen hundred and fourteen, and with the allies of Germany in that war, as a member of—

- (a) the Australian Imperial Force or the Royal Australian Navy; or
- (b) His Majesty's Army or Navy; or
- (c) any naval or military force raised in any country forming part of His Majesty's Dominions for service in such war outside the country wherein such force was raised.

21. (1) Subject to this Act any person of or over the age of twenty-one years shall, upon payment of the prescribed fee, be entitled without examination to be registered as a spectacle seller, and to receive a licence in that behalf from the board.

Person selling spectacles to be licensed.

(2) Any person not being a licensed spectacle seller under this Act who sells spectacles by retail shall be liable to a penalty not exceeding ten pounds.

(3) Nothing in this Act shall be construed to authorise or permit spectacle sellers who are not certified opticians to practice optometry or to dispense oculists' or opticians' prescriptions for glasses.

22. (1) The board shall upon registration, and thereafter annually upon payment therefor of the prescribed fee, issue

Board to issue certificates.

to every person entitled to practise optometry, and applying for the same, a certificate in the form in the second schedule.

(2) The board shall, upon the registration of a spectacle seller under section 21 of this Act, and thereafter annually upon payment therefor of the prescribed fee, issue to every person thus registered a licence in the form in the third schedule.

(3) Such certificates and licences shall be in force until and inclusive of the thirty-first day of December next after the issue thereof.

Registration  
and licence  
fees.

**23.** (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 for each renewal of the certificate.

(2) There shall be payable to the board in respect of the registration of any person who applies to be registered under section 21 of this Act a fee of one pound, and an annual fee thereafter ten shillings for each renewal of the licence.

(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.

Failure to pay  
annual fee.

**24.** Every person who, having held a certificate or licence under this Act, has failed to make payment to the board of the annual fee within the time hereinbefore provided for payment thereof, and afterwards applies to the board for such certificate or licence, shall not be entitled thereto unless he furnishes to the board a satisfactory reason for having failed to make such payment, together with proof of good character in the meantime.

Registration  
not to imply  
medical  
qualification,  
etc.

Amended by  
S.L.R. Act,  
1935.

**25.** Registration under this Act shall not confer upon any person any right or title—

(a) to be registered under the Medical Practitioners Act, 1919, or any Act amending or in substitution for the same; or

(b) to assume the title of oculist or any other name, title, or designation implying that he is by law recognised as a medical practitioner, or that he is qualified to practise ophthalmic medicine or surgery; or

(c) to administer any drug for the purpose of paralysing the accommodation of the eye; or

(d) to sell, supply, or prescribe any drug for, or to treat, any disease of the eye.

26. The registrar shall, in the month of January in each year, cause to be published in the *Gazette* a list of persons who have taken out certificates and licences under section 22 of this Act for the then current year.

List of certificated and licensed persons to be gazetted annually.

27. (1) Subject to this Act any certified optician shall be entitled to practise optometry and dispense oculists' prescriptions for glasses in any part of the State.

Persons who may practise optometry, &c.

(2) After the expiration of six months from the commencement of this Act no person who is not a legally qualified medical practitioner, or a certified optician, shall practise optometry, test eyesight, or dispense oculists' or opticians' prescriptions for glasses in any part of this State: Provided that this provision shall not be construed to prevent any person from engaging in the actual craft of lens-grinding and spectacle-making, nor to debar any apprentice indentured to a certified optician from obtaining the practice and experience in sight-testing and in the dispensing of prescriptions for glasses necessary to enable him to qualify as a certified optician.

(3) Any person offending against subsection (2) hereof shall be liable to a penalty not exceeding fifty pounds.

28. (1) After the expiration of six months from the commencement of this Act no person who is not a legally qualified medical practitioner or a certified optician under this Act shall—

Persons not to assume title implying registration, &c.

(a) assume or use the title of "optician," or any other title prescribed by the regulations to designate opticians or the practice of optometry; or

(b) use or exhibit any title, term, or sign which may be construed to mean that he is qualified to perform the duties of a certified optician, or to dispense oculists' or opticians' prescriptions for glasses;

(c) use or exhibit any title, term, or sign implying or tending to imply or convey the belief that such person is qualified or authorised to test eyesight, or that sight-testing is practised, carried on, or performed by such person.

(2) Any person offending against this section shall be liable to a penalty not exceeding twenty pounds.

Provision for personal representatives of deceased optician carrying on business.

**29.** The provisions of sections 27 and 28 shall not apply to the legal personal representatives of a certified optician actually carrying on business at the time of his death who continue such business if and so long as such business is carried on under the actual personal supervision and management of a certified optician and the name of such certified optician is set forth on or in every signboard, advertisement, or name plate, in which the title, term, or sign referred to in section 28 is used by such persons.

Restrictions upon companies and firms.

Amended by S.L.R. Act, 1935.

**30.** (1) After the expiration of six months from the commencement of this Act it shall not be lawful for any company, or for any persons or person carrying on business under such circumstances that registration under section 4 of the Registration of Business Names Act, 1928, is necessary—

(a) to carry on or attempt to carry on the business of, or pretend to be certified opticians, eye-sight testers, or licensed dispensers of oculists' or opticians' prescriptions for glasses; or

(b) to assume or use the title of certified opticians, dispensing opticians, oculists, opticians, ophthalmic opticians, refractionists, or other word or words of similar import, either in the singular or the plural; or

(c) to use or exhibit any title, term, or sign which may be construed to mean, or may tend to convey the belief, that such company or persons or person is or are qualified to practise optometry, test eye-sight, or dispense oculists' or opticians' prescriptions for glasses, or that optometry sight-testing, or the dispensing of such prescriptions is practised, carried on, or performed, by such company or persons or person;

unless every shop or place of business of such company or persons or person is carried on under the actual personal supervision and management of a certified optician, and the name of such certified optician is set forth on or in every signboard or advertisement in which such title, term, sign, or words is or are used by such company or persons or person.

(2) Any company or persons or person offending against this section shall be liable to a penalty of not exceeding ten pounds for every day during which the offence has been continued.

(3) Any person aiding or abetting any company or persons or person in any such offence shall be liable to a penalty not exceeding twenty pounds and not less than three pounds.

31. (1) Every certified optician who keeps or permits to be kept, under his name, any open shop or place of business for the practice of optometry or dispensing of oculists' or opticians' prescriptions for glasses, save under the actual personal supervision and management of himself or of another certified optician, shall be liable to a penalty of not exceeding twenty pounds, and to a further penalty not exceeding ten pounds for every day during which the offence has continued after conviction.

Place of business of certified optician to be under his own or another certified optician's management.

(2) This section shall not come into operation until after the expiration of six months from the commencement of this Act.

#### PART IV.

#### PART IV.

### REGISTER OF OPTICIANS AND SPECTACLE SELLERS.

32. An accurate register shall be kept by the registrar, in accordance with the regulations, to be styled the "Register of Opticians and Spectacle Sellers," which shall contain a list of the names of all persons registered under this Act in alphabetical order in each class according to the surnames, and shall state the full names and addresses of certified and licensed persons, and, subject to this Act, shall contain such particulars and be in such form as the board may from time to time direct.

Register of opticians and spectacle sellers.

33. No person shall have his name removed from the register without having been previously given an opportunity of being personally heard by the board.

No person to have name removed without opportunity of being heard.

34. The board shall from time to time cause to be erased from the register—

Erasures from Register.

(a) the names of persons who have died;

(b) any entry in the register which is proved to the satisfaction of the board to have been fraudulently or incorrectly made.

## PART V.

## PART V.

## MISCELLANEOUS.

## Offences.

**35.** Any person who—

- (a) procures or attempts to procure registration, or a certificate of registration, or any other certificate or licence under this Act by making or producing, or causing to be made or produced, any false and fraudulent declaration, certificate, licence, or representation, either in writing or otherwise; or
- (b) wilfully makes or causes to be made any falsification in any manner relating to the register; or
- (c) forges, alters, or counterfeits any certificate or licence, or utters or uses any forged, altered, or counterfeited certificate or licence, knowing the same to have been forged, altered, or counterfeited; or
- (d) makes any false statement upon any examination or in any declaration before the board, or utters or attempts to utter or put off as true before the board any false, forged, altered, or counterfeit certificate, diploma, licence, letter-testimonial, or other title, document, or writing; or
- (e) falsely advertises or publishes himself as having obtained registration or a certificate or licence under this Act; or
- (f) falsely personates a certified optician of a like or different name, or buys, sells, or fraudulently obtains a certificate or licence under this Act issued to another,

shall be liable to a penalty not exceeding one hundred pounds, or to be imprisoned for any period not exceeding twelve months.

Only certified  
opticians to  
recover fees.

**36.** (1) No person shall be entitled to recover payment for any services in optometry unless at the time of such services being rendered he is a certified optician or a legally qualified medical practitioner: Provided that this subsection shall not apply to persons or a person or company carrying on business as mentioned in sections 29 and 30 under the actual personal supervision and management of a certified optician.

(2) This section shall not come into operation until after six months after the commencement of this Act.

37. After the commencement of this Act, any person, whether registered under this Act or not, who—

Restriction on  
medical or  
surgical  
practice.

- (a) not being a medical practitioner, practises or holds himself out by any means or device whatsoever as practising the profession or calling of an oculist or ophthalmic surgeon; or
- (b) not being a medical practitioner, assumes the title of oculist or ophthalmic surgeon, or any other name, title, or designation implying that he is a medical practitioner or is qualified to practise ophthalmology or ophthalmic medicine or surgery; or
- (c) not being a medical practitioner, prescribes or administers any drug for the purpose of paralyzing the accommodation of the eye; or
- (d) not being a medical practitioner or registered pharmaceutical chemist, sells or supplies any drug or remedy for, or for treating any disease of the eye,

shall be liable to a penalty of fifty pounds: Provided that the sale in the ordinary course of business by any retail store-keeper or shopkeeper of any patent medicine or proprietary medicine or drug commonly sold in a bottle, tin, packet, or other container shall not be an offence against paragraph (d) of this section.

38. Any hawker or other travelling vendor, who is not registered under this Act, who peddles, barter, sells or offers for sale, exhibits samples of, accepts orders or commissions for, or carries stock of spectacles or eyeglasses, shall be liable to a penalty not exceeding ten pounds.

Hawkers to be  
licensed.

39. (1) There shall be an appeal against any decision, ruling, order, or direction of the board or registrar. Such appeal shall be to the Supreme Court, and shall be instituted within one month from the making or giving of the decision, ruling, order, or direction appealed against.

Appeals.  
Substituted  
by 1642,  
1924, s. 4.

(2) Subject as hereinafter mentioned, all proceedings on or in connection with any such appeal shall be conducted as if the appeal were an appeal against an order of a court of summary jurisdiction.

(3) Any notice or other document which, if the appeal were an appeal against an order of a court of summary jurisdiction, would be required to be served by the appellant on any person, may be served on the registrar, and such service shall be deemed sufficient.

## PART V.

Application of  
penalties.

**40.** Any sum or sums of money arising from conviction and recovery of penalties under this Act shall be paid to the board.

Accounts to  
be kept.

**41.** (1) The board shall enter or cause to be entered in books to be kept for that purpose, a true account of all sums of money received and paid under this Act.

(2) The board shall, in the month of July in each year, prepare a balance-sheet showing the income and expenditure of the board for the period of twelve months ended on the thirtieth day of the preceding month of June, and shall transmit the same to the Minister.

Amended by  
S.L.R. Act,  
1935.

(3) The accounts of the board may, at least once in every year, be audited by the Auditor-General, who shall, in respect of such accounts, have all powers which may be exercised by him under the Audit Act, 1921, and any Act for the time being relating to the audit of public accounts. The report of such Auditor-General on any such audit shall be transmitted to the Minister.

Summary pro-  
ceedings for  
offences.

**42.** All proceedings in respect of offences against this Act shall be disposed of summarily.

Appeal.

**43.** There shall be an appeal in respect of proceedings in respect of offences against this Act.

Special case.

**44.** In the event of an appeal in respect of proceedings in respect of offences against this Act, a special case may be stated.

Evidence.

**45.** (1) The production of a copy of the *Gazette* purporting to contain any notification relating to any appointment, register, registration, erasure, suspension, reinstatement, or any other matter under or for the purposes of this Act shall be received in all courts and in all proceedings whatsoever as *prima facie* evidence of the facts therein published.

(2) Every court shall take judicial notice of the signatures of the chairman and of the registrar of the board.

(3) In any proceedings by or on behalf of the board, it shall not be necessary to prove the appointment of the members, chairman, or registrar.

(4) Any certificate, if it purports to be signed by the chairman and registrar, shall be evidence of the matters stated therein, without proof of the signatures or of the official character of the persons appearing to have signed the same.



(5) A copy of the *Gazette* purporting to contain any list of certified opticians and licensed spectacle sellers, or a document purporting to be signed by the registrar and to be a copy of any such list, shall be *prima facie* evidence that the persons named in such copy of the *Gazette*, or in such document, are registered under this Act for the year therein referred to, and the absence of the name of any person from such copy or document, as the case may be, shall be *prima facie* evidence that he is not registered under this Act.

46. (1) The Governor may from time to time, on the recommendation of the board, make regulations for all or any of the matters mentioned in the fourth schedule to this Act.

Regulations.  
Fourth  
Schedule.

(2) A regulation may impose a penalty for any breach thereof, and may also impose different penalties in case of successive breaches; but no such penalty shall exceed ten pounds.

## SCHEDULES.

### FIRST SCHEDULE.

Section 13.

#### RULES FOR THE CONDUCT OF THE BUSINESS OF THE BOARD.

1. The chairman shall be the executive officer of the board. Executive officer.
2. Every appointment and every order, notice, certificate, or other document of the board relating to the execution of this Act shall, except where otherwise provided by this Act, be sufficiently authenticated if signed by the chairman or registrar or any two members of the board. Authentication of documents.
3. No business shall be transacted at any meeting of the board unless at least three of the members are present when such business is transacted. Meetings quorum.
4. The chairman shall preside at all meetings at which he is present. In the absence of the chairman the members present shall elect from their number a chairman for the day. The chairman, or, in his absence, the chairman for the day, shall have a vote, and, when there is an equal division of votes upon any question, he shall have an additional or casting vote. Chairman.
5. All powers vested in the board may be exercised by the majority of the members present at any meeting duly held, and all questions shall be decided by a majority and by open voting. At all meetings, save as herein otherwise provided, all members present shall vote. If a member refuses to vote, his vote shall be counted for the negative. Voting.
6. The members present at a meeting may, from time to time, adjourn the meeting. If a quorum is not present within half an hour after the time appointed for a meeting, the members present, or any one member if only one is present, or the registrar if no member is present, may adjourn such meeting to any time not later than seven days from the date of such adjournment: Provided that nothing herein contained shall be construed to prevent the adjournment of any meeting at a later hour of the same day on which such meeting was appointed to be held. Adjournment.

## Notices.

7. All notices of any meeting shall be in writing, and shall be delivered personally or sent by post or otherwise to the address of each of the members at least seven days previous to the meeting.

## Proceedings validated.

8. If any member refuses or neglects to act or attend any duly convened meeting of the board, all lawful acts and proceedings of the board shall be as valid and effectual as if they had been done or authorised by the full board.

## Vacancies.

9. No proceedings of the board shall be invalidated by reason of any defect in any appointment, or by reason of there being any vacancy in the number of members at the time of such proceedings, provided that the number of members is not reduced below three.

## Section 22.

## SECOND SCHEDULE.

*Opticians Act, 1920.*

## CERTIFICATE TO PRACTISE OPTOMETRY.

We do hereby certify that \_\_\_\_\_ residing at \_\_\_\_\_  
is registered under the Opticians Act, 1920, as a certified  
optician, and is entitled to practise optometry until and inclusive of the thirty-  
first day of December next.

Dated at Adelaide this \_\_\_\_\_

day of \_\_\_\_\_ 19 \_\_\_\_  
A.B., Chairman } of the Board of  
C.D., Registrar } Optical Registration.

## Section 22.

## THIRD SCHEDULE.

*Opticians Act, 1920.*

## LICENCE TO SELL SPECTACLES.

We do hereby certify that \_\_\_\_\_ residing at \_\_\_\_\_  
is licensed under section 21 of the Opticians Act, 1920,  
and is entitled to sell spectacles and eyeglasses containing spherical lenses until  
and inclusive of the thirty-first day of December next. This licence does not  
entitle the licensee to test sight, dispense oculists' or opticians' prescriptions for  
glasses, or to practise optometry.

Dated at Adelaide this \_\_\_\_\_

day of \_\_\_\_\_ 19 \_\_\_\_  
A.B., Chairman } of the Board of  
C.D., Registrar } Optical Registration.

## Section 46.

## FOURTH SCHEDULE.

## SUBJECT MATTER FOR REGULATIONS.

1. Regulating the meetings and proceedings of the board and the conduct of the business thereof.

2. Regulating nominations for membership of the board.

3. Regulating the manner of keeping and controlling the register.

4. Regulating the granting and issue of certificates and licences and the conditions of admission to the register.

5. Prescribing what certificates of examinations will be recognised by the board as a substitute for the examinations of the board.

6. Prescribing what certificates, diplomas, membership, degrees, licences, letters testimonial, or other titles, status, or documents will be recognised by the board as qualifying persons holding them or any of them to be registered under this Act, whether immediately or after further examination or training, or both.

7. Regulating the admission to the register of persons engaged in practising optometry at the commencement of this Act.

8. Regulating, supervising, and restricting within due limits the practice of persons registered under this Act.

9. Regulating, supervising, and restricting within due limits the advertising matter issued by persons registered and licensed under this Act.

10. Deciding the conditions under which names may be removed from the register by the board.

11. Prescribing and regulating the course of training for persons desiring to practise optometry.

12. Prescribing and regulating the method, subjects, and scope of examinations and the remuneration of examiners.

13. Prescribing a scale of fees to be charged and paid in respect of any application, examination, registration, certificate, licence, inspection, restoration, or any other proceeding, act, or thing provided or required under this Act, in cases not provided for by this Act.

14. Prescribing forms to be used for any of the purposes of this Act.

15. Generally providing for anything which by this Act is expressed to be prescribed, or which the Governor considers necessary in order to carry out the purposes of this Act.

### Regulations.

On 24th May, 1937, the following regulations were in force under this Act:—

#### GENERAL REGULATIONS AND AMENDMENTS THEREOF—

*Gazette*—28th February, 1929, p. 470.

27th June, 1929, p. 1494.

5th September, 1929, p. 570.

8th March, 1934, p. 462.

#### REGULATION UNDER THE FEES REGULATION ACT, 1927, AS TO THE FEE FOR PERUSING RULES OF THE BOARD OF OPTICAL REGISTRATION—

*Gazette*—19th December, 1929, p. 1311.

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### OYSTER FISHERIES

see Fisheries.

### PARLIAMENT

see Constitution : Electoral : Payment of Members of  
Parliament.