

2004

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for Health)

## Pharmacy Amendment Bill 2004 (No 2)

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## Pharmacy Amendment Bill 2004 (No 2)

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### A Bill for

An Act to amend the *Pharmacy Act 1931*

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

**1 Name of Act**

This Act is the *Pharmacy Amendment Act 2004 (No 2)*.

**2 Commencement**

This Act commences on the day after its notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

**3 Legislation amended**

This Act amends the *Pharmacy Act 1931*.

**4 Interpretation for Act  
Section 2 (1), new definitions of *friendly society* and  
*friendly society pharmacist***

*insert*

*friendly society* means a company that is a friendly society under the Corporations Act.

*friendly society pharmacist* means a friendly society registered as a pharmacist under this Act.

**5 Section 2 (1), definition of *incorporated pharmacist***

*substitute*

*incorporated pharmacist* means a company, other than a friendly society, registered as a pharmacist under this Act.

**6 Section 9A heading**

*substitute*

**9A Eligibility of non-friendly society company for registration**

**7 Section 9A (1)***after*

A company

*insert*

that is not a friendly society

**8 New section 9B***insert***9B Eligibility of friendly society company for registration**

A company that is a friendly society is eligible for registration as a pharmacist if—

- (a) it provides mutual benefits to its members; and
- (b) it is a non-profit organisation; and
- (c) it has a constitution; and
- (d) the constitution provides that the main object of the company is to carry on the business of pharmacist and any other business commonly associated with the practice of pharmacy.

**9 Refusal of registration in case of conviction  
New section 14 (4)***insert*

- (4) This section does not apply if the applicant is a friendly society.

**10 Refusal of registration if applicant deregistered outside ACT  
New section 15 (4)***insert*

- (4) This section does not apply if the applicant is a friendly society.

**11 Applicants to be competent and of good character**  
**New section 16 (3)**

*insert*

(3) This section does not apply to a friendly society.

**12 Entitlement to re-registration on payment of fees**  
**Section 30 (3) (b)**

*substitute*

(b) if the person is an incorporated pharmacist—a director or employee member of the person is not competent to practise pharmacy or is not of good character.

**13 Change of address to be notified**  
**Section 32 (c)**

*substitute*

(c) a friendly society pharmacist or incorporated pharmacist establishes a registered office in the ACT;

**14 Alteration of register**  
**Section 33 (1) (b) and (c)**

*substitute*

(b) a friendly society pharmacist or incorporated pharmacist that has been wound up or deregistered as a company; or

(c) a friendly society pharmacist that has ceased to be a friendly society; or

(d) a registered pharmacist whose registration has been cancelled.

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**15 Cancellation or suspension of registration**  
**Section 35 (f)**

*substitute*

- (f) the person or, if the person is an incorporated pharmacist, a director or employee member of the person, has been convicted in the ACT or elsewhere of an offence punishable by imprisonment for longer than 1 year or any offence that, in the board's opinion, makes the person unfit to practise as a pharmacist; or

**16 Section 35 (m) and (n)**

*substitute*

- (m) if the person is an incorporated pharmacist—a director or employee member of the person is not competent to practise pharmacy; or
- (n) if the person is a friendly society pharmacist—the person ceases to be a friendly society; or
- (o) if the person is a friendly society pharmacist or incorporated pharmacist—the person is placed into liquidation.

**17 Power of board to caution, reprimand etc**  
**Section 38 (1) (c)**

*substitute*

- (c) if the pharmacist is an incorporated pharmacist—order a director or employee member of the pharmacist to seek and undergo medical or psychiatric treatment or counselling;

1	<b>18</b>	<b>Section 38 (1) (g)</b>
2		<i>substitute</i>
3		(g) if the pharmacist is an incorporated pharmacist—order a
4		director or employee member of the pharmacist to complete a
5		stated educational course.
6	<b>19</b>	<b>New section 48AB</b>
7		<i>insert</i>
8	<b>48AB</b>	<b>Business of friendly society pharmacists</b>
9		The business of a friendly society pharmacist must be carried on
10		under the actual personal supervision of a registered pharmacist who
11		is an individual and is employed or engaged by the friendly society
12		pharmacist.

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## Endnotes

- 1 Presentation speech**  
Presentation speech made in the Legislative Assembly on 2004.
  - 2 Notification**  
Notified under the Legislation Act on 2004.
  - 3 Republications of amended laws**  
For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).
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