

AUSTRALIAN CAPITAL TERRITORY
Pharmacy Act 1931
INSTRUMENT NO. 271 OF 2000

EXPLANATORY STATEMENT

The *Pharmacy Act 1931* (the Act) provides for the registration of pharmacists, to control the practice of pharmacy and for related purposes. Section 57 of the Act provides for the Minister to determine fees for the purposes of the Act and publish that determination in the ACT Gazette.

Instrument No 205 of 1999 determining fees for the purpose of the Act was notified in the ACT Gazette No.36, Wednesday 8th September 1999.

This instrument revokes those fees and determinations and sets new fees for the provisions of paragraph 18(2)(b), section 21, subsection 28(1), and paragraph 30(2)(b) which have been increased to reflect the move towards full cost recovery for services provided by the Board. Determined fees for subsections 12(2), 31(3), 33(3), paragraphs 56(1)(a) and 56(1)(b) remain unchanged as they are consistent with fees for similar provisions in other health registration legislation and appear at this time to be at cost recovery level.

1. Paragraph 18(2)(b), fee for registration pursuant to section 9 and fee for registration at the discretion of the Board pursuant to section 11.

Registration under the provisions of sections 9 and 11 relate to persons who apply for initial registration with the ACT Pharmacy Board, that means, applicants are not registered with a registration authority in another Australian State or Territory.

Entitlement to registration under section 9 is not subject to any conditions, which means that the person meets all the requirements for full registration. Entitlement to registration at the discretion of the Board under section 11, however, is subject to such conditions, as the Board considers appropriate.

Section 18 of the Act requires that applications for registration other than applications by persons who are entitled to registration pursuant to the *Mutual Recognition Act* be accompanied by the determined fee payable under paragraph 18(2)(b).

The determined fee for unconditional registration and registration at the discretion of the Board as determined by determination No.205 of 1999 as notified in the ACT Gazette No 36, Wednesday 8 September 1999 was \$130.00.

The fee for the purposes of paragraph 18(2)(b), for registration pursuant to section 9 and fee for registration at the discretion of the Board pursuant to section 11, is now set at \$175.00. This fee reflects the move towards full cost recovery for services provided by the Board, and acknowledges the extra administration costs in processing initial applications in the ACT.

2. Section 21, Registration fee under Mutual Recognition provisions.

Section 10 of the Act makes provision for a person who is registered as an pharmacist under the law in force in a State or another Territory that is a participating jurisdiction within the meaning of the *Mutual Recognition Act* to registration under the *Pharmacy Act 1931*.

Persons seeking registration under the mutual recognition principle are required to pay the fee determined under section 20 of the Act.

The registration fee under the mutual recognition provisions as determined by determination No.205 of 1999 as notified in the ACT Gazette No 36, Wednesday 8 September 1999 was \$130.00. The fee for the purposes of section 20 registration under these provisions is now set at \$140.00. This fee reflects the move towards full cost recovery for services provided by the Board, and acknowledges the extra administration costs in processing mutual recognition applications in the ACT.

3. Subsection 28(1), annual registration fee.

Subsection 28(1) of the Act requires registered pharmacists to pay the determined fee on or before 31 October in each year. The payment of this fee entitles the registered pharmacist's name to remain on the Register of Pharmacists, kept by the Board in accordance with section 23. This entitles the person to practice as a pharmacist in the Territory for the next 12 months.

Where a registered pharmacist fails to pay the determined fee under subsection 28(1) the Board, under the provisions of subsection 29(2) of the Act, is required to cancel the registration of the person.

The determined annual fee as notified in the ACT Gazette No 36, Wednesday 8 September 1999 was \$130.00. The fee for registration under subsection 28(1) is now set at \$140.00. This fee reflects the move towards full cost recovery for services provided by the Board.

4. Paragraph 30(2)(b) entitlement to re-registration fee

A person whose registration has been cancelled for failure to pay the determined fee under subsection 28(1) is entitled to be re-registered under the provisions of section 30 if he or she makes application for registration in a form approved by the Board and pays the determined fee under paragraph 30(2)(b). Entitlement to re-registration under these provisions is on the same terms and conditions as applied to the person's registration immediately before the removal of his or her name from the Register.

The determined fee for entitlement to re registration as determined by determination No.205 of 1999 as notified in the ACT Gazette No 36, Wednesday 8 September 1999 was \$130.00. The fee for the purposes of paragraph 30(2)(b) is set at \$140.00 which is equivalent to the

annual practicing fee. This fee reflects the move towards full cost recovery for services provided by the Board.

5. Subsection 12(2), entitlement to interim registration.

Under section 12 of the Act, interim registration may be granted to a person where the applicant is entitled to full registration under the provisions of section 9 but where it is not practicable to wait until the Board can consider the application, or where the person would be entitled to registration under section 9 except for the fact that the degree or award to which the applicant is entitled has not yet been conferred or granted by the institution concerned.

A person authorized by the Board for the purposes of section 12, may grant an applicant for registration interim registration on payment of the fee determined under Subsection 12(2).

Interim registration remains in force until such time as the Board grants the person registration, has notified the person that his or her application for registration has been refused or cancels the person's interim registration. A person who holds interim registration is for all purposes to be taken to be a registered pharmacist.

The determined fee for entitlement to interim registration as determined by determination No.205 of 1999 as notified in the ACT Gazette No 36, Wednesday 8 September 1999 was \$20.00. For the purposes of subsection 12(2) this fee remains unaltered as it is consistent with the fee determined for the same provision in other health registration legislation and covers the administrative costs associated with granting interim registration.

6. Subsection 31(3), fee for duplicate certificate.

Under the provisions of section 31 of the Act, the Board is required to issue to a person who is registered as an pharmacist, a certificate of registration signed by the Chairperson or Deputy Chairperson. The certificate is to state the provision by virtue of which the person is entitled to be registered and set out any conditions to which the person's registration is subject.

Where a person's certificate of registration has been lost or destroyed the Board may, subject to certain conditions, issue a duplicate certificate to the person subject to the payment of the determined fee under subsection 31(3).

For this provision the determined fee as determined by determination No.205 of 1999 as notified in the ACT Gazette No 36, Wednesday 8 September 1999 was \$30.00. The fee for the purposes of subsection 31(3) remains unaltered as it is consistent with the determined fee for this provision in other health registration legislation and appears at this time to reflect the cost associated with providing a duplicate certificate. This covers printing and administrative costs associated with providing this service.

7. Subsection 33(3), fee for alteration of particulars in the register.

Under the provisions of section 33 of the Act the Board may, from time to time, at the request of the person or of its own accord, make such alterations to particulars in the Register as are necessary. Such alterations allow for amendment of incorrect particulars, additions of relevant information, removal of names of people who have died or who have ceased to become registered or to alter particulars pursuant to disciplinary orders.

The Board is not entitled to make an alteration to particulars in the Register at the request of a person unless satisfied that the determined fee under subsection 33(3) has been paid. The determined fee for this provision determined by determination No.205 of 1999 as notified in the ACT Gazette No 36, Wednesday 8 September 1999 was \$10.00. For the purposes of subsection 33(3) the fee remains unaltered as it is consistent with the determined fee for this provision in other health registration legislation and appears at this time to reflect the cost associated with making such alterations.

8. Subsection 56(1)(a), fee to inspect an entry in the register.

Under subsection 56(1)(a) of the *Pharmacy Act 1931* a person may on payment of the determined fee inspect an entry in the Register. The determined fee for this provision determined by determination No.205 of 1999 as notified in the ACT Gazette No 36, Wednesday 8 September 1999 was \$5.00. The determined fee for the purposes of subsection 56(1)(a) remains unaltered as it is consistent with the determined fee for this provision in other health registration legislation and appears at this time to reflect the cost associated with providing this service.

9. Subsection 56(1)(b), fee to obtain a certified copy of an entry in the register.

Under subsection 56(1)(b) of the *Pharmacy Act 1931* a person may on payment of the determined fee obtain a certified copy of an entry in the Register. The determined fee for this provision determined by determination No.205 of 1999 as notified in the ACT Gazette No 36, Wednesday 8 September 1999 was \$5.00. The determined fee for the purposes of subsection 56(1)(b) remains unaltered as it is consistent with the determined fee for this provision in other health registration legislation and appears at this time to reflect the cost associated with providing this service.

10. A comparative chart for ease of reference is attached.

Pharmacy Act 1931	1998/99 Fee	1999/2000 Fee
Paragraph 18(2)(b) application fee for registration pursuant to section 9 and section 11	\$130.00	\$140.00
Section 21 fee for registration under the Mutual Recognition principle	\$130.00	\$140.00
Subsection 28(1) annual registration fee	\$130.00	\$140.00
Paragraph 30(2)(b) entitlement to re-registration subject to payment of fee	\$130.00	\$140.00
Subsection 12(2) entitlement to interim registration	\$20.00	\$20.00
Subsection 31(3) fee for duplicate certificate	\$30.00	\$30.00
Subsection 33(3) fee for alteration of the register	\$10.00	\$10.00
Subsection 56(1)(a) fee to inspect an entry in the register	\$5.00	\$5.00
Subsection 56(1)(b) fee to obtain a certified copy of an entry in the register	\$10.00	\$10.00