

1932.

Legislative Council.

PHARMACY (AMENDMENT) BILL, 1932.

(Amendments to be moved in Committee of the Whole.)

Page 9, clause 5, line 27. *After* the word "to" *insert* the words "the premises of"

Page 9, clause 5, line 34. *Omit* the words "with the" *insert* the words "extend to the premises of or interfere with the business or any"

Page 9, clause 5, line 36. *After* the word "dispensing" *insert* the word "manufacturing"

Page 9, clause 5, lines 38-40. *Omit* all words on these lines after the word "trading" on line 38.

Page 10, clause 5, line 20. *Omit* the words "and sold"

Page 12, clause 6, line 12. *After* the word "pharmacist" *insert* the words "at any pharmacy which is not under the personal superintendence or charge of a registered pharmacist"

Page 12, clause 6, lines 13-23. *Omit* all words on these lines.

Page 14, clause 6, lines 31-32. *Omit* the words "for supply by wholesale dealing"

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. R. McCOURT,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 4 May, 1932.

New South Wales.



ANNO VICESIMO SECUNDO

GEORGII V REGIS.

Act No. , 1932.

An Act to make further provision as to the carrying on of the business of pharmacists; to provide for the imposition of an annual roll fee; to confer certain further powers on the Pharmacy Board of New South Wales; to amend the Pharmacy Act, 1897, in certain respects; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of
5 the same, as follows:—

1. (1) This Act may be cited as the "Pharmacy Short title.
(Amendment) Act, 1932," and shall be read with the Pharmacy Act, 1897, as amended by subsequent Acts.

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(2) The Pharmacy Act, 1897, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Pharmacy Act, 1897-1932.

(4) This Act shall commence on a date to be appointed by the Governor and notified by proclamation published in the Gazette. Commencement.

2. The Principal Act is amended by inserting next 10 after section three the following new section :— Amendment of Act No. 7, 1897. New s. 3A.

3A. In this Act, unless the context or subject-matter otherwise indicates or requires,— Interpretation.

15 “ Board ” means the Pharmacy Board of New South Wales.

“ Dentist ” means a dentist registered under the Dentists Acts, 1912-1927.

“ Licensed ” means licensed under the seal of the Board.

20 “ Medical practitioner ” means a legally qualified medical practitioner registered under the Medical Practitioners Act, 1912.

“ Prescribed ” means prescribed by this Act or the regulations made thereunder.

25 “ Recognised certificate ” means a certificate, diploma, membership, degree, license, letters testimonial, or other title or document granted by some university, college, Board of Pharmacy, or other public institution in a British possession or foreign country and which is recognised by the Board—

35 (a) as entitling the holder thereof to practice pharmacy or as a pharmaceutical chemist or a chemist and druggist in such possession or country ; and

40 (b) as furnishing sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of pharmacy.

“ Registered ” means registered by the Board. “ Registered

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“Registered pharmacist” means a pharmacist registered under this Act.

“Veterinary surgeon” means a veterinary surgeon registered under the Veterinary Surgeons Act, 1923.

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3. The Principal Act is further amended—

Further amend-
ment of Act
No. 7, 1897.

(a) by inserting at the end of section four the following new subsection :—

Sec. 4.

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(2) Any person who wilfully makes any false statement or declaration or utters or attempts to utter or put off as true before the Board any false, forged, or counterfeit certificate, diploma, license, letters testimonial, or other document shall be guilty of an offence against this Act.

(Power to
examine
witnesses.)

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(b) (i) by omitting from section five the words

Sec. 5.

“Colonial Treasurer” and “said Treasurer” and by inserting in lieu thereof the word “Minister”;

(Board to
furnish
reports of the
proceedings.)

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(ii) by inserting in the same section after the words “preceding year” the words “comprising the accounts of the Board for that year.”

4. The Principal Act is further amended by omit-
ting section six and by inserting in lieu thereof the following section :—

Further amend-
ment of Act
No. 7, 1897, new
s. 6.

6. (1) There shall be a register of pharmacists to be kept as prescribed, and which shall be open at all reasonable times for public inspection on the payment of the prescribed fee.

Register of
pharmacists.

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(2) Upon such register shall be entered—

(a) the names of all persons registered as pharmacists at the commencement of the Pharmacy (Amendment) Act, 1932;

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(b) the name of any person who is declared by the Board after such commencement to be entitled to be registered as a pharmacist.

No

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No entry shall be made of the name of any person referred to in paragraph (b) of this subsection save upon payment of the prescribed registration fee.

- 5 (3) The registrar shall enter in the register—
(a) the full name and address of any such person ;
(b) the date of registration and description of the qualifications in respect of which such registration is granted ;
10 (c) such other particulars as are prescribed.

(4) Every pharmacist shall, in or before the month of October in each year, pay to the registrar a roll fee of ten shillings for the following calendar year.

- 15 (5) Together with the roll fee, the pharmacist shall furnish particulars of his address for entry in the register.

- (6) If any pharmacist does not pay the roll fee in or before the month of October in any year the Board may remove his name from the register as from the thirty-first day of December following.

20 The name of a pharmacist shall not be removed from the register under this subsection unless the roll fee is still unpaid at the expiration of one month after the posting of a registered letter addressed to him at the address appearing in the register notifying him that it is the intention of the Board so to remove his name.

- 25 (7) If the name of any pharmacist is removed from the register under this section, the Board shall, upon application in the prescribed form, restore his name to the register upon payment of the prescribed fee.

30 The regulations may provide for the waiver of the whole of or such part of the fee as the Board may in a particular case deem proper.

- 35 (8) Where the name of a pharmacist has been removed from the register, and until the name has been restored thereto, the pharmacist shall be deemed to be a person not registered as a pharmacist under this Act.

(9)

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(9) The registrar shall in the month of January in each year transmit a copy of the register certified to be correct up to the thirty-first day of December of the preceding year to the Minister.

5 (10) A copy of the register signed by the president or the registrar or a printed copy purporting to be so signed shall be prima facie evidence in all legal proceedings that the persons mentioned as registered pharmacists are registered
10 pharmacists for the year therein stated, and that the persons whose names are therein contained and no others were pharmacists registered under this Act at the time when the said copy or printed copy of the register purported to have been so
15 signed.

(11) In any proceedings against any person for a contravention of any provision of this Act, and in any other proceedings or matter of any kind, a certificate in the prescribed form under
20 the hands of the president and the registrar, of whose signatures judicial notice shall be taken, may be received in evidence to prove the fact that the person mentioned therein was or was not on the date mentioned in the certificate registered
25 as a pharmacist under this Act.

(12) This section shall apply to persons who were registered as pharmacists at the commencement of the Pharmacy (Amendment) Act, 1932, as well as to persons registered as pharmacists
30 after such commencement.

5. The Principal Act is further amended—

(a) by omitting section eight and by inserting in lieu thereof the following sections:—

35 8. (1) The Board may refuse to register as a pharmacist or may remove from the register any person who—

(a) has been convicted of any felony or
40 misdemeanour or of any offence which if committed within this State would be a felony or misdemeanour;

(b)

Further amendment of Act No. 7, 1897.

New ss. 8, 8A.

Refusal to place name on register and removal of name from register.

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(b) has been guilty of misconduct in any professional respect.

(2) Without limiting the meaning of the expression "misconduct in a professional respect," a pharmacist shall be deemed guilty of such conduct who—

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(a) in the carrying on of business as a pharmacist makes use of any title or description other than one granted to him by some body recognised by the Board ; or

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(b) save in the case of a registered pharmacist acting as a manager of a pharmacy for a person, association, or company entitled to carry on the business of a pharmacist, and save in such other cases and subject to such conditions as are prescribed,—

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(i) practises pharmacy in a name other than his own ; or

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(ii) allows the use of his name in connection with the practice of pharmacy at premises at which a registered pharmacist is not in regular daily attendance for the purpose of practice and supervision.

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(3) Before erasing or removing from the register the name of any person pursuant to this section the Board sitting in open court shall make due inquiry into the matter in accordance with paragraph (b) of subsection one of section four of this Act, and shall afford the person affected an opportunity of defence either in person or by counsel. Such person shall have the right of appeal to the Supreme Court, and such appeal shall be in the nature of a rehearing.

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(4) No person shall be refused registration nor have his name removed from the register on account of a conviction for an offence

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offence which, though within the provisions of this section, does not either from the trivial nature of the offence or from the circumstances under which it was committed disqualify a person from practising pharmacy, nor until he has been called upon to furnish to the Board an explanation in regard thereto.

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(5) Every complaint respecting the conduct of any pharmacist lodged with the Board involving a charge of misconduct in a professional respect shall be accompanied by a deposit of five pounds.

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Such deposit shall not be required where the complaint is lodged by a member of the police force or an officer of the Board.

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If after due inquiry the Board is of the opinion that the complaint is vexatious or frivolous in its nature, it shall so declare, and thereupon the sum so deposited shall be forfeited to the Board.

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In the absence of such declaration the sum so deposited shall be refunded.

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8A. Where the Board directs the removal from the register of the name of any person, the name of that person shall not be again entered on the register, except by direction of the Board, or by order of a court of competent jurisdiction. The Board may, if it thinks fit in any case, direct the registrar to restore to the register any name removed therefrom without fee, or on payment of such fee, not exceeding the registration fee, as the Board may from time to time direct, and the registrar shall restore the same accordingly.

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(b) by omitting section nine and by inserting in lieu thereof the following section:—

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9. If any person not being a registered pharmacist practises as a pharmacist he shall be guilty of an offence against this Act.

Restoration
of name
removed.

Only
registered
pharmacists
may practise
pharmacy.

This

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This section shall not extend to an assistant or apprentice to a pharmacist who compounds or dispenses drugs or medicines under the actual and personal supervision of a pharmacist.

- 5 (c) by omitting section ten and by inserting in lieu thereof the following section :—

10. (1) The Board shall register or license premises upon which drugs or medicines are manufactured or compounded.

Registration of premises for manufacture or compounding, &c., of drugs.

- 10 (2) Any certificate of registration or license granted by the Board may be issued, subject to the prescribed conditions, upon payment of the prescribed fee.

- 15 (3) After a date to be appointed by the Governor and notified by proclamation published in the Gazette, any person who manufactures or compounds drugs or medicines upon premises which are not registered or licensed by the Board, shall be guilty of an offence against this Act.

- 20 (d) (i) by omitting from section eleven the words and figures "form of Schedule III to this Act, if he is of the full age of twenty-one years" and by inserting in lieu thereof the words "prescribed form, if he proves to the satisfaction of the Board that he is of the full age of twenty-one years and of good character";

Sec. 11. (Qualifications of registered pharmacists.)

- 25 (ii) by omitting paragraph (e) from the same section and by inserting in lieu thereof the following paragraph :—

30 (e) holds a recognised certificate and satisfies the Board that by the laws or regulations in force in that behalf in the country where such certificate was issued the right to practise pharmacy therein is granted without further examination to persons who are registered under this Act.

- 40 (iii) by inserting at the end of subparagraph (i) of paragraph (g) of the same section the words

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- 5 words "or for a like period as an apprentice to a registered pharmacist in charge of the dispensary of a friendly society or of a pharmacy of a company and in each case produces to the registrar the prescribed evidence of the training he has received during his apprenticeship";
- (iv) by omitting from subparagraph (ii) of paragraph (g) of the same section the words "and materia medica" and by inserting in lieu thereof the words "materia medica or any other prescribed subject";
- 10 (e) (i) by omitting from section twelve the words "to allow his apprentices during the last year of" and by inserting in lieu thereof the words "to instruct his apprentices in pharmacy and to allow them during";
- 15 (ii) by omitting from the same section the words "mentioned in the last preceding section" and by inserting in lieu thereof the word "prescribed";
- 20 (f) by omitting from section fourteen all words after the words "twelve months";
- (g) by inserting next after section fourteen the following new section:—
- 25 14A. Nothing in this Act contained shall extend to or interfere with the business or with any rights of any dentist, medical practitioner, or veterinary surgeon in the preparation, dispensing, compounding, or supplying of any drug or medicine for the treatment of any person or animal then immediately under his professional treatment, or with the rights of a wholesale chemist, wholesale druggist, or manufacturer compounding, dispensing, or supplying drugs, medicines, or chemicals in the ordinary course of wholesale dealing or trading for re-sale on and from premises licensed by the Board for that purpose.

Section 12.
(Apprentices to be allowed to attend lectures and examinations.)

Sec. 14.

New s. 14A.

Rights of dentists, medical practitioners, &c., not interfered with.

(h)

Pharmacy (Amendment).

(h) by omitting section fifteen and by inserting in Sec. 15.
 lieu thereof the following section :—

5 15. (1) Every pharmacy shall be in charge Pharmacist to personally supervise at pharmacy.
 of a pharmacist who shall personally superin-
 tend the carrying on of the business of such
 pharmacy.

(2) No pharmacist personally in charge
 of a pharmacy shall be at the same time
 personally in charge of any other pharmacy.

10 (3) The name of a pharmacist in charge
 of a pharmacy shall be notified in the prescribed
 manner to the Board within one month of his
 taking charge of such pharmacy.

15 The name of a pharmacist in charge of a
 pharmacy shall be prominently displayed in
 letters at least two inches long on the exterior
 and interior of the said pharmacy, and also
 legibly displayed upon all packages and con-
 tainers of medicines and drugs compounded
 and sold by the pharmacist.

20 The name of the owner of the business
 where such owner is a registered pharmacist
 or a company entitled to carry on the pharmacy
 may also be prominently displayed.

25 (4) A breach of any of the provisions of
 this section shall be an offence against this
 Act, and the person who owns the business
 carried on at the pharmacy, and the pharmacist
 in charge of such pharmacy, shall each be
 liable for such offence.

30 (i) (i) by inserting in section sixteen after the Sec. 16.
 words "his estate" the words "shall advise (Death of registered pharmacist.)
 the registrar of the death of such phar-
 macist";

35 (ii) by inserting in the same section after the
 words "deceased pharmacist" the words
 "for such period or periods as the Board
 may approve, and";

40 (iii) by inserting at the end of the same section
 the words "and subject to section fifteen
 of this Act."

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6. The Principal Act is further amended—

Further amendment of Act No. 7, 1897.

5 (a) (i) by omitting from section seventeen the words “any title or term, sign or symbol, which may be construed to mean that he is qualified to perform the duties of a pharmacist, shall for each offence be liable to a penalty not less than five pounds and not more than fifty pounds” and by inserting in lieu thereof the words “or attaches to or exhibits at or causes or permits to be attached to or exhibited at any place of business or elsewhere, either alone or in combination with any other word or words or letters the words ‘pharmacy’, ‘apothecary’s hall,’ ‘medical drug hall,’ ‘pharmaceutical institution,’ ‘drug company,’ ‘bio-chemist,’ or any name, title, words, symbol, letters, addition, or description implying or inferring or purporting to imply or infer that he is a registered pharmacist, or practises as a pharmacist shall be guilty of an offence against this Act”;

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Sec. 17. (Penalty for falsely pretending to be a pharmacist.)

25 (ii) by inserting at the end of the same section the following new subsections:—

30 (2) (a) This section shall not extend to prevent any person who is a graduate of the University of Sydney or of any other university approved by the board and who has attended the courses of instruction upon and passed his examinations in bio-chemistry at such university from using the name, title, addition, or description of “bio-chemist.”

35 (b) This section shall not extend to prevent a company which is entitled to carry on the business of a pharmacist and is carrying on such business in accordance with this Act from exhibiting such words mentioned in subsection one of this section as are reasonably

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reasonably appropriate to describe the business carried on by the company at a pharmacy.

5 (3) In this section "person" includes a company or association.

(b) by omitting section eighteen and by inserting New s. 18. in lieu thereof the following section :—

10 18. (1) From and after the commencement Companies or associations. of the Pharmacy (Amendment) Act, 1932, it shall be an offence for any company or association of persons to carry on the business of a pharmacist.

This subsection shall not extend to—

- 15 (a) a company or association consisting wholly of registered pharmacists ; or
 (b) a company carrying on the business of a pharmacist at the date of the commencement of the Pharmacy (Amendment) Act, 1932, at any pharmacy being
 20 carried on at such commencement or at any other pharmacy established at or after such commencement ;
 (c) a friendly society duly registered.

25 (2) Any company or association offending against this section shall be liable, on summary conviction, to a penalty not exceeding two hundred pounds.

(c) by inserting after section eighteen the follow- New s. 18A. ing new section :—

30 18A. Every registered pharmacist shall Record of prescriptions dispensed. enter in the manner prescribed, in a record to be kept by him for the purpose, every prescription of any legally qualified medical practitioner dispensed, compounded, or made
 35 up by him.

(d) by omitting section twenty and by inserting in New s. 20. lieu thereof the following section :—

40 20. (1) The Governor, on the recommenda- Regulations. tion of the Board, may make regulations not inconsistent with this Act prescribing all matters

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of candidates for examination and registration with the requirements of the Act and regulations;

- 10 (i) prescribing what certificate, diploma, membership, degree, license, letters testimonial, or other title or document will be recognised by the Board either as entitling a person to registration or for any other purpose of this Act ;
- (j) providing for the granting of certificates of registration and the keeping of the register of pharmacists ;
- 15 (k) prescribing the conditions under which drugs and medicines are to be dispensed, compounded, or made up by pharmacists.
- (l) providing for the recording by pharmacists of prescriptions dispensed, compounded or made up ;
- 20 (m) regulating or prohibiting the employment except under the direct personal supervision of a pharmacist in a pharmacy of persons other than pharmacists ;
- 25 (n) providing for the annual registration of pharmacies and of the managers thereof ;
- (o) providing for the issuing of annual licenses for the premises on which drugs or medicines are manufactured or compounded for supply by wholesale dealing.
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- (2) Such regulations may prescribe a penalty not exceeding fifty pounds for any breach thereof.
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- (3) Such regulations shall—
- (a) be published in the Gazette ;
- (b) take effect from the date of such publication or from a later date to be specified in the regulations ;
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(c)

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(c) be laid before both Houses of Parliament within fourteen sitting days if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

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If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part thereof shall thereupon cease to have effect.

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(e) by inserting next after section twenty the following new section:— New s. 20A.

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20A. Every person guilty of an offence Penalties. against this Act shall, where no other penalty is prescribed, be liable on summary conviction to a penalty not exceeding fifty pounds.

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(f) by inserting next after section twenty-one the following new section:— New s. 21A.

21A. (1) The Board shall cause to be kept proper books of account. Accounts and audit.

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(2) The accounts of the Board shall be audited by the Auditor-General, who shall have with respect to such accounts all the powers conferred on the Auditor-General by any law now or hereafter to be in force relating to the audit of public accounts, and the Audit Act, 1902, and Acts amending the same shall apply to the Board and its officers in the same manner as it applies to accounting officers of Public Departments.

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(3) The Board shall as soon as practicable after the thirty-first day of December in each year prepare and transmit to the Minister (for presentation to Parliament) statements of accounts in a form approved by the Auditor-General exhibiting a true and correct view of the financial position and transactions of the Board.

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(4)

Pharmacy (Amendment).

- 5 (4) The Board shall in each year pay to the Consolidated Revenue Fund such sums at such periods as the Colonial Treasurer may decide to cover the cost and expenses of any audit made by the Auditor-General in pursuance of this Act.
- 10 (g) by omitting section twenty-two and by inserting in lieu thereof the following section :—
 22. All informations for offences against this Act shall be laid by the registrar or some other person appointed by the Board for that purpose, and any penalty and all fees payable under this Act or any regulation thereunder may be recovered before any stipendiary or police magistrate or two justices in petty sessions.
- 15 (h) by omitting section twenty-three and section twenty-four, and Schedules I, II, and III.

New s. 22.

Information for offences and penalties.

Repeal of ss., 24, and Schedules I, II, III.