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[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1937.

A BILL

To amend the Opticians Act, 1930-1931, and certain other Acts in certain respects; and for purposes connected therewith.

BE it enacted by the King'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, 1937."

Short title and citation.

(2) The Opticians Act, 1930-1931, as amended by this Act, may be cited as the Opticians Act, 1930-1937.

2. The Opticians Act, 1930-1931, is amended—

Amendment of Act No. 20, 1930.

(a) by inserting in section four in the definition of "Optometry" or the "practice of optometry" after the words "adaptation of" the words "lenses or prisms or";

Sec. 4. (Definitions.)

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(b) by inserting at the end of section thirteen the following new subsections:—

Sec. 13.
(Register.)

(3) Every registered optometrist shall, in or before the month of October in each year, pay to the Registrar a roll fee of such amount as may be prescribed for the following year.

The fee so prescribed shall not be less than ten shillings nor more than two pounds.

(4) If any registered optometrist does not pay the prescribed roll fee before the thirty-first day of October in any year the board shall notify him by registered letter addressed to him at the address appearing in the register, that if the fee be not paid within one month after the posting of the letter, his name will be removed from the register.

If any registered optometrist who has been so notified fails to pay such fee within the time specified in the letter, the board shall remove his name from the register.

(5) If the name of any registered optometrist is removed from the register under this section, the board, upon application in the prescribed form, shall, where such application is made within a period of two years after the name was so removed and may, where such application is made after the expiration of such period, restore his name to the register upon payment of such fees as are prescribed by the regulations made under this Act.

The regulations may provide for the waiver of such part of the fees as the board may, in a particular case, deem proper.

(6) Together with the roll fee the registered optometrist shall furnish particulars of his address for entry in the register.

(7) Where the name of any person has been removed from the register, and until the name has been restored thereto, such person shall be deemed

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deemed to be a person who does not hold a certificate issued under this Act entitling him to practise optometry.

- (c) (i) by omitting from section fifteen the words "infamous conduct" wherever occurring and by inserting in lieu thereof the word "misconduct"; Sec. 15. (Removal from register.)
- (ii) by omitting paragraph (c) of subsection five of the same section and by inserting in lieu thereof the following paragraphs:—
- (c) advertises otherwise than in accordance with the regulations or advertises in contravention of the regulations; or
- (d) canvasses for optometrical business;
- (iii) by inserting in the same subsection after the words "in a professional respect shall" the words "except where the same is lodged by the Director-General of Public Health or by an officer of the Public Service appointed by him for the purpose either generally or in any particular case";
- (d) by omitting paragraph (d) of section nineteen; Sec. 19. (Qualifications for registration.)
- (e) by omitting section twenty-one and by inserting in lieu thereof the following section:—

21. (1) The board shall issue to every person registered as an optometrist after the commencement of the Opticians (Amendment) Act, 1937, a certificate in the prescribed form. Substituted sec. 21. Certificates.

(2) Every person who, immediately before the commencement of the Opticians (Amendment) Act, 1937, was the holder of a certificate issued under the section which this section replaces shall, within three months after such commencement, surrender such certificate to the board.

The board shall issue to each person who so surrenders his certificate a certificate in the prescribed form. (f)

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- (f) by omitting section twenty-two;
- (g) (i) by omitting paragraph (d1) of subsection one of section thirty and by inserting in lieu thereof the following paragraph:—
- (d1) regulating the employment of pupils in optometry or prohibiting the employment of such pupils otherwise than under the personal supervision of a registered optometrist;
- (ii) by inserting next after paragraph (f) of the same subsection the following new paragraph:—
- (f1) prescribing the manner in which and the extent to which an optometrist or a firm or company carrying on under a business name or in its corporate name as the case may be the business of the practice of optometry is authorised to advertise;
- (h) (i) by omitting from section thirty-five the words "in its firm or corporate name" and by inserting in lieu thereof the words "under a business name or in its corporate name as the case may be";
- (ii) by inserting at the end of the same section the following new subsection:—
- (2) Any firm or company which carries on the business of the practice of optometry and which—
- (a) without the consent of the board takes or uses in connection with such business any title, designation, addition or description other than that of "optometrist" or "optometrists"; or
- (b)
- Sec. 22.
(Consequential.)
- Sec. 30.
(Regulations.)
- Sec. 35.
(Saving as to companies and firms.)

- (b) advertises otherwise than in accordance with the regulations or advertises in contravention of the regulations; or
- (c) employs, engages or uses any person to canvass for optometrical business,

shall be liable on summary conviction to a penalty not exceeding *fifty* pounds.

- (i) by inserting next after section thirty-five the following new section:—

36. A document purporting to be a certificate under the hand of the Registrar and stating that any person was or was not on any date or during any period mentioned in the certificate registered under this Act shall, in all courts and before all persons and bodies authorised by law to receive evidence, be prima facie evidence of the facts stated.

Certificate of Registrar to be prima facie evidence.
cf. Act No. 10, 1934, s. 19.

- (j) by omitting from the matter relating to Part V in section three the figures "34" and by inserting in lieu thereof the figures "36."

Sec. 3.
(Consequential.)

3. The Opticians (Amendment) Act, 1931, is amended by omitting paragraph (d) of section two.

Amendment of Act No. 10, 1931.
(Consequential.)