

Legislative Council Office

NATIONAL COMPETITION POLICY HEALTH AND OTHER AMENDMENTS (COMMONWEALTH FINANCIAL PENALTIES) BILL

Schedule of Government amendments agreed to in Committee of the Whole
on Tuesday 22 June 2004.

- No. 1. Page 2, clause 2, line 6. Omit all words on that line. Insert instead:
- (1) This Act commences on the date of assent, except as provided by subsection (2).
 - (2) Schedules 1- 3 commence on a day or days to be appointed by proclamation.
- No. 2 Page 7, Schedule 2 [7], line 12. Omit “400”. Insert instead “800”.
- No. 3 Page 7, Schedule 2 [7], line 13. Omit “800”. Insert instead “1600”.
- No. 4 Page 10, Schedule 2 [7], line 17. Omit “400”. Insert instead “800”.
- No. 5 Page 10, Schedule 2 [7], line 18. Omit “800”. Insert instead “1600”.
- No. 6 Page 10, Schedule 2 [7], line 24. Omit “100”. Insert instead “200”.
- No. 7 Page 12, Schedule 2 [7], line 32. Omit “400”. Insert instead “800”.
- No. 8 Page 12, Schedule 2 [7], line 33. Omit “800”. Insert instead “1600”.
- No. 9 Page 13, Schedule 2 [7], line 8. Omit “400”. Insert instead “800”.
- No. 10 Page 13, Schedule 2 [7], line 9. Omit “800”. Insert instead “1600”.
- No. 11 Pages 23-28, Schedule 4 [1]-[10] and Explanatory note, line 3 on page 23 to line 14 on page 28. Omit all words on those lines. Insert instead:
- [1] **Section 26 Restrictions on carrying on business of a pharmacist in pharmacies**

Omit “3” wherever occurring in section 26 (1) and (2).

Insert instead “5”.
 - [2] **Section 27A Exemptions for certain friendly societies**

Insert after section 27A (5):
 - (6) A friendly society to which subclause (1) or (2) applies must not:
 - (a) carry on the business of a pharmacist in more than 6 pharmacies, or
 - (b) have a direct or indirect pecuniary interest in the business of a pharmacist carried on in more than 6 pharmacies, or
 - (c) carry on such a business in one or more pharmacies and have such an interest in one or more pharmacies so that the total number of pharmacies involved exceeds 6.

- (7) A friendly society that contravenes subsection (6) is guilty of an offence against this Act.

[3] Section 40

Insert after section 39:

40 Savings and transitional regulations

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:
National Competition Policy Health and Other Amendments (Commonwealth Financial Penalties) Act 2004, to the extent that it amends this Act
- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:
- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
 - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

Explanatory note

Schedule 4 [1] amends section 26 of the *Pharmacy Act 1964* (the *Principal Act*) to increase (from 3 to 5) the number of pharmacy businesses that a pharmacist may carry on or in which the pharmacist may have a direct or indirect pecuniary interest, and the number of partnerships carrying on such a business or having such a pecuniary interest of which a pharmacist may be a member.

Section 27A of the *Principal Act* allows certain friendly societies to carry on pharmacy businesses. **Schedule 4 [2]** amends section 27A of the *Principal Act* to limit to 6 the number of pharmacy businesses that such friendly societies may carry on or in which they may have a direct or indirect pecuniary interest.

Schedule 4 [3] provides for the making of savings and transitional regulations as a consequence of the proposed amendments to the *Principal Act*.