

# Pharmacists (Amendment) Bill

No.

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# LEGISLATIVE ASSEMBLY

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Read 1 6 October 1993

*(Brought in by Mrs Tehan and Mr Gude)*

## A BILL

to amend the **Pharmacists Act 1974** and for other purposes.

### **Pharmacists (Amendment) Act 1993**

**The Parliament of Victoria enacts as follows:**

#### ***1. Purposes***

The purposes of this Act are to—

- (a) reduce the quorum and allow the appointment of special Board members for disciplinary inquiries and investigations; and
- (b) make provision for the administration of the estates of bankrupt, insolvent and deceased pharmacists.

#### ***2. Commencement***

This Act comes into operation on the day it receives the Royal Assent.

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Section headings appear in bold italics and are not part of the Act.  
(See **Interpretation of Legislation Act 1984**.)

No. 8593.  
Reprinted t  
No. 9784 and  
subsequently  
amended by  
Nos 10244,  
10262,  
110/1986,  
119/1986,  
49/1988,  
57/1989,  
53/1990,  
10/1991,  
83/1992 and  
42/1993.

**3. *Principal Act***

In this Act, the **Pharmacists Act 1974** is called the Principal Act.

**4. *Quorum for disciplinary matters***

After section 17 of the Principal Act, **insert—**

**“17A. *Quorum for inquiries and investigations***

- (1) Despite section 4 (9), a quorum for the purposes of a disciplinary inquiry or investigation under this Part is 3 members.
- (2) Despite section 4 (1), if a disciplinary inquiry or investigation cannot be carried out because—
  - (a) the number of members with an interest in the outcome of the disciplinary inquiry or investigation prevents the forming of a quorum; or
  - (b) a person with a particular skill or expertise is required for the purposes of the disciplinary inquiry or investigation—

the Governor in Council may appoint additional persons as members of the Board for the purposes of the disciplinary inquiry or investigation.

- (3) Subject to the Act, a member appointed under sub-section (2) holds office until the disciplinary inquiry or investigation is finally determined.

- (4) Sections 4 (3) (b), (7), (10) and (11) apply to a member appointed under this section.”.

**5. *Mortgages, bills of sale and security interests***

After section 21 (8) of the Principal Act, **insert—**

- “(9) Sub-section (1) does not prevent a pharmacist giving a mortgage, bill of sale or security interest in respect of his or her practice if the mortgage, bill of sale or document creating the security interest does not contravene section 22 (3).”.

**6. *Amendment of section 32***

In section 32 of the Principal Act, for “two” **substitute** “6”.

**7. *Administration of pharmacists’ property***

After section 32 of the Principal Act, **insert—**

**“32A. *Administration of pharmacists’ property***

A person who—

- (a) is appointed or authorised under the laws of bankruptcy to administer the property of a pharmacist who is bankrupt; or
- (b) assumes the administration of the property of a pharmacist under a mortgage, bill of sale or security interest of that person's business as a pharmacist—

may continue the business for a period of 6 months or for such further term as may from time to time be permitted by the Board if and so long as the business is *bona fide* conducted by a registered pharmacist.”.

