

PHARMACEUTICAL BENEFITS.

No. 8 of 1949.

An Act to amend the *Pharmaceutical Benefits Act 1947*.

[Assented to 25th March, 1949.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1.—(1.) This Act may be cited as the *Pharmaceutical Benefits Act 1949*. Short title and citation.

(2.) The *Pharmaceutical Benefits Act 1947** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Pharmaceutical Benefits Act 1947–1949*.

2. This Act shall come into operation on the date on which it receives the Royal Assent. Commencement.

3. Section four of the Principal Act is amended by adding at the end thereof the following sub-section:— Definitions.

“(3.) If the Minister so determines, the Minister of State of a State administering the laws of that State relating to public hospitals shall, for the purposes of this Act, be deemed to be the governing body of the public hospitals in that State.”.

4. Section six of the Principal Act is amended by adding at the end thereof the following sub-section:— Pharmaceutical benefits.

“(2.) The Commonwealth Pharmaceutical Formulary shall be deemed to include, as a formula, in addition to the formulae contained therein, each formula so contained with each variation specified by the regulations as being a permitted variation of that formula.”.

5. Section seven of the Principal Act is amended by inserting in sub-section (1.), after the word “Act,”, the words “and except as prescribed.”. Provision of pharmaceutical benefits.

6.—(1.) After section seven of the Principal Act the following section is inserted:—

“7A. Except as prescribed, a medical practitioner shall not write a prescription for the supply to a person entitled to receive pharmaceutical benefits—

(a) of an uncompounded medicine the name of which, or a medicinal compound the formula of which, is contained, or is deemed to be included, in the Commonwealth Pharmaceutical Formulary; or

Medical practitioners to write prescriptions on official forms.

(b) of a material or appliance the name of which is contained in the prescribed addendum to the Commonwealth Pharmaceutical Formulary, otherwise than on a prescription form supplied by the Commonwealth for the purposes of this Act.

Penalty: Fifty pounds.”

(2.) The section inserted in the Principal Act by this section shall come into operation on a date to be fixed by Proclamation.

Pharmaceutical benefits to be provided on prescriptions.

7. Section eight of the Principal Act is amended—

(a) by omitting paragraph (b) of sub-section (1.) and inserting in its stead the following paragraph:—

“(b) on presentation of a prescription written and signed by a medical practitioner and, except as prescribed, written on a prescription form supplied by the Commonwealth for the purposes of this Act.”;

(b) by omitting from sub-section (2.) the words “in accordance with the regulations”; and

(c) by omitting from sub-section (3.) the words “in accordance with the prescribed form” (first occurring) and inserting in their stead the words “written on a prescription form supplied by the Commonwealth for the purposes of this Act”.

Approved pharmaceutical chemists.

8. Section nine of the Principal Act is amended by inserting after sub-section (1.) the following sub-section:—

“(1A.) Nothing in the last preceding sub-section shall require the Director-General to approve a pharmaceutical chemist whose approval has been revoked under section thirteen of this Act.”.

Approved hospital authorities.

9. Section twelve of the Principal Act is amended—

(a) by inserting in sub-section (2.), after the word “shall”, the words “, unless the Director-General otherwise determines,”; and

(b) by omitting sub-section (4.) and inserting in its stead the following sub-section:—

“(4.) Where a hospital authority desires to supply pharmaceutical benefits to patients receiving treatment in or at several hospitals—

(a) a separate application shall, unless the Director-General otherwise allows, be made in respect of each hospital; and

(b) separate approval may be granted in respect of each hospital.”

10. Section thirteen of the Principal Act is amended by omitting sub-section (2.) and inserting in its stead the following sub-sections :— Suspension, &c.,
of approval.

“(2.) A pharmaceutical chemist or medical practitioner the approval of whom, or a hospital authority the approval of which, has been suspended or revoked under the last preceding sub-section may appeal to the Supreme Court of a State or Territory of the Commonwealth.

“(2A.) The Supreme Court of each State is hereby invested with federal jurisdiction, and jurisdiction is hereby conferred on the Supreme Court of each Territory of the Commonwealth, to hear and determine appeals under the last preceding sub-section.

“(2B.) The Director-General shall be the respondent in any such appeal.

“(2c.) Upon the hearing of any such appeal, the Supreme Court may—

- (a) admit further evidence, either orally or upon affidavit or otherwise ;
- (b) permit the examination and cross-examination of witnesses ;
- (c) affirm, reverse or modify the decision of the Director-General ;
and
- (d) order any party to pay costs to any other party.”.

11. Section fourteen of the Principal Act is amended by omitting from sub-section (1.) the words “ at the prescribed rate ” and inserting in their stead the words “ in accordance with the regulations ”. Payments for
supply of
pharmaceutical
benefits.

12. Section twenty of the Principal Act is amended by omitting from paragraph (d) of sub-section (1.) the words “ in accordance with the prescribed form ” and inserting in their stead the words “ on a prescription form supplied by the Commonwealth for the purposes of this Act ”. Offences.

13. Section twenty-three of the Principal Act is amended by omitting from paragraph (b) the words “ in accordance with the prescribed form ” and inserting in their stead the words “ on prescription forms supplied by the Commonwealth for the purposes of this Act ”. Regulations.