

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.*

New South Wales



ANNO VICESIMO

ELIZABETHÆ II REGINÆ

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

Pharmacy (Amendment).

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 "Pharmacy (Amendment) Act, 1971". Short title and commencement.

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation 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-hours pharmacy" in section three the following new definition:— Sec. 3. (Interpretation.)

15 "Advertising" means advertising—

(a) in a newspaper, magazine or other publication;

(b) in a circular, hand bill, poster or other notice;

20 (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 of section four the word "Public"; Sec. 4. (Pharmacy Board of New South Wales.)

(c)

Pharmacy (Amendment).

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

Sec. 13.
(Qualifica-
tions for
registra-
tion— New
South Wales
graduates.)

(1A) Notwithstanding any other provision of this section, where a person satisfies the 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)

Pharmacy (Amendment).

- (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.)

(i) by inserting next after section 20A the following new section :—

New sec. 20AA.

20AA. (1) Where—

Removal of name, etc., from register outside New South Wales.

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(a) after the commencement of the Pharmacy (Amendment) Act, 1971, a pharmacist has, while registered under this Act—

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(i) ceased to be registered under the law in force relating to the registration of pharmacists in some place outside New South Wales; or

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(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

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(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

Pharmacy (Amendment).

5 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 pharma-
cist for such period, not exceeding twelve months,
as the Board determines, or may caution or
reprimand him.

10 (2) This section has effect notwithstand-
ing 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.

15 (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.

20 (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";

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

25 (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";

30 (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)

Pharmacy (Amendment).

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

Sec. 22.
(Appeal against orders of the Board.)

5 (l) by inserting next after section twenty-two the following new section :—

New sec. 22A.

10 22A. (1) Where the name of a pharmacist has, whether before or after the commencement of the Pharmacy (Amendment) Act, 1971, been removed from the register under this Act, and until his name is restored thereto, the pharmacist shall be deemed not to be registered as a pharmacist under this Act.

Effect of removal from register or suspension from practice.

15 (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 twenty-eight of this Act, and not otherwise, be deemed not to be a pharmacist during that period.

20 (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.

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

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

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

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

5 (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,

20 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.

25 (iii) by inserting next after subsection five of the same section the following new subsections :—

(6) Where—

30 (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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5 (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,

10 this section shall not operate to prevent him from carrying on subject to section twenty-seven 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.

15 (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).

25 (n) (i) by inserting next after subsection (3A) of section twenty-six the following new subsection :—

(3B) Where—

30 (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

Sec. 26.
(Pharmacist not to carry on or have a pecuniary interest in more than one business of a pharmacist.)

Pharmacy (Amendment).

- (b) that business ceases, after that commencement, to be carried on for any continuous period that exceeds four days,
- 5 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 ;
- 10 (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.)
- (q) by omitting paragraph (e) of subsection one of section thirty-eight and by inserting in lieu thereof Sec. 38.
(Regulations.) the following paragraphs :—
- 15 (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;
- 20 (e1) the disclosure to the Board of pecuniary interests in the business of a pharmacist carried on in open shop;
- (e2)

Pharmacy (Amendment).

5 (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.

- 20 (a) by omitting from subparagraph (i) of paragraph (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".

Sec. 4.
(Interpretation.)

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(2) 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 as carried on.

(3) 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, 1954, 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, 1958, is amended—

Amendment
of Act No.
31 1958

Sec. 4
(b) and
(c)

- (a) by omitting from subparagraph (i) of paragraph (a) of the definition of "pharmacy trainee" in sub-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";

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.]

BE

Pharmacy (Amendment).

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 "Pharmacy (Amendment) Act, 1971". Short title and commencement.

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation 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-hours pharmacy" in section three the following new definition :— Sec. 3. (Interpretation.)

15 "Advertising" means advertising—

(a) in a newspaper, magazine or other publication;

(b) in a circular, hand bill, poster or other notice;

20 (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 of section four the word "Public"; Sec. 4. (Pharmacy Board of New South Wales.)

(c)

Pharmacy (Amendment).

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

Sec. 13.
(Qualifications for registration—New South Wales graduates.)

5 (1A) Notwithstanding any other provision of this section, where a person satisfies the 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—

20 (a) exceeds one-half of that prescribed period—by one-half of that prescribed period; or

25 (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)";

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

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

(iv)

Pharmacy (Amendment).

- 5 (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";
- 10 (v) by inserting at the end of the same section the following new subsection :—
- 15 (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.
- 20 (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)"; Sec. 15. (Other foreign qualifications for registration.)
- 25 (e) by omitting subparagraph (i) of paragraph (b) of subsection one of section 17A and by inserting in lieu thereof the following subparagraph :— Sec. 17A. (Provisional registration.)
- (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;
- 30 (f) by omitting subsection five of section nineteen; Sec. 19. (Roll fee.)
- (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"; Sec. 20. (Removal of name on account of misconduct.)
- 35 (ii) by omitting subsections six and seven of the same section; (h)

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 section :—

New sec. 20AA.

20AA. (1) Where—

Removal of name, etc., from register outside New South Wales.

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(a) after the commencement of the Pharmacy (Amendment) Act, 1971, a pharmacist has, while registered under this Act—

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(i) ceased to be registered under the law in force relating to the registration of pharmacists in some place outside New South Wales; or

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(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

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(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

Pharmacy (Amendment).

5 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.

10 (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.

15 (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.

20 (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";

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

25 (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";

30 (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)

Pharmacy (Amendment).

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

Sec. 22.
(Appeal against orders of the Board.)

(l) by inserting next after section twenty-two the following new section :—

New sec. 22A.

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

Effect of removal from register or suspension from practice.

(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 twenty-eight 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 twenty-five;

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

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

(2B) Paragraphs (b) and (c) 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

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.

5 (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,

20 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.

25 (iii) by inserting next after subsection five of the same section the following new subsections :—

(6) Where—

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

(b)

Pharmacy (Amendment).

5 (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,

10 this section shall not operate to prevent him from carrying on subject to section twenty-seven 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.

15 (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).

25 (n) (i) by inserting next after subsection (3A) of section twenty-six the following new subsection :—

Sec. 26.
(Pharmacist not to carry on or have a pecuniary interest in more than one business of a pharmacist.)

(3B) Where—

30 (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

Pharmacy (Amendment).

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

5 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 ;

10 (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.)

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

15 (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;

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

(e2)

Pharmacy (Amendment).

5 (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.

- 20 (a) by omitting from subparagraph (i) of paragraph (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".
- Sec. 4.
(Interpretation.)

BY AUTHORITY

Pharmacy (Amendment)

(2) the disclosure to the Board of the details of any bill of exchange, to the effect of the business of a pharmacist carried on in any other part of the United Kingdom, which may be a business carried on in such a manner as to be carried on in the United Kingdom.

(3) Where before the commencement of this Act a person's name has been removed from the register or he has been removed from the register as a pharmacist under the Pharmacy Act 1954, subsection (1) of section twenty six of that Act as inserted by this Act applies to that person as if his name was removed at that commencement or he was removed from practice as a pharmacist at that commencement, as if the name were not so removed.

Section 26 of the Pharmacy Act 1954

(3) The Board may amend—

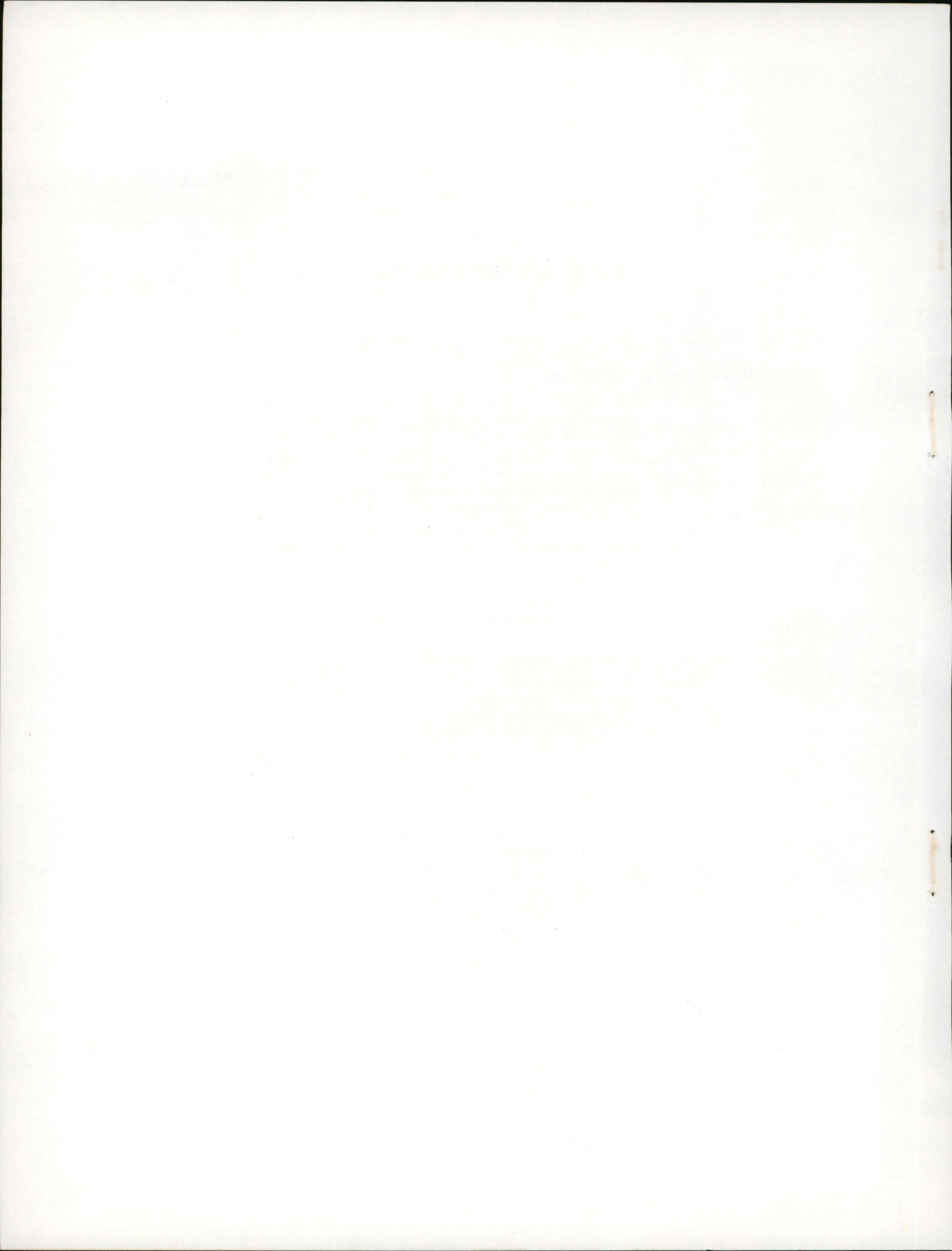
- (a) by inserting into paragraph (d) of paragraph 1 of the definition of "pharmacy" in sub-section one of section four the words "pharmacy" and the words "pharmacy" and "pharmacy";
- (b) by deleting from the same sub-paragraph the words "that expression" and by inserting in their stead the words "expression one of that section";

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.



PROOF

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.]

BE

Pharmacy (Amendment).

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 "Pharmacy (Amendment) Act, 1971".

Short title and commencement.

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation 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-hours pharmacy" in section three the following new definition :—

Sec. 3. (Interpretation.)

15 "Advertising" means advertising—

(a) in a newspaper, magazine or other publication;

(b) in a circular, hand bill, poster or other notice;

20 (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 of section four the word "Public";

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

(c)

Pharmacy (Amendment).

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

Sec. 13.
(Qualifications for registration—New South Wales graduates.)

(1A) Notwithstanding any other provision of this section, where a person satisfies the 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)

Pharmacy (Amendment).

- 5 (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";
- 10 (v) by inserting at the end of the same section the following new subsection :—
- 15 (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.
- 20 (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)"; Sec. 15. (Other foreign qualifications for registration.)
- 25 (e) by omitting subparagraph (i) of paragraph (b) of subsection one of section 17A and by inserting in lieu thereof the following subparagraph :— Sec. 17A. (Provisional registration.)
- (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;
- 30 (f) by omitting subsection five of section nineteen; Sec. 19. (Roll fee.)
- 35 (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"; Sec. 20. (Removal of name on account of misconduct.)
- (ii) by omitting subsections six and seven of the same section; (h)

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 section :—

New sec. 20AA.

20AA. (1) Where—

Removal of name, etc., from register outside New South Wales.

5

(a) after the commencement of the Pharmacy (Amendment) Act, 1971, a pharmacist has, while registered under this Act—

10

(i) ceased to be registered under the law in force relating to the registration of pharmacists in some place outside New South Wales; or

15

(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

20

(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,

25

the

Pharmacy (Amendment).

5 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.

10 (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.

15 (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.

20 (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";

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

25 (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";

30 (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";

35

(k)

Pharmacy (Amendment).

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

Sec. 22.
(Appeal against orders of the Board.)

5 (1) by inserting next after section twenty-two the following new section :—

New sec. 22A.

10 22A. (1) Where the name of a pharmacist has, whether before or after the commencement of the Pharmacy (Amendment) Act, 1971, been removed from the register under this Act, and until his name is restored thereto, the pharmacist shall be deemed not to be registered as a pharmacist under this Act.

Effect of removal from register or suspension from practice.

15 (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 twenty-eight of this Act, and not otherwise, be deemed not to be a pharmacist during that period.

20 (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.

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

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

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

30 (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

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.

5 (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,

20 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.

25 (iii) by inserting next after subsection five of the same section the following new subsections :—

(6) Where—

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

(b)

Pharmacy (Amendment).

5 (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,

10 this section shall not operate to prevent him from carrying on subject to section twenty-seven 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.

15 (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).

25 (n) (i) by inserting next after subsection (3A) of section twenty-six the following new subsection :—

Sec. 26.
(Pharmacist not to carry on or have a pecuniary interest in more than one business of a pharmacist.)

30 (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

Pharmacy (Amendment).

- (b) that business ceases, after that commencement, to be carried on for any continuous period that exceeds four days,
- 5 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 ;
- 10 (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.)
- (q) by omitting paragraph (e) of subsection one of section thirty-eight and by inserting in lieu thereof the following paragraphs :— (Regulations.)
- 15 (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;
- 20 (e1) the disclosure to the Board of pecuniary interests in the business of a pharmacist carried on in open shop;
- (e2)

Pharmacy (Amendment).

5 (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.

10 (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,
15 as the case may require.

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

Amendment
of Act No.
31, 1966.

- 20 (a) by omitting from subparagraph (i) of paragraph (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".

Sec. 4.
(Interpre-
tation.)

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

Pharmacy (Amendment).

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 :—

Short title
and com-
mencement.

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.
(Interpre-
tation.)

(a) by inserting next before the definition of "After-hours 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";

(c)

Pharmacy (Amendment).

- (c) (i) by inserting next after subsection one of section thirteen the following new subsection : —
- Sec. 13.
(Qualifications for registration— New South Wales graduates.)
- (1A) Notwithstanding any other provision of this section, where a person satisfies the 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)

Pharmacy (Amendment).

- (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.

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

- (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)";

Sec. 17A.
(Provisional registration.)

- (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;

Sec. 19.
(Roll fee.)

- (f) by omitting subsection five of section nineteen;

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

- (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)

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 section :—

New sec. 20AA.

20AA. (1) Where—

Removal of name, etc., from register outside New South Wales.

(a) after the commencement of the Pharmacy (Amendment) Act, 1971, a pharmacist 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.

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

(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";

(k)

Pharmacy (Amendment).

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

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

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

(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 twenty-eight 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 twenty-five; Sec. 25.
(Persons other than pharmacists not to have interest in pharmacists' businesses.)

(ii) by inserting next before subsection three of the 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

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.

(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)

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 twenty-seven 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 section twenty-six the following new subsection :—

(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

Sec. 26.
(Pharmacist not to carry on or have a pecuniary interest in more than one business of a pharmacist.)

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 ;

Sec. 27. (Pharmacist to be in charge of every open shop and dispensary.) (o) by omitting subsection five of section twenty-seven ;

Sec. 28. (Medicines to be dispensed only by or under the superintendence of pharmacists.) (p) by omitting subsection two of section twenty-eight ;

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)

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 (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".

Sec. 4.
(Interpre-
tation.)

BY AUTHORITY

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

Journal of the ...

In the ... of ...

At ...

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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.

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

*Legislative Assembly Chamber,
Sydney, 30 November, 1971.*

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

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 the Legislative Assembly

Pharmacy (Amendment).

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 :—

Short title
and com-
mencement.

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.
(Interpre-
tation.)

(a) by inserting next before the definition of "After-hours 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";

(c)

Pharmacy (Amendment).

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

Sec. 13.
(Qualifications for registration—New South Wales graduates.)

(1A) Notwithstanding any other provision of this section, where a person satisfies the 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)

Pharmacy (Amendment).

- (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.
- Sec. 15.
(Other foreign qualifications for registration.)
- (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)";
- Sec. 17A.
(Provisional registration.)
- (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;
- Sec. 19.
(Roll fee.)
- (f) by omitting subsection five of section nineteen;
- Sec. 20.
(Removal of name on account of misconduct.)
- (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)

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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.)

(i) by inserting next after section 20A the following new section :—

New sec. 20AA.

20AA. (1) Where—

Removal of name, etc., from register outside New South Wales.

(a) after the commencement of the Pharmacy (Amendment) Act, 1971, a pharmacist 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

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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.

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

- (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";

(k)

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

Sec. 22.
(Appeal against orders of the Board.)

(l) by inserting next after section twenty-two the following new section :—

New sec. 22A.

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

Effect of removal from register or suspension from practice.

(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 twenty-eight 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 twenty-five;

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

(ii) by inserting next before subsection three of the 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

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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

(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 twenty-seven 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 section twenty-six the following new subsection :—

Sec. 26.
(Pharmacist not to carry on or have a pecuniary interest in more than one business of a pharmacist.)

(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

(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 ;

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

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

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

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

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)

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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 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 (a) of the definition of "Pharmacy trainee" in subsection one of section four the words "paragraph (b) of subsection one of"; Sec. 4.
(Interpre-
tation.)
- (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.*

Pharmacy (Amendment)

(2) 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.

(3) 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 1904 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 Pharmacy Act, 1966 is amended—

Amendment
of Act No.
31, 1966

- (a) by omitting from subparagraph (i) of paragraph 4 of section one of section four the words "pharmacy" and by inserting in their stead the words "pharmacy training" in sub-paragraph (a) of the definition of "pharmacy training" in sub-section one of section one of that Act;
- (b) by omitting from the same subparagraph the words "that subsection" and by inserting in their stead the words "subsection one of that section";

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

A. R. CUTLER

Secretary

Government House,
St. John's, 14th December, 1971.