

AUSTRALIAN CAPITAL TERRITORY  
PHARMACY (AMENDMENT) ORDINANCE 1984

EXPLANATORY STATEMENT

NO. 64 of 1984.

The Pharmacy (Amendment) Ordinance, 1984 (the amending Ordinance) amends the Pharmacy Ordinance, 1931 (the principal Ordinance) as the final stage with respect to the Pharmacy Ordinance in the general review of the health professions registration legislation. The earlier stages comprised amendments consequential upon the Health Professions Boards (Elections) Ordinance, 1980 and the Health Professions Boards (Procedures) Ordinance, 1981. The Ordinance makes several substantive changes to the existing law. Generally these changes are standard in health professions registration legislation and have already been incorporated in the Medical Practitioners Registration Ordinance, 1930 and the Veterinary Surgeons Registration Ordinance, 1965.

Sections 1-4 provides for procedural matters.

Section 5 amends a number of the definitions as a result of changes to other legislation or to the inclusion of certain matters in the Ordinance. The amendment to Section 5 concerning the prescribed fee provides for fees payable under the Ordinance to be determined under new Section 50. That section provides for the fees to be determined by the Minister by notice in the Gazette and this proposal follows amendments to the Seat of Government (Administration) Act 1910.

Section 6 inserts new Section 8 which provides for the appointment of inspectors and new Section 9 for powers of inspection including the right of the inspectors at any reasonable hour of day or night to enter premises where the business of pharmacy is being carried on.

Section 7 of the amending Ordinance repeals Section 20 of the principal Ordinance and the power of search included in Section 20 has now been included as powers of inspectors under new Section 9.

Section 8 re-drafts the provisions in relation to cancellation of registration and inserts a new provision enabling the Board to suspend registration or to reprimand as alternatives to cancellation.

The section dealing with suspension enables the Board to suspend registration in circumstances where it deems cancellation is inappropriate.

Section 9 re-drafts Section 33 of the principal Ordinance dealing with the requirement to hold inquiries and Section 10 makes alterations to the appeal provisions in line with the amendments to the principal Ordinance dealing with cancellation, suspension and reprimand.

Section 11 inserts in the principal Ordinance a new section dealing with re-registration. This section enables the Board to re-register a pharmacist where his registration had been cancelled as a result of non-payment of the annual fee without the necessity of the pharmacist complying with all the terms necessary in respect to initial registration.

Section 12 amends Section 35 of the principal Ordinance to clarify the position of a person using terms like "pharmacy", "drug store", etc., when the person so using the terms is not a qualified pharmacist and additionally provides for an offence for a person other than a registered pharmacist providing a pharmacy service for fee or reward. This latter provision is in accordance with uniform requirements of the health professions registration Ordinances.

Section 13 inserts a new section into the principal Ordinance dealing with the administration of an estate of a deceased pharmacist and enables the business of a deceased pharmacist to be carried on after his death for a prescribed period by an executor, administrator or trustee of his estate provided that the practice of pharmacy in the business is carried on by a registered pharmacist. This provision is uniform to the health professions registration legislation.

Section 14 inserts in the principal Ordinance a new provision entitling the Chairman of the Pharmacy Board to cause notice of the Board, or subsequently the Administrative Appeals Tribunal on appeal, in relation to the question of cancellation, reprimand or suspension to be published in the Gazette. Section 36 of the principal Ordinance is repealed as that provision is covered by the amendments in relation to the prohibition of the provision of pharmaceutical services by persons other than registered pharmacists.

Section 15 repeals existing Section 37 and re-drafts it by requiring the name of the pharmacist to be exhibited on the premises and defines a minimum size for such notices. Penalties will be included for breaches of this section.

Section 16 repeals existing Section 38 which prohibited pharmaceutical appointments being held by unregistered persons. The substance of that provision is now contained in Section 35.

Section 17 makes minor amendments to Section 42 in accordance with prior amendments made to the Ordinance.

Section 18 amends Section 43 by enabling dentists as well as medical practitioners and veterinary surgeons to dispense drugs to their patients.

Section 19 by inserting new Section 50, enables the Minister to determine fees by notice in the Gazette.

Section 20 increases the general maximum penalty from \$100 to \$250.

Section 21 requires the Pharmacy Board, where it makes an adverse decision, to inform the person in relation to whom the decision was made of the decision, the findings of the Board on material questions of fact; the reasons for the decision; and advise of his rights of appeal.

Section 22 amends the regulation-making power of the Minister under the Ordinance.

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