

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.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 1 December, 1966, A.M.*

New South Wales



ANNO QUINTO DECIMO

ELIZABETHÆ II REGINÆ

Act No. , 1966.

An Act to make further provisions relating to the hours of trade of chemists' shops and the carrying on of businesses of pharmacists; for this and other purposes to amend the Factories, Shops and Industries Act, 1962-1965, and the Pharmacy Act, 1964, as amended by the Decimal Currency Act, 1965; and for purposes connected therewith.

BE it enacted by the Queen'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 the same, as follows:—

1. (1) This Act may be cited as the "Factories, Shops and Industries and Pharmacy (Amendment) Act, 1966".
(2)

Short title,
citation and
commence-
ment.

Factories, Shops and Industries and Pharmacy (Amendment).

(2) The Factories, Shops and Industries Act, 1962, as amended by subsequent Acts and by this Act, may be cited as the Factories, Shops and Industries Act, 1962–1966.

(3) The Pharmacy Act, 1964, as amended by the
5 Decimal Currency Act, 1965, and by this Act, may be cited as the Pharmacy Act, 1964–1966.

(4) Subject to subsection five of this section, this Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

10 (5) Paragraph (b) of section three of this Act shall commence upon the day upon which subsection one of section three of the Poisons Act, 1966, commences.

2. The Factories, Shops and Industries Act, 1962–1965, is amended—

Amendment
of Act No.
43, 1962.

15 (a) by inserting in subsection one of section seventy-four next after the definition of “Make or bake” the following new definition :—

Sec. 74.
(Definitions.)

20 “Medicinal or surgical goods” means drugs or medicines (including patent or proprietary drugs or medicines), surgical appliances, dressings and antiseptics.

(b) (i) by omitting from subsection (5A) of section
25 seventy-six the word, figures and letter “section 76A” where firstly occurring and by inserting in lieu thereof the words, figures and letters “sections 76A and 76B”;

Sec. 76.
(Registration of shops.)

(ii) by inserting in the same subsection after the word, figures and letter “section 76A” where
30 secondly occurring the words “or subsection two of the said section 76B”;

(iii) by inserting in paragraph (a) of subsection six of the same section after the figures and letter “76A” the symbol, figures and letter
“, 76B”;

(c)

Factories, Shops and Industries and Pharmacy (Amendment).

(c) by inserting next after section 76A the following new section :—

New sec.
76B.

76B. (1) In this section—

Special
pharmacies.

5 “Registered shop” means shop in respect of which a certificate of registration or of renewal of registration is for the time being operative.

10 “Special pharmacy” means a shop (not being an after-hours pharmacy as defined in section seventy-eight of this Act) wherein there is carried on a business of the sale by retail of medicinal or surgical goods on the orders or prescriptions of medical practitioners, which business is carried on either alone or in combination with any one or more of the following types of business and no other, namely the sale by retail of medicinal or surgical goods otherwise than on such orders or prescriptions, or of sanitary napkins, prepared food for invalids or infants, feeding cups, feeding bottles and teats, or such other goods as may be prescribed for the purposes of this definition and the definition of after-hours pharmacies in sub-section one of section seventy-eight of this Act.

20 (2) The provisions of subsections three to nine, both subsections inclusive, of section 76A of this Act apply to special pharmacies subject to the following modifications :—

30 (a) for any reference in those subsections to a “small shop” or to “small shops” there shall be substituted a reference to a “special pharmacy” or to “special pharmacies”, as the case may require;

35 (b) for the reference in paragraph (a) of subsection three, and in subsection four, of that section to “particulars in respect of matters

Factories, Shops and Industries and Pharmacy (Amendment).

5 matters referred to in the definition of 'Small shop' in subsection one of this section" there shall be substituted a reference to "particulars in respect of the business carried on in the shop".

- (d) (i) by inserting in section seventy-eight next before the definition of "Hairdresser's shop" the following new definitions :—

Sec. 78.
(Definitions and application.)

10 "After-hours pharmacy" means a shop (not being a stall, tent, vehicle, boat or pack)—

15 (a) of which the sole shopkeeper is a partnership consisting of the prescribed number of persons, partnerships, associations, or corporations each of whom or of which is the sole shopkeeper of a chemist's shop ; and

20 (b) wherein there is carried on a business of the sale by retail of medicinal or surgical goods on the orders or prescriptions of medical practitioners, which business is carried on either alone or in combination with any one or more of the following types of business and no other, namely the sale by retail of medicinal or surgical goods otherwise than on such orders or prescriptions, or of sanitary napkins, prepared food for invalids or infants, feeding cups, feeding bottles and teats, or such other goods as may be prescribed for the purposes of

this

Factories, Shops and Industries and Pharmacy (Amendment).

this definition and the definition of special pharmacies in subsection one of section 76B of this Act.

5 "Chemist's shop" does not include an after-hours pharmacy or a special pharmacy.

(ii) by omitting from the definition of "Shop" in the same section the words "substantial partition" and by inserting in lieu thereof the words
10 "permanent and substantial partition or wall";

(iii) by inserting in the same section next after the definition of "Small shop" the following new definition :—

15 "Special pharmacy" means a shop as defined in this subsection that is for the time being registered as a special pharmacy pursuant to section 76B of this Act.

(iv) by inserting at the end of the same section the following new subsections :—
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(2) For the purposes of the definition of "After-hours pharmacy" in subsection one of this section, "the prescribed number" means, in relation to any shop—

25 (a) if the Minister for the time being administering the Pharmacy Act, 1964, as amended by subsequent Acts, has approved of the business of the shop being carried on in partnership by
30 the shopkeepers of a specified number, being less than six, of chemists' shops and has not withdrawn such approval—that specified or any greater number;

35 (b) in any other case—six or more but not more than fifty.

(3)

Factories, Shops and Industries and Pharmacy (Amendment).

5 (3) The provisions of subsection three of section fourteen of the Companies Act, 1961, as amended by subsequent Acts, do not apply to the formation of a partnership for the purpose of conducting an after-hours pharmacy.

(e) by inserting in subsection one of section seventy-nine after the words "chemists' shops," the words "after-hours pharmacies, special pharmacies,"; Sec. 79. (Closing and opening times of certain shops on week days.)

10 (f) by inserting next after section eighty-one the following new section :— New sec. 81A.

15 81A. (1) (a) In this subsection "public holiday" means the first day of January, the twenty-sixth day of January, Good Friday, Easter Monday, the twenty-fifth day of April (Anzac Day), the anniversary of the birth of Her Majesty, Christmas Day, or the twenty-sixth day of December, or any day observed as such in accordance with the provisions of the Banks and Bank Holidays Act, 1912, as amended by subsequent Acts. Times at which after-hours pharmacies shall be kept closed.

20 (b) Subject to subsection two of this section, every after-hours pharmacy shall—

25 (i) on any day that is the day of the weekly half-holiday but is not a public holiday, be kept closed between nine o'clock in the forenoon and half-past twelve o'clock in the afternoon; and

30 (ii) on any day that is not the day of the weekly half-holiday or a Sunday or public holiday, be kept closed between nine o'clock in the forenoon and six o'clock in the afternoon.

35 (2) Where in respect of any part of the State or any city, town or district therein the Governor has, pursuant to the Banks and Bank Holidays Act, 1912, as amended by subsequent Acts, appointed a special day or special half-day to be observed as a public holiday, nothing in this section

Factories, Shops and Industries and Pharmacy (Amendment).

section shall require any after-hours pharmacy in that part of the State or that city, town or district to be closed at any time on that day.

5 (g) (i) by inserting in paragraph (a) of subsection one of section eighty-two after the word "shop" where secondly occurring the words Sec. 82. (Closing time of mixed shops.)
" , after-hours pharmacy or special pharmacy";

(ii) by inserting at the end of the same paragraph the following words : —

10 For the purposes of this paragraph the class consisting of after-hours pharmacies shall be deemed not to be a class of shops.

(h) (i) by inserting in subsection two of section eighty-four after the words "scheduled shop" the words " , other than after-hours pharmacies or special pharmacies,"; Sec. 84. (Trading hours of shops on Sunday.)

(ii) by inserting in subsection three of the same section after the words "scheduled shops" the words " , other than after-hours pharmacies or special pharmacies,";

20 (i) (i) by inserting in paragraph (a) of subsection one of section eighty-five after the words "chemists' shops," the words "after-hours pharmacies, special pharmacies,"; Sec. 85. (Matters to be dealt with in awards.)

25 (ii) by inserting in paragraph (e) of the same subsection after the words "small shops" the words " , after-hours pharmacies and special pharmacies";

30 (iii) by inserting in subsection three of the same section after the word "shops" the words " , after-hours pharmacies or special pharmacies";

35 (j) (i) by inserting in paragraph (a) of subsection one of section eighty-six after the word "shop" where firstly occurring the words " , other than an after-hours pharmacy"; Sec. 86. (Offences.)

(ii)

Factories, Shops and Industries and Pharmacy (Amendment).

- (ii) by inserting in paragraph (b) of the same subsection after the word "shop" where firstly occurring the words "(other than an after-hours pharmacy)";
- 5 (iii) by omitting from subsection two of the same section the word "Where" and by inserting in lieu thereof the words "Subject to sections 89A and ninety of this Act, where";

- 10 (k) by inserting next after section eighty-nine the following new section : — New sec. 89A.

15 89A. No person shall be guilty of an offence against this Act by reason only that a shop being a chemist's shop or after-hours pharmacy, or that a warehouse wherein medicinal or surgical goods were sold or offered or exposed for sale, was open on any day at a time (in this subsection referred to as a non-trading time) when such shops or warehouses are required by or under this Act to be kept closed, if—

- 20 (a) the only purpose of such opening was the sale of medicinal or surgical goods in accordance with the order or prescription of a medical practitioner or required urgently, and no goods other than medicinal or surgical goods either—

- 25 (i) specified in such an order or prescription produced by a person seeking to buy those goods to a person acting in the conduct of the business of the shop or warehouse;
- 30 or
- (ii) which a person seeking to buy those goods stated to a person so acting to be required for a specified urgent purpose,
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were sold in the shop or warehouse during the non-trading times on that day; and

(b)

Factories, Shops and Industries and Pharmacy (Amendment).

- (b) the door of the shop or warehouse was kept closed and fastened at all non-trading times on that day except when—
- 5 (i) a person admitted to the shop or warehouse for the purpose of the sale of medicinal or surgical goods as referred to in paragraph (a) of this subsection;
 - 10 (ii) a person referred to in paragraph (a) of subsection one of section ninety of this Act; or
 - (iii) a customer referred to in the proviso to subsection two of section eighty-six of this Act,
- 15 was entering or leaving the shop or warehouse.
- (1) (i) by omitting paragraph (c) of subsection one of section ninety; Sec. 90.
(Defences.)
- 20 (ii) by inserting in subsection two of the same section after the words "of this Act" the words "or as a special pharmacy pursuant to section 76B of this Act";
- 25 (iii) by omitting from the same subsection the words "that section" where firstly occurring and by inserting in lieu thereof the words "the said section 76A or was a special pharmacy as defined in subsection one of the said section 76B";
- 30 (iv) by omitting from paragraph (a) of the same subsection the words "that section" and by inserting in lieu thereof the words "the said section 76A or in accordance with that subsection as applied and modified by the said section 76B";

Factories, Shops and Industries and Pharmacy (Amendment).

- 5 (m) (i) by inserting in section ninety-four after the words "of this Act" the words ", after-hours pharmacies as defined by section seventy-eight of this Act or special pharmacies as defined by section 76B of this Act"; Sec. 94. (Trading hours for automatic vending devices.)
- (ii) by inserting at the end of the same section the following new subsection :—
- 10 (2) Where goods offered or exposed for sale in an automatic vending device in any area are goods of the kind usually the subject of trade in after-hours pharmacies as defined by section seventy-eight of this Act, or special pharmacies as defined by section 76B of this Act, and the automatic vending device is not
- 15 kept closed at any time when chemists' shops in that area are required by or under this Act to be kept closed, the owner of the device and the occupier of the premises in which the device is situated shall be guilty of an offence against this Act.
- 20 (n) by inserting at the end of section one hundred and two the following new paragraph :— Sec. 102. (Regulations.)
- 25 (c) requiring the shopkeeper of a shop, being a chemist's shop, after-hours pharmacy as defined by section seventy-eight of this Act or special pharmacy as defined by section 76B of this Act, to exhibit whenever the shop is closed, a notice containing the prescribed information as to a place where and means whereby medicinal and surgical goods may be obtained, and prescribing the place and manner in which any such notice shall be exhibited.
- 30 (o) by inserting in Schedule Three after the words "Chemists' shops" the following words :— Schedule Three.
- 35 "After-hours pharmacies.
Special pharmacies."

Factories, Shops and Industries and Pharmacy (Amendment).

3. The Pharmacy Act, 1964, as amended by the Decimal Currency Act, 1965, is amended— Amendment of Act No. 48, 1964.

5 (a) by inserting in section three next before the definition of "Board" the following new definition :— Sec. 3. (Interpretation.)

"After-hours pharmacy" has the meaning ascribed thereto by section seventy-eight of the Factories, Shops and Industries Act, 1962, as amended by subsequent Acts.

10 (b) by omitting from subsection one of section four the words "in addition to exercising and performing the powers, authorities, duties and functions conferred or imposed upon it by this Act, administer the Poisons Act, 1952, as amended by subsequent Acts" and by inserting in lieu thereof the words "exercise and perform the powers, authorities, duties and functions conferred or imposed upon it by this Act"; Sec. 4. (Pharmacy Board of New South Wales.)

20 (c) by inserting at the end of paragraph (e) of subsection two of section twenty-five the following word and new paragraph :— Sec. 25. (Persons other than practising pharmacists not to have interest in pharmacists' business.)

; or

25 (f) any person, corporation or body of persons unincorporated who or which is carrying on the business of a pharmacist from carrying on, in partnership with one or more other such persons, corporations or bodies, not more than one after-hours pharmacy in addition to that business of a pharmacist.

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(d)

Factories, Shops and Industries and Pharmacy (Amendment).

(d) by inserting next after subsection three of section twenty-six the following new subsection :—

Sec. 26.
(Practising pharmacists not to carry on business in more than one shop.)

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(3A) A practising pharmacist shall not be guilty of an offence against this section by reason only of his carrying on, as a partner, not more than one after-hours pharmacy in addition to any business of a pharmacist that he is lawfully carrying on.

(e) by inserting next after paragraph (h) of subsection one of section thirty-eight the following new paragraph :—

Sec. 38.
(Regulations.)

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(ha) the establishment and conduct of after-hours pharmacies, the formation of partnerships for the purposes of establishing such pharmacies, the admission of additional partners, the holding and transfer of shares in such partnerships, the provisions to be included in agreements for the formation of such partnerships and any other matters relating to such partnerships.

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1966

[10c]

No. , 1966

A BILL

To make further provisions relating to the hours of trade of chemists' shops and the carrying on of businesses of pharmacists; for this and other purposes to amend the Factories, Shops and Industries Act, 1962-1965, and the Pharmacy Act, 1964, as amended by the Decimal Currency Act, 1965; and for purposes connected therewith.

[MR. WILLIS—16 November, 1966.]

BE it enacted by the Queen'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 the same, as follows :—

1. (1) This Act may be cited as the "Factories, Shops and Industries and Pharmacy (Amendment) Act, 1966".
- (2) Short title, citation and commencement.

Factories, Shops and Industries and Pharmacy (Amendment).

(2) The Factories, Shops and Industries Act, 1962, as amended by subsequent Acts and by this Act, may be cited as the Factories, Shops and Industries Act, 1962-1966.

(3) The Pharmacy Act, 1964, as amended by the
5 Decimal Currency Act, 1965, and by this Act, may be cited as the Pharmacy Act, 1964-1966.

(4) Subject to subsection five of this section, this Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

10 (5) Paragraph (b) of section three of this Act shall commence upon the day upon which subsection one of section three of the Poisons Act, 1966, commences.

2. The Factories, Shops and Industries Act, 1962-1965, is amended—

Amendment
of Act No.
43, 1962.

15 (a) by inserting in subsection one of section seventy-four next after the definition of "Make or bake" the following new definition :—

Sec. 74.
(Definitions.)

20 "Medicinal or surgical goods" means drugs or medicines (including patent or proprietary drugs or medicines), surgical appliances, dressings and antiseptics.

(b) (i) by omitting from subsection (5A) of section
25 seventy-six the word, figures and letter "section 76A" where firstly occurring and by inserting in lieu thereof the words, figures and letters "sections 76A and 76B";

Sec. 76.
(Registration of shops.)

(ii) by inserting in the same subsection after the word, figures and letter "section 76A" where
30 secondly occurring the words "or subsection two of the said section 76B";

(iii) by inserting in paragraph (a) of subsection six of the same section after the figures and letter "76A" the symbol, figures and letter
", 76B";

(c)

Factories, Shops and Industries and Pharmacy (Amendment).

(c) by inserting next after section 76A the following new section :—

New sec.
76B.

76B. (1) In this section—

Special
pharmacies.

5 “Registered shop” means shop in respect of which a certificate of registration or of renewal of registration is for the time being operative.

10 “Special pharmacy” means a shop (not being an after-hours pharmacy as defined in section seventy-eight of this Act) wherein there is carried on a business of the sale by retail of medicinal or surgical goods on the orders or prescriptions of medical practitioners, which business is carried on either alone or
15 in combination with any one or more of the following types of business and no other, namely the sale by retail of medicinal or surgical goods otherwise than on such orders or prescriptions, or of sanitary napkins,
20 prepared food for invalids or infants, feeding cups, feeding bottles and teats, or such other goods as may be prescribed for the purposes of this definition and the definition of after-hours pharmacies in sub-
25 section one of section seventy-eight of this Act.

30 (2) The provisions of subsections three to nine, both subsections inclusive, of section 76A of this Act apply to special pharmacies subject to the following modifications :—

35 (a) for any reference in those subsections to a “small shop” or to “small shops” there shall be substituted a reference to a “special pharmacy” or to “special pharmacies”, as the case may require;

(b) for the reference in paragraph (a) of subsection three, and in subsection four, of that section to “particulars in respect of matters

Factories, Shops and Industries and Pharmacy (Amendment).

5 matters referred to in the definition of 'Small shop' in subsection one of this section" there shall be substituted a reference to "particulars in respect of the business carried on in the shop".

- (d) (i) by inserting in section seventy-eight next before the definition of "Hairdresser's shop" the following new definitions :—

Sec. 78.
(Definitions and application.)

10 "After-hours pharmacy" means a shop (not being a stall, tent, vehicle, boat or pack)—

15 (a) of which the sole shopkeeper is a partnership consisting of the prescribed number of persons, partnerships, associations, or corporations each of whom or of which is the sole shopkeeper of a chemist's shop ; and

20 (b) wherein there is carried on a business of the sale by retail of medicinal or surgical goods on the orders or prescriptions of medical practitioners, which business is carried on either alone or in combination with any one or more of the following types of business and no other, namely the sale by retail of medicinal or surgical goods otherwise than on such orders or prescriptions, or of sanitary napkins, prepared food for invalids or infants, feeding cups, feeding bottles and teats, or such other goods as may be prescribed for the purposes of

this

Factories, Shops and Industries and Pharmacy (Amendment).

this definition and the definition of special pharmacies in subsection one of section 76B of this Act.

5

“Chemist’s shop” does not include an after-hours pharmacy or a special pharmacy.

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(ii) by omitting from the definition of “Shop” in the same section the words “substantial partition” and by inserting in lieu thereof the words “permanent and substantial partition or wall”;

(iii) by inserting in the same section next after the definition of “Small shop” the following new definition :—

15

“Special pharmacy” means a shop as defined in this subsection that is for the time being registered as a special pharmacy pursuant to section 76B of this Act.

20

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

(2) For the purposes of the definition of “After-hours pharmacy” in subsection one of this section, “the prescribed number” means, in relation to any shop—

25

(a) if the Minister for the time being administering the Pharmacy Act, 1964, as amended by subsequent Acts, has approved of the business of the shop being carried on in partnership by the shopkeepers of a specified number, being less than six, of chemists’ shops and has not withdrawn such approval—that specified or any greater number;

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(b) in any other case—six or more but not more than fifty.

(3)

Factories, Shops and Industries and Pharmacy (Amendment).

5 (3) The provisions of subsection three of section fourteen of the Companies Act, 1961, as amended by subsequent Acts, do not apply to the formation of a partnership for the purpose of conducting an after-hours pharmacy.

(e) by inserting in subsection one of section seventy-nine after the words "chemists' shops," the words "after-hours pharmacies, special pharmacies,"; Sec. 79. (Closing and opening times of certain shops on week days.)

10 (f) by inserting next after section eighty-one the following new section :— New sec. 81A.

15 81A. (1) (a) In this subsection "public holiday" means the first day of January, the twenty-sixth day of January, Good Friday, Easter Monday, the twenty-fifth day of April (Anzac Day), the anniversary of the birth of Her Majesty, Christmas Day, or the twenty-sixth day of December, or any day observed as such in accordance with the provisions of the Banks and Bank Holidays Act, 1912, as amended by subsequent Acts. Times at which after-hours pharmacies shall be kept closed.

20 (b) Subject to subsection two of this section, every after-hours pharmacy shall—

25 (i) on any day that is the day of the weekly half-holiday but is not a public holiday, be kept closed between nine o'clock in the forenoon and half-past twelve o'clock in the afternoon; and

30 (ii) on any day that is not the day of the weekly half-holiday or a Sunday or public holiday, be kept closed between nine o'clock in the forenoon and six o'clock in the afternoon.

(2) Where in respect of any part of the State or any city, town or district therein the Governor has, pursuant to the Banks and Bank Holidays Act, 1912, as amended by subsequent Acts, appointed a special day or special half-day to be observed as a public holiday, nothing in this section

Factories, Shops and Industries and Pharmacy (Amendment).

section shall require any after-hours pharmacy in that part of the State or that city, town or district to be closed at any time on that day.

- 5 (g) (i) by inserting in paragraph (a) of subsection one of section eighty-two after the word "shop" where secondly occurring the words "after-hours pharmacy or special pharmacy";
- (ii) by inserting at the end of the same paragraph the following words :—
- 10 For the purposes of this paragraph the class consisting of after-hours pharmacies shall be deemed not to be a class of shops.
- (h) (i) by inserting in subsection two of section eighty-four after the words "scheduled shop" the words "other than after-hours pharmacies or special pharmacies,";
- 15 (ii) by inserting in subsection three of the same section after the words "scheduled shops" the words "other than after-hours pharmacies or special pharmacies,";
- 20 (i) (i) by inserting in paragraph (a) of subsection one of section eighty-five after the words "chemists' shops," the words "after-hours pharmacies, special pharmacies,";
- 25 (ii) by inserting in paragraph (e) of the same subsection after the words "small shops" the words "after-hours pharmacies and special pharmacies";
- 30 (iii) by inserting in subsection three of the same section after the word "shops" the words "after-hours pharmacies or special pharmacies";
- (j) (i) by inserting in paragraph (a) of subsection one of section eighty-six after the word "shop" where firstly occurring the words "other than an after-hours pharmacy";
- 35

(ii)

Factories, Shops and Industries and Pharmacy (Amendment).

- (ii) by inserting in paragraph (b) of the same subsection after the word "shop" where firstly occurring the words "(other than an after-hours pharmacy)";
- 5 (iii) by omitting from subsection two of the same section the word "Where" and by inserting in lieu thereof the words "Subject to sections 89A and ninety of this Act, where";
- 10 (k) by inserting next after section eighty-nine the following new section :— New sec. 89A.
- 15 89A. No person shall be guilty of an offence against this Act by reason only that a shop being a chemist's shop or after-hours pharmacy, or that a warehouse wherein medicinal or surgical goods were sold or offered or exposed for sale, was open on any day at a time (in this subsection referred to as a non-trading time) when such shops or warehouses are required by or under this Act to be kept closed, if— Sale of medicinal or surgical goods.
- 20 (a) the only purpose of such opening was the sale of medicinal or surgical goods in accordance with the order or prescription of a medical practitioner or required urgently, and no goods other than medicinal or surgical goods either—
- 25 (i) specified in such an order or prescription produced by a person seeking to buy those goods to a person acting in the conduct of the business of the shop or warehouse;
- 30 or
- (ii) which a person seeking to buy those goods stated to a person so acting to be required for a specified urgent purpose,
- 35 were sold in the shop or warehouse during the non-trading times on that day; and
- (b)

Factories, Shops and Industries and Pharmacy (Amendment).

- (b) the door of the shop or warehouse was kept closed and fastened at all non-trading times on that day except when—
 - (i) a person admitted to the shop or warehouse for the purpose of the sale of medicinal or surgical goods as referred to in paragraph (a) of this subsection;
 - (ii) a person referred to in paragraph (a) of subsection one of section ninety of this Act; or
 - (iii) a customer referred to in the proviso to subsection two of section eighty-six of this Act,
- was entering or leaving the shop or warehouse.
- (1) (i) by omitting paragraph (c) of subsection one of section ninety; Sec. 90.
(Defences.)
 - (ii) by inserting in subsection two of the same section after the words "of this Act" the words "or as a special pharmacy pursuant to section 76B of this Act";
 - (iii) by omitting from the same subsection the words "that section" where firstly occurring and by inserting in lieu thereof the words "the said section 76A or was a special pharmacy as defined in subsection one of the said section 76B";
 - (iv) by omitting from paragraph (a) of the same subsection the words "that section" and by inserting in lieu thereof the words "the said section 76A or in accordance with that subsection as applied and modified by the said section 76B";

Factories, Shops and Industries and Pharmacy (Amendment).

5 (m) (i) by inserting in section ninety-four after the words "of this Act" the words ", after-hours pharmacies as defined by section seventy-eight of this Act or special pharmacies as defined by section 76B of this Act";

Sec. 94.
(Trading hours for automatic vending devices.)

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

10 (2) Where goods offered or exposed for sale in an automatic vending device in any area are goods of the kind usually the subject of trade in after-hours pharmacies as defined by section seventy-eight of this Act, or special pharmacies as defined by section 76B of this Act, and the automatic vending device is not

15 kept closed at any time when chemists' shops in that area are required by or under this Act to be kept closed, the owner of the device and the occupier of the premises in which the device is situated shall be guilty of an offence

20 against this Act.

(n) by inserting at the end of section one hundred and two the following new paragraph :—

Sec. 102.
(Regulations.)

25 (c) requiring the shopkeeper of a shop, being a chemist's shop, after-hours pharmacy as defined by section seventy-eight of this Act or special pharmacy as defined by section 76B of this Act, to exhibit whenever the shop is closed, a notice containing the prescribed information as to a place where

30 and means whereby medicinal and surgical goods may be obtained, and prescribing the place and manner in which any such notice shall be exhibited.

35 (o) by inserting in Schedule Three after the words "Chemists' shops" the following words :—

Schedule Three.

"After-hours pharmacies.
Special pharmacies."

Factories, Shops and Industries and Pharmacy (Amendment).

3. The Pharmacy Act, 1964, as amended by the Decimal Currency Act, 1965, is amended— Amendment of Act No. 48, 1964.

5 (a) by inserting in section three next before the definition of "Board" the following new definition :— Sec. 3. (Interpretation.)

"After-hours pharmacy" has the meaning ascribed thereto by section seventy-eight of the Factories, Shops and Industries Act, 1962, as amended by subsequent Acts.

10 (b) by omitting from subsection one of section four the words "in addition to exercising and performing the powers, authorities, duties and functions conferred or imposed upon it by this Act, administer the Poisons Act, 1952, as amended by subsequent Acts" and by inserting in lieu thereof the words "exercise and perform the powers, authorities, duties and functions conferred or imposed upon it by this Act"; Sec. 4. (Pharmacy Board of New South Wales.)

20 (c) by inserting at the end of paragraph (e) of subsection two of section twenty-five the following word and new paragraph :— Sec. 25. (Persons other than practising pharmacists not to have interest in pharmacists' business.)

; or

25 (f) any person, corporation or body of persons unincorporated who or which is carrying on the business of a pharmacist from carrying on, in partnership with one or more other such persons, corporations or bodies, not more than one after-hours pharmacy in addition to that business of a pharmacist.

(d)

Factories, Shops and Industries and Pharmacy (Amendment).

(d) by inserting next after subsection three of section twenty-six the following new subsection :—

Sec. 26.
(Practising pharmacists not to carry on business in more than one shop.)

5 (3A) A practising pharmacist shall not be guilty of an offence against this section by reason only of his carrying on, as a partner, not more than one after-hours pharmacy in addition to any business of a pharmacist that he is lawfully carrying on.

(e) by inserting next after paragraph (h) of subsection one of section thirty-eight the following new paragraph :—

Sec. 38.
(Regulations.)

10 (ha) the establishment and conduct of after-hours pharmacies, the formation of partnerships for the purposes of establishing such pharmacies, the admission of additional partners, the holding and transfer of shares in such partnerships, the provisions to be included in agreements for the formation of such partnerships and any other matters relating to such partnerships.

15

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1966

[10c]

PROOF

FACTORIES, SHOPS AND INDUSTRIES AND PHARMACY (AMENDMENT) BILL, 1966

EXPLANATORY NOTE

THE object of this Bill is to permit certain classes of chemists' shops, described as "special pharmacies" and "after-hours pharmacies", to be kept open at times when, under the present law, all chemists' shops are required to be closed.

"Special pharmacies" are shops to be registered as such and in which the only goods sold would be medicines or surgical appliances, or those goods together with certain other goods set out in the Bill or to be prescribed by regulations. They will be allowed to be open at all times on all days.

"After-hours pharmacies" are shops selling the same range of goods as special pharmacies but occupied by partnerships formed of the shopkeepers of a prescribed number of ordinary chemists' shops. They will be allowed to be open—

- (a) at all times on Sundays and public holidays, and
- (b) at all times on all other days except between 9 a.m. and 6 p.m. on Mondays to Fridays, inclusive, and except between 9 a.m. and 12.30 p.m. on Saturdays.

The Bill also contains provisions—

- (c) to amend certain provisions of the Pharmacy Act, 1964, as amended, so as to enable partnerships of pharmacists to carry on business in "after-hours pharmacies", and to make provisions in relation to such partnerships;
- (d) to provide that the door of a chemist's shop must be closed and fastened at all times when the shop is required to be closed, except when persons visiting the shop in connection with the purchase of urgently required medicinal or surgical goods, or otherwise lawfully resorting to the shop, are entering or leaving;
- (e) to enable regulations to be made requiring the shopkeeper of any type of chemist's shop to exhibit, whenever the shop is closed, a notice containing the prescribed information as to the means whereby medicinal or surgical goods may be obtained; and
- (f) of a machinery or ancillary nature.

PROOF

No. , 1966

A BILL

To make further provisions relating to the hours of trade of chemists' shops and the carrying on of businesses of pharmacists; for this and other purposes to amend the Factories, Shops and Industries Act, 1962-1965, and the Pharmacy Act, 1964, as amended by the Decimal Currency Act, 1965; and for purposes connected therewith.

[MR. WILLIS—16 *November*, 1966.]

BE it enacted by the Queen'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 the same, as follows:—

1. (1) This Act may be cited as the "Factories, Shops and Industries and Pharmacy (Amendment) Act, 1966".

Short title,
citation and
commence-
ment.

(2)

Factories, Shops and Industries and Pharmacy (Amendment).

(2) The Factories, Shops and Industries Act, 1962, as amended by subsequent Acts and by this Act, may be cited as the Factories, Shops and Industries Act, 1962-1966.

(3) The Pharmacy Act, 1964, as amended by the
5 Decimal Currency Act, 1965, and by this Act, may be cited as the Pharmacy Act, 1964-1966.

(4) Subject to subsection five of this section, this Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

10 (5) Paragraph (b) of section three of this Act shall commence upon the day upon which subsection one of section three of the Poisons Act, 1966, commences.

2. The Factories, Shops and Industries Act, 1962-1965, is amended— Amendment of Act No. 43, 1962.

15 (a) by inserting in subsection one of section seventy-four next after the definition of "Make or bake" the following new definition :— Sec. 74. (Definitions.)

20 "Medicinal or surgical goods" means drugs or medicines (including patent or proprietary drugs or medicines), surgical appliances, dressings and antiseptics.

(b) (i) by omitting from subsection (5A) of section
25 seventy-six the word, figures and letter "section 76A" where firstly occurring and by inserting in lieu thereof the words, figures and letters "sections 76A and 76B"; Sec. 76. (Registration of shops.)

(ii) by inserting in the same subsection after the word, figures and letter "section 76A" where
30 secondly occurring the words "or subsection two of the said section 76B";

(iii) by inserting in paragraph (a) of subsection six of the same section after the figures and letter "76A" the symbol, figures and letter
", 76B";

(c)

Factories, Shops and Industries and Pharmacy (Amendment).

(c) by inserting next after section 76A the following ^{New sec.}
new section :— ^{76B.}

76B. (1) In this section—

<sup>Special
pharmacies.</sup>

5 “Registered shop” means shop in respect of
which a certificate of registration or of
renewal of registration is for the time being
operative.

10 “Special pharmacy” means a shop (not being an
after-hours pharmacy as defined in section
seventy-eight of this Act) wherein there is
carried on a business of the sale by retail
of medicinal or surgical goods on the orders
15 or prescriptions of medical practitioners,
which business is carried on either alone or
in combination with any one or more of the
following types of business and no other,
namely the sale by retail of medicinal or
20 surgical goods otherwise than on such orders
or prescriptions, or of sanitary napkins,
prepared food for invalids or infants,
feeding cups, feeding bottles and teats, or
such other goods as may be prescribed for
the purposes of this definition and the
25 definition of after-hours pharmacies in sub-
section one of section seventy-eight of this
Act.

30 (2) The provisions of subsections three to
nine, both subsections inclusive, of section 76A
of this Act apply to special pharmacies subject to
the following modifications :—

35 (a) for any reference in those subsections to a
“small shop” or to “small shops” there
shall be substituted a reference to a “spe-
cial pharmacy” or to “special pharmacies”,
as the case may require;

(b) for the reference in paragraph (a) of sub-
section three, and in subsection four, of
that section to “particulars in respect of
matters

Factories, Shops and Industries and Pharmacy (Amendment).

5 matters referred to in the definition of
'Small shop' in subsection one of this sec-
tion" there shall be substituted a reference
to "particulars in respect of the business
carried on in the shop".

- (d) (i) by inserting in section seventy-eight next Sec. 78.
before the definition of "Hairdresser's shop" (Definitions
the following new definitions :— and
application.)

10 "After-hours pharmacy" means a shop (not
being a stall, tent, vehicle, boat or
pack)—

- 15 (a) of which the sole shopkeeper
is a partnership consisting of
the prescribed number of per-
sons, partnerships, associations,
or corporations each of whom
or of which is the sole shop-
keeper of a chemist's shop ; and
- 20 (b) wherein there is carried on a
business of the sale by retail
of medicinal or surgical goods
on the orders or prescriptions
of medical practitioners, which
25 business is carried on either
alone or in combination with
any one or more of the follow-
ing types of business and no
other, namely the sale by
30 retail of medicinal or surgical
goods otherwise than on such
orders or prescriptions, or of
sanitary napkins, prepared food
for invalids or infants, feeding
cups, feeding bottles and teats,
35 or such other goods as may be
prescribed for the purposes of

this

Factories, Shops and Industries and Pharmacy (Amendment).

this definition and the definition of special pharmacies in subsection one of section 76B of this Act.

5 "Chemist's shop" does not include an after-hours pharmacy or a special pharmacy.

(ii) by omitting from the definition of "Shop" in the same section the words "substantial partition" and by inserting in lieu thereof the words
10 "permanent and substantial partition or wall";

(iii) by inserting in the same section next after the definition of "Small shop" the following new definition :—

15 "Special pharmacy" means a shop as defined in this subsection that is for the time being registered as a special pharmacy pursuant to section 76B of this Act.

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

20 (2) For the purposes of the definition of "After-hours pharmacy" in subsection one of this section, "the prescribed number" means, in relation to any shop—

25 (a) if the Minister for the time being administering the Pharmacy Act, 1964, as amended by subsequent Acts, has approved of the business of the shop being carried on in partnership by
30 the shopkeepers of a specified number, being less than six, of chemists' shops and has not withdrawn such approval—that specified or any greater number;

35 (b) in any other case—six or more but not more than fifty.

(3)

Factories, Shops and Industries and Pharmacy (Amendment).

5 (3) The provisions of subsection three of section fourteen of the Companies Act, 1961, as amended by subsequent Acts, do not apply to the formation of a partnership for the purpose of conducting an after-hours pharmacy.

(e) by inserting in subsection one of section seventy-nine after the words "chemists' shops," the words "after-hours pharmacies, special pharmacies,"; Sec. 79. (Closing and opening times of certain shops on week days.)

10 (f) by inserting next after section eighty-one the following new section :— New sec. 81A.

15 81A. (1) (a) In this subsection "public holiday" means the first day of January, the twenty-sixth day of January, Good Friday, Easter Monday, the twenty-fifth day of April (Anzac Day), the anniversary of the birth of Her Majesty, Christmas Day, or the twenty-sixth day of December, or any day observed as such in accordance with the provisions of the Banks and Bank Holidays Act, 1912, as amended by subsequent Acts. Times at which after-hours pharmacies shall be kept closed.

20 (b) Subject to subsection two of this section, every after-hours pharmacy shall—

25 (i) on any day that is the day of the weekly half-holiday but is not a public holiday, be kept closed between nine o'clock in the forenoon and half-past twelve o'clock in the afternoon; and

30 (ii) on any day that is not the day of the weekly half-holiday or a Sunday or public holiday, be kept closed between nine o'clock in the forenoon and six o'clock in the afternoon.

35 (2) Where in respect of any part of the State or any city, town or district therein the Governor has, pursuant to the Banks and Bank Holidays Act, 1912, as amended by subsequent Acts, appointed a special day or special half-day to be observed as a public holiday, nothing in this section

Factories, Shops and Industries and Pharmacy (Amendment).

section shall require any after-hours pharmacy in that part of the State or that city, town or district to be closed at any time on that day.

- 5 (g) (i) by inserting in paragraph (a) of subsection one of section eighty-two after the word "shop" where secondly occurring the words Sec. 82. (Closing time of mixed shops.)
 ", after-hours pharmacy or special pharmacy";
- (ii) by inserting at the end of the same paragraph the following words :—
- 10 For the purposes of this paragraph the class consisting of after-hours pharmacies shall be deemed not to be a class of shops.
- (h) (i) by inserting in subsection two of section eighty-four after the words "scheduled shop" the words Sec. 84. (Trading hours of shops on Sunday.)
 "other than after-hours pharmacies or special pharmacies,";
- (ii) by inserting in subsection three of the same section after the words "scheduled shops" the words "other than after-hours pharmacies or special pharmacies,";
- 20 (i) (i) by inserting in paragraph (a) of subsection one of section eighty-five after the words Sec. 85. (Matters to be dealt with in awards.)
 "chemists' shops," the words "after-hours pharmacies, special pharmacies,";
- 25 (ii) by inserting in paragraph (e) of the same subsection after the words "small shops" the words "other than after-hours pharmacies and special pharmacies";
- 30 (iii) by inserting in subsection three of the same section after the word "shops" the words "other than after-hours pharmacies or special pharmacies";
- (j) (i) by inserting in paragraph (a) of subsection one of section eighty-six after the word "shop" where firstly occurring the words "other than an after-hours pharmacy"; Sec. 86. (Offences.)
- 35

(ii)

Factories, Shops and Industries and Pharmacy (Amendment).

- (ii) by inserting in paragraph (b) of the same subsection after the word "shop" where firstly occurring the words "(other than an after-hours pharmacy)";
- 5 (iii) by omitting from subsection two of the same section the word "Where" and by inserting in lieu thereof the words "Subject to sections 89A and ninety of this Act, where";

10 (k) by inserting next after section eighty-nine the following new section : — New sec. 89A.

15 89A. No person shall be guilty of an offence against this Act by reason only that a shop being a chemist's shop or after-hours pharmacy, or that a warehouse wherein medicinal or surgical goods were sold or offered or exposed for sale, was open on any day at a time (in this subsection referred to as a non-trading time) when such shops or warehouses are required by or under this Act to be kept closed, if—

20 (a) the only purpose of such opening was the sale of medicinal or surgical goods in accordance with the order or prescription of a medical practitioner or required urgently, and no goods other than medicinal or surgical goods either—

25 (i) specified in such an order or prescription produced by a person seeking to buy those goods to a person acting in the conduct of the business of the shop or warehouse; or

30 (ii) which a person seeking to buy those goods stated to a person so acting to be required for a specified urgent purpose,

35 were sold in the shop or warehouse during the non-trading times on that day; and

(b)

Factories, Shops and Industries and Pharmacy (Amendment).

- (b) the door of the shop or warehouse was kept closed and fastened at all non-trading times on that day except when—
- 5 (i) a person admitted to the shop or warehouse for the purpose of the sale of medicinal or surgical goods as referred to in paragraph (a) of this subsection;
- 10 (ii) a person referred to in paragraph (a) of subsection one of section ninety of this Act; or
- (iii) a customer referred to in the proviso to subsection two of section eighty-six of this Act,
- 15 was entering or leaving the shop or warehouse.
- (l) (i) by omitting paragraph (c) of subsection one of section ninety; Sec. 90.
(Defences.)
- 20 (ii) by inserting in subsection two of the same section after the words “of this Act” the words “or as a special pharmacy pursuant to section 76B of this Act”;
- 25 (iii) by omitting from the same subsection the words “that section” where firstly occurring and by inserting in lieu thereof the words “the said section 76A or was a special pharmacy as defined in subsection one of the said section 76B”;
- 30 (iv) by omitting from paragraph (a) of the same subsection the words “that section” and by inserting in lieu thereof the words “the said section 76A or in accordance with that subsection as applied and modified by the said section 76B”;

Factories, Shops and Industries and Pharmacy (Amendment).

- 5 (m) (i) by inserting in section ninety-four after the words "of this Act" the words ", after-hours pharmacies as defined by section seventy-eight of this Act or special pharmacies as defined by section 76B of this Act"; Sec. 94. (Trading hours for automatic vending devices.)
- (ii) by inserting at the end of the same section the following new subsection :—
- 10 (2) Where goods offered or exposed for sale in an automatic vending device in any area are goods of the kind usually the subject of trade in after-hours pharmacies as defined by section seventy-eight of this Act, or special pharmacies as defined by section 76B of this Act, and the automatic vending device is not
- 15 kept closed at any time when chemists' shops in that area are required by or under this Act to be kept closed, the owner of the device and the occupier of the premises in which the device is situated shall be guilty of an offence
- 20 against this Act.
- (n) by inserting at the end of section one hundred and two the following new paragraph :— Sec. 102. (Regulations.)
- 25 (c) requiring the shopkeeper of a shop, being a chemist's shop, after-hours pharmacy as defined by section seventy-eight of this Act or special pharmacy as defined by section 76B of this Act, to exhibit whenever the shop is closed, a notice containing the prescribed information as to a place where
- 30 and means whereby medicinal and surgical goods may be obtained, and prescribing the place and manner in which any such notice shall be exhibited.
- (o) by inserting in Schedule Three after the words "Chemists' shops" the following words :— Schedule Three.
- 35 "After-hours pharmacies.
Special pharmacies."

Factories, Shops and Industries and Pharmacy (Amendment).

3. The Pharmacy Act, 1964, as amended by the Decimal Currency Act, 1965, is amended— Amendment of Act No. 48, 1964.

5 (a) by inserting in section three next before the definition of "Board" the following new definition :— Sec. 3. (Interpretation.)

"After-hours pharmacy" has the meaning ascribed thereto by section seventy-eight of the Factories, Shops and Industries Act, 1962, as amended by subsequent Acts.

10 (b) by omitting from subsection one of section four the words "in addition to exercising and performing the powers, authorities, duties and functions conferred or imposed upon it by this Act, administer the Poisons Act, 1952, as amended by subsequent Acts" and by inserting in lieu thereof the words "exercise and perform the powers, authorities, duties and functions conferred or imposed upon it by this Act." Sec. 4. (Pharmacy Board of New South Wales.)

15 (c) by inserting at the end of paragraph (e) of subsection two of section twenty-five the following word and new paragraph :— Sec. 25. (Persons other than practising pharmacists not to have interest in pharmacists' business.)

; or

20 (f) any person, corporation or body of persons unincorporated who or which is carrying on the business of a pharmacist from carrying on, in partnership with one or more other such persons, corporations or bodies, not more than one after-hours pharmacy in addition to that business of a pharmacist.

(d)

Factories, Shops and Industries and Pharmacy (Amendment).

(d) by inserting next after subsection three of section twenty-six the following new subsection :—

Sec. 26.
(Practising pharmacists not to carry on business in more than one shop.)

5

(3A) A practising pharmacist shall not be guilty of an offence against this section by reason only of his carrying on, as a partner, not more than one after-hours pharmacy in addition to any business of a pharmacist that he is lawfully carrying on.

(e) by inserting next after paragraph (h) of subsection one of section thirty-eight the following new paragraph :—

Sec. 38.
(Regulations.)

10

(ha) the establishment and conduct of after-hours pharmacies, the formation of partnerships for the purposes of establishing such pharmacies, the admission of additional partners, the holding and transfer of shares in such partnerships, the provisions to be included in agreements for the formation of such partnerships and any other matters relating to such partnerships.

15

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1966

New South Wales



ANNO QUINTO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 58, 1966.

An Act to make further provisions relating to the hours of trade of chemists' shops and the carrying on of businesses of pharmacists; for this and other purposes to amend the Factories, Shops and Industries Act, 1962-1965, and the Pharmacy Act, 1964, as amended by the Decimal Currency Act, 1965; and for purposes connected therewith. [Assented to, 14th December, 1966.]

BE it enacted by the Queen'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 the same, as follows:—

1. (1) This Act may be cited as the "Factories, Shops and Industries and Pharmacy (Amendment) Act, 1966".
- (2)

Short title, citation and commencement.

Factories, Shops and Industries and Pharmacy (Amendment).

(2) The Factories, Shops and Industries Act, 1962, as amended by subsequent Acts and by this Act, may be cited as the Factories, Shops and Industries Act, 1962–1966.

(3) The Pharmacy Act, 1964, as amended by the Decimal Currency Act, 1965, and by this Act, may be cited as the Pharmacy Act, 1964–1966.

(4) Subject to subsection five of this section, this Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

(5) Paragraph (b) of section three of this Act shall commence upon the day upon which subsection one of section three of the Poisons Act, 1966, commences.

Amendment of Act No. 43, 1962. **2.** The Factories, Shops and Industries Act, 1962–1965, is amended—

Sec. 74.
(Defini-
tions.)

(a) by inserting in subsection one of section seventy-four next after the definition of “Make or bake” the following new definition :—

“Medicinal or surgical goods” means drugs or medicines (including patent or proprietary drugs or medicines), surgical appliances, dressings and antiseptics.

Sec. 76.
(Registra-
tion of
shops.)

(b) (i) by omitting from subsection (5A) of section seventy-six the word, figures and letter “section 76A” where firstly occurring and by inserting in lieu thereof the words, figures and letters “sections 76A and 76B”;

(ii) by inserting in the same subsection after the word, figures and letter “section 76A” where secondly occurring the words “or subsection two of the said section 76B”;

(iii) by inserting in paragraph (a) of subsection six of the same section after the figures and letter “76A” the symbol, figures and letter “, 76B”;

(c)

Factories, Shops and Industries and Pharmacy (Amendment).

- (c) by inserting next after section 76A the following new section :— New sec.
76B.

76B. (1) In this section—

“Registered shop” means shop in respect of which a certificate of registration or of renewal of registration is for the time being operative. Special
pharmacies.

“Special pharmacy” means a shop (not being an after-hours pharmacy as defined in section seventy-eight of this Act) wherein there is carried on a business of the sale by retail of medicinal or surgical goods on the orders or prescriptions of medical practitioners, which business is carried on either alone or in combination with any one or more of the following types of business and no other, namely the sale by retail of medicinal or surgical goods otherwise than on such orders or prescriptions, or of sanitary napkins, prepared food for invalids or infants, feeding cups, feeding bottles and teats, or such other goods as may be prescribed for the purposes of this definition and the definition of after-hours pharmacies in subsection one of section seventy-eight of this Act.

(2) The provisions of subsections three to nine, both subsections inclusive, of section 76A of this Act apply to special pharmacies subject to the following modifications :—

- (a) for any reference in those subsections to a “small shop” or to “small shops” there shall be substituted a reference to a “special pharmacy” or to “special pharmacies”, as the case may require;
- (b) for the reference in paragraph (a) of subsection three, and in subsection four, of that section to “particulars in respect of matters

Factories, Shops and Industries and Pharmacy (Amendment).

matters referred to in the definition of 'Small shop' in subsection one of this section" there shall be substituted a reference to "particulars in respect of the business carried on in the shop".

Sec. 78.
(Definitions
and
application.)

- (d) (i) by inserting in section seventy-eight next before the definition of "Hairdresser's shop" the following new definitions :—

"After-hours pharmacy" means a shop (not being a stall, tent, vehicle, boat or pack)—

- (a) of which the sole shopkeeper is a partnership consisting of the prescribed number of persons, partnerships, associations, or corporations each of whom or of which is the sole shopkeeper of a chemist's shop; and
- (b) wherein there is carried on a business of the sale by retail of medicinal or surgical goods on the orders or prescriptions of medical practitioners, which business is carried on either alone or in combination with any one or more of the following types of business and no other, namely the sale by retail of medicinal or surgical goods otherwise than on such orders or prescriptions, or of sanitary napkins, prepared food for invalids or infants, feeding cups, feeding bottles and teats, or such other goods as may be prescribed for the purposes of

this

Factories, Shops and Industries and Pharmacy (Amendment).

this definition and the definition of special pharmacies in subsection one of section 76B of this Act.

“Chemist’s shop” does not include an after-hours pharmacy or a special pharmacy.

- (ii) by omitting from the definition of “Shop” in the same section the words “substantial partition” and by inserting in lieu thereof the words “permanent and substantial partition or wall”;
- (iii) by inserting in the same section next after the definition of “Small shop” the following new definition :—

“Special pharmacy” means a shop as defined in this subsection that is for the time being registered as a special pharmacy pursuant to section 76B of this Act.

- (iv) by inserting at the end of the same section the following new subsections :—

(2) For the purposes of the definition of “After-hours pharmacy” in subsection one of this section, “the prescribed number” means, in relation to any shop—

- (a) if the Minister for the time being administering the Pharmacy Act, 1964, as amended by subsequent Acts, has approved of the business of the shop being carried on in partnership by the shopkeepers of a specified number, being less than six, of chemists’ shops and has not withdrawn such approval—that specified or any greater number;
- (b) in any other case—six or more but not more than fifty.

(3)

Factories, Shops and Industries and Pharmacy (Amendment).

(3) The provisions of subsection three of section fourteen of the Companies Act, 1961, as amended by subsequent Acts, do not apply to the formation of a partnership for the purpose of conducting an after-hours pharmacy.

Sec. 79.
(Closing and opening times of certain shops on week days.)

(e) by inserting in subsection one of section seventy-nine after the words "chemists' shops," the words "after-hours pharmacies, special pharmacies,";

New sec.
81A.

(f) by inserting next after section eighty-one the following new section:—

Times at which after-hours pharmacies shall be kept closed.

81A. (1) (a) In this subsection "public holiday" means the first day of January, the twenty-sixth day of January, Good Friday, Easter Monday, the twenty-fifth day of April (Anzac Day), the anniversary of the birth of Her Majesty, Christmas Day, or the twenty-sixth day of December, or any day observed as such in accordance with the provisions of the Banks and Bank Holidays Act, 1912, as amended by subsequent Acts.

(b) Subject to subsection two of this section, every after-hours pharmacy shall—

(i) on any day that is the day of the weekly half-holiday but is not a public holiday, be kept closed between nine o'clock in the forenoon and half-past twelve o'clock in the afternoon; and

(ii) on any day that is not the day of the weekly half-holiday or a Sunday or public holiday, be kept closed between nine o'clock in the forenoon and six o'clock in the afternoon.

(2) Where in respect of any part of the State or any city, town or district therein the Governor has, pursuant to the Banks and Bank Holidays Act, 1912, as amended by subsequent Acts, appointed a special day or special half-day to be observed as a public holiday, nothing in this section

Factories, Shops and Industries and Pharmacy (Amendment).

section shall require any after-hours pharmacy in that part of the State or that city, town or district to be closed at any time on that day.

- (g) (i) by inserting in paragraph (a) of subsection one of section eighty-two after the word "shop" where secondly occurring the words " , after-hours pharmacy or special pharmacy" ;
- Sec. 82.
(Closing time of mixed shops.)
- (ii) by inserting at the end of the same paragraph the following words :—
- For the purposes of this paragraph the class consisting of after-hours pharmacies shall be deemed not to be a class of shops.
- (h) (i) by inserting in subsection two of section eighty-four after the words "scheduled shop" the words " , other than after-hours pharmacies or special pharmacies," ;
- Sec. 84.
(Trading hours of shops on Sunday.)
- (ii) by inserting in subsection three of the same section after the words "scheduled shops" the words " , other than after-hours pharmacies or special pharmacies," ;
- (i) (i) by inserting in paragraph (a) of subsection one of section eighty-five after the words "chemists' shops," the words "after-hours pharmacies, special pharmacies," ;
- Sec. 85.
(Matters to be dealt with in awards.)
- (ii) by inserting in paragraph (e) of the same subsection after the words "small shops" the words " , after-hours pharmacies and special pharmacies" ;
- (iii) by inserting in subsection three of the same section after the word "shops" the words " , after-hours pharmacies or special pharmacies" ;
- (j) (i) by inserting in paragraph (a) of subsection one of section eighty-six after the word "shop" where firstly occurring the words " , other than an after-hours pharmacy" ;
- Sec. 86.
(Offences.)

(ii)

Factories, Shops and Industries and Pharmacy (Amendment).

(ii) by inserting in paragraph (b) of the same subsection after the word "shop" where firstly occurring the words "(other than an after-hours pharmacy)";

(iii) by omitting from subsection two of the same section the word "Where" and by inserting in lieu thereof the words "Subject to sections 89A and ninety of this Act, where";

New sec.
89A.

(k) by inserting next after section eighty-nine the following new section :—

Sale of
medicinal
or surgical
goods.

89A. No person shall be guilty of an offence against this Act by reason only that a shop being a chemist's shop or after-hours pharmacy, or that a warehouse wherein medicinal or surgical goods were sold or offered or exposed for sale, was open on any day at a time (in this subsection referred to as a non-trading time) when such shops or warehouses are required by or under this Act to be kept closed, if—

(a) the only purpose of such opening was the sale of medicinal or surgical goods in accordance with the order or prescription of a medical practitioner or required urgently, and no goods other than medicinal or surgical goods either—

(i) specified in such an order or prescription produced by a person seeking to buy those goods to a person acting in the conduct of the business of the shop or warehouse; or

(ii) which a person seeking to buy those goods stated to a person so acting to be required for a specified urgent purpose,

were sold in the shop or warehouse during the non-trading times on that day; and

(b)

Factories, Shops and Industries and Pharmacy (Amendment).

(b) the door of the shop or warehouse was kept closed and fastened at all non-trading times on that day except when—

- (i) a person admitted to the shop or warehouse for the purpose of the sale of medicinal or surgical goods as referred to in paragraph (a) of this subsection;
- (ii) a person referred to in paragraph (a) of subsection one of section ninety of this Act; or
- (iii) a customer referred to in the proviso to subsection two of section eighty-six of this Act,

was entering or leaving the shop or warehouse.

- (1) (i) by omitting paragraph (c) of subsection one of section ninety; Sec. 90.
(Defences.)
- (ii) by inserting in subsection two of the same section after the words “of this Act” the words “or as a special pharmacy pursuant to section 76B of this Act”;
- (iii) by omitting from the same subsection the words “that section” where firstly occurring and by inserting in lieu thereof the words “the said section 76A or was a special pharmacy as defined in subsection one of the said section 76B”;
- (iv) by omitting from paragraph (a) of the same subsection the words “that section” and by inserting in lieu thereof the words “the said section 76A or in accordance with that subsection as applied and modified by the said section 76B”;

(m)

Factories, Shops and Industries and Pharmacy (Amendment).

Sec. 94.
(Trading
hours for
automatic
vending
devices.)

(m) (i) by inserting in section ninety-four after the words "of this Act" the words " , after-hours pharmacies as defined by section seventy-eight of this Act or special pharmacies as defined by section 76B of this Act";

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

(2) Where goods offered or exposed for sale in an automatic vending device in any area are goods of the kind usually the subject of trade in after-hours pharmacies as defined by section seventy-eight of this Act, or special pharmacies as defined by section 76B of this Act, and the automatic vending device is not kept closed at any time when chemists' shops in that area are required by or under this Act to be kept closed, the owner of the device and the occupier of the premises in which the device is situated shall be guilty of an offence against this Act.

Sec. 102.
(Regula-
tions.)

(n) by inserting at the end of section one hundred and two the following new paragraph :—

(c) requiring the shopkeeper of a shop, being a chemist's shop, after-hours pharmacy as defined by section seventy-eight of this Act or special pharmacy as defined by section 76B of this Act, to exhibit whenever the shop is closed, a notice containing the prescribed information as to a place where and means whereby medicinal and surgical goods may be obtained, and prescribing the place and manner in which any such notice shall be exhibited.

Schedule
Three.

(o) by inserting in Schedule Three after the words "Chemists' shops" the following words :—

"After-hours pharmacies.
Special pharmacies."

Factories, Shops and Industries and Pharmacy (Amendment).

3. The Pharmacy Act, 1964, as amended by the Decimal Currency Act, 1965, is amended—

Amendment
of Act No.
48, 1964.

- (a) by inserting in section three next before the definition of "Board" the following new definition :—

Sec. 3.
(Interpre-
tation.)

"After-hours pharmacy" has the meaning ascribed thereto by section seventy-eight of the Factories, Shops and Industries Act, 1962, as amended by subsequent Acts.

- (b) by omitting from subsection one of section four the words "in addition to exercising and performing the powers, authorities, duties and functions conferred or imposed upon it by this Act, administer the Poisons Act, 1952, as amended by subsequent Acts" and by inserting in lieu thereof the words "exercise and perform the powers, authorities, duties and functions conferred or imposed upon it by this Act";

Sec. 4.
(Pharmacy
Board of
New South
Wales.)

- (c) by inserting at the end of paragraph (e) of subsection two of section twenty-five the following word and new paragraph :—

Sec. 25.
(Persons
other than
practising
pharmacists
not to have
interest in
pharmacists'
business.)

; or

- (f) any person, corporation or body of persons unincorporated who or which is carrying on the business of a pharmacist from carrying on, in partnership with one or more other such persons, corporations or bodies, not more than one after-hours pharmacy in addition to that business of a pharmacist.

(d)

Factories, Shops and Industries and Pharmacy (Amendment).

Sec. 26.

(Practising pharmacists not to carry on business in more than one shop.)

- (d) by inserting next after subsection three of section twenty-six the following new subsection :—

(3A) A practising pharmacist shall not be guilty of an offence against this section by reason only of his carrying on, as a partner, not more than one after-hours pharmacy in addition to any business of a pharmacist that he is lawfully carrying on.

Sec. 38.

(Regulations.)

- (e) by inserting next after paragraph (h) of subsection one of section thirty-eight the following new paragraph :—

(ha) the establishment and conduct of after-hours pharmacies, the formation of partnerships for the purposes of establishing such pharmacies, the admission of additional partners, the holding and transfer of shares in such partnerships, the provisions to be included in agreements for the formation of such partnerships and any other matters relating to such partnerships.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1967

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 6 December, 1966.*

New South Wales



ANNO QUINTO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 58, 1966.

An Act to make further provisions relating to the hours of trade of chemists' shops and the carrying on of businesses of pharmacists; for this and other purposes to amend the Factories, Shops and Industries Act, 1962-1965, and the Pharmacy Act, 1964, as amended by the Decimal Currency Act, 1965; and for purposes connected therewith.
[Assented to, 14th December, 1966.]

BE it enacted by the Queen'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 the same, as follows:—

1. (1) This Act may be cited as the "Factories, Shops and Industries and Pharmacy (Amendment) Act, 1966".
(2)

Short title,
citation and
commence-
ment.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

G. R. CRAWFORD,
Chairman of Committees of the Legislative Assembly.

Factories, Shops and Industries and Pharmacy (Amendment).

(2) The Factories, Shops and Industries Act, 1962, as amended by subsequent Acts and by this Act, may be cited as the Factories, Shops and Industries Act, 1962–1966.

(3) The Pharmacy Act, 1964, as amended by the Decimal Currency Act, 1965, and by this Act, may be cited as the Pharmacy Act, 1964–1966.

(4) Subject to subsection five of this section, this Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

(5) Paragraph (b) of section three of this Act shall commence upon the day upon which subsection one of section three of the Poisons Act, 1966, commences.

Amendment
of Act No.
43, 1962.

2. The Factories, Shops and Industries Act, 1962–1965, is amended—

Sec. 74.
(Defini-
tions.)

(a) by inserting in subsection one of section seventy-four next after the definition of “Make or bake” the following new definition :—

“Medicinal or surgical goods” means drugs or medicines (including patent or proprietary drugs or medicines), surgical appliances, dressings and antiseptics.

Sec. 76.
(Registra-
tion of
shops.)

(b) (i) by omitting from subsection (5A) of section seventy-six the word, figures and letter “section 76A” where firstly occurring and by inserting in lieu thereof the words, figures and letters “sections 76A and 76B”;

(ii) by inserting in the same subsection after the word, figures and letter “section 76A” where secondly occurring the words “or subsection two of the said section 76B”;

(iii) by inserting in paragraph (a) of subsection six of the same section after the figures and letter “76A” the symbol, figures and letter “, 76B”;

(c)

Factories, Shops and Industries and Pharmacy (Amendment).

- (c) by inserting next after section 76A the following ^{New sec.}
new section :— ^{76B.}

76B. (1) In this section—

“Registered shop” means shop in respect of which a certificate of registration or of renewal of registration is for the time being operative.

Special
pharmacies.

“Special pharmacy” means a shop (not being an after-hours pharmacy as defined in section seventy-eight of this Act) wherein there is carried on a business of the sale by retail of medicinal or surgical goods on the orders or prescriptions of medical practitioners, which business is carried on either alone or in combination with any one or more of the following types of business and no other, namely the sale by retail of medicinal or surgical goods otherwise than on such orders or prescriptions, or of sanitary napkins, prepared food for invalids or infants, feeding cups, feeding bottles and teats, or such other goods as may be prescribed for the purposes of this definition and the definition of after-hours pharmacies in subsection one of section seventy-eight of this Act.

(2) The provisions of subsections three to nine, both subsections inclusive, of section 76A of this Act apply to special pharmacies subject to the following modifications :—

- (a) for any reference in those subsections to a “small shop” or to “small shops” there shall be substituted a reference to a “special pharmacy” or to “special pharmacies”, as the case may require;
- (b) for the reference in paragraph (a) of subsection three, and in subsection four, of that section to “particulars in respect of matters

Factories, Shops and Industries and Pharmacy (Amendment).

matters referred to in the definition of 'Small shop' in subsection one of this section" there shall be substituted a reference to "particulars in respect of the business carried on in the shop".

Sec. 78.
(Definitions
and
application.)

(d) (i) by inserting in section seventy-eight next before the definition of "Hairdresser's shop" the following new definitions :—

"After-hours pharmacy" means a shop (not being a stall, tent, vehicle, boat or pack)—

- (a) of which the sole shopkeeper is a partnership consisting of the prescribed number of persons, partnerships, associations, or corporations each of whom or of which is the sole shopkeeper of a chemist's shop; and
- (b) wherein there is carried on a business of the sale by retail of medicinal or surgical goods on the orders or prescriptions of medical practitioners, which business is carried on either alone or in combination with any one or more of the following types of business and no other, namely the sale by retail of medicinal or surgical goods otherwise than on such orders or prescriptions, or of sanitary napkins, prepared food for invalids or infants, feeding cups, feeding bottles and teats, or such other goods as may be prescribed for the purposes of

this

Factories, Shops and Industries and Pharmacy (Amendment).

this definition and the definition of special pharmacies in subsection one of section 76B of this Act.

“Chemist’s shop” does not include an after-hours pharmacy or a special pharmacy.

- (ii) by omitting from the definition of “Shop” in the same section the words “substantial partition” and by inserting in lieu thereof the words “permanent and substantial partition or wall”;
- (iii) by inserting in the same section next after the definition of “Small shop” the following new definition :—

“Special pharmacy” means a shop as defined in this subsection that is for the time being registered as a special pharmacy pursuant to section 76B of this Act.

- (iv) by inserting at the end of the same section the following new subsections :—

(2) For the purposes of the definition of “After-hours pharmacy” in subsection one of this section, “the prescribed number” means, in relation to any shop—

- (a) if the Minister for the time being administering the Pharmacy Act, 1964, as amended by subsequent Acts, has approved of the business of the shop being carried on in partnership by the shopkeepers of a specified number, being less than six, of chemists’ shops and has not withdrawn such approval—that specified or any greater number;
- (b) in any other case—six or more but not more than fifty.

(3)

Factories, Shops and Industries and Pharmacy (Amendment).

(3) The provisions of subsection three of section fourteen of the Companies Act, 1961, as amended by subsequent Acts, do not apply to the formation of a partnership for the purpose of conducting an after-hours pharmacy.

Sec. 79.
(Closing and opening times of certain shops on week days.)

New sec.
81A.

Times at which after-hours pharmacies shall be kept closed.

(e) by inserting in subsection one of section seventy-nine after the words "chemists' shops," the words "after-hours pharmacies, special pharmacies,";

(f) by inserting next after section eighty-one the following new section :—

81A. (1) (a) In this subsection "public holiday" means the first day of January, the twenty-sixth day of January, Good Friday, Easter Monday, the twenty-fifth day of April (Anzac Day), the anniversary of the birth of Her Majesty, Christmas Day, or the twenty-sixth day of December, or any day observed as such in accordance with the provisions of the Banks and Bank Holidays Act, 1912, as amended by subsequent Acts.

(b) Subject to subsection two of this section, every after-hours pharmacy shall—

(i) on any day that is the day of the weekly half-holiday but is not a public holiday, be kept closed between nine o'clock in the forenoon and half-past twelve o'clock in the afternoon; and

(ii) on any day that is not the day of the weekly half-holiday or a Sunday or public holiday, be kept closed between nine o'clock in the forenoon and six o'clock in the afternoon.

(2) Where in respect of any part of the State or any city, town or district therein the Governor has, pursuant to the Banks and Bank Holidays Act, 1912, as amended by subsequent Acts, appointed a special day or special half-day to be observed as a public holiday, nothing in this section

Factories, Shops and Industries and Pharmacy (Amendment).

section shall require any after-hours pharmacy in that part of the State or that city, town or district to be closed at any time on that day.

- (g) (i) by inserting in paragraph (a) of subsection one of section eighty-two after the word "shop" where secondly occurring the words ", after-hours pharmacy or special pharmacy";
- Sec. 82.
(Closing time of mixed shops.)
- (ii) by inserting at the end of the same paragraph the following words :—
- For the purposes of this paragraph the class consisting of after-hours pharmacies shall be deemed not to be a class of shops.
- (h) (i) by inserting in subsection two of section eighty-four after the words "scheduled shop" the words ", other than after-hours pharmacies or special pharmacies,";
- Sec. 84.
(Trading hours of shops on Sunday.)
- (ii) by inserting in subsection three of the same section after the words "scheduled shops" the words ", other than after-hours pharmacies or special pharmacies,";
- (i) (i) by inserting in paragraph (a) of subsection one of section eighty-five after the words "chemists' shops," the words "after-hours pharmacies, special pharmacies,";
- Sec. 85.
(Matters to be dealt with in awards.)
- (ii) by inserting in paragraph (e) of the same subsection after the words "small shops" the words ", after-hours pharmacies and special pharmacies";
- (iii) by inserting in subsection three of the same section after the word "shops" the words ", after-hours pharmacies or special pharmacies";
- (j) (i) by inserting in paragraph (a) of subsection one of section eighty-six after the word "shop" where firstly occurring the words ", other than an after-hours pharmacy";
- Sec. 86.
(Offences.)

(ii)

Factories, Shops and Industries and Pharmacy (Amendment).

- (ii) by inserting in paragraph (b) of the same subsection after the word "shop" where firstly occurring the words "(other than an after-hours pharmacy)";
- (iii) by omitting from subsection two of the same section the word "Where" and by inserting in lieu thereof the words "Subject to sections 89A and ninety of this Act, where";

New sec.
89A.

Sale of
medicinal
or surgical
goods.

- (k) by inserting next after section eighty-nine the following new section :—

89A. No person shall be guilty of an offence against this Act by reason only that a shop being a chemist's shop or after-hours pharmacy, or that a warehouse wherein medicinal or surgical goods were sold or offered or exposed for sale, was open on any day at a time (in this subsection referred to as a non-trading time) when such shops or warehouses are required by or under this Act to be kept closed, if—

- (a) the only purpose of such opening was the sale of medicinal or surgical goods in accordance with the order or prescription of a medical practitioner or required urgently, and no goods other than medicinal or surgical goods either—
 - (i) specified in such an order or prescription produced by a person seeking to buy those goods to a person acting in the conduct of the business of the shop or warehouse; or
 - (ii) which a person seeking to buy those goods stated to a person so acting to be required for a specified urgent purpose,

were sold in the shop or warehouse during the non-trading times on that day; and

(b)

Factories, Shops and Industries and Pharmacy (Amendment).

(b) the door of the shop or warehouse was kept closed and fastened at all non-trading times on that day except when—

- (i) a person admitted to the shop or warehouse for the purpose of the sale of medicinal or surgical goods as referred to in paragraph (a) of this subsection;
- (ii) a person referred to in paragraph (a) of subsection one of section ninety of this Act; or
- (iii) a customer referred to in the proviso to subsection two of section eighty-six of this Act,

was entering or leaving the shop or warehouse.

- (1) (i) by omitting paragraph (c) of subsection one of section ninety; Sec. 90.
(Defences.)
- (ii) by inserting in subsection two of the same section after the words "of this Act" the words "or as a special pharmacy pursuant to section 76B of this Act";
- (iii) by omitting from the same subsection the words "that section" where firstly occurring and by inserting in lieu thereof the words "the said section 76A or was a special pharmacy as defined in subsection one of the said section 76B";
- (iv) by omitting from paragraph (a) of the same subsection the words "that section" and by inserting in lieu thereof the words "the said section 76A or in accordance with that subsection as applied and modified by the said section 76B";

(m)

Factories, Shops and Industries and Pharmacy (Amendment).

Sec. 94.
(Trading
hours for
automatic
vending
devices.)

(m) (i) by inserting in section ninety-four after the words "of this Act" the words ", after-hours pharmacies as defined by section seventy-eight of this Act or special pharmacies as defined by section 76B of this Act";

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

(2) Where goods offered or exposed for sale in an automatic vending device in any area are goods of the kind usually the subject of trade in after-hours pharmacies as defined by section seventy-eight of this Act, or special pharmacies as defined by section 76B of this Act, and the automatic vending device is not kept closed at any time when chemists' shops in that area are required by or under this Act to be kept closed, the owner of the device and the occupier of the premises in which the device is situated shall be guilty of an offence against this Act.

Sec. 102.
(Regula-
tions.)

(n) by inserting at the end of section one hundred and two the following new paragraph :—

(c) requiring the shopkeeper of a shop, being a chemist's shop, after-hours pharmacy as defined by section seventy-eight of this Act or special pharmacy as defined by section 76B of this Act, to exhibit whenever the shop is closed, a notice containing the prescribed information as to a place where and means whereby medicinal and surgical goods may be obtained, and prescribing the place and manner in which any such notice shall be exhibited.

Schedule
Three.

(o) by inserting in Schedule Three after the words "Chemists' shops" the following words :—

"After-hours pharmacies.
Special pharmacies."

Factories, Shops and Industries and Pharmacy (Amendment).

3. The Pharmacy Act, 1964, as amended by the Decimal Currency Act, 1965, is amended—

Amendment
of Act No.
48, 1964.

- (a) by inserting in section three next before the definition of "Board" the following new definition :—

Sec. 3.
(Interpre-
tation.)

"After-hours pharmacy" has the meaning ascribed thereto by section seventy-eight of the Factories, Shops and Industries Act, 1962, as amended by subsequent Acts.

- (b) by omitting from subsection one of section four the words "in addition to exercising and performing the powers, authorities, duties and functions conferred or imposed upon it by this Act, administer the Poisons Act, 1952, as amended by subsequent Acts" and by inserting in lieu thereof the words "exercise and perform the powers, authorities, duties and functions conferred or imposed upon it by this Act";

Sec. 4.
(Pharmacy
Board of
New South
Wales.)

- (c) by inserting at the end of paragraph (e) of subsection two of section twenty-five the following word and new paragraph :—

Sec. 25.
(Persons
other than
practising
pharmacists
not to have
interest in
pharmacists'
business.)

; or

- (f) any person, corporation or body of persons unincorporated who or which is carrying on the business of a pharmacist from carrying on, in partnership with one or more other such persons, corporations or bodies, not more than one after-hours pharmacy in addition to that business of a pharmacist.

(d)

Factories, Shops and Industries and Pharmacy (Amendment).

Sec. 26.
(Practising
pharmacists
not to carry
on business
in more than
one shop.)

(d) by inserting next after subsection three of section twenty-six the following new subsection :—

(3A) A practising pharmacist shall not be guilty of an offence against this section by reason only of his carrying on, as a partner, not more than one after-hours pharmacy in addition to any business of a pharmacist that he is lawfully carrying on.

Sec. 38.
(Regula-
tions.)

(e) by inserting next after paragraph (h) of subsection one of section thirty-eight the following new paragraph :—

(ha) the establishment and conduct of after-hours pharmacies, the formation of partnerships for the purposes of establishing such pharmacies, the admission of additional partners, the holding and transfer of shares in such partnerships, the provisions to be included in agreements for the formation of such partnerships and any other matters relating to such partnerships.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 14th December, 1966.*