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## Pharmacy (Amendment) Ordinance 1982

No. 32 of 1982

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 25 June 1982.

ZELMAN COWEN  
Governor-General

By His Excellency's Command,

J. J. CARLTON  
Minister of State for Health

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An Ordinance to amend the *Pharmacy Ordinance 1931*

### Short title

1. This Ordinance may be cited as the *Pharmacy (Amendment) Ordinance 1982*.<sup>1</sup>

### Commencement

2. This Ordinance shall come into operation on such date as is fixed by the Minister of State for the Capital Territory by notice in the *Gazette*.

### Principal Ordinance

3. In this Ordinance, "Principal Ordinance" means the *Pharmacy Ordinance 1931*.<sup>2</sup>

### Interpretation

4. Section 5 of the Principal Ordinance is amended—

(a) by inserting after the definition of "registered veterinary surgeon" the following definition:

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

(b) by adding at the end thereof the following sub-section:

“(2) Nothing in this Ordinance 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) an officer or employee within the meaning of the *Public Service Act* 1922; or
- (b) a member of the Defence Force engaged on continuous full-time service.”.

### **Mode of registration**

5. Section 22 of the Principal Ordinance is amended by omitting paragraph (1) (c) and substituting the following paragraph:

“(c) particulars of the qualifications entitling the person to be registered;”.

6. Sections 24 to 31 (inclusive) of the Principal Ordinance are repealed and the following sections substituted:

### **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 sub-section 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 authorize registration**

“24. Subject to sub-section 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 Ordinance; 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 sub-section (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 sub-section (3) is guilty of an offence punishable, on conviction, by a fine not exceeding \$100.

“(5) Sub-section (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 sub-section (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 sub-section (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 sub-section (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 sub-section (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 sub-section (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 sub-section (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 sub-section (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 sub-section (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, &c., 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 Ordinance on that date and the professional address, or professional addresses, if any, of those pharmacists.”.

**Grounds for cancellation of registration**

7. Section 32 of the Principal Ordinance is amended by omitting from sub-section (1) “shall remove from the Register the name” and substituting “may order the cancellation of the registration”.

**Inquiry by Board**

8. Section 33 of the Principal Ordinance is amended by omitting from sub-section (1) “removing from the Register the name” and substituting “ordering the cancellation of the registration”.

**Appeal**

9. Section 33A of the Principal Ordinance is amended—

(a) by omitting paragraphs (1) (a), (1) (b) and (1) (c) and substituting the following paragraphs:

“(a) refusing to register, or to re-register, a person;

(b) refusing to grant special registration to a person or to renew a special registration; or

(c) ordering the cancellation of the registration of a person.”; and

(b) by inserting after sub-section (1) the following sub-section:

“(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.”.

**Repeal**

10. Sections 34 and 39 of the Principal Ordinance are repealed.

**Heading to Part V**

11. The heading to Part V of the Principal Ordinance is amended by omitting “LEGAL PROCEDURE” and substituting “MISCELLANEOUS”.

12. After section 47 of the Principal Ordinance the following section is inserted in Part V:

**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.”.

### Heading to Part VI

13. The heading to Part VI of the Principal Ordinance is omitted.

### Regulations

14. Section 54 of the Principal Ordinance is amended by omitting paragraph (c).

### Transitional

15. Notwithstanding the amendments of the Principal Ordinance made by this Ordinance—

- (a) any registration that was in force under the Principal Ordinance immediately before the commencement of this Ordinance continues in force, and the Principal Ordinance as amended by this Ordinance has effect in relation to that registration as if that registration had been granted under the Principal Ordinance as amended by this Ordinance;
- (b) where, before the commencement of this Ordinance, a person had applied for registration under the Principal Ordinance and the Board has neither refused the application nor granted registration to the person, the Principal Ordinance continues to apply in relation to that application, and—
  - (i) the Board may cause the person to be registered or may refuse to register the person; and
  - (ii) an application under section 33A of the Principal Ordinance may be heard and determined,as if this Ordinance had not been made; and
- (c) where the Board causes a person to be registered in pursuance of paragraph (b), the Principal Ordinance as amended by this Ordinance has effect in relation to that registration as if that registration had been granted under the Principal Ordinance as so amended.

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### NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 28 June 1982.
2. No. 10, 1931 as amended by No. 21, 1933; No. 27, 1937; No. 21, 1959; No. 22, 1964; No. 19, 1966; No. 18, 1967; No. 37, 1970; No. 18, 1971; No. 44, 1972; No. 31, 1973; No. 47, 1974; Nos. 17 and 43, 1975; No. 65, 1977; No. 46, 1978; No. 26, 1979; No. 50, 1980; No. 51, 1981.