

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

PHARMACY AMENDMENT BILL 2001

EXPLANATORY MEMORANDUM

**Circulated by authority of
Kerrie Tucker MLA**

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Outline

This Bill amends the *Pharmacy Act 1931* to allow companies to be registered as pharmacists provided that: the only object of the company is to operate as a pharmacist, the directors of the company are registered pharmacists, and the shareholders of the company are either registered pharmacists or their relatives.

Clauses

Clauses 1, 2 and 3 are formal requirements which set out the name of the Act, commencement provisions and the name of the Act amended.

Clauses 4 and 5 insert new definitions of company, director, employee member, executive officer, incorporated pharmacist and member.

Clauses 6, 7 and 8 insert a new provision that a director of an incorporated pharmacist is deemed to practice pharmacy for the purposes of the Act.

Clauses 9 - 13 are consequential amendments to clarify that these sections apply to an individual pharmacist rather than an incorporated pharmacist.

Clause 14 clarifies that only individual pharmacists are eligible for appointment to the Pharmacy Board.

Clauses 15, 16 and 17 are consequential amendments to clarify that this section applies to an individual pharmacist rather than an incorporated pharmacist.

Clause 18 inserts a new section 9A which provides that a company is eligible for registration as a pharmacist if the conditions listed in the section are met.

Clauses 19, 20 and 21 are consequential amendments to clarify that this section applies to an individual pharmacist rather than an incorporated pharmacist.

Clauses 22 - 26 are consequential amendments to apply this section to incorporated pharmacists, in addition to individual pharmacists.

Clauses 27 and 28 are consequential amendments to clarify that this section applies to an individual pharmacist rather than an incorporated pharmacist.

Clauses 29 - 45 are consequential amendments to apply these sections to incorporated pharmacists, in addition to individual pharmacists.

Clause 46 inserts a new division 3.4A on special obligations of companies that are registered as incorporated pharmacists –

New section 30A requires an incorporated pharmacist to advise the Pharmacy Board of a failure to comply with a provision of its constitution which affects its eligibility for registration.

New section 30B states that an incorporated pharmacist must not change its constitution or its name unless approved by the Board.

New section 30C states that an incorporated pharmacist must not practice in partnership without approval from the Board.

New section 30D requires that an incorporated pharmacist must provide specified information to the Board.

Clauses 47 – 65 are consequential amendments to apply these sections to incorporated pharmacists, in addition to individual pharmacists.

Clause 66 increases the limit on the fines that may be imposed by the Board on registered pharmacists.

Clause 67 states that payment of a fine imposed by the Board on a company is enforceable against the directors of the company.

Clauses 68 – 73 are consequential amendments to apply these sections to incorporated pharmacists, in addition to individual pharmacists.

Clauses 74 and 75 are consequential amendments to clarify that this section applies to an individual pharmacist rather than an incorporated pharmacist.

Clause 76 inserts a new section 48A which requires that the business of an incorporated pharmacist must be carried on under the personal supervision of a director or employee member of the incorporated pharmacist or another registered pharmacist employed by the incorporated pharmacist.

Clause 77 corrects a cross-reference in the Act.

Clause 78 inserts new sections 59 and 59A relating to the liability of executive officers of a company which contravenes a provision of this Act.