

**OPTICAL DISPENSERS.**

---

No. 44 of 1966.

---

**AN ACT relating to the Licensing of Optical Dispensers and for incidental and other purposes.**

*[Assented to 18th November, 1966.]*

**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the *Optical Dispensers Act, 1966*.

Commencement.

2. Subject to subsection (2) of section nine of this Act, this Act shall come into operation on a date to be fixed by proclamation.

3. In this Act, unless the contrary intention appears— Interpre-  
tation.

“Commissioner” means the Commissioner of Public Health for the time being appointed under the Health Act, 1911;

“licence” means a licence issued pursuant to section five of this Act;

“optical appliance” means an appliance designed to correct, remedy or relieve any refractive abnormality or optical defect of sight, and includes a haptic lens but does not include a corneal lens;

“optical dispenser” means a person in respect of whom a licence is in force;

“optical dispensing” means the interpretation and dispensing of prescriptions for optical appliances, and the taking of facial measurements for, and the fitting and sale of, optical appliances;

“qualifications” includes courses and periods of training;

“sale of optical appliances” does not include the sale of optical appliances to an optical dispenser or a sale of optical appliances preceding their sale to an optical dispenser.

4. Nothing in this Act extends or applies to, or in any manner affects the practice of his profession by, or any rights or privileges of, a medical practitioner within the meaning of the Medical Act, 1894 or a registered optometrist within the meaning of the Optometrists Act, 1940. Application  
of Act.

5. (1) A person may, by application in the prescribed form and upon payment of a fee of five dollars, apply to the Commissioner for the issue to him of a licence. Licences

(2) Subject to subsection (3) of this section, where the Commissioner is satisfied that an applicant for a licence is of good character and that the applicant—

(a) holds any of the prescribed qualifications;  
or

(b) has for at least two years of the period of five years immediately preceding the coming into operation of this section, earned his livelihood by engaging within the Commonwealth in the occupation of optical dispensing,

the Commissioner shall issue to the applicant a licence, in the prescribed form, to carry out optical dispensing, except in relation to haptic lenses.

(3) A licence shall not be issued to a person who relies, in making his application, on the provisions of paragraph (b) of subsection (2) of this section unless his application is received by the Commissioner within one year of the coming into operation of this section.

(4) A person aggrieved by the refusal of the Commissioner to issue him with a licence may, by notice in writing stating the grounds of his appeal, appeal to the Minister against that refusal, and the Minister may, as he thinks fit, confirm the refusal or direct the Commissioner to issue a licence to that person.

Dispensing.  
etc., of  
haptic lenses.

6. (1) Where an optical dispenser satisfies the Commissioner that he has such qualifications in the interpretation and dispensing of prescriptions for, and the fitting and sale of, haptic lenses as are, in the opinion of the Commissioner, necessary for the purpose, the Commissioner shall enter the prescribed endorsement on the licence of that optical dispenser.

(2) An optical dispenser whose licence does not bear the prescribed endorsement shall not interpret and dispense a prescription for, or fit, a haptic lens.

Penalty: Two hundred dollars.

7. (1) Where the Commissioner, after due inquiry, is satisfied that an optical dispenser is no longer a fit and proper person to continue to be the holder of a licence, the Commissioner shall, by writing under his hand, recommend to the Governor that the licence of that optical dispenser be revoked.

Revocation  
of licences.

(2) The Governor may, after considering a recommendation made by the Commissioner under subsection (1) of this section, revoke the licence of the optical dispenser to whom that recommendation relates.

(3) A person whose licence has been revoked pursuant to this section may apply in writing to the Commissioner, at any time after the expiration of a period of one year from the revocation of that licence, for the restoration of his licence, and the Governor may, on the recommendation of the Commissioner, restore the licence to that person.

8. (1) The Commissioner shall maintain a record of licences issued under this Act, and shall strike from the record the name of any optical dispenser who dies, or whose licence is revoked pursuant to subsection (2) of section seven of this Act, and shall enter in the record the name of any person whose licence is restored pursuant to subsection (3) of section seven of this Act.

Record of  
Licences.

(2) The record kept pursuant to this section may be inspected at any reasonable time on payment of the prescribed fee.

9. (1) A person who is not an optical dispenser shall not—

(a) carry out optical dispensing; or

Unlicensed  
persons  
not to  
engage in  
optical  
dispensing

- (b) take or use the name or title, optical dispenser, or hold himself out as being an optical dispenser.

Penalty: Two hundred dollars.

(2) This section shall come into operation three months after the date fixed pursuant to section two of this Act.

**False statements.**

10. (1) Any person who knowingly makes any false or misleading statement, either orally or in writing, to the Commissioner for the purposes of, or in relation to, an application by him for a licence, or for the restoration of a licence previously held, by him, commits an offence.

Penalty: Two hundred dollars.

(2) The Commissioner may, without further inquiry, revoke the licence held by an optical dispenser convicted of an offence against this section.

**Evidence.**

11. A certificate in writing under the hand of the Commissioner certifying that a person is, or is not, an optical dispenser is evidence of the facts contained therein.

**Regulations.**

12. The Governor may make regulations—

- (a) prescribing forms and fees for the purposes of this Act;
- (b) prescribing the qualifications referred to in section five of this Act;
- (c) prescribing all other matters and things necessary or convenient to be prescribed for the administration of this Act; and
- (d) prescribing penalties, not exceeding fifty dollars in any case, for any contravention or failure to comply with the regulations.