

## New Zealand.



### ANALYSIS.

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1928, No. 40.

AN ACT to make Provision for the Registration of Opticians, and Title.  
for the Regulation of those who practise as Opticians.

[9th October, 1928.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Opticians Act, 1928, and shall come into force on the first day of January, nineteen hundred and twenty-nine. Short Title and commencement.

2. In this Act, unless the context otherwise requires,— Interpretation.  
“Board” means the Opticians Board constituted under this Act:

“To practise as an optician” means to employ any methods for the estimation of errors of refraction of the human eye and to prescribe or adapt lenses to correct such errors; and “practice as an optician” has a corresponding meaning:

“Registered medical practitioner” means a person registered under the Medical Practitioners Act, 1914:

“Registrar” means the Director-General of Health.

Opticians Board  
established.

3. (1) For the purposes of this Act there shall be appointed a Board to be called the Opticians Board.

(2) The Board shall consist of—

(a) The Registrar ;

(b) Two persons engaged in practice as opticians in New Zealand, to be appointed on the recommendation of the Minister of Health ; and

(c) A registered medical practitioner with special knowledge of diseases of the eye, to be appointed on the recommendation of the Minister of Health.

(3) The members of the Board other than the Registrar shall be appointed by the Governor-General for a period of three years, save that any such member may be reappointed, or may be at any time removed from office by the Governor-General for disability, insolvency, neglect of duty, or misconduct, or may at any time resign his office by writing addressed to the Registrar :

Provided that after the expiration of twelve months from the commencement of this Act no person shall be appointed or shall continue to be a member of the Board as being a person engaged in practice as an optician unless he is registered under this Act.

(4) If any member of the Board dies, retires, or otherwise vacates his office, the vacancy so created shall within two months after the occurrence thereof be filled in the manner in which the appointment to the vacant office was originally made. Every person so appointed shall hold office for the residue of the term for which his predecessor was appointed.

(5) The members of the Board, other than the Registrar, shall be paid such allowances as may be lawfully appointed and all travelling-expenses reasonably incurred by them in respect of attendance at meetings of the Board.

(6) In the absence of the Registrar from any meeting of the Board any registered medical practitioner, being an officer of the Department of Health, may be appointed by the Registrar to act as his deputy ; and, while so acting, shall for the purposes of this Act have all the powers of the Registrar.

Meetings of Board.

4. (1) The Registrar shall be the Chairman of the Board.

(2) Meetings of the Board shall be held at such times and places as the Board or the Chairman may appoint.

(3) The Board may regulate its procedure in such manner as it thinks fit.

Register of  
Opticians.

5. The Registrar shall keep in his office a Register of Opticians, in which shall be entered the names of all persons registered as opticians under this Act, together with such other particulars in relation thereto as may from time to time be prescribed.

Qualifications of  
applicants for  
registration.

6. (1) Every person shall on payment of the prescribed fee be entitled to be registered as an optician under this Act who satisfies the Board that—

(a) He has been engaged, whether exclusively or not and whether on his own account or otherwise, in practice as an optician in New Zealand for not less than four years immediately preceding the commencement of this Act ; or

(b) He has received satisfactory training qualifying him to practise as an optician and is the holder of a certificate or other documentary evidence of qualification recognized by the Board pursuant to regulations in that behalf as sufficient for the purposes of this Act; or

(c) He has passed an examination under this Act, both theoretical and practical, in methods of estimating errors of refraction of the human eye and in prescribing and adapting lenses to correct such errors, after a course of not less than three years' training in New Zealand as prescribed by regulations hereunder.

(2) No person shall be registered as an optician under paragraph (a) of the last preceding subsection unless application for registration is made within one year after the commencement of this Act.

7. (1) Every application for registration under this Act shall be in writing addressed to the Board, and all the facts set forth in the application shall be verified by statutory declaration of the applicant.

Applications for registration to be verified.

(2) No entry in the register of the name of any person shall be made by the Registrar without the direction in writing of the Board.

8. (1) No person shall be registered under this Act who is less than twenty-one years of age.

Limitations as to age and character.

(2) The Board shall not direct the registration under this Act of any applicant who is not, in the opinion of the Board, of good character and reputation:

Provided that on any appeal as hereinafter provided against a refusal to register on the ground stated in this subsection the matter shall be determined according to the opinion formed by the Board of Appeal of the character and reputation of the applicant.

9. Every person registered as an optician under this Act shall on payment of the prescribed fee be entitled to receive a certificate of registration under the hand of the Registrar.

Certificates of registration.

10. Every person who makes any false or fraudulent representation or produces to the Board or the Registrar any false certificate or testimonial for the purpose of securing his registration under this Act commits an offence, and is liable to a fine of fifty pounds.

Penalty for wrongfully procuring registration.

11. The Board shall cause to be removed from the register the name of every registered optician who has been registered in error, or who is convicted of any offence punishable by imprisonment and dishonouring him in the public estimation, or who has been guilty of such improper conduct as renders him, in the opinion of the Board, unfit to be registered under this Act.

Cancellation of registration.

12. (1) Every person whose application for registration has been declined by the Board, or whose name has been removed from the register, may within three months after notice of such refusal or removal has been communicated to him by the Registrar appeal in the prescribed manner to a Board of Appeal, consisting of a Magistrate and two assessors, appointed in accordance with regulations under this Act.

Appeals from decision of Board.

(2) The Board of Appeal shall thereupon hear the appeal, and may either confirm the decision of the Board, or order the registration of the appellant, or the restoration of his name to the register, and the determination of the Board of Appeal shall be final and conclusive.

Application by registered optician for publication of name in *Gazette*.

13. On or before the thirty-first day of March, nineteen hundred and thirty, and in each year thereafter, every registered optician who desires to have his name published in the *Gazette* as such, in accordance with the provisions of the next succeeding section, shall forward to the Registrar the prescribed fee for such publication, together with the name and address of the applicant and such other particulars as may be required by the Board.

Names to be gazetted.

14. (1) The Registrar shall in the month of April, nineteen hundred and thirty, and in the same month in each year thereafter, cause to be published in the *Gazette* a list of the names, with prescribed particulars, of such registered opticians as have applied to have their names so published and have paid the prescribed fee.

(2) A copy of the *Gazette* containing such list shall, unless the contrary is proved, be sufficient evidence in all judicial proceedings that on the thirty-first day of March immediately preceding the date of the *Gazette* every person whose name appears therein as a registered optician was duly registered as such, with the qualifications and other particulars therein appearing; and also that every such person has continued to be so registered at all times after the said thirty-first day of March and before the date of the next annual publication in the *Gazette* of the list of registered opticians. It shall also be evidence as aforesaid that no person is at any time so registered whose name does not appear in the then last published list of registered opticians.

(3) A certificate under the hand of the Registrar to the effect that any person is or is not registered as an optician under this Act, or was or was not at any time so registered, shall be conclusive evidence of the matters therein certified to.

Conduct of examinations.

15. The Board shall direct, control, and conduct all examinations under this Act, or may appoint examiners and make such other arrangements for the holding of such examinations as it thinks fit, and may grant or refuse certificates of having passed such examinations.

Offence for unqualified person to describe himself as registered optician, &c.

16. (1) Every person commits an offence and is liable to a fine of twenty pounds who, not being a registered medical practitioner or a registered optician, uses or causes to be used in connection with his business, trade, calling, or profession any written words, titles, initials, or abbreviation of words, titles, or initials, intended to cause, or which may reasonably cause, any person to believe that he is a registered optician or is otherwise qualified or authorized to test eyesight.

(2) In every prosecution for an offence against this section the burden of proving that the defendant at the time when the alleged offence was committed was registered under this Act shall lie upon the defendant.

Offence for unqualified person to practise as an optician.

17. Every person commits an offence and is liable to a fine of twenty pounds who, not being a registered medical practitioner or a registered optician, practises or professes to practise as an optician.

18. Every person, whether registered under this Act or not, commits an offence and is liable to a fine of twenty pounds who, not being a registered medical practitioner, assumes the title of oculist or eyesight specialist, or uses or causes to be used in connection with his business, trade, calling, or profession any written words, titles, initials, or abbreviation of words, titles, or initials, which are intended or may reasonably cause any person to believe that he is qualified to practise medical or surgical treatment of the eye.

Offence for person other than registered medical practitioner to describe himself as oculist.

19. Every person, whether registered under this Act or not, commits an offence and is liable to a fine of twenty pounds who, not being a registered medical practitioner or acting under the instructions of a registered medical practitioner, administers any drug for the purpose of paralysing the accommodation of the eye or otherwise for facilitating the measurement of the powers of vision, or treats any disease of the eye by the use of drugs.

Offence for person other than medical practitioner to administer any drug to the eye.

20. All fees and other moneys paid under this Act shall be paid into the Public Account and shall form part of the Ordinary Revenue Account of the Consolidated Fund, and all expenses incurred in respect of the administration of this Act shall be paid out of moneys to be from time to time appropriated by Parliament for the purpose.

Application of fees.

21. The Governor-General may from time to time by Order in Council make regulations,—

Regulations.

- (a) Prescribing forms of application for and certificates of registration under this Act; and for certificates of having passed any examination under this Act:
- (b) Prescribing the subjects in which candidates for examination under this Act may be examined:
- (c) Prescribing for the purposes of this Act the course of instruction and examination, both theoretical and practical, in methods of estimating errors of refraction of the human eye and in prescribing and adapting lenses to correct such errors, or recognizing for such purposes courses of instruction or examinations conducted by any specified institution or person:
- (d) Prescribing the fees payable in respect of examination and of registration under this Act; and also prescribing fees for the issue of certificates of registration and for the annual publication in the *Gazette* of the name of any registered optician:
- (e) Providing for the appointment of assessors and the conduct of appeals under section twelve hereof:
- (f) Prescribing the certificates, diplomas, degrees, licenses, or other documentary evidence of qualification that may be recognized by the Board as qualifying the holders to be registered under this Act:
- (g) Generally providing for such other matters as in the opinion of the Governor-General in Council are necessary or expedient for the effective administration of this Act.

## Saving provisions.

22. Nothing in this Act shall so operate as to prohibit—
- (a) Any registered chemist under the Pharmacy Act, 1908, from dispensing, selling, or supplying any drugs, or from applying them to bathe or irrigate the eye or to secure local anæsthesia for the purpose of removing any foreign body from the eye :
  - (b) Any wholesale dealer from supplying frames, ophthalmic lenses, or spectacles in the ordinary course of wholesale business :
  - (c) Any person from selling from a permanent place of business spectacles kept in stock in a state ready for use :
  - (d) Any person from engaging in the craft of lens-grinding or spectacle-making :
  - (e) Any person from filling or dispensing prescriptions for spectacles, or supplying ophthalmic lenses so prescribed by a medical practitioner or a registered optician.
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