



Australian Capital Territory

Pharmacy Act 1931

A1931-10

Republication No 1 (RI)

Effective: 31 January 1991 – 28 February 1993

Republication date of printed version: 31 March 1991
Reissued electronically: 20 April 2009

Last amendment made by A1990-63
(republication for initial republication since
self-government)

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Pharmacy Act 1931* effective 31 January 1991 to 28 February 1993.

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PHARMACY ACT 1931

Reprinted as at 31 March 1991

TABLE OF PROVISIONS

Section

PART I—PRELIMINARY

- 1. Short title
- 5. Interpretation

PART II—ADMINISTRATION

- 6. Pharmacy Board
- 7. Constitution of Board
- 8. Appointment of inspectors
- 9. Powers of inspectors

PART III—REGISTRATION AND QUALIFICATIONS

- 21. Register
- 22. Mode of registration
- 23. Persons who may apply for registration
- 24. Board to authorise registration
- 25. Certificate of registration
- 26. Pharmacist to notify address and pay annual fee
- 27. Change of address to be notified
- 28. Alteration of Register
- 29. Provisional registration
- 30. Temporary registration
- 31. Special registration

TABLE OF PROVISIONS—continued

Section

- 31A. Effect of provisional etc. registration
- 31B. Publication of registered pharmacists

PART IV—CONDUCT OF BUSINESS AS PHARMACIST

- 32. Cancellation of registration
- 32A. Suspension of registration
- 33. Inquiry by Board
- 33A. Appeal
- 34. Re-registration
- 35. Persons other than registered pharmacists not to practise
- 35A. Administration of estate of deceased pharmacist
- 36. Publication of notice of decision of Board or Tribunal
- 37. Name of pharmacist to be exhibited
- 40. Prescriptions to be signed
- 41. Record of prescriptions
- 42. Conduct of business by pharmacist
- 43. Medical practitioner etc. may dispense medicines
- 44. Automatic machines for vending medicines prohibited
- 45. Restrictions upon the supply of certain medicines etc.
- 46. Certain advertisements prohibited
- 47. Standard of drugs

PART V—MISCELLANEOUS

- 48. Inspection of Register
- 49. Payment of prescribed fees
- 50. Power of Minister to determine fees
- 51. Obstruction an offence
- 52. Penalty for offences
- 53. Notification of decisions
- 54. Regulations



Australian Capital Territory

PHARMACY ACT 1931

An Act to provide for the Registration of Pharmacists and to Control the Practice of Pharmacy

PART I—PRELIMINARY

Short title

1. This Act may be cited as the *Pharmacy Act 1931*.¹

Interpretation

5. (1) In this Act, unless the contrary intention appears—

“dentist” means a person registered as a dentist under the *Dentists Registration Act 1931*;

“inspector” means a person appointed to be an inspector under section 44;

“medical practitioner” means a person registered as a medical practitioner under the *Medical Practitioners Registration Act 1930*;

“member” means a member of the Board;

“registered pharmacist” means a person registered under this Act;

“registration authority” means a person or body empowered by or under the law of a State, Territory or place outside Australia to register pharmacists or otherwise to authorize the practice of pharmacy;

“the Board” means the Pharmacy Board established by this Act;

“the Chairman” means the Chairman of the Board;

“the Deputy Chairman” means the Deputy Chairman of the Board;

“the Register” means the Register of Pharmacists kept in pursuance of section 21 of this Act;

“Tribunal” means the Australian Capital Territory Administrative Appeals Tribunal;

“veterinary surgeon” means a person registered as a veterinary surgeon under the *Veterinary Surgeons Registration Act 1965*.

(2) Nothing in this Act applies to or in relation to a person who is registered as a pharmacist or a pharmaceutical chemist in a State or another Territory and who practises as a pharmacist or pharmaceutical chemist solely in the performance of his duties as—

- (a) a public servant; or
- (b) a member of the Defence Force engaged on continuous full-time service.

(3) A reference in a provision of this Act to a prescribed fee shall be read as a reference to the fee determined under section 50 for the purposes of that provision.

(4) For the purposes of this Act, a person shall be deemed to practise pharmacy if—

- (a) he practises pharmacy personally on his own account or as a member of a firm;
- (b) in the course of a business carried on by him, a person or persons employed by him is or are engaged in the practice of pharmacy; or
- (c) he is engaged in the practice of pharmacy as a person employed in a business carried on by another person (including a company) or by a firm.

PART II—ADMINISTRATION

Pharmacy Board

6. (1) For the purpose of this Act, there shall be a Pharmacy Board, which shall be charged with the general administration of this Act.

Constitution of Board

7. (1) The Board shall consist of—

- (a) a Chairman, and 3 other members, appointed in accordance with the *Health Professions Boards (Procedures) Act 1981*; and
- (b) 3 members elected, as occasion requires, in accordance with the *Health Professions Boards (Elections) Act 1980*.

(2) A person is not eligible for appointment as a member unless—

- (a) he is a registered pharmacist; and
- (b) he was, at all times during the period of 3 years immediately preceding his appointment, entitled, under the law of a State or Territory, to practise as a pharmacist in that State or Territory.

(3) The Chairman shall be the executive officer of the Board.

Appointment of inspectors

8. (1) The Minister may, by instrument in writing, appoint such persons as he considers necessary to be inspectors for the purposes of this Act.

(2) The Minister shall issue to each person appointed under this section a certificate signed by the Minister and stating that that person is an inspector for the purposes of this Act.

Powers of inspectors

9. (1) Subject to this Act, an inspector may, at any reasonable hour of the day or night, enter any premises where the business of a pharmacy is being carried on and inspect the premises.

(2) An inspector who enters premises in pursuance of subsection (1) is not authorized to remain on the premises if, on request by the occupier, or person in charge, of the premises, he does not produce the certificate issued to him for the purpose of subsection 8 (2).

PART III—REGISTRATION AND QUALIFICATIONS

Register

21. The Board shall keep a Register to be called “The Register of Pharmacists”.

Mode of registration

22. (1) A person shall be registered by entering in the Register—

- (a) the name of the person;
- (b) the person's professional address or addresses in the Territory or, if he has no professional address in the Territory, his place of residence, whether within or outside the Territory;
- (c) particulars of the qualifications entitling the person to be registered;
- (d) the registration number allotted to the person; and
- (e) the date of registration.

(2) Every such entry in the Register shall be signed by the Chairman or Deputy Chairman of the Board.

Persons who may apply for registration

23. (1) In this section, “qualification” includes degree, certificate or diploma.

(2) A person is entitled to apply to the Board for registration if he is a fit and proper person to be registered as a pharmacist, he has an adequate knowledge of the English language and—

- (a) he holds a qualification in pharmacy granted by an institution in a State or Territory after a course of study and training that is recognized by the registration authority in that State or Territory;
- (b) he holds a qualification in pharmacy—
 - (i) that is granted by an institution in a place outside Australia and that is recognized by the registration authority in that place; and
 - (ii) that is a qualification declared by the Minister, on the recommendation of the Board, by notice published in the *Gazette*, to be an acceptable qualification; or
- (c) he holds a certificate granted by the Board for the purposes of this section,

and he has, if required by the Board and to the satisfaction of the Board, undertaken training or gained experience in the practice of pharmacy in

Australia for such period, being a period of not more than 12 months, as the Board determines.

(3) The Minister shall not declare a qualification to be an acceptable qualification unless the qualification is substantially equivalent to a qualification referred to in paragraph (2) (a).

(4) The Board shall not grant a certificate to a person under paragraph (2) (c) unless the person—

- (a) holds a qualification in pharmacy that is granted in a place outside Australia, other than a qualification referred to in paragraph (2) (b), and that is recognized by the registration authority in that place; and
- (b) has passed to the satisfaction of the Board an examination conducted by or on behalf of the Board, in Australia or elsewhere, in accordance with a determination made, on the recommendation of the Board, by the Minister for the purposes of this subsection and published by notice in the *Gazette*.

(5) An application for registration shall be in writing signed by the applicant and shall—

- (a) set out particulars of—
 - (i) the qualification of the applicant in pharmacy;
 - (ii) the training undertaken by the applicant in the practice of pharmacy;
 - (iii) the experience of the applicant as a pharmacist; and
 - (iv) the places in which the applicant has practised as a pharmacist; and
- (b) state whether the applicant's right to practise as a pharmacist in any place has, at any time, been suspended or cancelled.

(6) An application for registration shall be lodged with the Board together with a testimonial, diploma, licence or certificate testifying to each of the qualifications of the applicant.

(7) The Board may require an applicant to attend personally before the Board or to produce to the Board such documentary evidence of his character or his mental or physical condition as the Board determines, and, if he fails to attend or to produce documentary evidence as so required, may refuse the application.

Board to authorise registration

24. Subject to subsection 23 (7), where a person applies to the Board for registration and the Board is satisfied—

- (a) that the person is entitled so to apply;
- (b) that the mental and physical condition of the person is not such as would prevent him from practising as a pharmacist;
- (c) that the person's right to practise as a pharmacist in any place has not, at any time, been suspended or cancelled on any ground (other than non-payment of a fee) on which the Board could cancel the registration of a person under this Act; and
- (d) that the person has paid the prescribed fee,

the Board shall authorize the registration of the person.

Certificate of registration

25. (1) Where a person is registered as a pharmacist, the Board shall cause to be issued to him a certificate of registration under the hand of the Chairman or Deputy Chairman.

(2) A certificate of registration issued under subsection (1) is evidence that the person specified in the certificate was registered on the date specified in the certificate.

(3) Where a person ceases to be registered, the Board may, by notice in writing given to the person at his professional address, or at one of his professional addresses, as last recorded in the Register, or at his place of residence last known to the Board, require him, within one month after the receipt of the notice, to deliver his certificate of registration to the Board.

(4) A person who refuses or fails to comply with a notice given under subsection (3) is guilty of an offence punishable, on conviction, by a fine not exceeding \$100.

(5) Subsection (4) does not apply in relation to a person who satisfies the Board that—

- (a) the certificate has been destroyed; or
- (b) after diligent search, the person has been unable to find the certificate.

(6) Where a certificate issued under subsection (1) has been destroyed or lost, the Board shall, on payment of the prescribed fee, cause to be issued to the registered pharmacist a duplicate certificate.

Pharmacist to notify address and pay annual fee

26. (1) A registered pharmacist shall, on or before 31 October in each year—

- (a) notify the Board of his professional address or addresses in the Territory or, if he has no professional address, of his place of residence; and
- (b) pay the prescribed fee.

(2) Where a registered pharmacist does not comply with the provisions of subsection (1), the Board shall cause to be sent to the pharmacist a notice requiring the pharmacist to comply with the provisions of paragraphs (1) (a) and (1) (b) within one month of the date of the notice and advising him that if he does not do so his registration will be cancelled.

(3) A notice under subsection (2) shall be posted to the pharmacist at his professional address, or at one of his professional addresses, as last recorded in the Register, or at his place of residence last known to the Board.

(4) Where a pharmacist to whom a notice under subsection (2) has been sent does not comply with the requirements of the notice, the Board shall cancel his registration.

(5) Where a pharmacist whose registration has been cancelled under subsection (4)—

- (a) notifies the Board of his professional address or addresses in the Territory or, if he has no professional address in the Territory, of his place of residence; and
- (b) pays the prescribed fee referred to in paragraph (1) (b),

within 12 months after the date on which his registration was so cancelled, the Board shall re-register the pharmacist.

Change of address to be notified**27. Where—**

- (a) a change occurs in an address of a registered pharmacist entered in the Register under section 22 or furnished to the Board under section 26; or
- (b) a registered pharmacist establishes a professional address, or an additional professional address, in the Territory,

the registered pharmacist shall, within one month of the change or establishment, as the case may be, notify the Chairman in writing accordingly.

Penalty: \$100.

Alteration of Register

28. (1) The Board shall cause to be removed from the Register the name of a registered pharmacist who has died.

(2) Subject to subsection (3), the Board may, from time to time, at the request of a person or of its own accord, make such other alterations to particulars in the Register as are necessary.

(3) The Board shall not make an alteration to particulars in the Register at the request of a person unless it is satisfied that the prescribed fee has been paid.

Provisional registration

29. (1) Upon application by a person who has applied under section 23 for registration and upon payment of the prescribed fee, the Chairman may grant provisional registration to the person.

(2) Provisional registration granted under this section shall, subject to subsection (3), remain in force for a period of 3 months from the date of the grant and shall not be renewed.

(3) Where, within the period of 3 months referred to in subsection (2), the Board makes a decision on the application under section 23, the provisional registration ceases to be in force.

Temporary registration

30. (1) Subject to this section, upon application by a person who—

- (a) is registered as a pharmacist in a State or another Territory; and

- (b) who wishes to carry on the practice of pharmacy in the Territory on behalf of a registered pharmacist,

and on payment of the prescribed fee, the Chairman may grant temporary registration to the person.

(2) Temporary registration granted under this section shall remain in force for a period of 3 months from the date of the grant and, subject to this section, may, upon application by the person to whom temporary registration was granted, and on payment of the prescribed fee, be renewed for a further period of 3 months.

(3) Temporary registration shall not be granted or renewed under this section where the applicant has been temporarily registered for a total period of 6 months during the period of 24 months immediately preceding the date of his application for temporary registration or renewal, as the case may be.

Special registration

31. (1) This section applies to a person who—

- (a) holds a qualification granted in a place outside Australia that would entitle him to be registered in that place under a law of that place providing for the registration of pharmacists; and
- (b) is visiting the Territory in connection with research into, or dissemination of knowledge of the theory and practice of, pharmacy.

(2) Upon application on behalf of a person to whom this section applies by—

- (a) a hospital or a university, college of advanced education or other educational institution; or
- (b) a professional association whose objects include the promotion of research into, or the dissemination of knowledge of the theory and practice of, pharmacy,

and on payment of the prescribed fee, the Board may grant special registration to the person.

(3) Special registration granted under this section—

- (a) shall remain in force for such period, not exceeding one year, as the Board specifies;
- (b) may, on payment of the prescribed fee, be renewed for a further period of not more than one year; and

- (c) may be granted subject to such restrictions and conditions as the Board thinks fit.

Effect of provisional etc. registration

31A. Subject to paragraph 31 (3) (c), a person who has been granted provisional, temporary or special registration shall, while the registration remains in force, be deemed to be registered for the purposes of Part IV.

Publication of registered pharmacists

31B. The Board shall, as soon as practicable after 31 October in each year, cause to be published in the *Gazette* a notice listing the names of all pharmacists registered under this Act on that date and the professional address, or professional addresses, if any, of those pharmacists.

PART IV—CONDUCT OF BUSINESS AS PHARMACIST

Cancellation of registration

32. The Board may cancel the registration of a person—

- (a) whose registration has been obtained by fraud or misrepresentation;
- (b) whose qualification is withdrawn or cancelled by the body which granted it;
- (c) whose registration in a State or another Territory is cancelled, suspended or otherwise withdrawn on a ground other than the non-payment of a fee;
- (d) who is—
 - (i) convicted of an offence against this Act or against any regulations made under this Act; or
 - (ii) convicted in the Territory or elsewhere of an offence punishable by imprisonment for a period of one year or longer or any other offence that, in the opinion of the Board, renders him unfit to practise as a pharmacist;
- (e) whose physical or mental condition is such as to render him unfit to practise as a pharmacist; or
- (f) who is guilty of any conduct that, in the opinion of the Board, renders him unfit to practise as a pharmacist.

Suspension of registration

32A. (1) The Board may suspend, for such period as it thinks fit, the registration of a person—

- (a) whose registration in a State or another Territory is suspended on a ground other than the non-payment of a fee; or
- (b) who is found by the Board to have been guilty of habitual drunkenness or addiction to a drug.

(2) The Board may, instead of suspending the registration of a person to whom paragraph (1) (b) applies, reprimand the person.

(3) In the case of a person to whom paragraph 32 (d), (e) or (f) applies, the Board may, instead of cancelling the registration of the person—

- (a) suspend the registration of the person for such period as it thinks fit; or
- (b) reprimand the person.

Inquiry by Board

33. (1) The Board shall hold an inquiry before—

- (a) cancelling the registration of a person;
- (b) suspending the registration of a person; or
- (c) reprimanding a person.

(2) Pending the holding of an inquiry under subsection (1) the Board may suspend temporarily the registration of the person to whom the inquiry relates.

Appeal

33A. (1) Application may be made to the Tribunal for a review of a decision of the Board—

- (a) refusing to authorize the registration or re-registration of a person;
- (b) cancelling, otherwise than under subsection 26 (4), the registration of a person;
- (c) suspending, otherwise than under subsection 33 (2), the registration of a person;
- (d) reprimanding a person; or
- (e) refusing to permit an extension of the period under section 35A.

(1A) Application may be made to the Tribunal for a review of a decision of the Chairman refusing to grant temporary registration to a person or refusing to renew a temporary registration.

Re-registration

34. (1) Where the registration of a person is cancelled pursuant to subsection 26 (4) and the person is not re-registered pursuant to subsection 26 (5), the person may apply to the Board to be re-registered.

(2) An application under subsection (1) shall be in writing signed by the applicant and shall be lodged with the Board not later than 2 years after the expiration of the period of 12 months referred to in subsection 26 (5).

(3) Where, on an application made under this section, the Board is satisfied that the applicant—

- (a) is a fit and proper person to be registered as a pharmacist; and
- (b) has paid the prescribed fee,

the Board shall authorize the re-registration of the applicant.

Persons other than registered pharmacists not to practise

35. (1) Any person other than a registered pharmacist who carries on or attempts to carry on in any place on any occasion the business of a pharmacist, or pretends to be a pharmacist, or assumes and uses the title of pharmaceutical chemist, pharmaceutist, pharmacist, chemist, druggist, homoeopathic chemist, dispensing chemist, dispensing druggist or other words of a similar meaning, or uses or exhibits, or causes or permits to be used or exhibited, at any place the words “pharmacy”, “apothecary’s hall”, “medical drug hall”, “pharmaceutical institution” or “drug store” (either alone or in combination with any other words or expressions) or any other name, title, word, letters, addition or description, with the intention of implying, or inducing in others the belief, that he is a pharmacist or is qualified to perform the functions of a pharmacist or that he is carrying on business as a pharmacist, shall be guilty of an offence.

Penalty: \$1,000.

(2) A person other than a registered pharmacist shall not provide a pharmacy service for fee or reward.

Penalty: \$1,000.

Administration of estate of deceased pharmacist

35A. Upon the death of a deceased pharmacist who was at the time of his death carrying on business as a pharmacist, an executor, administrator or trustee of his estate may continue the business for a period of 6 months or for such longer period as the Board, on application by the executor, administrator or trustee, permits if the practice of pharmacy in the business is carried on by a registered pharmacist.

Publication of notice of decision of Board or Tribunal

36. (1) The Chairman may, if he thinks fit, cause notice of a decision of the Board or of the Tribunal on application for a review of a decision of the Board—

- (a) cancelling the registration of a person;
- (b) reprimanding a person; or
- (c) suspending, otherwise than under subsection 33 (2), the registration of a person,

and the reasons for the decision, including the findings on material questions of fact, to be published in the *Gazette*.

(2) Notice of a decision shall not be published under subsection (1) until—

- (a) the period within which an application may be made to the Tribunal for a review of the decision has expired; and
- (b) if an application for review of the decision is made, the Tribunal has given its decision on the application.

Name of pharmacist to be exhibited

37. (1) The owner of a pharmacy business shall cause to be prominently displayed at all times at the premises where that business is carried on a notice specifying in letters not less than 5 centimetres in height the name of the pharmacist in charge of carrying on that business at those premises followed by the words “Pharmacist in Charge”.

(2) A person who contravenes subsection (1) is guilty of an offence punishable, on conviction, by a fine not exceeding—

- (a) in the case of a company—\$1,000; and
- (b) in any other case—\$500.

Prescriptions to be signed

40. A medical practitioner shall not issue a prescription unless the prescription is signed by him with his usual signature or is written on paper on which is printed his full surname and the initials of his Christian names, and bears the date on which the prescription was issued.

Record of prescriptions

41. Every pharmacist shall, as prescribed, record in a book to be kept by him for the purpose every prescription of any medical practitioner dispensed, compounded or made up by him.

Conduct of business by pharmacist

42. A pharmacist shall not—

- (a) keep or maintain any shop for selling or supplying medicines or drugs, or for compounding or dispensing prescriptions unless such shop is, while open for business, constantly under his own control or that of some other registered pharmacist, as an assistant or agent of a registered pharmacist;
- (b) permit any person, other than a *bona fide* assistant or apprentice in the course of his employment and under his actual personal supervision, or a registered pharmacist, to sell or supply medicines or drugs or compound or dispense prescriptions;
- (c) carry on business except under the actual personal supervision of himself or some other registered pharmacist;
- (d) practise pharmacy except in the name under which he is registered as a pharmacist;
- (f) give medical advice or aid except in his place of business and—
 - (i) in the case of simple ailments of common occurrence;
 - (ii) in the administration of antidotes in cases of acute poisoning;
 - (iii) in the application of immediate aid in cases of accident or injury; or
 - (iv) in urgent or emergent cases under the direct instructions of a medical practitioner;
- (g) allow his name to be used in connexion with the practice of pharmacy at any premises at which there is not a registered pharmacist in daily attendance; or

- (h) aid or assist any person other than a registered pharmacist to practise pharmacy except in accordance with the provisions of this Act.

Medical practitioner etc. may dispense medicines

43. Every dentist, medical practitioner or veterinary surgeon may compound or dispense any medicines or drugs for patients or animals under his professional care without becoming a registered pharmacist.

Automatic machines for vending medicines prohibited

44. (1) Any person who—

- (a) installs any automatic machine for the sale or supply of any drug or medicine or allows, permits or suffers any such automatic machine to be so installed;
- (b) sells or supplies any drug or medicine by means of any automatic machine; or
- (c) allows, permits or suffers any person to purchase or be supplied with or otherwise obtain any drug or medicine by means of any automatic machine,

shall be guilty of an offence.

Penalty: \$250.

(2) For the purposes of the last preceding subsection “Automatic machine” means any machine or mechanical device used or capable of being used for the purpose of selling or supplying goods without the personal manipulation or attention of the seller or supplier, or his employee, or other agent at the time of the sale or supply.

Restrictions upon the supply of certain medicines etc.

45. (1) Any person, other than a registered medical practitioner, or a person acting under the direct instructions of such medical practitioner, who attends upon, prescribes for, or supplies any article as a drug, medicine, instrument or appliance to any person for the alleviation, cure or treatment of any sexually transmitted disease, whether such person is in fact suffering from such disease or not, or of any disease affecting the generative organs or functions, or of sexual impotence, or of any complaint or infirmity arising from or relating to sexual intercourse, or of female or menstrual irregularities, or for the purpose of terminating pregnancy or influencing the course of pregnancy, shall be guilty of an offence.

Penalty: \$500 or imprisonment for 6 months.

(2) Nothing in this section shall apply to—

- (a) a registered pharmacist who dispenses to the patient of a medical practitioner registered in any State or Territory of the Commonwealth the prescription of such practitioner if the prescription is dated and bears the address and usual signature (including the surname) of the practitioner; or
- (b) a registered pharmacist who in the ordinary course of his business sells or supplies any article as a drug, medicine, instrument or appliance (except such drugs, medicines, instruments or appliances as are prescribed), provided such drug, medicine, instrument or appliance is sold or supplied by such pharmacist for purposes other than those prescribed by this section.

Certain advertisements prohibited

46. (1) A person shall not publish any statement, whether by way of advertisement or otherwise, to promote the sale of any article as a medicine, instrument or appliance for the alleviation or cure of any sexually transmitted disease, or disease affecting the generative organs or functions, or of sexual impotence, or of any complaint or infirmity arising from or relating to sexual intercourse, or of female or menstrual irregularities, or for terminating pregnancy or influencing the course of pregnancy.

(2) Any person who—

- (a) affixes or inscribes any statement on any thing whatsoever so as to be visible to persons being in or passing along any street, road, highway, pathway, public place, or public conveyance;
- (b) delivers or offers, or exhibits any statement to any person being in or passing along any street, road, highway, pathway, public place, or public conveyance;
- (c) throws any statement into or upon any street, road, highway, pathway, public place or public conveyance, or into the area, yard, garden, or enclosure of any house;
- (d) exhibits any statement to public view in any house, shop or place;
- (e) prints or publishes any statement in any newspaper; or
- (f) sells, offers, or shows or sends by post any statement to any person,

shall be deemed to have published that statement.

(3) The word “statement” includes any document, book, or paper containing any statement.

(4) Any person, who, for himself or as assistant, servant, agent or manager, does or permits any act, matter or thing contrary to this section or any part thereof shall be guilty of an offence.

Penalty: \$500.

(5) Nothing in this section shall apply to any books, documents, or papers, published in good faith for the advancement of medical or surgical science, or to any advertisement, notice or recommendation published by the authority of the Secretary of the Department of Community Services and Health of the Commonwealth, or to any publication sent only to medical practitioners or to registered pharmacists for the purposes of their business.

Standard of drugs

47. (1) In this section—

“controlled therapeutic substance” has the same meaning as in the *Therapeutic Substances Act 1953-1959* of the Commonwealth;

“the Australian Pharmaceutical Formulary” means—

- (a) the latest edition for the time being of the book called the Australian Pharmaceutical Formulary, published by the Pharmaceutical Association of Australia; or
- (b) if that edition has been added to or amended—that edition as affected by those additions or amendments.

(2) A registered pharmacist shall not use or supply, or permit the use or supply of a drug or medicinal preparation that is not—

- (a) in the case of a drug or medicinal preparation that is a controlled therapeutic substance, of the standard applicable to that controlled therapeutic substance under the *Therapeutic Substances Act 1953-1959* of the Commonwealth; or
- (b) in the case of a drug or medicinal preparation (other than a controlled therapeutic substance) for which a standard is specified in the Australian Pharmaceutical Formulary, of the standard specified for that drug or medicinal preparation in the Australian Pharmaceutical Formulary.

Penalty: \$1,000.

PART V—MISCELLANEOUS**Inspection of Register**

48. (1) A person may, on payment of the prescribed fee—

- (a) inspect an entry in the Register; and
- (b) obtain a certified copy of an entry in the Register.

(2) The Board may, on request by the registration authority of a State, Territory or place outside Australia and without payment by the registration authority of a fee, forward a certified copy of the Register to that registration authority.

Payment of prescribed fees

49. Where a prescribed fee is payable under this Act, the prescribed fee shall be paid to the Board of Health.

Power of Minister to determine fees

50. The Minister may, by notice in writing published in the *Gazette*, determine fees for the purposes of this Act.

Obstruction an offence

51. Any person who—

- (a) assaults or by force molests or obstructs or intimidates any person in the performance of his duty under this Act; or
- (b) refuses to permit any person thereto authorized in writing by the Chairman to examine books, papers, records, drugs or articles or to produce such for examination,

shall be guilty of an offence.

Penalty: \$500.

Penalty for offences

52. A person who commits a breach of a provision of this Act for which no other penalty is provided is guilty of an offence and punishable, on conviction by a fine not exceeding \$250.

Notification of decisions

53. (1) Where the Board makes a decision—

- (a) refusing to authorize the registration or re-registration of a person; or
- (b) refusing to permit an extension of the period under section 35A,

or the Chairman makes a decision refusing to grant, or to renew temporary registration, the Board or the Chairman, as the case may be, shall cause a statement in writing to be given to the person whose interests are adversely affected by the decision, setting out the decision, the findings on material questions of fact, referring to the evidence or other material on which those findings were based, and giving the reasons for the decision.

(2) A statement made by the Board or the Chairman under subsection (1) or a statement made by the Board under section 31 of the *Health Professions Boards (Procedures) Act 1981* shall include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1989*, a person whose interests are adversely affected by the decision to which the statement relates is entitled to apply to the Tribunal for a review of the decision.

(3) The validity of a decision to which a statement under subsection (1) or under section 31 of the *Health Professions Boards (Procedures) Act 1981* relates shall not be taken to be affected by a failure to comply with subsection (2).

Regulations

54. The Executive may make Regulations, not inconsistent with this Act prescribing all matters which are required or permitted to be prescribed, or which by this Act are necessary or convenient to be prescribed, for carrying out or giving effect to this Act, and, in particular, prescribing matters providing for and in relation to—

- (b) the forms to be used for the purposes of the Act;
- (c) the construction, conduct and equipment of premises at which the business of a pharmacy is carried on; and

- (h) the imposition of penalties not exceeding \$500 which may be imposed for breaches of the Regulations.
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NOTE

1. The *Pharmacy Act 1931* as shown in this reprint comprises Act No. 10, 1931 amended as indicated in the Tables below.

Citation of Laws—The *Self-Government (Citation of Laws) Act 1989* (No. 21, 1989) altered the citation of most Ordinances so that after Self-Government day they are to be cited as Acts. That Act also affects references in ACT laws to Commonwealth Acts.

Table 1

Table of Ordinances

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Pharmacy Ordinance 1931</i>	10, 1931	4 June 1931	15 July 1931 (see <i>Gazette</i> 1931, p. 1067)	
<i>Pharmacy Ordinance 1933</i>	21, 1933	28 Sept 1933	28 Sept 1933	—
<i>Ordinances Revision Ordinance 1937</i>	27, 1937	23 Dec 1937	23 Dec 1937	—
<i>Ordinances Revision Ordinance 1959</i>	21, 1959	23 Dec 1959	31 Dec 1959	—
<i>Pharmacy Ordinance 1964</i>	22, 1964	14 Jan 1965	14 Jan 1965	—
<i>Ordinances Revision (Decimal Currency) Ordinance 1966</i>	19, 1966	23 Dec 1966	23 Dec 1966	—
<i>Pharmacy Ordinance 1967</i>	18, 1967	8 June 1967	8 June 1967	—
<i>Pharmacy Ordinance 1970</i>	37, 1970	22 Oct 1970	22 Oct 1970	—
<i>Pharmacy Ordinance 1971</i>	18, 1971	23 Sept 1971	23 Sept 1971	—
<i>Pharmacy Ordinance 1972</i>	44, 1972	21 Dec 1972	21 Dec 1972	—
<i>Pharmacy Ordinance 1973</i>	31, 1973	2 Aug 1973	2 Aug 1973	—
<i>Ordinances Revision (Age of Majority) Ordinance 1974</i>	47, 1974	24 Oct 1974	1 Nov 1974	—
<i>Ordinances Revision (Health Commission) Ordinance 1975</i>	17, 1975	1 July 1975	1 July 1975	—
<i>Pharmacy Ordinance 1975</i>	43, 1975	10 Nov 1975	10 Nov 1975	—
<i>Ordinances Revision Ordinance 1977</i>	65, 1977	22 Dec 1977	22 Dec 1977	—
<i>Ordinances Revision Ordinance 1978</i>	46, 1978	28 Dec 1978	28 Dec 1978	—
<i>Ordinances Revision (Penalties) Ordinance 1979</i>	26, 1979	31 Aug 1979	31 Aug 1979	—
<i>Pharmacy (Amendment) Ordinance 1980</i>	50, 1980	23 Dec 1980	17 Feb 1981 (see <i>Gazette</i> 1981, No. S27)	S. 9
<i>Pharmacy (Amendment) Ordinance 1981</i>	51, 1981	9 Dec 1981	31 Dec 1981 (see <i>Gazette</i> 1981, No. S273, p. 3)	S. 14

NOTE—continued

Table of Ordinances—continued

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Pharmacy (Amendment) Ordinance 1982</i>	32, 1982	28 June 1982	30 June 1982 (see <i>Gazette</i> 1982, No. S139, p. 2)	S. 15
<i>Pharmacy (Amendment) Ordinance (No. 2) 1982</i>	44, 1982	30 June 1982	30 June 1982	—
<i>Pharmacy (Amendment) Ordinance 1984</i>	64, 1984	2 Nov 1984	22 Feb 1985 (see <i>Gazette</i> 1985, No. G7, p. 631)	—
<i>Self-Government (Consequential Amendments) Ordinance 1989</i>	38, 1989	10 May 1989	Ss. 1 and 2: 10 May 1989 Remainder: 11 May 1989 (see s. 2 (2) and <i>Gazette</i> 1989, No. S164)	—

Self-Government day 11 May 1989

Table 2

Table of Acts

Act	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Sexually Transmitted Diseases (Amendment) Act 1990</i>	61, 1990	21 Dec 1990	21 Dec 1990	—
<i>Health Services (Consequential Provisions) Act 1990</i>	63, 1990	28 Dec 1990	Ss. 1 and 2: 28 Dec 1990 Remainder: 31 Jan 1991 (see s. 2 (2) and <i>Gazette</i> 1991, No. S4)	Ss. 6-17

NOTE—continued**Table of Amendments**

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision	How affected
Ss. 2, 3.....	rep. No. 64, 1984
S. 4	rep. No. 65, 1977
S. 5	am. No. 21, 1959
	rs. No. 18, 1967
	am. No. 18, 1971; No. 17, 1975; No. 46, 1978; No. 50, 1980; No. 51, 1981; No. 32, 1982; No. 64, 1984; No. 38, 1989
S. 6	am. No. 51, 1981
S. 7	am. No. 21, 1959; No. 18, 1967; No. 18, 1971; No. 17, 1975; No. 50, 1980; No. 51, 1981
S. 8	rep. No. 51, 1981
	ad. No. 64, 1984
S. 9.....	rs. No. 50, 1980
	rep. No. 51, 1981
	ad. No. 64, 1984
S. 9A.....	ad. No. 50, 1980
	rep. No. 51, 1981
S. 10	rs. No. 21, 1933
	am. No. 21, 1959
	rep. No. 51, 1981
S. 11	am. No. 50, 1980
	rep. No. 51, 1981
S. 12	am. No. 18, 1967; No. 37, 1970
	rep. No. 51, 1981
Ss. 13, 14.....	rep. No. 51, 1981
Ss. 15, 16.....	am. No. 19, 1966; No. 26, 1979
	rep. No. 51, 1981
S. 17	rep. No. 26, 1979
S. 18	rep. No. 51, 1981
S. 19	rep. No. 44, 1982
S. 20	rep. No. 64, 1984
S. 22	am. No. 50, 1980; No. 32, 1982
S. 23	rep. No. 21, 1959
	ad. No. 32, 1982
S. 24	am. No. 21, 1933; No. 27, 1937; No. 21, 1959
	rs. No. 32, 1982
S. 25	am. No. 47, 1974
	rs. No. 43, 1975; No. 32, 1982
S. 26	am. No. 27, 1937
	rep. No. 51, 1981
	rs. No. 32, 1982
S. 27	rs. No. 32, 1982
S. 28	am. No. 19, 1966; No. 26, 1979
	rs. No. 32, 1982
S. 29	rs. No. 32, 1982

NOTE—continued**Table of Amendments—continued**

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision	How affected
S. 30	rs. No. 18, 1967; No. 32, 1982
S. 31	am. No. 21, 1933
	rs. No. 32, 1982
Ss. 31A, 31B.....	ad. No. 32, 1982
S. 32	am. No. 21, 1933; No. 27, 1937; No. 51, 1981; No. 32, 1982
	rs. No. 64, 1984
S. 32A.....	ad. No. 64, 1984
S. 33	am. No. 51, 1981; No. 32, 1982
	rs. No. 64, 1984
S. 33A.....	ad. No. 51, 1981
	am. No. 32, 1982; No. 64, 1984
S. 34	am. No. 19, 1966
	rs. No. 26, 1979
	rep. No. 32, 1982
	ad. No. 64, 1984
S. 35	am. No. 19, 1966; No. 26, 1979
	rs. No. 32, 1982
	am. No. 64, 1984
S. 35A.....	ad. No. 64, 1984
Ss. 36, 37.....	rs. No. 64, 1984
S. 38	am. No. 31, 1973
	rep. No. 64, 1984
S. 39	rep. No. 32, 1982
S. 42	am. No. 21, 1933; No. 64, 1984
S. 43	am. No. 64, 1984
S. 44	am. No. 19, 1966; No. 26, 1979
S. 45	am. No. 19, 1966; No. 26, 1979; Act No. 61, 1990
S. 46	am. No. 19, 1966; No. 44, 1972; No. 26, 1979; No. 38, 1989; Act No. 61, 1990
S. 47	rs. No. 22, 1964
	am. No. 19, 1966; No. 26, 1979
Heading to Part V	am. No. 32, 1982
S. 48	rep. No. 51, 1981
	ad. No. 32, 1982
S. 49	am. No. 21, 1933; No. 18, 1967; No. 37, 1970; No. 17, 1975
	rep. No. 51, 1981
	ad. No. 44, 1982
	am. Act No. 63, 1990
S. 50	am. No. 19, 1966
	rs. No. 26, 1979
	rep. No. 51, 1981
	ad. No. 64, 1984
S. 51	am. No. 19, 1966; No. 26, 1979

NOTE—continued**Table of Amendments**—continued

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision	How affected
S. 52	am. No. 19, 1966 rs. No. 26, 1979 ad. No. 64, 1984
S. 53	rep. No. 51, 1981 ad. No. 64, 1984 am. No. 38, 1989
Heading to Part VI	rep. No. 32, 1982
S. 54	am. No. 21, 1933; No. 19, 1966; No. 51, 1981; No. 32, 1982; No. 64, 1984; No. 38, 1989

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