

AUSTRALIAN CAPITAL TERRITORY

No. 49 of 1980

An Ordinance to amend the *Optometrists Ordinance 1956*

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated this twenty-second day of December 1980.

ZELMAN COWEN
Governor-General

By His Excellency's Command,

MICHAEL MACKELLAR
Minister of State for Health

OPTOMETRISTS (AMENDMENT) ORDINANCE 1980

Short title

1. This Ordinance may be cited as the *Optometrists (Amendment) Ordinance 1980*.¹

Commencement

2. This Ordinance shall come into operation on such date as is fixed by the Minister of State for the Capital Territory by notice in the *Gazette*.

Principal Ordinance

3. In this Ordinance, "Principal Ordinance" means the *Optometrists Ordinance 1956*.²

Interpretation

4. Section 4 of the Principal Ordinance is amended—

(a) by inserting after the definition of "the Deputy Chairman" in sub-section (1) the following definition:

"the Election Ordinance' means the *Health Professions Boards (Elections) Ordinance 1980*"; and

(b) by omitting "section fifteen of this Ordinance" from the definition of "the Register" in sub-section (1) and substituting "section 14".

5. Sections 6 and 7 of the Principal Ordinance are repealed and the following sections substituted:

Constitution of Board

“6. (1) The Board shall consist of—

- (a) a Chairman, and 1 other member, appointed by the Minister; and
- (b) 1 member elected, as occasion requires, in accordance with the Election Ordinance.

“(2) A person is not eligible for appointment as a member unless—

- (a) he is a registered optometrist; and
- (b) he was, at all times during the period of 3 years immediately preceding his appointment, entitled, under the law of a State or Territory, to practise as an optometrist in that State or Territory.

“(3) The performance of the functions or the exercise of the powers of the Board is not affected by reason only of there being a vacancy or vacancies in the membership of the Board.

“(4) The members of the Board shall elect one of their number to be the Deputy Chairman of the Board during the pleasure of the Board.

“(5) The Chairman shall be the executive officer of the Board.

Term of office of appointed members

“7. (1) Subject to this Ordinance, a member referred to in paragraph 6 (1) (a) holds office for such period, not exceeding 3 years, as is specified in the instrument of his appointment, but is eligible for re-appointment.

“(2) A person who has attained the age of 65 years shall not be appointed or re-appointed as a member and a person shall not be appointed or re-appointed as a member for a period that extends beyond the date on which he will attain the age of 65 years.

Term of office of elected member

“7A. (1) Subject to this Ordinance, the elected member holds office for such period as is determined in accordance with this section, but is eligible for re-election.

“(2) If the elected member attains the age of 65 years before the day on which his term of office would, but for this sub-section, expire, his term of office shall expire on the day on which he attains that age.

“(3) The term of office of the elected member shall commence—

- (a) if the member was elected at the first election of a member—on a date to be determined by the Minister; and
- (b) in any other case—
 - (i) on the day on which the member is declared elected; or

- (ii) if that day occurs before the expiration of the term of office of the previously elected member, on the day after the expiration of that term.

“(4) The term of office of the elected member shall expire—

- (a) 3 years after the day on which his term of office commenced;
- (b) if the member was elected in pursuance of Part VI of the Election Ordinance—on the day on which his term of office would have expired if he had been declared elected in accordance with sub-section 12 (1) or 25 (1) of that Ordinance, as the case required; or
- (c) if the member was elected at an election held for the purpose of filling the office of a member that had become vacant by virtue of the operation of sub-section (2) or section 9 or 10—on the day on which the term of office of the other member would, but for the operation of that sub-section or section, as the case may be, have expired.

“(5) In this section, ‘elected member’ means the member referred to in paragraph 6 (1) (b).”.

6. Section 9 of the Principal Ordinance is repealed and the following section substituted:

Removal of member from office

“9. The Minister may remove a member from office on the ground of misbehaviour or physical or mental incapacity.”.

Vacation of office of member

7. Section 10 of the Principal Ordinance is amended—

- (a) by omitting paragraph (a);
- (b) by omitting paragraph (g) and substituting the following paragraph:
“(g) if he ceases to be a registered optometrist.”; and
- (c) by adding at the end thereof the following sub-section:

“(2) Where a person who has been elected in accordance with the Election Ordinance ceases to be a registered optometrist before the day on which the term of office of the person as a member would, but for this sub-section, commence, the office to which the person has been elected shall, on that day, become vacant.”.

Temporary appointments

8. Section 11 of the Principal Ordinance is amended—

- (a) by omitting “or in the event of the office of a member becoming vacant before the expiration of his term of office,”; and
- (b) by omitting “, or until the appointment of a new member”.

Transitional

9. (1) The person who was, immediately before the commencement of this Ordinance, the Chairman of the Board continues to be the Chairman of the

Board as if he had been appointed as the Chairman under the Principal Ordinance as amended by this Ordinance and holds office, subject to the Principal Ordinance as so amended, until the notification date.

(2) The person who was, immediately before the commencement of this Ordinance, the Deputy Chairman of the Board continues to be the Deputy Chairman of the Board as if he had been elected as the Deputy Chairman under the Principal Ordinance as amended by this Ordinance and holds office, subject to the Principal Ordinance as so amended, until the notification date.

(3) A person who held office as a member of the Board, otherwise than as the Chairman of the Board, immediately before the commencement of this Ordinance continues to hold office as a member as if he had been appointed or elected as a member under the Principal Ordinance as amended by this Ordinance and holds office, subject to the Principal Ordinance as so amended, until the notification date.

(4) In this section, "notification date" means the date on which there is published in the *Gazette*, in pursuance of the Election Ordinance, the notice by virtue of which a candidate at the first election held under that Ordinance for the purpose of section 6 of the Principal Ordinance as amended by this Ordinance is declared to have been duly elected.

(5) An expression in this section that is defined in the Principal Ordinance as amended by this Ordinance has the same meaning for the purposes of this section as it has in the Principal Ordinance as so amended.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 23 December 1980.
2. Ordinance No. 4, 1956 as amended by No. 4, 1957; No. 14, 1958; No. 19, 1966; No. 19, 1967; No. 36, 1970; No. 19, 1971; No. 47, 1974; No. 17, 1975; No. 65, 1977; No. 46, 1978; No. 26, 1979.