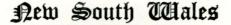
This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

I. P. K. VIDLER, Clerk of the Legislative Assembly.

Legislative Assembly Chamber, Sydney, 18 November, 1971.





# ELIZABETHÆ II REGINÆ

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133—A

#### Act No. , 1971.

An Act to make further provisions with respect to the registration of pharmacists and the carrying on of the business of a pharmacist; for these and other purposes to amend the Pharmacy Act, 1964; and for purposes connected therewith.

BE

 $\mathbf{B}^{\mathrm{E}}$  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 "Pharmacy Short title (Amendment) Act, 1971".

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation10 published in the Gazette.

2. (1) The Pharmacy Act, 1964, is amended—

Amendment of Act No. 48, 1964.

(a) by inserting next before the definition of "After-Sec. 3. hours pharmacy" in section three the following new (Interpretation.)

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"Advertising" means advertising-

- (a) in a newspaper, magazine or other publication;
- (b) in a circular, hand bill, poster or other notice;
- (c) orally or by any means of producing or transmitting light or sound; or
- (d) in any other manner.
- (b) by omitting from paragraph (b) of subsection two Sec. 4. of section four the word "Public"; (Pharm

(Pharmacy Board of New South Wales.)

(c)

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#### Act No. , 1971.

#### Pharmacy (Amendment).

(c) (i) by inserting next after subsection one of section Sec. 13. thirteen the following new subsection : — (Qualified

rteen the following new subsection : — (Qualifications for registra-(1A) Notwithstanding any other provision tion—New

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of this section, where a person satisfies the South Wales: Board that he has served in the Commonwealth of Australia for one or more continuous periods each of which was not less than one month (whether or not that continuous period or those continuous periods occurred before or after, or partly before and partly after, he received his degree in pharmacy) as an assistant to a pharmacist in charge of premises that were, during that service, approved premises, the prescribed period that would but for this subsection have been applicable to that person shall be reduced, where that continuous periods—

- (a) exceeds one-half of that prescribed period—by one-half of that prescribed period; or
- (b) does not exceed one-half of that prescribed period—by that continuous period or the aggregate of those continuous periods.
- (ii) by inserting in subsection two of the same section after the word "one" where firstly occurring the words "and in subsection (1A)";
- (iii) by inserting next before the definition of "pharmacist" in the same subsection the following new definition : —
  - "approved premises" means any premises in respect of which a declaration under subsection three of this section is in force;

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(iv) by inserting in paragraph (a) of the definition of "prescribed period" in the same subsection after the word "section" the words "or who, in addition to having received his degree in pharmacy, is the holder of a prescribed higher degree or a prescribed postgraduate diploma received from a university referred to in that paragraph";

(v) by inserting at the end of the same section the following new subsection :---

(3) The Board may, by order under the hand of the registrar published in the Gazette, declare any premises specified or described in the order to be approved premises for the purposes of this section as from the date of publication of the order or from a later date specified in the order.

(d) by omitting from paragraph (a) of section fifteen Sec. 15.
 the words "paragraphs (b), (c) and (d)" and by (Other foreign qualifications in lieu thereof the words "paragraphs (b) qualifications for

qualifications for registration.)

- (e) by omitting subparagraph (i) of paragraph (b) of Sec. 17A. subsection one of section 17A and by inserting in (Provisional lieu thereof the following subparagraph :—
  - (i) that he has had the requisite service and experience referred to in section thirteen of this Act, or the requisite experience referred to in section fourteen of this Act, as the case may require; and:
- (f) by omitting subsection five of section nineteen; Sec. 19. (Roll fee.)
- (g) (i) by omitting from subsection three of section Sec. 20.
   twenty the words "his registration be (Removal of suspended" and by inserting in lieu thereof the account of words "he be suspended from practice as a misconduct.) pharmacist";
  - (ii) by omitting subsections six and seven of the same section; (h)

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Act No. , 1971.

#### Pharmacy (Amendment).

(h) by omitting subsection five of section 20A;

Sec. 20A. (Refusal or suspension of registration or removal from register on ground of unfitness.)

(i) by inserting next after section 20A the following new New sec. section :---

#### 20AA. (1) Where—

Removal of name, etc., from

- (a) after the commencement of the Pharmacy register out-(Amendment) Act, 1971, a pharmacist side New has, while registered under this Act—
  - (i) ceased to be registered under the law in force relating to the registration of pharmacists in some place outside New South Wales; or
  - (ii) been suspended from practice as a pharmacist under the law referred to in subparagraph (i) of this paragraph,

because of some act or omission on his part; and

(b) the Board is of the opinion that it would, if there had been an inquiry under section twenty of this Act and the commission of the act or the omission had been proved thereat, have been satisfied that the pharmacist had been guilty of misconduct in a professional respect because of the act or omission,

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the Board may, without making such an inquiry, order that his name be removed from the register or that he be suspended from practice as a pharmacist for such period, not exceeding twelve months, as the Board determines, or may caution or reprimand him.

(2) This section has effect notwithstanding anything in section twenty of this Act, but nothing in this section prevents any matter that may be, but has not been, dealt with under this section from being dealt with under section twenty of this Act if the Board, in any particular case, so decides.

(3) The provisions of subsection three of section twenty of this Act apply, mutatis mutandis, in respect of a person referred to in paragraph (a) of subsection one of this section.

- (j) (i) by omitting from subsection one of section Sec. 21. twenty-one the words "of this Act for the (Effect of Board's order.) register or the suspension of the registration of a pharmacist" and by inserting in lieu thereof the words ", or subsection one of section 20AA, of this Act that the name of a pharmacist be removed from the register or that he be suspended from practice as a pharmacist";
  - (ii) by omitting from subsection two of the same section the words "for the removal of the name of a pharmacist" and by inserting in lieu thereof the words "that the name of the pharmacist be removed";
  - (iii) by omitting from subsection three of the same section the words "for the suspension of the registration of a pharmacist" and by inserting in lieu thereof the words "that a pharmacist be suspended from practice";

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- (k) by omitting from subsection one of section twenty- Sec. 22. two the words "for the removal of his name" and (Appeal by inserting in lieu thereof the words "that his name be removed";

22A. (1) Where the name of a pharmacist has, Effect of whether before or after the commencement of the removal Pharmacy (Amendment) Act, 1971, been removed register or from the register under this Act, and until his name is restored thereto, the pharmacist shall be deemed practice. not to be registered as a pharmacist under this Act.

(2) Where a pharmacist has, whether before or after the commencement of the Pharmacy (Amendment) Act, 1971, been suspended from practice as a pharmacist under this Act for a specified period, the pharmacist shall, for the purposes of sections twenty-five, twenty-seven and twentyeight of this Act, and not otherwise, be deemed not to be a pharmacist during that period.

(3) Where a person is suspended from practice as a pharmacist under this Act, the registrar shall enter in the register a memorandum of that fact and of the date and cause thereof.

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#### (m) (i) by omitting subsection (2A) of section Sec. 25. twenty-five; (Person

(Persons other than pharmacists not to have interest in pharmacists'

(2B) Paragraphs (b) and (e) of subsection two of this section do not apply to a person whose name has been removed from the register or who has been suspended from

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practice as a pharmacist under this Act, whether the removal or suspension occurred before or after the commencement of the Pharmacy (Amendment) Act, 1971.

- (2c) Where—
- (a) immediately before the commencement of the Pharmacy (Amendment) Act, 1971, a person, corporation, company or body or association of persons, referred to in paragraph (b), (d) or (e) of subsection two of this section, was entitled, by virtue of any of those paragraphs, to carry on, and was carrying on, the business of a pharmacist in open shop; and
- (b) that business ceases, after that commencement, to be carried on for any continuous period that exceeds four days,

that person, corporation, company, body or association shall not be entitled, by virtue of any of those paragraphs, to carry on that business after the expiration of that period without the approval in writing of the Minister.

- (iii) by inserting next after subsection five of the same section the following new subsections : ---
  - (6) Where—
  - (a) a person's name is removed from the register or he is suspended from practice as a pharmacist under this Act; and

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(b) he was entitled to carry on, and was carrying on, the business of a pharmacist in open shop immediately before his name was so removed or his suspension took effect,

this section shall not operate to prevent him from carrying on subject to section twentyseven of this Act that business during the period of three months next following the day on which his name was so removed or his suspension took effect.

(7) A person who carries on the business of a pharmacist in open shop by virtue of subsection six of this section shall, during the period during which he so carries on that business, neither enter nor be in any premises in which that business is so carried on unless he has the consent of the Board to do so and he complies with any conditions imposed by the Board in relation thereto (which consent and conditions the Board is hereby authorised to give, impose and revoke from time to time).

(n) (i) by inserting next after subsection (3A) of Sec. 26. section twenty-six the following new sub- (Pharmacist section : ---

(3B) Where—

not to carry on or have a pecuniary interest in more than

- (a) immediately before the commence- of a pharment of the Pharmacy (Amendment) macist.) Act, 1971, a pharmacist referred to in paragraph (a) or (b) of subsection three of this section was entitled, by virtue of either of those paragraphs, to carry on, and was carrying on, the business of a pharmacist; and
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(b)

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(b) that business ceases, after that commencement, to be carried on for any continuous period that exceeds four days,

he shall not be entitled, by virtue of either of those paragraphs, to carry on that business after the expiration of that period without the approval in writing of the Minister.

(ii) by omitting subsection five of the same section;

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(0) by omitting subsection five of section twenty-seven; Sec. 27.

(Pharmacist to be in charge of every open shop and dispensary.)

(p) by omitting subsection two of section twenty-eight; Sec. 28.

(Medicines to be dispensed only by or under the superintendence of pharmacists.)

(q) by omitting paragraph (e) of subsection one of Sec. 38. section thirty-eight and by inserting in lieu thereof (Regulathe following paragraphs :---

> (e) advertising in relation to the carrying on of the business of a pharmacist in open shop, including the display of signs in or about the premises on which such a business is so carried on;

(e1) the disclosure to the Board of pecuniary interests in the business of a pharmacist carried on in open shop;

(e2)

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(e2) the disclosure to the Board of the details of any bill of sale given in respect of the business of a pharmacist carried on in open shop or the details of any agreement entered into under which any person has a pecuniary interest in such a business so carried on.

(2) Where before the commencement of this Act a person's name has been removed from the register or he has
10 been suspended from practice as a pharmacist under the Pharmacy Act, 1964, subsection six of section twenty-five of that Act, as inserted by this Act, applies to that person as if his name was removed at that commencement or he was suspended from practice as a pharmacist at that commencement,
15 as the case may require.

Amendment of Act No. 31, 1966.

- (a) by omitting from subparagraph (i) of paragraph Sec. 4.
  (a) of the definition of "Pharmacy trainee" in sub- (Interpretation.) section one of section four the words "paragraph (b) of subsection one of";
- (b) by omitting from the same subparagraph the words "that subsection" and by inserting in lieu thereof the words "subsection one of that section".

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES-1971 [10c]

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<sup>(3)</sup> The Poisons Act, 1966, is amended—

#### ACLAG. . . 1971.

#### Pharmacy (Amendanent).

e2) the disclosure to the Board of the details of any bill of sale given in respect of the business of a pharmatcist carried on in open shop or the details of any agreement entered into under which any person has a pecuniary interest in such a business so carried on.

(2) Where before the commencement of this Act a person's name has been removed from the register or he has 10 been suspended from practice as a pharmacist under the Pharmacy Act, 1964, subsection six of section twenty-five of that Act, as inserted by this Act, applies to that person as if his name was removed at that commencement or he was sespended from practice as a pharmacist at that commencement.
15 as the case may require.

(3) The Poisons Act, 1966, is amended-

Amendalari M Aqt No. D. 1966

> by omitting from subparagraph (i) of paragraph <sup>bec, th</sup> (a) of the definition of "Pharmacy trainee" in subsection one of section four the words "paragraph (b) of subsection one of":

> > b) by omitting from the same subparagraph the words "that subsection" and by inserting in lieu thereof the words "subsection one of that section".

> > > A REAL CONTRACT FURNITY SALE SALE SALES

#### No. , 1971.

## A BILL

To make further provisions with respect to the registration of pharmacists and the carrying on of the business of a pharmacist; for these and other purposes to amend the Pharmacy Act, 1964; and for purposes connected therewith.

[MR JAG0-27 October, 1971.]

BE

66755 133—A

**B**<sup>E</sup> 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 "Pharmacy Short title (Amendment) Act, 1971".

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation10 published in the Gazette.

### 2. (1) The Pharmacy Act, 1964, is amended—

Amendment of Act No. 48, 1964.

- (a) by inserting next before the definition of "After- Sec. 3. hours pharmacy" in section three the following new (Interpretation.)
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"Advertising" means advertising-

- (a) in a newspaper, magazine or other publication;
- (b) in a circular, hand bill, poster or other notice;
- (c) orally or by any means of producing or transmitting light or sound; or
- (d) in any other manner.
- (b) by omitting from paragraph (b) of subsection two Sec. 4. of section four the word "Public"; (Pharm

(Pharmacy Board of New South Wales.)

(c)

(c) (i) by inserting next after subsection one of section Sec. 13. thirteen the following new subsection : ---

(Qualifications for registra-

(1A) Notwithstanding any other provision tion—New of this section, where a person satisfies the South Wales graduates.) Board that he has served in the Commonwealth of Australia for one or more continuous periods each of which was not less than one month (whether or not that continuous period or those continuous periods occurred before or after, or partly before and partly after, he received his degree in pharmacy) as an assistant to a pharmacist in charge of premises that were, during that service, approved premises, the prescribed period that would but for this subsection have been applicable to that person shall be reduced, where that continuous period or the aggregate of those continuous periods-

- (a) exceeds one-half of that prescribed period—by one-half of that prescribed period; or
- (b) does not exceed one-half of that prescribed period-by that continuous period or the aggregate of those continuous periods.
- (ii) by inserting in subsection two of the same section after the word "one" where firstly occurring the words "and in subsection (1A)";
- (iii) by inserting next before the definition of "pharmacist" in the same subsection the following new definition : ---
  - "approved premises" means any premises in respect of which a declaration under subsection three of this section is in force;

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(iv)

(iv) by inserting in paragraph (a) of the definition of "prescribed period" in the same subsection after the word "section" the words "or who, in addition to having received his degree in pharmacy, is the holder of a prescribed higher degree or a prescribed postgraduate diploma received from a university referred to in that paragraph":

(v) by inserting at the end of the same section the following new subsection :-

(3) The Board may, by order under the hand of the registrar published in the Gazette, declare any premises specified or described in the order to be approved premises for the purposes of this section as from the date of publication of the order or from a later date specified in the order.

(d) by omitting from paragraph (a) of section fifteen Sec. 15. the words "paragraphs (b), (c) and (d)" and by (Other inserting in lieu thereof the words "paragraphs (b) qualificaand (d)";

tions for registration.)

- (e) by omitting subparagraph (i) of paragraph (b) of Sec. 17A. subsection one of section 17A and by inserting in (Provisional registration.) lieu thereof the following subparagraph :---
  - (i) that he has had the requisite service and experience referred to in section thirteen of this Act, or the requisite experience referred to in section fourteen of this Act, as the case may require; and;
- (f) by omitting subsection five of section nineteen;

Sec. 19. (Roll fee.)

- (i) by omitting from subsection three of section Sec. 20. (g) twenty the words "his registration be (Removal of name on suspended" and by inserting in lieu thereof the account of words "he be suspended from practice as a misconduct.) pharmacist";
  - (ii) by omitting subsections six and seven of the same section; (h)

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(h) by omitting subsection five of section 20A;

Sec. 20A. (Refusal or suspension of registration or removal from register on ground of unfitness.)

20AA. (1) Where—

Removal of name, etc., from register out-

- (a) after the commencement of the Pharmacy register out-(Amendment) Act, 1971, a pharmacist side New has, while registered under this Act—
  - (i) ceased to be registered under the law in force relating to the registration of pharmacists in some place outside New South Wales; or
  - (ii) been suspended from practice as a pharmacist under the law referred to in subparagraph (i) of this paragraph,

because of some act or omission on his part; and

(b) the Board is of the opinion that it would, if there had been an inquiry under section twenty of this Act and the commission of the act or the omission had been proved thereat, have been satisfied that the pharmacist had been guilty of misconduct in a professional respect because of the act or omission,

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#### Act No. , 1971.

#### Pharmacy (Amendment).

the Board may, without making such an inquiry, order that his name be removed from the register or that he be suspended from practice as a pharmacist for such period, not exceeding twelve months, as the Board determines, or may caution or reprimand him.

(2) This section has effect notwithstanding anything in section twenty of this Act, but nothing in this section prevents any matter that may be, but has not been, dealt with under this section from being dealt with under section twenty of this Act if the Board, in any particular case, so decides.

(3) The provisions of subsection three of section twenty of this Act apply, mutatis mutandis, in respect of a person referred to in paragraph (a) of subsection one of this section.

(i) by omitting from subsection one of section Sec. 21.
 twenty-one the words "of this Act for the (Effect of Board's order.) register or the suspension of the registration of a pharmacist" and by inserting in lieu thereof the words ", or subsection one of section 20AA, of this Act that the name of a pharmacist be removed from the register or that he be suspended from practice as a pharmacist";

 (ii) by omitting from subsection two of the same section the words "for the removal of the name of a pharmacist" and by inserting in lieu thereof the words "that the name of the pharmacist be removed";

(iii) by omitting from subsection three of the same section the words "for the suspension of the registration of a pharmacist" and by inserting in lieu thereof the words "that a pharmacist be suspended from practice";

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- (k) by omitting from subsection one of section twenty- Sec. 22. two the words "for the removal of his name" and (Appeal by inserting in lieu thereof the words "that his name" against orders of be removed";
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22A. (1) Where the name of a pharmacist has, Effect of whether before or after the commencement of the removal from Pharmacy (Amendment) Act, 1971, been removed register or from the register under this Act, and until his name suspension is restored thereto, the pharmacist shall be deemed practice. not to be registered as a pharmacist under this Act.

(2) Where a pharmacist has, whether before or after the commencement of the Pharmacy (Amendment) Act, 1971, been suspended from practice as a pharmacist under this Act for a specified period, the pharmacist shall, for the purposes of sections twenty-five, twenty-seven and twentyeight of this Act, and not otherwise, be deemed not to be a pharmacist during that period.

(3) Where a person is suspended from practice as a pharmacist under this Act, the registrar shall enter in the register a memorandum of that fact and of the date and cause thereof.

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(m)

(i) by omitting subsection (2A) of section sec. 25. twenty-five; (Person

(Persons other than pharmacists not to have interest in pharmacists' businesses.)

(ii) by inserting next before subsection three of the pharmacists' same section the following new subsections :-- businesses.)

(2B) Paragraphs (b) and (e) of subsection two of this section do not apply to a person whose name has been removed from the register or who has been suspended from

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#### Act No. , 1971.

#### Pharmacy (Amendment).

practice as a pharmacist under this Act, whether the removal or suspension occurred before or after the commencement of the Pharmacy (Amendment) Act, 1971. 8

#### (2c) Where—

- (a) immediately before the commencement of the Pharmacy (Amendment) Act, 1971, a person, corporation, company or body or association of persons, referred to in paragraph (b), (d) or (e) of subsection two of this section, was entitled, by virtue of any of those paragraphs, to carry on, and was carrying on, the business of a pharmacist in open shop; and
- (b) that business ceases, after that commencement, to be carried on for any continuous period that exceeds four days,

that person, corporation, company, body or association shall not be entitled, by virtue of any of those paragraphs, to carry on that business after the expiration of that period without the approval in writing of the Minister.

- (iii) by inserting next after subsection five of the same section the following new subsections : ---
  - (6) Where—
  - (a) a person's name is removed from the register or he is suspended from practice as a pharmacist under this Act; and

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(b) he was entitled to carry on, and was carrying on, the business of a pharmacist in open shop immediately before his name was so removed or his suspension took effect,

this section shall not operate to prevent him from carrying on subject to section twentyseven of this Act that business during the period of three months next following the day on which his name was so removed or his suspension took effect.

(7) A person who carries on the business of a pharmacist in open shop by virtue of subsection six of this section shall, during the period during which he so carries on that business, neither enter nor be in any premises in which that business is so carried on unless he has the consent of the Board to do so and he complies with any conditions imposed by the Board in relation thereto (which consent and conditions the Board is hereby authorised to give, impose and revoke from time to time).

(n) (i) by inserting next after subsection (3A) of Sec. 26. section twenty-six the following new sub- (Pharmacist not to carry on or have

(Pharmacist not to carry on or have a pecuniary interest in more than one business of a phar-

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(3B) Where-

 (a) immediately before the commencement of the Pharmacy (Amendment) Act, 1971, a pharmacist referred to in paragraph (a) or (b) of subsection three of this section was entitled, by virtue of either of those paragraphs, to carry on, and was carrying on, the business of a pharmacist; and

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(b)

(b) that business ceases, after that commencement, to be carried on for any continuous period that exceeds four days,

he shall not be entitled, by virtue of either of those paragraphs, to carry on that business after the expiration of that period without the approval in writing of the Minister.

(ii) by omitting subsection five of the same section;

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(0) by omitting subsection five of section twenty-seven; Sec. 27.

(Pharmacist to be in charge of every open shop and dispensary.)

(p) by omitting subsection two of section twenty-eight; Sec. 28.

(Medicines to be dispensed only by or under the superintendence of pharmacists.)

- (q) by omitting paragraph (e) of subsection one of Sec. 38. section thirty-eight and by inserting in lieu thereof (Regulathe following paragraphs :---
  - (e) advertising in relation to the carrying on of the business of a pharmacist in open shop, including the display of signs in or about the premises on which such a business is so carried on;
  - (e1) the disclosure to the Board of pecuniary interests in the business of a pharmacist carried on in open shop;

(e2)

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(e2) the disclosure to the Board of the details of any bill of sale given in respect of the business of a pharmacist carried on in open shop or the details of any agreement entered into under which any person has a pecuniary interest in such a business so carried on.

(2) Where before the commencement of this Act a person's name has been removed from the register or he has
10 been suspended from practice as a pharmacist under the Pharmacy Act, 1964, subsection six of section twenty-five of that Act, as inserted by this Act, applies to that person as if his name was removed at that commencement or he was suspended from practice as a pharmacist at that commencement, 15 as the case may require.

(3) The Poisons Act, 1966, is amended—

Amendment of Act No. 31, 1966.

- (a) by omitting from subparagraph (i) of paragraph Sec. 4.
  (a) of the definition of "Pharmacy trainee" in sub- (Interpresentation.) section one of section four the words "paragraph" (b) of subsection one of";
- (b) by omitting from the same subparagraph the words
- "that subsection" and by inserting in lieu thereof the words "subsection one of that section".

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES-1971 [10c]

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(e2) the disclosure to the Board of the details of the bisides of a phononicity arrest on in the size of a phononicity arrest on in the size of the details of any operated entered into anothe which any operated into a potenticity interest, in the size of the size of

(25) Where before the commencement of this Act a percent panae has been removed from the register or he has a been to contractive as a pharmacid under the Pharmary Act, 4900, sub-trian vie of oction rector to of the Act, as inserted by this Act, applies to that person as if hiname was removed at that commencement or he was see pended from practice as a phyrrowist at the terminencement.

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Amendment of Act No.

> b) hy variation from submargingly (i) of paragraph between (a) of the definition of "Pharmacy trained" in sub-fluence section one of section four the word: "paragraph riter of subjection and of

> > (b) by uniffing from the summarizing in lieu worth relat sobsection, and by inserting in lieu thereal the words "sucception one of that section".

S.F.

PROOF

#### PHARMACY (AMENDMENT) BILL, 1971

#### EXPLANATORY NOTE

The objects of this Bill are-

- (a) to reduce from twelve months to six months the period of service required to be served by the holder of a prescribed higher degree or postgraduate diploma prior to registration as a pharmacist;
- (b) to enable part of the period of service required to be served by an applicant for registration as a pharmacist to include a period as an assistant to a pharmacist in charge of certain premises approved by the Pharmacy Board of New South Wales (hereinafter referred to as "the Board");
- (c) to enable the Board, without inquiry, but subject to appeal, to deregister, suspend, caution or reprimand a pharmacist who has, in certain circumstances, been deregistered or suspended as a pharmacist in some place outside New South Wales;
- (d) to remove the necessity for three months' notice to be given to the Minister before making application to him for the transfer of certain pharmacies;
- (e) to prevent a deregistered or suspended pharmacist from carrying on the business of a pharmacist in certain circumstances;
- (f) to enable a deregistered or suspended pharmacist to continue for three months after his deregistration or suspension to carry on the business of a pharmacist which he was previously carrying on, subject to his not being on the premises of the pharmacy without the consent of the Board;
- (g) to enable the Minister to allow a break in the continuity of the carrying on of certain pharmacy businesses;
- (h) to enable regulations to be made-
  - (i) requiring disclosure to the Board of pecuniary interests in pharmacies and the details of certain bills of sale and agreements entered into in relation to pharmacies; and
  - (ii) regulating the display of signs in or about pharmacies; and
- (i) to make other provisions of a minor, consequential or ancillary character.

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#### PROOF

#### Pharmacy (Amendmend)

But it encouse by the Coren's Most Corellant Majesty.com and with the Advice and a name of the Regislative Council must be released the the authority of the same as Protoment deviced of the the authority of the same as

#### No. , 1971.

### A BILL

To make further provisions with respect to the registration of pharmacists and the carrying on of the business of a pharmacist; for these and other purposes to amend the Pharmacy Act, 1964; and for purposes connected therewith.

[MR JAGO-27 October, 1971.]

 $\mathbf{B}^{\mathrm{E}}$  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 "Pharmacy Short title (Amendment) Act, 1971".

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation10 published in the Gazette.

2. (1) The Pharmacy Act, 1964, is amended—

Amendment of Act No. 48, 1964.

(a) by inserting next before the definition of "After- Sec. 3. hours pharmacy" in section three the following new (Interpretation.)

"Advertising" means advertising-

- (a) in a newspaper, magazine or other publication;
- (b) in a circular, hand bill, poster or other notice;
- (c) orally or by any means of producing or transmitting light or sound; or
- (d) in any other manner.
- (b) by omitting from paragraph (b) of subsection two Sec. 4. of section four the word "Public"; (Pharm

(Pharmacy Board of New South Wales.)

(c)

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(c) (i) by inserting next after subsection one of section Sec. 13. thirteen the following new subsection : — (Qualified

(Qualifications for registration— New

(1A) Notwithstanding any other provision tion-New of this section, where a person satisfies the South Wales graduates.) Board that he has served in the Commonwealth of Australia for one or more continuous periods each of which was not less than one month (whether or not that continuous period or those continuous periods occurred before or after, or partly before and partly after, he received his degree in pharmacy) as an assistant to a pharmacist in charge of premises that were, during that service, approved premises, the prescribed period that would but for this subsection have been applicable to that person shall be reduced, where that continuous period or the aggregate of those continuous periods-

- (a) exceeds one-half of that prescribed period—by one-half of that prescribed period; or
- (b) does not exceed one-half of that prescribed period—by that continuous period or the aggregate of those continuous periods.
- (ii) by inserting in subsection two of the same section after the word "one" where firstly occurring the words "and in subsection (1A)";

 (iii) by inserting next before the definition of "pharmacist" in the same subsection the following new definition : —

> "approved premises" means any premises in respect of which a declaration under subsection three of this section is in force;

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(iv)

(iv) by inserting in paragraph (a) of the definition of "prescribed period" in the same subsection after the word "section" the words "or who, in addition to having received his degree in pharmacy, is the holder of a prescribed higher degree or a prescribed postgraduate diploma received from a university referred to in that paragraph";

(v) by inserting at the end of the same section the following new subsection :---

(3) The Board may, by order under the hand of the registrar published in the Gazette, declare any premises specified or described in the order to be approved premises for the purposes of this section as from the date of publication of the order or from a later date specified in the order.

(d) by omitting from paragraph (a) of section fifteen Sec. 15. the words "paragraphs (b), (c) and (d)" and by (Other foreign inserting in lieu thereof the words "paragraphs (b) qualificaand (d)";

tions for registration.)

- (e) by omitting subparagraph (i) of paragraph (b) of Sec. 17A. subsection one of section 17A and by inserting in (Provisional registration.) lieu thereof the following subparagraph :----
  - (i) that he has had the requisite service and experience referred to in section thirteen of this Act, or the requisite experience referred to in section fourteen of this Act, as the case may require; and;

Sec. 19. (f) by omitting subsection five of section nineteen;

- (Roll fee.)
- (g) (i) by omitting from subsection three of section Sec. 20. twenty the words "his registration be (Removal of suspended" and by inserting in lieu thereof the account of words "he be suspended from practice as a misconduct.) pharmacist";
  - (ii) by omitting subsections six and seven of the (h) same section;

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Act No. , 1971.

#### Pharmacy (Amendment).

(h) by omitting subsection five of section 20A;

Sec. 20A. (Refusal or suspension of registration or removal from register on ground of unfitness.)

(i) by inserting next after section 20A the following new New sec. section :---

#### 20AA. (1) Where-

Removal of name, etc., from

- (a) after the commencement of the Pharmacy register out-(Amendment) Act, 1971, a pharmacist side New has, while registered under this Act—
  - (i) ceased to be registered under the law in force relating to the registration of pharmacists in some place outside New South Wales; or
  - (ii) been suspended from practice as a pharmacist under the law referred to in subparagraph (i) of this paragraph,

because of some act or omission on his part; and

(b) the Board is of the opinion that it would, if there had been an inquiry under section twenty of this Act and the commission of the act or the omission had been proved thereat, have been satisfied that the pharmacist had been guilty of misconduct in a professional respect because of the act or omission,

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the Board may, without making such an inquiry, order that his name be removed from the register or that he be suspended from practice as a pharmacist for such period, not exceeding twelve months, as the Board determines, or may caution or reprimand him.

(2) This section has effect notwithstanding anything in section twenty of this Act, but nothing in this section prevents any matter that may be, but has not been, dealt with under this section from being dealt with under section twenty of this Act if the Board, in any particular case, so decides.

(3) The provisions of subsection three of section twenty of this Act apply, mutatis mutandis, in respect of a person referred to in paragraph (a) of subsection one of this section.

(i) by omitting from subsection one of section Sec. 21.
 twenty-one the words "of this Act for the (Effect of Board's order.) register or the suspension of the registration of a pharmacist" and by inserting in lieu thereof the words ", or subsection one of section 20AA, of this Act that the name of a pharmacist be removed from the register or that he be suspended from practice as a pharmacist";

 (ii) by omitting from subsection two of the same section the words "for the removal of the name of a pharmacist" and by inserting in lieu thereof the words "that the name of the pharmacist be removed";

(iii) by omitting from subsection three of the same section the words "for the suspension of the registration of a pharmacist" and by inserting in lieu thereof the words "that a pharmacist be suspended from practice"; 6

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(**k**)

- (k) by omitting from subsection one of section twenty- sec. 22. two the words "for the removal of his name" and (Appeal by inserting in lieu thereof the words "that his name against orders of the Board.) be removed";
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- (1) by inserting next after section twenty-two the New sec. 224. following new section :---

22A. (1) Where the name of a pharmacist has, Effect of whether before or after the commencement of the removal Pharmacy (Amendment) Act, 1971, been removed register or from the register under this Act, and until his name suspension from is restored thereto, the pharmacist shall be deemed practice. not to be registered as a pharmacist under this Act.

(2) Where a pharmacist has, whether before or after the commencement of the Pharmacy (Amendment) Act, 1971, been suspended from practice as a pharmacist under this Act for a specified period, the pharmacist shall, for the purposes of sections twenty-five, twenty-seven and twentyeight of this Act, and not otherwise, be deemed not to be a pharmacist during that period.

(3) Where a person is suspended from practice as a pharmacist under this Act, the registrar shall enter in the register a memorandum of that fact and of the date and cause thereof.

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(m)

(i) by omitting subsection (2A) of section sec. 25. twenty-five;

(Persons other than pharmacists not to have interest in

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(ii) by inserting next before subsection three of the pharmacists' same section the following new subsections :- businesses.)

(2B) Paragraphs (b) and (e) of subsection two of this section do not apply to a person whose name has been removed from the register or who has been suspended from

practice

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#### Act No. , 1971.

#### Pharmacy (Amendment).

practice as a pharmacist under this Act, whether the removal or suspension occurred before or after the commencement of the Pharmacy (Amendment) Act, 1971. 8

#### (2c) Where-

- (a) immediately before the commencement of the Pharmacy (Amendment) Act, 1971, a person, corporation, company or body or association of persons, referred to in paragraph (b), (d) or (e) of subsection two of this section, was entitled, by virtue of any of those paragraphs, to carry on, and was carrying on, the business of a pharmacist in open shop; and
- (b) that business ceases, after that commencement, to be carried on for any continuous period that exceeds four days,

that person, corporation, company, body or association shall not be entitled, by virtue of any of those paragraphs, to carry on that business after the expiration of that period without the approval in writing of the Minister.

- (iii) by inserting next after subsection five of the same section the following new subsections : ---
  - (6) Where—
  - (a) a person's name is removed from the register or he is suspended from practice as a pharmacist under this Act; and

(b)

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(b) he was entitled to carry on, and was carrying on, the business of a pharmacist in open shop immediately before his name was so removed or his suspension took effect,

this section shall not operate to prevent him from carrying on subject to section twentyseven of this Act that business during the period of three months next following the day on which his name was so removed or his suspension took effect.

(7) A person who carries on the business of a pharmacist in open shop by virtue of subsection six of this section shall, during the period during which he so carries on that business, neither enter nor be in any premises in which that business is so carried on unless he has the consent of the Board to do so and he complies with any conditions imposed by the Board in relation thereto (which consent and conditions the Board is hereby authorised to give, impose and revoke from time to time).

(n) (i) by inserting next after subsection (3A) of Sec. 26. section twenty-six the following new sub- (Pharmacist not to carry on or have

(Pharmacist not to carry on or have a pecuniary interest in more than one business of a phar-

(b)

(3B) Where—

(a) immediately before the commence of a pharment of the Pharmacy (Amendment) macist.) Act, 1971, a pharmacist referred to in paragraph (a) or (b) of subsection three of this section was entitled, by virtue of either of those paragraphs, to carry on, and was carrying on, the business of a pharmacist; and

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- (b) that business ceases, after that commencement, to be carried on for any continuous period that exceeds four days,
- he shall not be entitled, by virtue of either of those paragraphs, to carry on that business after the expiration of that period without the approval in writing of the Minister.
- (ii) by omitting subsection five of the same section;

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(0) by omitting subsection five of section twenty-seven; Sec. 27.

(Pharmacist to be in charge of every open shop and dispensary.)

(p) by omitting subsection two of section twenty-eight; Sec. 28.

(Medicines to be dispensed only by or under the superintendence of pharmacists.)

- (q) by omitting paragraph (e) of subsection one of Sec. 38. section thirty-eight and by inserting in lieu thereof (Regulathe following paragraphs :---
  - (e) advertising in relation to the carrying on of the business of a pharmacist in open shop, including the display of signs in or about the premises on which such a business is so carried on;
  - (e1) the disclosure to the Board of pecuniary interests in the business of a pharmacist carried on in open shop;

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(e2)

(e2) the disclosure to the Board of the details of any bill of sale given in respect of the business of a pharmacist carried on in open shop or the details of any agreement entered into under which any person has a pecuniary interest in such a business so carried on.

(2) Where before the commencement of this Act a person's name has been removed from the register or he has
10 been suspended from practice as a pharmacist under the Pharmacy Act, 1964, subsection six of section twenty-five of that Act, as inserted by this Act, applies to that person as if his name was removed at that commencement or he was suspended from practice as a pharmacist at that commencement, 15 as the case may require.

(3) The Poisons Act, 1966, is amended—

Amendment of Act No. 31, 1966.

- (a) by omitting from subparagraph (i) of paragraph Sec. 4.
  (a) of the definition of "Pharmacy trainee" in sub- (Interpresection one of section four the words "paragraph tation.)
  (b) of subsection one of";
- (b) by omitting from the same subparagraph the words "that subsection" and by inserting in lieu thereof the words "subsection one of that section".

BY AUTHORITY V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES-1971

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(a) the distance to the flore of the details of the set of the contract of the set of the lusine the details of any agreement set red into users which one parametric has a too user which one parametric has a previous justice in such a business so

(2) Where before the componencies of this Act a person's basic biasion ranooud from the resister on he has a been submered of from priority as plantmered and/or the Phate Share Act, (964, subsection sit of section twent, fire of frat section as inserted by the Act, complete the the priority applies to the fire of the priority as inserted by the Act, complete the the section twent for a priority and the priority applies of the priority of the priority applies of the priority applies of the priority applies of the priority applies of the priority of the prior

#### (3) The Poissne Act. 1966, is amended-

(a) by contiting its in substragment (i) of pringraph, i (a) of the definition of "Pitamacy traince" in subprestion ones of section fout the words "paragraph" (b) of subsection one of".

(5) thy omitting from the same subpartarials the words within subsection" and by inserting in their thereof the words "subsection use of that section".

## New South Wales



ANNO VICESIMO

## ELIZABETHÆ II REGINÆ

## Act No. 47, 1971.

An Act to make further provisions with respect to the registration of pharmacists and the carrying on of the business of a pharmacist; for these and other purposes to amend the Pharmacy Act, 1964; and for purposes connected therewith. [Assented to, 14th December, 1971.]

BE

р 75609—А [10с]

## Pharmacy (Amendment).

 $\mathbf{B}^{E}$  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:—

Short title **1.** (1) This Act may be cited as the "Pharmacy and commencement. (Amendment) Act, 1971".

> (2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment of Act No. 48, 1964. 2.

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

"Advertising" means advertising-

(1) The Pharmacy Act, 1964, is amended—

- (a) in a newspaper, magazine or other publication;
- (b) in a circular, hand bill, poster or other notice;
- (c) orally or by any means of producing or transmitting light or sound; or

(c)

(d) in any other manner.

Sec. 4. (Pharmacy Board of New South Wales.) (b) by omitting from paragraph (b) of subsection two of section four the word "Public";

48, 1964.

Sec. 3. (Interpretation.)

## Pharmacy (Amendment).

thirteen the following new subsection : ----(1A) Notwithstanding any other provision tion—New of this section, where a person satisfies the South Wales graduates.) Board that he has served in the Commonwealth of Australia for one or more continuous periods each of which was not less than one month (whether or not that continuous period or those continuous periods occurred before or after, or partly before and partly after, he received his degree in pharmacy) as an assistant to a pharmacist in charge of premises that were, during that service, approved premises, the prescribed period that would but for this subsection have been applicable to that person shall be reduced, where that continuous period or the aggregate of those continuous periods (a) exceeds one-half of that prescribed

period-by one-half of that prescribed period; or

(b) does not exceed one-half of that prescribed period-by that continuous period or the aggregate of those continuous periods.

pharmacist":

(ii) by inserting in subsection two of the same section after the word "one" where firstly lence referred occurring the words "and in subsection (1A)"; Act. as the

(iii) by inserting next before the definition of "pharmacist" in the same subsection the following (a) (i) by omitting from anitime of socion and noticated approved premises" means any premises and toostall stall of the in respect of which a declaration under subsection three of this section is in

(ii) by conitting subsections six and seven of the same section: (d)

force:

(iv)

. C. 1. 390 (Rollfee.) Sec. 20. (Removal of CO STUR ho muores

(trabaccelar)

(c) (i) by inserting next after subsection one of section Sec. 13. (Qualifications for registra-

(iv) by inserting in paragraph (a) of the definition of "prescribed period" in the same subsection after the word "section" the words "or who, in addition to having received his degree in pharmacy, is the holder of a prescribed higher degree or a prescribed postgraduate diploma received from a university referred to in that paragraph";

•

(v) by inserting at the end of the same section the following new subsection :---

(3) The Board may, by order under the hand of the registrar published in the Gazette, declare any premises specified or described in the order to be approved premises for the purposes of this section as from the date of publication of the order or from a later date specified in the order.

- (d) by omitting from paragraph (a) of section fifteen the words "paragraphs (b), (c) and (d)" and by inserting in lieu thereof the words "paragraphs (b) and (d)";
- (e) by omitting subparagraph (i) of paragraph (b) of subsection one of section 17A and by inserting in lieu thereof the following subparagraph :—
  - (i) that he has had the requisite service and experience referred to in section thirteen of this Act, or the requisite experience referred to in section fourteen of this Act, as the case may require; and;
- (f) by omitting subsection five of section nineteen;
- (g) (i) by omitting from subsection three of section twenty the words "his registration be suspended" and by inserting in lieu thereof the words "he be suspended from practice as a pharmacist";
  - (ii) by omitting subsections six and seven of the same section;
     (h)

Sec. 15. (Other foreign qualifications for registration.)

Sec. 17A. (Provisional registration.)

Sec. 19. (Roll fee.)

Sec. 20. (Removal of name on account of misconduct.)

(h) by omitting subsection five of section 20A;

Sec. 20A. (Refusal or suspension of registration or removal from register on ground of unfitness.)

(i) by inserting next after section 20A the following new New sec. section :---

20AA. (1) Where—

Removal of name, etc., from

- (a) after the commencement of the Pharmacy register out-(Amendment) Act, 1971, a pharmacist side New has, while registered under this Act—
  - (i) ceased to be registered under the law in force relating to the registration of pharmacists in some place outside New South Wales; or
  - (ii) been suspended from practice as a pharmacist under the law referred to in subparagraph (i) of this paragraph,

because of some act or omission on his part; and

(b) the Board is of the opinion that it would, if there had been an inquiry under section twenty of this Act and the commission of the act or the omission had been proved thereat, have been satisfied that the pharmacist had been guilty of misconduct in a professional respect because of the act or omission, 5

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## Pharmacy (Amendment).

the Board may, without making such an inquiry, order that his name be removed from the register or that he be suspended from practice as a pharmacist for such period, not exceeding twelve months, as the Board determines, or may caution or reprimand him.

(2) This section has effect notwithstanding anything in section twenty of this Act, but nothing in this section prevents any matter that may be, but has not been, dealt with under this section from being dealt with under section twenty of this Act if the Board, in any particular case, so decides.

(3) The provisions of subsection three of section twenty of this Act apply, mutatis mutandis, in respect of a person referred to in paragraph (a) of subsection one of this section.

> (j) (i) by omitting from subsection one of section twenty-one the words "of this Act for the removal of the name of a pharmacist from the register or the suspension of the registration of a pharmacist" and by inserting in lieu thereof Longitude of the words ", or subsection one of section 20AA, of this Act that the name of a pharmacist be removed from the register or that he be suspended from practice as a pharmacist";

> (ii) by omitting from subsection two of the same section the words "for the removal of the name of a pharmacist" and by inserting in lieu bloov to said thereof the words of that the name of the moitose robern pharmacist be removed";

> iii)<sup>desion of</sup> by omitting from subsection three of the same section the words "for the suspension of the registration of a pharmacist" and by inserting d misconduct in lieu thereof the words "that a pharmacist ecause of the be suspended from practice";

Sec. 21. (Effect of Board's order.)

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(k)

(k) by omitting from subsection one of section twenty- Sec. 22. two the words "for the removal of his name" and (Appeal by inserting in lieu thereof the words "that his name against orders of be removed": mbaom A vourmed? the Board.)

(1) by inserting next after section twenty-two the New sec. 22A. following new section :----

> 22A. (1) Where the name of a pharmacist has, Effect of whether before or after the commencement of the removal Pharmacy (Amendment) Act, 1971, been removed register or from the register under this Act, and until his name suspension from is restored thereto, the pharmacist shall be deemed practice. not to be registered as a pharmacist under this Act.

from

and a lo result (2) Where a pharmacist has, whether before or after the commencement of the Pharmacv (Amendment) Act, 1971, been suspended from practice as a pharmacist under this Act for a specified period, the pharmacist shall, for the purposes of sections twenty-five, twenty-seven and twentyeight of this Act, and not otherwise, be deemed not to be a pharmacist during that period.

> (3) Where a person is suspended from practice as a pharmacist under this Act, the registrar shall enter in the register a memorandum of that fact and of the date and cause thereof.

(m) (i) by omitting subsection (2A) of section Sec. 25. twenty-five; (Persons

other than pharmacists not to have interest in

(ii) by inserting next before subsection three of the pharmacists' same section the following new subsections :- businesses.)

(2B) Paragraphs (b) and (e) of subsection two of this section do not apply to a person whose name has been removed from the register or who has been suspended from

practice

practice as a pharmacist under this Act, whether the removal or suspension occurred before or after the commencement of the Pharmacy (Amendment) Act, 1971.

(2c) Where—

- (a) immediately before the commencement of the Pharmacy (Amendment) Act, 1971, a person, corporation, company or body or association of persons, referred to in paragraph (b), (d) or (e) of subsection two of this section, was entitled, by virtue of any of those paragraphs, to carry on, and was carrying on, the business of a pharmacist in open shop; and
- (b) that business ceases, after that commencement, to be carried on for any continuous period that exceeds four days,

that person, corporation, company, body or association shall not be entitled, by virtue of any of those paragraphs, to carry on that business after the expiration of that period without the approval in writing of the Minister.

- (iii) by inserting next after subsection five of the same section the following new subsections :
  - (6) Where—
  - (a) a person's name is removed from the register or he is suspended from practice as a pharmacist under this Act; and

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(b)

## Pharmacy (Amendment).

(b) he was entitled to carry on, and was carrying on, the business of a pharmacist in open shop immediately before his name was so removed or his suspension took effect,

this section shall not operate to prevent him from carrying on subject to section twentyseven of this Act that business during the period of three months next following the day on which his name was so removed or his suspension took effect.

(7) A person who carries on the business of a pharmacist in open shop by virtue of subsection six of this section shall, during the period during which he so carries on that business, neither enter nor be in any premises in which that business is so carried on unless he has the consent of the Board to do so and he complies with any conditions imposed by the Board in relation thereto (which consent and conditions the Board is hereby authorised to give, impose and revoke from time to time).

(n) (i) by inserting next after subsection (3A) of Sec. 26. section twenty-six the following new sub- (Pharmacist not to carry section :—

(Pharmacist not to carry on or have a pecuniary interest in more than one business of a phar-

(3B) Where—

(a) immediately before the commence of a pharment of the Pharmacy (Amendment) macist.)
Act, 1971, a pharmacist referred to in paragraph (a) or (b) of subsection three of this section was entitled, by virtue of either of those paragraphs, to carry on, and was carrying on, the business of a pharmacist; and

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(b)

## Pharmacy (Amendment).

and but in the business ceases, after that comrand a particular mencement, to be carried on for any visit of a continuous period that exceeds four sid to before a saw days, sid of ord

he shall not be entitled, by virtue of either of those paragraphs, to carry on that business after the expiration of that period without the approval in writing of the Minister.

period of three months next following the day

and no be (ii) by omitting subsection five of the same section;

(o) by omitting subsection five of section twenty-seven; -due to autriv velocity and on the subsection and a to add gained. The section shall, during being -ized that we carries to an obsection and promotes in approximation and a promotes is so contributed on the section address is so contributed on the section.

has the consent of the Board to do so and I

(p) by omitting subsection two of section twenty-eight;

Sec. 28. (Medicines to be dispensed only by or under the superintendence of pharmacists.)

Sec. 27. (Pharmacist to be in charge of every open shop and dispensary.)

Sec. 38. (Regulations.) 

- (e) advertising in relation to the carrying on of the business of a pharmacist in open shop, including the display of signs in or about the premises on which such a business is so carried on;
- (e1) the disclosure to the Board of pecuniary interests in the business of a pharmacist carried on in open shop;

(e2)

## Pharmacy (Amendment).

(e2) the disclosure to the Board of the details of any bill of sale given in respect of the business of a pharmacist carried on in open shop or the details of any agreement entered into under which any person has a pecuniary interest in such a business so carried on.

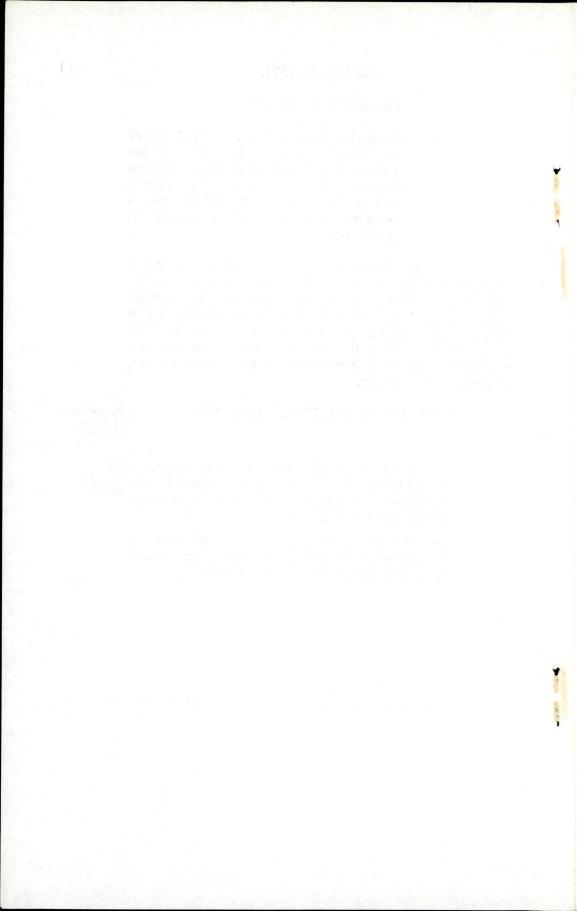
(2) Where before the commencement of this Act a person's name has been removed from the register or he has been suspended from practice as a pharmacist under the Pharmacy Act, 1964, subsection six of section twenty-five of that Act, as inserted by this Act, applies to that person as if his name was removed at that commencement or he was suspended from practice as a pharmacist at that commencement, as the case may require.

(3) The Poisons Act, 1966, is amended—

Amendment of Act No. 31, 1966.

- (a) by omitting from subparagraph (i) of paragraph Sec. 4.
  (a) of the definition of "Pharmacy trainee" in sub- (Interpretation.) section one of section four the words "paragraph"
  (b) of subsection one of";
- (b) by omitting from the same subparagraph the words "that subsection" and by inserting in lieu thereof the words "subsection one of that section".

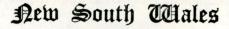
BY AUTHORITY V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1972



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

> I. P. K. VIDLER, Clerk of the Legislative Assembly.

Legislative Assembly Chamber, Sydney, 30 November, 1971.





# ELIZABETHÆ II REGINÆ

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ANNO VICESIMO

## Act No. 47, 1971.

An Act to make further provisions with respect to the registration of pharmacists and the carrying on of the business of a pharmacist; for these and other purposes to amend the Pharmacy Act, 1964; and for purposes connected therewith. [Assented to, 14th December, 1971.]

BE

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

> L. A. PUNCH, Chairman of Committees of \*he Legislative Assembly

#### Pharmacy (Amendment).

**B**<sup>E</sup> 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 :-

Short title and commencement.

1. (1) This Act may be cited as the "Pharmacy (Amendment) Act, 1971".

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment of Act No. 48, 1964. 2. (1) The Pharmacy Act, 1964, is amended—

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

"Advertising" means advertising-

- (a) in a newspaper, magazine or other publication;
- (b) in a circular, hand bill, poster or other notice;
- (c) orally or by any means of producing or transmitting light or sound; or
- (d) in any other manner.

Sec. 4. (Pharmacy Board of New South Wales.) (b) by omitting from paragraph (b) of subsection two of section four the word "Public";

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(c)

## Pharmacy (Amendment).

(c) (i) by inserting next after subsection one of section Sec. 13. thirteen the following new subsection : — (Qualified)

(Qualifications for registration— New South Wales

(1A) Notwithstanding any other provision tion-New of this section, where a person satisfies the South Wales Board that he has served in the Commonwealth of Australia for one or more continuous periods each of which was not less than one month (whether or not that continuous period or those continuous periods occurred before or after, or partly before and partly after, he received his degree in pharmacy) as an assistant to a pharmacist in charge of premises that were, during that service, approved premises, the prescribed period that would but for this subsection have been applicable to that person shall be reduced, where that continuous period or the aggregate of those continuous periods-

- (a) exceeds one-half of that prescribed period—by one-half of that prescribed period; or
- (b) does not exceed one-half of that prescribed period—by that continuous period or the aggregate of those continuous periods.
- (ii) by inserting in subsection two of the same section after the word "one" where firstly occurring the words "and in subsection (1A)";
- (iii) by inserting next before the definition of "pharmacist" in the same subsection the following new definition :
  - "approved premises" means any premises in respect of which a declaration under subsection three of this section is in force;

- (iv) by inserting in paragraph (a) of the definition of "prescribed period" in the same subsection after the word "section" the words "or who, in addition to having received his degree in pharmacy, is the holder of a prescribed higher degree or a prescribed postgraduate diploma received from a university referred to in that paragraph";
- (v) by inserting at the end of the same section the following new subsection :---

(3) The Board may, by order under the hand of the registrar published in the Gazette, declare any premises specified or described in the order to be approved premises for the purposes of this section as from the date of publication of the order or from a later date specified in the order.

- (d) by omitting from paragraph (a) of section fifteen the words "paragraphs (b), (c) and (d)" and by inserting in lieu thereof the words "paragraphs (b) and (d)";
- (e) by omitting subparagraph (i) of paragraph (b) of subsection one of section 17A and by inserting in lieu thereof the following subparagraph :—
  - (i) that he has had the requisite service and experience referred to in section thirteen of this Act, or the requisite experience referred to in section fourteen of this Act, as the case may require; and;
- (f) by omitting subsection five of section nineteen;
- (g) (i) by omitting from subsection three of section twenty the words "his registration be suspended" and by inserting in lieu thereof the words "he be suspended from practice as a pharmacist";
  - (ii) by omitting subsections six and seven of the same section;(h)

Sec. 15. (Other foreign qualifications for registration.)

Sec. 17A. (Provisional registration.)

Sec. 19. (Roll fee.)

Sec. 20. (Removal of name on account of misconduct.)

## Pharmacy (Amendment).

(h) by omitting subsection five of section 20A;

Sec. 20A. (Refusal or suspension of registration or removal from register on ground of unfitness.)

## 20AA. (1) Where—

Removal of name, etc., from register out-

- (a) after the commencement of the Pharmacy register out-(Amendment) Act, 1971, a pharmacist side New has, while registered under this Act—
  - (i) ceased to be registered under the law in force relating to the registration of pharmacists in some place outside New South Wales; or
  - (ii) been suspended from practice as a pharmacist under the law referred to in subparagraph (i) of this paragraph,

because of some act or omission on his part; and

(b) the Board is of the opinion that it would, if there had been an inquiry under section twenty of this Act and the commission of the act or the omission had been proved thereat, have been satisfied that the pharmacist had been guilty of misconduct in a professional respect because of the act or omission,

the

## Pharmacy (Amendment).

the Board may, without making such an inquiry, order that his name be removed from the register or that he be suspended from practice as a pharmacist for such period, not exceeding twelve months, as the Board determines, or may caution or reprimand him.

(2) This section has effect notwithstanding anything in section twenty of this Act, but nothing in this section prevents any matter that may be, but has not been, dealt with under this section from being dealt with under section twenty of this Act if the Board, in any particular case, so decides.

(3) The provisions of subsection three of section twenty of this Act apply, mutatis mutandis, in respect of a person referred to in paragraph (a) of subsection one of this section.

(j) (i) by omitting from subsection one of section twenty-one the words "of this Act for the removal of the name of a pharmacist from the register or the suspension of the registration of a pharmacist" and by inserting in lieu thereof the words ", or subsection one of section 20AA, of this Act that the name of a pharmacist be removed from the register or that he be suspended from practice as a pharmacist";

- (ii) by omitting from subsection two of the same section the words "for the removal of the name of a pharmacist" and by inserting in lieu thereof the words "that the name of the pharmacist be removed";
- (iii) by omitting from subsection three of the same section the words "for the suspension of the registration of a pharmacist" and by inserting in lieu thereof the words "that a pharmacist be suspended from practice";

Sec. 21. (Effect of Board's order.)

- (k) by omitting from subsection one of section twenty- Sec. 22. two the words "for the removal of his name" and (Appeal by inserting in lieu thereof the words "that his name against orders of the Board.) be removed";
- (1) by inserting next after section twenty-two the New sec. 22A. following new section :---

22A. (1) Where the name of a pharmacist has, Effect of whether before or after the commencement of the removal from Pharmacy (Amendment) Act, 1971, been removed register or from the register under this Act, and until his name suspension from is restored thereto, the pharmacist shall be deemed practice. not to be registered as a pharmacist under this Act.

(2) Where a pharmacist has, whether before or after the commencement of the Pharmacy (Amendment) Act, 1971, been suspended from practice as a pharmacist under this Act for a specified period, the pharmacist shall, for the purposes of sections twenty-five, twenty-seven and twentyeight of this Act, and not otherwise, be deemed not to be a pharmacist during that period.

(3) Where a person is suspended from practice as a pharmacist under this Act, the registrar shall enter in the register a memorandum of that fact and of the date and cause thereof.

(i) by omitting subsection (2A) of section Sec. 25. (m) twenty-five;

(Persons other than pharmacists not to have interest in businesses.)

(ii) by inserting next before subsection three of the pharmacists' same section the following new subsections :----

(2B) Paragraphs (b) and (e) of subsection two of this section do not apply to a person whose name has been removed from the register or who has been suspended from

practice

practice as a pharmacist under this Act, whether the removal or suspension occurred before or after the commencement of the Pharmacy (Amendment) Act, 1971.

- (2c) Where—
- (a) immediately before the commencement of the Pharmacy (Amendment) Act, 1971, a person, corporation, company or body or association of persons, referred to in paragraph (b), (d) or (e) of subsection two of this section, was entitled, by virtue of any of those paragraphs, to carry on, and was carrying on, the business of a pharmacist in open shop; and
- (b) that business ceases, after that commencement, to be carried on for any continuous period that exceeds four days,

that person, corporation, company, body or association shall not be entitled, by virtue of any of those paragraphs, to carry on that business after the expiration of that period without the approval in writing of the Minister.

- (6) Where—
- (a) a person's name is removed from the register or he is suspended from practice as a pharmacist under this Act; and

<sup>(</sup>iii) by inserting next after subsection five of the same section the following new subsections : ----

## Pharmacy (Amendment).

(b) he was entitled to carry on, and was carrying on, the business of a pharmacist in open shop immediately before his name was so removed or his suspension took effect,

this section shall not operate to prevent him from carrying on subject to section twentyseven of this Act that business during the period of three months next following the day on which his name was so removed or his suspension took effect.

> (7) A person who carries on the business of a pharmacist in open shop by virtue of subsection six of this section shall, during the period during which he so carries on that business, neither enter nor be in any premises in which that business is so carried on unless he has the consent of the Board to do so and he complies with any conditions imposed by the Board in relation thereto (which consent and conditions the Board is hereby authorised to give, impose and revoke from time to time).

(n) (i) by inserting next after subsection (3A) of Sec. 26. section twenty-six the following new sub- (Pharmacist section : ---

> Act, 1971, a pharmacist referred to in paragraph (a) or (b) of subsection three of this section was entitled, by virtue of either of those paragraphs, to carry on, and was carrying on, the

business of a pharmacist; and

(3B) Where—

not to carry on or have a pecuniary interest in more than one business ment of the Pharmacy (Amendment) macist.)

Sec. 27.

(a) immediately before the commence of a phar-

(b)

## Pharmacy (Amendment).

(b) that business ceases, after that commencement, to be carried on for any continuous period that exceeds four days,

he shall not be entitled, by virtue of either of those paragraphs, to carry on that business after the expiration of that period without the approval in writing of the Minister.

(ii) by omitting subsection five of the same section;

(o) by omitting subsection five of section twenty-seven;

Sec. 27. (Pharmacist to be in charge of every open shop and dispensary.)

(p) by omitting subsection two of section twenty-eight;

Sec. 28. (Medicines to be dispensed only by or under the superintendence of pharmacists.)

Sec. 38. (Regulations.) (q) by omitting paragraph (e) of subsection one of section thirty-eight and by inserting in lieu thereof the following paragraphs :---

- (e) advertising in relation to the carrying on of the business of a pharmacist in open shop, including the display of signs in or about the premises on which such a business is so carried on;
- (e1) the disclosure to the Board of pecuniary interests in the business of a pharmacist carried on in open shop;

(e2)

,

(e2) the disclosure to the Board of the details of any bill of sale given in respect of the business of a pharmacist carried on in open shop or the details of any agreement entered into under which any person has a pecuniary interest in such a business so carried on.

(2) Where before the commencement of this Act a person's name has been removed from the register or he has been suspended from practice as a pharmacist under the Pharmacy Act, 1964, subsection six of section twenty-five of that Act, as inserted by this Act, applies to that person as if his name was removed at that commencement or he was suspended from practice as a pharmacist at that commencement, as the case may require.

Amendment of Act No. 31, 1966.

- (a) by omitting from subparagraph (i) of paragraph Sec. 4.
  (a) of the definition of "Pharmacy trainee" in sub- (Interpretation.) section one of section four the words "paragraph"
  (b) of subsection one of";
- (b) by omitting from the same subparagraph the words "that subsection" and by inserting in lieu thereof the words "subsection one of that section".

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

A. R. CUTLER, Governor.

Government House,

Sydney, 14th December, 1971.

<sup>(3)</sup> The Poisons Act, 1966, is amended—

#### Phurmacy (Amendment)

(c2) the disclosure to the Board of the details of may bill of sais prior in respect of (in invitaces of a pharmicist carried on in open shop or the details of any agreement entered into under which any person has a pecuniary interest in such a business so carried on:

(2) Where before the commencement of this Act a person's name has been removed from the register or he insbeen suspended from mactice as a pharmackt under the Pharmacy Act. 1964 subscripts six of exclose twenty-five of the Act, as insented by this Act, applies to that person as B bipacte was removed at that commencement or he was suspended from practice as a pharmacist at that commencement as the case may require.

(3) The Poisons Act, 1966 is amanded-

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- (a) by omitting free subratagraph (i) of paragraph ecc. (a) of the definition of "Pharmacy traince" in sub- (hter section one of section four the words," paragraph (acon b) of missection sub of .
  - (b) by culture from the sume subparagraph the winds "that subsection" and by inserting in the thereof the words "subsection one of that section".

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A STATEMAN

Govornment Herber. Symeric, 1411 Decisipher, 1971