



ANNO DECIMO NONO

GEORGII V REGIS.

A.D. 1928.

No. 1879.

An Act to amend The Pharmacy Act of 1891.

[Assented to, November 7th, 1928.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited alone as the "Pharmacy Act Short titles. Amendment Act, 1928".

(2) The Pharmacy Act of 1891 (hereinafter called "the principal Act"), The Pharmacy Act Amendment Act, 1897, and this Act may be cited together as the "Pharmacy Acts, 1891 to 1928".

2. This Act is incorporated with the other Acts mentioned in section 1 of this Act, and those Acts and this Act shall be read as one Act. Incorporation.

3. Section 14 of the principal Act is repealed, and the following section is hereby enacted and substituted in lieu thereof :—

Re-enactment of principal Act, s. 14—
Duty of chemists to register premises.

14. (1) After the expiration of one month from the commencement of the Pharmacy Act Amendment Act, 1928, no pharmaceutical chemist shall, whether as principal or manager for a principal, carry on in any premises the business of compounding and dispensing the prescriptions of legally qualified medical practitioners unless the full address of those premises has been registered with the Board in the name of the principal.

(2) Any person contravening this section shall be guilty of an offence and liable to a penalty not exceeding Five Pounds for every day or part of a day on which he carries on business in contravention of this section.

Pharmacy Act Amendment Act.—1928.

(3) The Board shall, upon the application of any pharmaceutical chemist, and without payment of any fee, register in the name of such chemist any premises in which it is satisfied that such chemist carries on the business of pharmacy either as principal or manager.

Amendment of
principal Act,
s. 19—
Subjects of prelim-
inary examination.

4. Section 19 of the principal Act is amended by inserting after the word "arithmetic" in the twelfth line of paragraph (e) thereof the words "and any prescribed subject."

New section 19A—

5. Part III. of the principal Act is amended by inserting therein after section 19 the following section :—

Additional persons
entitled to registra-
tion.

19A. (1) Subject to this section any of the following persons shall, upon passing an examination held under this section, be entitled to receive from the Board a certificate stating that he is a pharmaceutical chemist, and to have his name entered in the Register, namely :—

(a) Any person who—

(i.) enlisted in the Australian Imperial Force for service during the war,

(ii.) was at the time of enlistment engaged as apprentice, or assistant to a pharmaceutical chemist engaged in the business of keeping an open shop for compounding and dispensing prescriptions of duly qualified medical practitioners, and

(iii.) was immediately prior to the time of enlistment studying the subjects, or some of the subjects, in which intending pharmaceutical chemists are required to be examined, with the intention of qualifying as a pharmaceutical chemist.

(b) Any person who for a period of five years immediately prior to the commencement of the Pharmacy Act Amendment Act, 1928, continuously carried on as principal the business of a chemist and druggist in the keeping of an open shop for compounding and dispensing prescriptions of duly qualified medical practitioners.

(c) Any person who for a period of seven years immediately prior to the commencement of the Pharmacy Act Amendment Act, 1928, has continuously acted as dispenser or assistant dispenser to a pharmaceutical chemist engaged in keeping an open shop for compounding and dispensing prescriptions of duly qualified medical practitioners.

(2) No

Pharmacy Act Amendment Act.—1928.

(2) No person shall be entitled to receive a certificate and be registered as in this section mentioned unless he satisfies the Board that he is of good moral character and that he complies or has complied with all the requirements of this section.

(3) The Board shall hold two examinations of applicants for certificates under this section, one in the month of March, and one in the month of November, nineteen hundred and twenty-nine. The subjects of each examination shall be *materia medica* and dispensing.

(4) The Board shall appoint four examiners to hold each examination. Two of the examiners in each case shall be legally qualified medical practitioners.

(5) No person shall be entitled to sit for an examination under this section unless he gives at least four weeks notice to the Board of his intention so to do. The Board shall give not less than seven days notice to every candidate at each examination of the exact time and place of that examination.

(6) In this section the term "war" means the war commencing on the fourth day of August nineteen hundred and fourteen in which His Majesty King George the Fifth was engaged.

19B. (1) Subject to this section any such person as hereinafter mentioned shall be entitled to receive from the Board a certificate stating that he is a pharmaceutical chemist and to have his name entered in the Register, namely:—

Persons entitled to registration without examination.

(a) any person who—

- (i.) at the time of applying for registration is thirty-five years of age or more :
- (ii.) has served as apprentice to a pharmaceutical chemist under indentures of apprenticeship :
- (iii.) produces to the Board one or more statutory declarations verifying the facts set out in the preceding paragraphs (i.) and (ii.), and statutory declarations from two legally qualified medical practitioners declaring that he is a fit and proper person to compound and dispense prescriptions of legally qualified medical practitioners :

(b) any person who—

- (i.) at the time of applying is thirty years of age or more :
- (ii.) has for a period of at least twelve months immediately prior to the commencement of the Pharmacy Act Amendment Act, 1928, carried on as principal the business of a chemist and druggist in the keeping of an open shop for compounding and dispensing prescriptions of legally qualified medical practitioners :
- (iii.) has

Pharmacy Act Amendment Act.—1928.

(iii.) has for ten years in all been engaged either as principal in keeping an open shop for compounding and dispensing prescriptions of legally qualified medical practitioners, or as assistant to a pharmaceutical chemist in the business of such compounding and dispensing :

(iv.) produces to the Board one or more statutory declarations verifying the facts set out in the preceding paragraphs (i.), (ii.), and (iii.), and statutory declarations from two legally qualified medical practitioners declaring that he is a fit and proper person to compound and dispense prescriptions of legally qualified medical practitioners.

(2) No person shall be entitled to receive a certificate and be registered as in this section mentioned unless he applies for registration within three months from the commencement of the Pharmacy Act Amendment Act, 1928, and satisfies the Board that he is of good moral character and that he complies or has complied with all the requirements of this section.

Amendment of
principal Act, s. 20.

6. Section 20 of the principal Act is amended—

- (a) by inserting before the word " annual " in the the first line thereof the word " prescribed ",
(b) by striking out the words " in the Second Schedule hereto " in the second line.

Re-enactment of
principal Act,
secs. 25 and 26—

7. Sections 25 and 26 of the principal Act are repealed, and the following sections are hereby enacted and substituted in lieu thereof:—

Prohibition on
unregistered persons
carrying on
business.

25. (1) No person who is not a pharmaceutical chemist shall—

- (a) retail, compound or dispense any drug or medicine for fee or reward on the order or prescription of a legally qualified medical practitioner ;
(b) hold himself out as a pharmaceutical chemist, pharmacist, pharmaceutist, homœopathic chemist, dispensing chemist, dispensing druggist, or chemist and druggist, or in any way whether directly or indirectly signify that he is qualified to compound and dispense drugs or medicines on the orders or prescriptions of duly qualified medical practitioners, or that his business is or includes such compounding and dispensing.

(2) Any person offending against any provision of this section shall be guilty of an offence against this Act, and shall be liable to a penalty not exceeding Fifty Pounds.

(3) This section shall not apply to any such person as mentioned in subsection (1) of section 19A of this Act, until after the thirty-first day of December, nineteen hundred and twenty-nine, nor to any such person as mentioned in subsection (1) of section 19B of this Act until after the expiration of three months from the commencement of the Pharmacy Act Amendment Act, 1928.

(4) No.

Pharmacy Act Amendment Act.—1928.

(4) No person shall be convicted of the offence of holding himself out as a pharmacist, pharmacist, homœopathic chemist, dispensing chemist, or chemist and druggist, or of directly or indirectly signifying that his business is or includes the compounding and dispensing of drugs and medicines on the orders or prescriptions of legally qualified medical practitioners if he shows that he carries on the business of compounding and dispensing drugs or medicines on the orders or prescriptions of legally qualified medical practitioners and that every shop or place where he carries on that business is constantly supervised and managed by a pharmaceutical chemist, and the name of that pharmaceutical chemist is kept painted or affixed in a conspicuous position in letters easily legible on the outside of every such shop or place of business.

26. (1) No company nor association of persons incorporated or unincorporated shall—

Provisions as to
companies and
associations.

(a) in any shop or place of business carry on the business of retailing, compounding or dispensing drugs or medicines on the orders or prescriptions of legally qualified medical practitioners ;

(b) in or about any shop or place of business exhibit any words or sign signifying or which may reasonably be interpreted to signify that its business is that of a pharmaceutical chemist, pharmacist, pharmacist, homœopathic chemist, dispensing chemist, dispensing druggist, or chemist and druggist, or that it is qualified to compound or dispense drugs or medicines on the orders or prescriptions of duly qualified medical practitioners, or that its business is or includes such compounding or dispensing,

unless that shop or place of business is constantly supervised and managed by a pharmaceutical chemist, and the name of that pharmaceutical chemist is kept painted or affixed in a conspicuous position in letters easily legible on the outside of that shop or place of business.

(2) If any company or incorporated association contravenes any provision of this section it shall be guilty of an offence.

Penalty—For a first offence not less than Five Pounds nor more than Twenty Pounds, and for any subsequent offence not less than Ten Pounds nor more than One Hundred Pounds.

(3) If any unincorporated association contravenes any provision of this section, the members of the Board of Management or other controlling body thereof shall each be severally guilty of an offence.

Penalty—For a first offence not less than Two Pounds nor more than Twenty Pounds, and for any subsequent offence not less than Five Pounds nor more than Fifty Pounds.

Pharmacy Act Amendment Act.—1928.

Saving as to
assistants and
apprentices.

26A. Nothing in this Act shall prevent any assistant or apprentice to a pharmaceutical chemist or any person who is by the terms of his employment required to work under the supervision and control of a pharmaceutical chemist from retailing, compounding or dispensing drugs and medicines in the course of his employment and under the supervision of a pharmaceutical chemist.

Re-enactment of
principal Act,
secs. 29 and 30—
Power of Board to
charge fees.

8. Sections 29 and 30 of the principal Act are repealed, and the following sections are hereby enacted and substituted in lieu thereof :

29. The Board may charge fees of such amounts as are prescribed for the following things, namely :—

- (a) For examining any candidate at any examination under this Act ;
- (b) For issuing any certificate under this Act ;
- (c) For supplying to any person a list of pharmaceutical chemists.

The fees shall be paid to the Registrar.

Application of fees
and penalties.

30. All fines imposed for any offence against this Act shall be paid to the Board, and shall, together with the fees received by the Board under this Act be applied towards defraying the expenditure incurred in administering this Act.

Amendment of
principal Act, s. 31—
Regulations.

9. Section 31 of the principal Act is amended so as to read as follows :—

31. The Board may, with the approval of the Governor, make all such regulations as are necessary or convenient for the purpose of carrying this Act into effect, and may by any regulation impose a penalty not exceeding Five Pounds for the breach of any regulation.

Repeal of Second
Schedule to
principal Act.

10. The Second Schedule to the principal Act is hereby repealed as from the date of coming into force of a regulation prescribing new fees.

Amendment of 677,
1897, s. 4—
Duty to affix name
of manager to
chemist's shop in
certain cases.

11. Section 4 of the Pharmacy Act Amendment Act, 1897, is amended by inserting after the words " principal Act " in the sixth line thereof the words " and unless the name of the pharmaceutical chemist managing or supervising each such shop is kept painted or affixed in a conspicuous position in letters easily legible on the outside of such shop ".

In the name and on behalf of His Majesty, I hereby assent to this Bill.

G. J. R. MURRAY, Deputy Governor.