

(Reprint No. 1)

**SOUTH AUSTRALIA**

**OPTICIANS ACT, 1920**

*This Act is reprinted pursuant to the Acts Republication Act, 1967, and incorporates all amendments in force as at 1 October 1991.*

*It should be noted that the Act was not revised (for obsolete references, etc.) by the Commissioner of Statute Revision prior to the publication of this reprint.*

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# OPTICIANS ACT, 1920

being

Opticians Act, 1920, No. 1443 of 1920 [Assented to 1 December 1920]<sup>1</sup>

as amended by

Opticians Act Amendment Act, 1922, No. 1545 of 1922 [Assented to 21 December 1922]  
Opticians Act Amendment Act, 1923, No. 1591 of 1923 [Assented to 6 December 1923]  
Opticians Act Amendment Act, 1924, No. 1642 of 1924 [Assented to 24 December 1924]  
Statute Law Revision Act, 1935, No. 2246 of 1935 [Assented to 19 December 1935]  
Opticians Act Amendment Act, 1949, No. 39 of 1949 [Assented to 24 November 1949]  
Opticians Act Amendment Act, 1963, No. 43 of 1963 [Assented to 28 November 1963]  
Opticians Act Amendment Act, 1969, No. 104 of 1969 [Assented to 18 December 1969]  
Age of Majority (Reduction) Act, 1971, No. 15 of 1971 [Assented to 8 April 1971]<sup>2</sup>  
Statute Law Revision Act (No. 2), 1974, No. 84 of 1974 [Assented to 21 November 1974]  
Statutes Amendment (Finance and Audit) Act, 1987, No. 13 of 1987 [Assented to 9 April 1987]<sup>3</sup>

*Note: Asterisks indicate repeal or deletion of text. For further explanation see Appendix.*

**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

### PRELIMINARY

#### Short title and commencement

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

#### Arrangement of Act

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

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.

PART IV—Register of opticians.

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<sup>1</sup> Came into operation (except s. 36) 23 June 1921: *Gaz.* 23 June 1921, p. 1315; s. 36 came into operation 23 December 1921: s. 36(2).

<sup>2</sup> Came into operation 15 April 1971: *Gaz.* 15 April 1971, p. 1598.

<sup>3</sup> Came into operation 1 October 1987: *Gaz.* 17 September 1987, p. 886.

N.B. The amendments effected to this Act by the Opticians Act Amendment Act, 1988, had not been brought into operation at the date of, and have not been included in, this reprint.

**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 valid certificate under section 22 of this Act, whereby he is entitled to practise as an optometrist or optician:

“co-operating State” means the United Kingdom, or any State or Territory of the Commonwealth, or any country or state outside the Commonwealth 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 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

## THE BOARD OF OPTICAL REGISTRATION

## 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.

(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.

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**Appointment of members of board**

6. (1) The members of the board shall be appointed by the Governor after being respectively nominated, as follows, namely:—

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.

(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.

**Constitution of subsequent boards**

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 accordance with section 6 of this Act, and the retiring members shall, if still qualified, be eligible for renomination and reappointment.

**Chairman of board**

8. The members of the board shall elect one of their number to be chairman of the board.

**Vacancies on 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 one hundred cents in the dollar;
- (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 ceases to be registered under this Act, or is suspended from practising optometry—

his seat shall become vacant.

**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.

**Appointment without nomination on failure to nominate**

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.

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

\* \* \* \* \*

(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.

**Removal of members from board**

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.

**Rules for conduct of the board**

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—POWERS AND DUTIES OF THE BOARD****Board may appoint registrar and examiners**

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

**Board may impose penalties on opticians**

**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 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 one hundred dollars.

(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.

**Board may require attendance of witnesses, etc.**

**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.

(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.



**Reciprocity**

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 Territory of the Commonwealth, or any country or state outside the Commonwealth for the recognition of the status of any person authorized by such board or other authority to practise optometry in such country, state or territory, and the registration of such persons under this Act.

(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.

**Disposal of fees, etc.**

19. All moneys received by the board under this Act 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.

PART III

REGISTERED OPTICIANS

Qualifications for registration

20. (1) Subject to this Act, any person shall be entitled to be registered and receive a certificate as a certified optician under this Act—

- (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;
- (c) who is qualified to practise optometry in any co-operating State, is of good character, and has otherwise complied with any conditions authorized 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.

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Board to issue certificates

22. (1) The board shall upon registration, and thereafter annually upon payment therefor of the prescribed fee, issue to every person entitled to practise optometry, and applying for the same, a certificate in the form in the second schedule.

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(3) Such certificates 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 such fee as shall be prescribed and such annual fee thereafter for each renewal of the certificate as shall be prescribed.

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(3) The annual fees 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 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, 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.**

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.

**List of certificated persons to be gazetted annually**

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 under section 22 of this Act for the then current year.

**Persons who may practise optometry, etc.**

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.

(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 two hundred dollars or to imprisonment for not more than six months.

**Persons not to assume title implying registration, etc.**

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—

- (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 authorized 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 one hundred dollars.

#### **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**

30. (1) It shall not be lawful for any company, or for any persons or person carrying on business under a business name registered or required to be registered under the *Business Names Act, 1963*, or under any corresponding subsequent enactment—

- (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 not exceeding twenty dollars 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 one hundred dollars.

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

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 not exceeding one hundred dollars, and to a further penalty not exceeding twenty dollars for every day during which the offence has continued after conviction.

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

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PART IV  
REGISTER OF OPTICIANS

**Register of opticians**

32. An accurate register shall be kept by the registrar, in accordance with the regulations, to be styled the "Register of Opticians", 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 persons, and, subject to this Act, shall contain such particulars and be in such form as the board may from time to time direct.

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

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.

**Erasures from Register**

34. The board shall from time to time cause to be erased from the 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  
MISCELLANEOUS**Offences**

35. Any person who—

- (a) procures or attempts to procure registration, or a certificate of registration, or any other certificate under this Act by making or producing, or causing to be made or produced, any false and fraudulent declaration, certificate, 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 utters or uses any forged, altered, or counterfeited certificate, 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, letter-testimonial, or other title, document, or writing; or
- (e) falsely advertises or publishes himself as having obtained registration or a certificate under this Act; or
- (f) falsely personates a certified optician of a like or different name, or buys, sells, or fraudulently obtains a certificate under this Act issued to another,

shall be liable to a penalty not exceeding four hundred dollars, 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.

**Restriction on practising ophthalmology and ophthalmic medicine and surgery**

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

- (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 paralysing 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 two hundred dollars: Provided that the sale in the ordinary course of business by any retail storekeeper 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.

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### Appeals

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.

(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.

### 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.

(3) The Auditor-General must, in respect of each financial year of the board, audit the accounts of the board.

### Summary proceedings 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, 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.

**Regulations**

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.

(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 one hundred dollars.



SCHEDULES  
FIRST SCHEDULE

RULES FOR THE CONDUCT OF THE BUSINESS OF THE BOARD

**Executive officer**

1. The chairman shall be the executive officer of the board.

**Authentication of documents**

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.

**Meetings and quorum**

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.

**Chairman**

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.

**Voting**

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.

**Adjournment**

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.

**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 authorized 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.

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.

\* \* \* \* \*

## 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 the conditions of admission to the register.
5. Prescribing the courses and examinations in optometry that shall be recognized by the board for the purposes of this Act.
6. Prescribing what certificates, diplomas, membership, degrees, licences, letters testimonial, or other titles, status, or documents will be recognized 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 advertising matter pertaining to optometry.
- 9a. Prescribing a code of ethics to be observed and obeyed by all certified opticians.
10. Defining 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, 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.

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**APPENDIX**

*Legislative History*

Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 7 of The Public General Acts of South Australia 1837-1975 at page 723.

Section 41(3): substituted by 13, 1987, s. 7