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WESTERN AUSTRALIA.

OPTICAL DISPENSERS ACT 1966.

ARRANGEMENT

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WESTERN AUSTRALIA.

OPTICAL DISPENSERS.

No. 44 of 1966.

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

[Assented to 18 November 1966.]

BE it enacted—

Short title.

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

Commencement.

2. Subject to section 9 (2), this Act shall come into operation on a date to be fixed by proclamation.

Interpretation.

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

“licence” means a licence issued pursuant to section 5;

“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.

[S. 3 amended by No. 28 of 1984, s. 84.]

Application of Act.

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.

Licences.

5. (1) A person may, by application in the prescribed form and upon payment of a fee of \$5, apply to the Permanent Head for the issue to him of a licence.

(2) Subject to subsection (3) where the Permanent Head 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 2 years of the period of 5 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 Permanent Head 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 subsection (2) (b) unless his application is received by the Permanent Head within one year of the coming into operation of this section.

(4) A person aggrieved by the refusal of the Permanent Head 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 Permanent Head to issue a licence to that person.

[S. 5 amended by No. 28 of 1984, s. 85.]

Dispensing etc., of haptic lenses.

6. (1) Where an optical dispenser satisfies the Permanent Head 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 Permanent Head, necessary for the purpose, the Permanent Head 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: \$200.

[S. 6 amended by No. 28 of 1984, s. 85.]

Revocation of licences.

7. (1) Where the Permanent Head, 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 Permanent Head shall, by writing under his hand, recommend to the Governor that the licence of that optical dispenser be revoked.

(2) The Governor may, after considering a recommendation made by the Permanent Head under subsection (1), 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 Permanent Head, 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 Permanent Head, restore the licence to that person.

[S. 7 amended by No. 28 of 1984, s. 85.]

Record of licences.

8. (1) The Permanent Head 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 section 7 (2), and shall enter in the record the name of any person whose licence is restored pursuant to section 7 (3).

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

[S. 8 amended by No. 28 of 1984, s. 85.]

Unlicensed persons not to engage in optical dispensing.

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

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

Penalty: \$200.

(2) This section shall come into operation 3 months after the date fixed pursuant to section 2.

False statements.

10. (1) Any person who knowingly makes any false or misleading statement, either orally or in writing, to the Permanent Head 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: \$200.

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

[*S. 10 amended by No. 28 of 1984, s. 85.*]

Evidence.

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

[*S. 11 amended by No. 28 of 1984, s. 85.*]

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 5;
- (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 \$50 in any case, for any contravention or failure to comply with the regulations.

NOTES.

1. The Optical Dispensers Act 1966 came into operation on 30 June 1967; see *Gazette* 30/6/67, p.1695.
2. The reprint incorporates the amendments made by the Act mentioned in the Table below.

Table.

Act	Number and Year	Date of Assent	Day of Commencement	Application, Saving or Transitional Provisions.
Health Legislation Amendment Act 1984	28 of 1984	31 May 1984	1 July 1984	

