

Pharmacists (Amendment) Bill

EXPLANATORY MEMORANDUM

Outline

The aim of this legislation is to resolve some legal and administrative problems which have arisen in connection with the **Pharmacists Act 1974**.

In particular, the Bill will—

- (a) put beyond doubt that pharmacists can borrow money against the security of their practice; and
- (b) reduce from five to three the quorum required for a disciplinary inquiry by the Pharmacy Board of Victoria, and make provision for the appointment of additional members, if necessary, for the purpose of holding such an inquiry.

Clause Notes

Clause 1 describes the purposes of the Act.

Clause 2 provides for the commencement of the Act on Royal Assent.

Clause 3 identifies the **Pharmacists Act 1974** as being the Principal Act.

Clause 4 inserts a new section 17A after section 17 of the Principal Act.

The effect of the new section is to, firstly, reduce from five to three the number of members of the Pharmacy Board required to sit on disciplinary inquiries, and, secondly, to enable the Governor in Council to appoint additional members to sit on an inquiry if an insufficient number of members are available to form a quorum, or a person with a particular skill or expertise is required.

Clause 5 inserts a new sub-section (9) in section 21 of the Principal Act.

The new sub-section is designed to make clear that the prohibition on non-pharmacists having an interest in a pharmacy practice does not extend to the giving of a mortgage, bill of sale, or security interest in respect of that practice.

Clause 6 amends section 32 of the Principal Act to enable the executor, administrator, or trustee of the estate of a deceased pharmacist to continue his or her practice for 6, rather than 2, months without the need for the approval of the Pharmacy Board.

It should be noted that under both section 32, and proposed new section 32A mentioned subsequently, the pharmacy business must actually be conducted by a registered pharmacist.

Clause 7 inserts a new section 32A into the Principal Act.

The new section complements the amendments proposed in clause 5 by enabling a person appointed or authorised under the laws of bankruptcy, or who assumes the administration of the property of a pharmacist under a mortgage, bill of sale or security interest to continue the business for 6 months or such longer period as may be permitted by the Pharmacy Board.