

**Version No. 041**  
**Pharmacists Act 1974**

**Act No. 8593/1974**

Version incorporating amendments as at 1 July 1999

**TABLE OF PROVISIONS**

<i>Section</i>	<i>Page</i>
1. Short title and commencement	1
2. Reference to pharmaceutical chemist	1
3. Definitions	2
<b>PART 1—THE PHARMACY BOARD OF VICTORIA</b>	<b>5</b>
4. Pharmacy Board	5
5. Functions of the Board	7
5A. Accounts and records	9
5B. Annual report	10
5C. Audit	11
6. Board may appoint registrar and other officers	12
<b>PART 2—THE PHARMACISTS' REGISTER OF VICTORIA</b>	<b>14</b>
7. The Pharmacists' Register	14
8. Power to erase irregular entries	14
9. Board may alter register	14
10. Notice of death to be sent to Board	15
11. Inspection of register; copies to be evidence	15
<b>PART 3—REGISTRATION AND EXAMINATION</b>	<b>16</b>
12. Registrations	16
13. Board to determine certain educational requirements	17
14. Final examination	18
15. Fees	18
16. Temporary registration	20
<b>PART 4—INQUIRIES AND INVESTIGATIONS</b>	<b>23</b>
17. Powers in conducting investigations	23
17A. Quorum for inquiries and investigations	23
18. Board may inquire into and punish discreditable conduct	24
18A. Suspension of registration pending inquiry	28
19. Powers of inspectors	28

<i>Section</i>	<i>Page</i>
20. Board may examine books	29
<b>PART 5—OWNERSHIP OF PHARMACIES</b>	<b>30</b>
21. Persons who may and may not own pharmacies	30
22. Copy of partnership agreement to be lodged with registrar	32
<b>PART 6—PRACTICE OF PHARMACY</b>	<b>34</b>
23. Board to approve premises of pharmacies and pharmacy departments	34
24. Requirements for approval	34
25. Approval not to be refused on the ground of geographical location	35
26. Board to be notified before opening, closing etc. of pharmacies and pharmacy departments	35
27. Where pharmacy may be practised	35
28. Personal supervision of pharmacy or pharmacy department	37
29. Sales by employees etc.	38
30. Recording of prescriptions	38
31. Application of Part XIV of <b>Health Act 1958</b>	38
32. Continuation of business of deceased pharmacist by executor etc.	38
32A. Administration of pharmacists' property	39
<b>PART 7—OFFENCES AND LEGAL PROCEEDINGS</b>	<b>40</b>
33. Penalties for various offences	40
34. Offences	41
35. Proof of certificate of analyst	42
36. Penalties to be paid to the Board	43
<b>PART 8—REGULATIONS</b>	<b>44</b>
37. Regulations	44
<hr style="border-top: 3px double #000;"/>	
<b>NOTES</b>	<b>48</b>
1. General Information	48
2. Table of Amendments	49
3. Explanatory Details	52

---

**Version No. 041**  
**Pharmacists Act 1974**

**Act No. 8593/1974**

Version incorporating amendments as at 1 July 1999

An Act to re-enact with Amendments the Law relating to the  
Registration of Pharmacists and for Purposes connected  
therewith.

**BE IT ENACTED by the Queen's Most Excellent Majesty by  
and with the advice and consent of the Legislative Council  
and the Legislative Assembly of Victoria in this present  
Parliament assembled and by the authority of the same as  
follows (that is to say):**

**1. *Short title and commencement***

- (1) This Act may be cited as the **Pharmacists Act  
1974** and shall come into operation on a day to be  
fixed by proclamation of the Governor in Council  
published in the Government Gazette.

S. 1(2)  
repealed by  
No. 10/1991  
s. 37(a).

\* \* \* \* \*

**2. *Reference to pharmaceutical chemist***

S. 2(1)(2)  
repealed by  
No. 42/1993  
s. 70(a).

\* \* \* \* \*

- (3) Unless the contrary intention appears a reference  
in any enactment other than this Act to a  
pharmaceutical chemist or to a pharmaceutical  
chemist under Part III of the **Medical Act 1958**  
shall be construed as a reference to a pharmacist  
under this Act.

### 3. Definitions

In this Act unless inconsistent with the context or subject-matter—

**"Board"** means the Pharmacy Board of Victoria;

**"financial year"** means the period of 12 months ending on 31 December;

S. 3 def. of  
"financial  
year"  
inserted by  
No. 42/1993  
s. 70(b)(i).

**"person"** includes any corporation whether established by charter or otherwise and any company or society registered or established in pursuance of any Act of Parliament;

**"pharmacist"** or **"registered pharmacist"** means a person registered as a pharmacist under this Act or as a pharmaceutical chemist under any corresponding previous enactment whose name appears on the Pharmacists' Register of Victoria;

**"pharmacy"** means any premises in or upon which a pharmacist practises as a pharmacist, and includes the portion of the premises where he compounds or dispenses drugs or medicines and the portion of the premises where he sells or offers to sell goods of any kind, but does not include a pharmacy department;

**"pharmacy department"** means—

- (a) in respect of a registered funded agency within the meaning of the **Health Services Act 1988**, the portion of the premises of the agency set aside for compounding or dispensing drugs and medicines; and

S. 3 def. of  
"pharmacy  
department"  
amended by  
Nos 119/1986  
s. 142(Sch. 2  
item 9),  
49/1988 s.  
185, 37/1999  
s. 58(Sch. 3  
item 10.1).

(b) in respect of a dispensary established or deemed to have been established for the purposes of the Friendly Societies (Victoria) Code, the premises or the portion of any premises set aside for the establishment of such a dispensary;

**"practice as a pharmacist"** includes the supplying compounding or dispensing of drugs and medicines on an order or prescription;

**"prescribed"** means prescribed by this Act or by the regulations;

**"Register"** means the Pharmacists' Register of Victoria;

**"registrar"** means the registrar appointed under this Act or any corresponding previous enactment;

**"regulations"** means regulations under this Act;

**"sale"** includes delivery (whether with or without consideration) in any shop or store or premises appurtenant thereto by the keeper thereof his servant or agent, or having in possession for sale or exposing for sale in any place; and "sell" has a corresponding interpretation;

**"student"** means a person who has passed the prescribed annual examination of the first year of the course of academic instruction, but has not passed the prescribed final examination;

S. 3 def. of "student" inserted by No. 42/1993 s. 70(b)(ii).

---

**"trainee"** means a person who has completed the whole of the course of his academic instruction and passed all the prescribed annual examinations but has not yet been registered as a pharmacist.

---

**PART I—THE PHARMACY BOARD OF VICTORIA**

**4. *Pharmacy Board***

(1) The Governor in Council may appoint a Board to be called the "Pharmacy Board of Victoria" consisting of ten members, of whom—

S. 4(1)(a)  
amended by  
No. 42/1993  
s. 70(c)(i).

(a) one shall be a registered pharmacist engaged in teaching or research nominated by the Minister from a panel of at least three names submitted to him by The Pharmaceutical Society of Australia (Victorian Branch) Ltd;

(b) one shall be a registered pharmacist nominated by the Minister from a panel of at least three names submitted to him by The Pharmacy Guild of Australia (Victorian Branch);

S. 4(1)(c)  
amended by  
No. 42/1993  
s. 70(c)(ii).

(c) one shall be a registered pharmacist nominated by the Minister from a panel of at least three names submitted to him by The Pharmaceutical Society of Australia (Victorian Branch) Ltd;

(d) one shall be a registered pharmacist nominated by the Minister from a panel of at least three names submitted to him by The Society of Hospital Pharmacists of Australia (Victorian State Branch);

S. 4(1)(e)  
amended by  
No. 42/1993  
s. 70(c)(iii).

(e) one shall be a registered pharmacist nominated by the Minister from a panel of at least three names submitted to him by the Salaried Pharmacists Association;

(f) five shall be registered pharmacists elected as prescribed by the registered pharmacists.

- 
- (2) The Governor in Council may appoint as president of the Board the member elected as such by the members.
  - (3) The Governor in Council may at any time by notice published in the Government Gazette—
    - (a) declare that the person who is president shall cease to be president (in which case the person shall cease to be president), and may appoint another member as president; or
    - (b) remove any member (including the president) from the Board and may fill any casual vacancy occurring in the membership of the Board.
  - (4) A person shall not be appointed a member of the Board for a period exceeding three years, but a person so appointed shall be eligible for re-appointment.
  - (5) If at any time the registered pharmacists for a period of three months fail neglect or refuse to elect a member as required by paragraph (f) of sub-section (1) the Governor in Council may appoint a member without previous election to fill the vacancy, and the member so appointed shall for all purposes be deemed to have been appointed as if elected by the registered pharmacists as required by that paragraph.
  - (6) In the event of any dispute or question arising as to any election the Governor in Council may make a decision with respect to the dispute, and the decision shall be final and shall not be subject to be reviewed or reversed in or by any court whatsoever.
  - (7) Whenever a member of the Board without leave obtained from the Board has been absent for a period of three months from all meetings of the
-



Board and has also been absent from three consecutive meetings of the Board the office of such member shall thereupon become vacant.

- (8) During any vacancy in the Board howsoever caused the continuing members may act as if no vacancy existed.
- (9) A quorum of the Board shall consist of five members.
- (10) In the absence of the president from any meeting of the Board one of the members present shall be elected chairman of such meeting.
- (11) The members of the Board shall be entitled to receive such fees and allowances as are fixed from time to time by the Governor in Council.
- (12) The Pharmacy Board of Victoria as reconstituted under this Act shall be and be deemed to be the same body on and after as before the commencement of this Act, notwithstanding the change in the constitution of the Board.

S. 4(11)  
amended by  
No. 10/1991  
s. 33(a).

### **5. *Functions of the Board***

- (1) The functions of the Board shall be to initiate and co-ordinate policy in regard to the training registration and practice of pharmacists in Victoria and to develop pharmaceutical science with a view to achieving the highest possible standards of human health, and in particular, without affecting the generality of the foregoing and subject to this Act—
  - (a) to provide for research and investigation in pharmaceutical science;
  - (b) to consult with and to advise the appropriate authorities on standards of training for pharmacists;

- 
- (c) with the approval of the Minister, to co-operate with appropriate professional bodies at national and State level;
  - (d) to determine length and content of training and re-training programmes for the purposes of this Act;
  - (e) to determine the subjects that shall be studied by students preparing for the various pharmacy examinations and to control and direct such examinations;
  - (f) to provide for the registration of persons qualified to practise as pharmacists in this State and from time to time renew such registration;
  - (g) to be responsible for the general control of the practice of pharmacy by registered pharmacists;
  - (h) to approve premises or portions of premises for use as pharmacies or pharmacy departments;
  - (i) to authorize the publication of reports information and advice to the general public concerning any pharmaceutical matters;
  - (j) to ensure that the highest standards of professional conduct and ethics are maintained in the pharmacy profession;
  - (k) to maintain close co-operation with employers concerned with the use and employment of pharmacists;
  - (l) to advise the community with regard to the proper use and administration of drugs and medicines;

(m) generally to carry out all matters relating to the practice of pharmacists authorized or required by this Act.

(2) The Board may with the approval of the Minister—

(a) set up such advisory committees as it deems necessary;

(b) co-opt any person or persons for the purposes of such advisory committees;

(c) pay the members of such advisory committees and to the persons co-opted such fees and allowances as are fixed from time to time by the Governor in Council.

S. 5(2)(c)  
amended by  
No. 10/1991  
s. 33(b).

S. 5A  
inserted by  
No. 9479 s. 9,  
amended by  
No. 9699 s. 23,  
substituted by  
No. 10/1991  
s. 34.

**5A. *Accounts and records***

(1) The Board must ensure that there are kept proper accounts and records of the transactions and affairs of the Board and such other records as will sufficiently explain its financial operations and position.

(2) The Board must do all things necessary to do each of the following—

(a) ensure that all money payable to it is properly collected;

(b) ensure that all money expended by it is properly expended and properly authorised;

(c) ensure that adequate control is maintained over assets owned by it, or in its custody;

(d) ensure that all liabilities incurred by it are properly authorised;

(e) ensure that efficiency and economy of operations are achieved and that waste and extravagance are avoided;

- (f) develop and maintain an adequate budgeting and accounting system;
- (g) develop and maintain an adequate internal audit system.

**5B. Annual report**

S. 5B  
inserted by  
No. 10/1991  
s. 34.

- (1) The Board must, in respect of each financial year, prepare an annual report containing—
  - (a) a report of its operations during the financial year; and
  - (b) financial statements for the financial year—and submit the report to the Minister not later than 3 months after the end of the financial year.
- (2) The report of operations must—
  - (a) be prepared in a form and contain information determined by the Board to be appropriate; and
  - (b) contain any further information required by the Minister.
- (3) The financial statements must—
  - (a) contain information determined by the Treasurer to be appropriate; and
  - (b) be prepared in a manner and form approved by the Treasurer; and
  - (c) present fairly the results of the financial transactions of the Board during the financial year to which they relate and the financial position of the Board as at the end of that year; and
  - (d) be signed by the principal accounting officer (by whatever name called) of the Board and by the president and another member of the Board who must state—

- (i) whether, in their opinion, the financial statements present fairly the results of the financial transactions of the Board during the financial year to which they relate and whether they sufficiently explain the financial position of the Board as at the end of the financial year; and
  - (ii) whether, at the date of signing the financial statements, they were aware of any circumstances that render any details included in the statements misleading or inaccurate and, if so, details of the circumstances; and
- (e) be audited as required by section 5C.
- (4) The Minister must cause each annual report to be laid before each House of the Parliament before the expiration of the seventh sitting day of that House after the report is received by the Minister.
  - (5) If the Board fails to submit an annual report to the Minister within 3 months after the end of the financial year, the Minister must advise each House of the Parliament of that failure and the reasons for it, or must cause each House to be so advised.
  - (6) This section does not apply to the Board if, because of an Order under the **Annual Reporting Act 1983**, the Board is required to submit an annual report under that Act.

S. 5C  
inserted by  
No. 10/1991  
s. 34.

### **5C. Audit**

- (1) The financial statements referred to in section 5B must be audited by a registered company auditor within the meaning of the Corporations Law.

- 
- (2) The Auditor-General or a person authorised by the Auditor-General may at any time audit the financial statements referred to in section 5B. **S. 5C(2) amended by No. 93/1997 s. 28(Sch. item 24.1(a)).**
- (3) The Auditor-General and each person authorised by the Auditor-General has, in respect of the audit of the financial statements, all the powers conferred on the Auditor-General by any law relating to the audit of the public accounts. **S. 5C(3) amended by No. 93/1997 s. 28(Sch. item 24.1(b)).**
- (4) Without limiting the generality of sub-section (3), the Auditor-General and each person authorised by the Auditor-General— **S. 5C(4) substituted by No. 93/1997 s. 28(Sch. item 24.2).**
- (a) has right of access at all times to the books of the Board; and
- (b) may require from an officer or employee of the Board any information, assistance and explanations necessary for the performance of the duties of the Auditor-General or person in relation to the audit.
- (5) The Board must pay to the Consolidated Fund an amount to be determined by the Auditor-General to defray the costs and expenses of any audit under sub-section (2). **S. 5C(5) amended by No. 93/1997 s. 28(Sch. item 24.3).**

**6. Board may appoint registrar and other officers**

- (1) The Board may from time to time appoint a registrar and such inspectors and other officers as are required for the purposes of this Act and may at any time remove any person so appointed.
- (2) The Board may, subject to this Act, make by-laws determining the powers, duties, functions and remuneration of the registrar, inspectors and officers appointed by it for the purposes of this Act.

- (3) Notwithstanding any other method of revocation, a by-law made by the Board may be revoked by Order of the Governor in Council.
  - (4) Unless required by a party to any legal proceedings in any court and ordered by the court there shall not in any legal proceedings in any court be any necessity to prove the authenticity of any signature which purports to be the signature of any person who is or has been registrar if such signature is attached to any certificate of registration or any document under this Act or any corresponding previous enactment.
-

---

**PART II—THE PHARMACISTS' REGISTER OF VICTORIA**

**7. *The Pharmacists' Register***

- (1) The Board shall from time to time cause the names of all persons certified by the Board as duly qualified for registration as pharmacists to be registered with their qualifications and residences in a register to be kept by the Board for that purpose in the prescribed form, and the register shall be called "The Pharmacists' Register of Victoria".
- (2) All persons, so long as their names continue to be enrolled in the register, may be described in any Act or any regulations as "registered pharmacists".
- (3) Every person who immediately prior to the commencement of this Act was registered as a pharmaceutical chemist under Part III of the **Medical Act 1958** shall, on the commencement of this Act, be deemed to be registered as a pharmacist under this Act.

**8. *Power to erase irregular entries***

Any entry in the register which appears to the Board to have been irregularly or fraudulently obtained may be erased or removed by the Board with the consent of the Governor in Council.

**9. *Board may alter register***

The Board may from time to time make all necessary alterations in the registration of the names qualifications and addresses of the persons registered under this Act or under any corresponding previous enactment.



*Pharmacists Act 1974*  
*Act No. 8593/1974*

---

s. 10

S. 10  
amended by  
Nos 10244  
s. 10,  
43/1996  
s. 65(Sch.  
item 10).

**10. *Notice of death to be sent to Board***

When the Registrar of Births, Deaths and Marriages registers the death of a registered pharmacist he shall forthwith transmit notice of the death by post to the registrar of the Board at Melbourne, and the Board shall upon receipt of such notice cause the name of the pharmacist to be removed from the register.

**11. *Inspection of register; copies to be evidence***

S. 11(1)  
substituted by  
No. 10/1991  
s. 35(a).

(1) The register may be inspected at the office of the Board by any person during office hours without charge.

S. 11(2)  
substituted by  
No. 10/1991  
s. 35(a).

(2) A person may obtain a copy of, or an extract from, the register on payment of the prescribed fee.

S. 11(3)  
amended by  
No. 10/1991  
s. 35(b).

(3) Any printed document purporting to be a copy of the register shall be evidence in all legal proceedings and before all persons having authority to hear receive or examine evidence that the persons therein specified are registered according to the provisions of this Act and the absence of the name of any person from such copy shall be prima facie evidence until the contrary is made to appear that such person is not so registered: Provided that in the case of any person whose name does not appear in such copy a certificate under the hand of the registrar to the effect that such person is registered under this Act shall be evidence that such person is so registered.

(4) On application made to him at any time for that purpose the registrar shall if so directed by the Board and on payment of the prescribed fee issue to any applicant on the register a certificate to the effect that he is registered under this Act.

---

**PART III—REGISTRATION AND EXAMINATION**

**12. Registrations**

(1) Subject to this Act, a person shall be entitled to be registered as a pharmacist if after application in the prescribed manner and upon personal attendance at the Board's office he satisfies the Board that he is of good character and—

(a) that—

(i) he has completed on premises approved by the Board a prescribed course of practical training of not less than the prescribed number of hours which was carried out under the supervision of a pharmacist and in accordance with any prescribed conditions;

(ii) he has completed a course of instruction at the Victorian College of Pharmacy Limited or some other prescribed training institution in the subjects prescribed for such course;

(iii) he has passed examinations approved by the Board in the prescribed subjects at the Victorian College of Pharmacy Limited or before other examiners appointed or approved by the Board; and

(iv) he has passed the subjects prescribed by the Board for the final examination either before the Board or before examiners appointed by the Board; or

(b) that he holds a certificate of competency as a pharmacist from some body recognized by the Board which he has obtained after training and examination deemed by the

S. 12(1)(a)(ii)  
amended by  
No. 10/1991  
s. 37(b).

S. 12(1)(a)(iii)  
amended by  
No. 10/1991  
s. 37(b).

Board to be substantially equivalent to the training and examination required for registration in Victoria.

- (2) Notwithstanding anything to the contrary in sub-section (1) the Board may subject to sub-section (3) accept any course of instruction or of practical training given or any examination passed anywhere in the world (as the case may require) which in the opinion of the Board is substantially equivalent to that required in Victoria.
- (3) Before granting registration the Board may require a person claiming to be entitled to registration by virtue of sub-section (2) to undertake some further instruction, training or examination and (if deemed necessary by the Board) to demonstrate that he has an adequate understanding of the English language.

**13. *Board to determine certain educational requirements***

- (1) The Board shall determine—
  - (a) the educational requirements for a person seeking entrance to the study of pharmacy; and
  - (b) the course of study and the subjects which shall be studied by a student preparing—
    - (i) for any prescribed annual examination; and
    - (ii) for the prescribed final examination—

and shall consult with the Dean of the Victorian College of Pharmacy Limited or the person of equivalent status at any other prescribed college or school of pharmacy in Victoria when the general scope of lectures to be given at the relevant college or school in connexion with the relevant subjects is being determined.

S. 13(1)  
amended by  
No. 10/1991  
s. 37(b).

- 
- (2) The Board shall have power to control and direct—
- (a) any prescribed annual examination; and
  - (b) the prescribed final examination.

**14. Final examination**

The Board shall arrange for a final examination to be conducted at least twice in each calendar year, and may refuse any candidate admission to any final examination for non-payment of fees or for any unsatisfactory performance by the candidate during the course of practical training (of which unsatisfactory performance the Board will be the sole judge).

**15. Fees**

- (1) It shall be lawful for the Board to demand and in advance collect in respect of the several matters set out hereafter such fees as are fixed by regulations:

S. 15(1)  
amended by  
Nos 9287 s. 2,  
10/1991  
s. 36(a)(b).

Each examination subject

Registration of articles of traineeship

Restoration of name to register

Certificate of identity

Registration after final examination

Registration on certificate of competency from some prescribed body outside Victoria

Temporary registration

Registration renewal fee

Registration in all other cases

Approval of pharmacies

Approval of pharmacy departments in private hospitals

Approval of plans and specifications for alterations to pharmacies or to pharmacy departments in private hospitals.

- (2) All fees received by the Board shall be applied by the Board in such manner as it thinks fit in the defraying of expenses and in carrying out the provisions of this Act.
- (3) Every registration as a pharmacist shall be effective until the 31st day of December at the end of the first full calendar year following registration and there shall also be paid to the Board during the month of December in each year by every person whose name is for the time being entered in the register the prescribed registration renewal fee.
- (4) If in any year a registered pharmacist fails to pay his registration renewal fee the Board may with the consent of the Minister cause the name of such person to be removed from the register.
- (5) The Board shall at least 14 days before the latest date for payment of the registration renewal fee cause to be sent by post to the address in the register of each registered pharmacist a notice stating that the registration renewal fee is payable on or before the 31st day of December next following the date of the notice, but the omission to send any such notice or the non-receipt of any such notice by any person shall not affect the liability of that person to have his name erased or removed from the register or give any right to have his name restored to the register.
- (6) The Board may cause the name of any person whose name has been removed from the register

---

by virtue of this sub-section to be restored to the register—

- (a) on the payment of the registration renewal fee for the non-payment of which the name was erased or removed; and
- (b) on the payment of the prescribed fee for the restoration of his name to the register.

**16. *Temporary registration***

- (1) Upon application in writing made by the governing body of a teaching or research institution on behalf of a person—
  - (a) who holds a qualification in pharmacy of some university or pharmacy school outside Victoria or who is qualified by law to practise pharmacy outside Victoria; and
  - (b) who is in Victoria or proposes to come to Victoria in some capacity connected with teaching research or post-graduate study in pharmacy—

the Board may issue in respect of that person a certificate of temporary registration in the prescribed form as a pharmacist for the purposes of this Act.

- (2) Any such certificate may be issued subject to such limitations and restrictions upon the practice of pharmacy by that person and to such other conditions as the Board in any particular case specifies in the certificate.
- (3) Every such certificate shall in the first place be issued for a period of not more than two years, but upon application in writing by the governing body of a teaching or research institution during the currency of the certificate the Board may from time to time renew the certificate for a further period or periods of not more than one year in

respect of each such application, but so that the maximum period for which a certificate may be in force under this section in respect of any person shall not in the aggregate exceed four years.

- (4) The Board may at any time cancel any certificate issued or renewed under this section, and thereupon the certificate shall cease to have any force or effect.
- (5) The Board shall cause to be kept a record (to be called the "Record of Temporary Pharmacists' Registrations") and shall cause to be entered therein all the material particulars with respect to the issue renewal and cancellation of certificates pursuant to this section.
- (6) In the months of January and July in every year the Board shall submit a copy of the said record, corrected to the end of the last preceding month, to the Minister, who shall cause it to be published in the Government Gazette.
- (7) Every person in respect of whom a certificate of temporary registration as a pharmacist is issued pursuant to this section shall, while the certificate remains in force and so long as he does not infringe the restrictions or limitations or contravene the conditions specified in the certificate, be deemed, for all the purposes of this Act and any other Act or law, to be a pharmacist within the meaning of this Act.
- (8) A certificate purporting to be signed by the registrar and a member of the Board, to the effect that a certificate of temporary registration as a pharmacist is or is not or was or was not at any specified date or during any specified period in force in respect of any person, shall in all courts and before all persons acting in any judicial or

---

official capacity be prima facie evidence of the facts stated in the certificate.

- (9) In this section "**teaching or research institution**" means any university, college or school of pharmacy, research institute, hospital or other like institution which is engaged in Victoria in teaching or research in pharmacy and which is approved by the Board for the purposes of this section.
-



**PART IV—INQUIRIES AND INVESTIGATIONS**

**17. Powers in conducting investigations**

- (1) The provisions of sections 14, 15, 16, 20 and 20A of the **Evidence Act 1958** and any rules or orders made under sub-section (4) of the said section 20 shall apply to and in relation to any investigation or inquiry which the Board is authorized to conduct under this Act as if the Board was a Board appointed by the Governor in Council.
- (2) For the purpose of any such investigation or inquiry the Board may take a statutory declaration from any witness or other person.
- (3) The provisions of section 21A of the **Evidence Act 1958** shall apply to an investigation or inquiry under this Act by the Board as if the investigation or inquiry were an inquiry by a board appointed by the Governor in Council to make an inquiry and members of the Board under this Act were members of such a board of inquiry.

S. 17(3)  
inserted by  
No. 9784 s. 2.

**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

S. 17A  
inserted by  
No. 90/1993  
s. 4.

(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.

**18. Board may inquire into and punish discreditable conduct**

(1) The Board may of its own volition or pursuant to a complaint or charge made to it by any person concerning the conduct of the pharmacist concerned inquire into the conduct of a pharmacist.

(2) At the request of the pharmacist whose conduct is being inquired into under this section the Board may hold its inquiry in private, and at the inquiry shall permit him to appear in person or to be represented by a qualified legal practitioner.

(3) If on an inquiry the Board finds that the pharmacist—

(a) has been convicted of an indictable offence in Victoria or has elsewhere been convicted of an offence which if it had been committed in Victoria would have been an indictable offence in Victoria;

(b) is physically or mentally unfit to carry on the practice of a pharmacist or has an incapacity which is likely to affect his or her ability to carry on the practice of a pharmacist;

S. 18(3)(b)  
amended by  
No. 23/1994  
s. 109(a).

S. 18(3)(d)  
amended by  
No. 10/1991  
s. 37(c).

- (c) is dependent upon, habituated or addicted to drugs or is repeatedly intoxicated;
- (d) has been convicted by a court of an offence against this Act or against the **Drugs, Poisons and Controlled Substances Act 1981** or against any regulation made under either Act; or
- (e) is or has been guilty of advertising in connexion with his practice in a manner prohibited by the regulations or of any other conduct discreditable to a pharmacist or which renders him unfit to be registered as a pharmacist—

the Board may impose any one or more of the following penalties—

S. 18(3)(iv)  
amended by  
No. 42/1993  
s. 70(d).

- (i) admonish or reprimand the pharmacist;
- (ii) require the pharmacist to pay the costs of and incidental to the inquiry by the Board concerning such conduct;
- (iii) require the pharmacist to give an undertaking to abstain from some specified conduct;
- (iv) impose a fine not exceeding 25 penalty units;
- (v) suspend the registration of the pharmacist for a period not exceeding one year;
- (vi) cancel the registration of the pharmacist and order the removal of his name from the register;

*Pharmacists Act 1974*

*Act No. 8593/1974*

s. 18

---

(vii) conditions, limitations or restrictions on the practice of the pharmacist—

S. 18(3)(e)(vii) inserted by No. 23/1994 s. 109(b).

and may make such order as to costs as it thinks fit.

(4) A person who feels aggrieved by a determination of the Board pursuant to this section may, within one month of the notification of the decision of the Board to him, appeal therefrom to the Supreme Court.

S. 18(4) amended by No. 110/1986 s. 140(2).

(5) The Supreme Court shall inquire into and decide upon the appeal by way of a re-hearing and for that purpose shall do all such matters and things relating therein in the same manner and to the same extent as it is empowered to do in the course of exercising the ordinary jurisdiction of the Supreme Court, and its decision shall be final and without appeal.

S. 18(5) amended by No. 110/1986 s. 140(2).

(6) The Board shall not pursuant to this section cancel the registration of a pharmacist for any conduct—

(a) where the matter is trivial; or

(b) where in respect of that conduct he has been punished according to law as a criminal offence—

and where having regard to the circumstances of the case it is not in the public interest to cancel the registration of the pharmacist.

(7) Where the Board imposes a penalty pursuant to this section it shall, if required by the person so penalized, state in writing its reasons for imposing that penalty.

*Pharmacists Act 1974*

*Act No. 8593/1974*

s. 18

S. 18(9)  
amended by  
No. 110/1986  
s. 140(2).

- 
- (8) The Board may, if it thinks fit, on the application of a person whose registration has been cancelled and whose name has been removed from the register for not less than twelve months restore the name of that person to the register.
- (9) Where without the imposition on him of a penalty referred to in paragraph (v) or (vi) of sub-section (3) a pharmacist has a penalty referred to in paragraph (ii), (iii) or (iv) of that sub-section imposed on him and—
- (a) he does not appeal against the determination of the Board within the period specified in sub-section (4); or
  - (b) he appeals against the determination of the Board within the period specified in sub-section (4), but the appeal is dismissed or is varied so that he is required to pay costs or a fine or to give an undertaking—

then, if he fails within 14 days after the close of the appealable period or the decision of the Supreme Court (whichever is applicable) to pay the required costs or fine or to give the required undertaking, the registration of the pharmacist shall, unless the Board specifically directs otherwise, be suspended and his name removed from the register until the costs are or the fine is paid or the undertaking is given.

- (10) Any fine or costs shall be recoverable at law by the Board notwithstanding that any other power has or has not been exercised.
- (11) An order for costs under sub-section (3) may be filed in the Magistrates' Court and may be enforced as an order of the court.

S. 18(11)  
amended by  
No. 57/1989  
s. 3(Sch. item  
151).

**18A. *Suspension of registration pending inquiry***

S. 18A  
inserted by  
No. 23/1994  
s. 110.

- (1) Where the Board has determined to conduct an inquiry under section 18, the Board may suspend the registration of the pharmacist until the inquiry is completed, and, if there is an appeal from the inquiry, until the appeal is completed, if the Board is of the opinion that it is necessary to do so because there is a serious risk that the health and safety of the public will be endangered.
- (2) If the Board has suspended the registration of a pharmacist under sub-section (1), it must—
  - (a) immediately notify the pharmacist of that suspension; and
  - (b) ensure that the inquiry is conducted as expeditiously as possible.

**19. *Powers of inspectors***

- (1) In order to ascertain whether the provisions of this Act and the regulations are being complied with an inspector appointed for the purposes of this Act at any reasonable time—
  - (a) may enter upon the premises of any pharmacy or other place where medicines are sold or dispensed;
  - (b) may examine any room or part of the premises so entered for the purpose of inspecting stocks of drugs medicines and other goods therein or any equipment prescriptions books records or other documents therein; and
  - (c) may make or cause to be made copies of or extracts from books records or other documents therein.

- (2) Copies of or extracts from any books records or other documents duly certified as such by an inspector shall be deemed to be true and correct copies or extracts for the purposes of any inquiry under this Act or any appeal from any decision of the Board.
- (3) A person who—
- (a) refuses or fails to admit an inspector requesting to enter upon premises pursuant to this section;
  - (b) obstructs hinders or delays an inspector in the discharge of his duty; or
  - (c) causes or permits the refusal or failure referred to in paragraph (a) or the obstruction hindrance or delay referred to in paragraph (b)—

shall be guilty of an offence against this Act.

**20. *Board may examine books***

The Board may require a pharmacist to submit for examination at its offices any books records or other documents kept by the pharmacist in connexion with the conduct of the practice of the pharmacist and may direct that copies of or extracts from such books records and other documents be made and certified by the registrar as true and correct copies or extracts for the purpose of any inquiry or may direct that the books records or other documents or any portion of them be held by the registrar for the purpose of any inquiry under this Act.

---

**PART V—OWNERSHIP OF PHARMACIES**

**21. *Persons who may and may not own pharmacies***

- (1) A person being—
  - (a) a body corporate; or
  - (b) a natural person who is not a pharmacist—

shall not either solely or in partnership with any other person own or have a proprietary or pecuniary interest in a pharmacy practice.
- (2) A pharmacist shall not either solely or in partnership with any other person own or have a proprietary or pecuniary interest in more than three separate pharmacy practices.
- (3) For the purposes of this Act each pharmacy practice carried on at separate premises (notwithstanding that the pharmacy practice may be carried on under the same business name as another pharmacy practice) shall be a separate pharmacy practice.
- (4) Nothing in this section or section 33(1)(a), (b) or (c) applies to a company that, immediately before the transfer date within the meaning of the **Financial Sector Reform (Victoria) Act 1999**, was a friendly society or foreign society within the meaning of the Friendly Societies Code.

S. 21(4)  
amended by  
Nos 119/1986  
s. 142(Sch. 2  
item 9),  
53/1990  
s. 29(a),  
substituted by  
Nos 68/1996  
s. 16(1),  
37/1999  
s. 58(Sch. 3  
item 10.2).



*Pharmacists Act 1974**Act No. 8593/1974*

S. 21(5)  
repealed by  
No. 83/1992  
s. 184(Sch. 6  
item 16), new  
s. 21(5)  
inserted by  
No. 68/1996  
s. 16(2),  
amended by  
No. 45/1997  
s. 21(a).

- 
- (5) Nothing in this section or section 33(1)(a) of this Act applies to a registered funded agency, private hospital or privately-operated hospital within the meaning of the **Health Services Act 1988** while it is acting in accordance with the provisions of the **Health Services Act 1988** and this Act.
- (6) Notwithstanding anything to the contrary in the foregoing provisions of this section a pharmacy practice which immediately prior to the commencement of this Act—
- (a) was lawfully owned by pharmacists in partnership may continue in the ownership of the partnership during the subsistence of the partnership and thereafter wholly in the ownership of the remaining partners from time to time;
  - (b) was lawfully owned by a pharmacist who was prior to that commencement the owner of more than three pharmacies may continue in the ownership of that pharmacist during his lifetime;
  - (c) was one in which a pharmacist lawfully held a proprietary or pecuniary interest, then the pharmacist may continue to hold that proprietary or pecuniary interest.
- (7) The Board may require a pharmacist to give the Board any information (including the production of documents) relating to the ownership of or the proprietary or pecuniary interest in any pharmacy or pharmacy practice.
-

- (8) A pharmacist who fails or refuses to give the Board any information required under sub-section (7) (including the failure or refusal to produce any document) or who wilfully misleads the Board when giving such information shall be guilty of an offence against this Act.

S. 21(8)  
amended by  
No. 42/1993  
s. 70(e).

Penalty: 25 penalty units.

- (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).

S. 21(9)  
inserted by  
No. 90/1993  
s. 5.

**22. Copy of partnership agreement to be lodged with registrar**

- (1) A copy of every partnership agreement with respect to the ownership of a pharmacy that is executed after the commencement of this Act or up to one month before such commencement, shall be lodged with the registrar within two months after the execution thereof.

- (2) Where a copy of a partnership agreement is not lodged with the registrar as required by sub-section (1) the parties to the agreement shall severally be guilty of an offence against this Act.

S. 22(2)  
amended by  
No. 42/1993  
s. 70(f).

Penalty: 25 penalty units.

- (3) A provision in a bill of sale, mortgage, lease or in any other commercial arrangement in respect of the practice of a pharmacist—

- (a) that requires goods or services in connexion with the practice to be obtained from a specific person or body;

- (b) which gives to any person other than the person carrying on the practice—
  - (i) the right to control the manner in which the practice is carried on;
  - (ii) the right of access to books of accounts kept in respect of that practice, otherwise than for the purpose of determining whether or not the conditions of the relevant document are being complied with; or
  - (iii) the right to receive any consideration that varies according to the profits or takings in respect of the practice—

shall be void.

- (4) The provisions of sub-section (3) shall not apply to a bill of sale, mortgage, lease or other commercial arrangement executed before the commencement of this Act until the expiration of a period of five years after such commencement.
-

---

**PART VI—PRACTICE OF PHARMACY**

**23. *Board to approve premises of pharmacies and pharmacy departments***

- (1) A pharmacy or pharmacy department shall not be established after the commencement of this Act unless the premises are first approved by the Board.
- (2) A pharmacy or pharmacy department in existence immediately prior to the commencement of this Act may for a period of 12 months after such commencement continue as approved by the Board immediately prior to the commencement of this Act, but after that period shall not continue unless the premises are approved by the Board under this Act.
- (3) Application for approval pursuant to this section shall be made to the Board in the prescribed manner and shall be accompanied by the prescribed fee.

**24. *Requirements for approval***

- (1) The Board shall not approve the premises of a pharmacy or pharmacy department as required by section 23 unless the Board is satisfied—
  - (a) that the premises—
    - (i) in the case of premises established after the commencement of this Act—  
comply with the relevant prescribed conditions; and
    - (ii) in the case of premises in existence immediately prior to the commencement of this Act—  
comply as far as is practicable with the relevant prescribed conditions; and

S. 24(2)  
amended by  
Nos 9023  
s. 47, 10262  
s. 4, 53/1990  
s. 29(b),  
45/1997  
s. 21(b),  
46/1998  
s. 7(Sch. 1).

(b) that the different parts of the premises are properly situated and are suitable for the purposes for which they are to be used.

- (2) Where a pharmacy department is or is to be situated in a registered funded agency, private hospital or privately-operated hospital within the meaning of the **Health Services Act 1988**, approval of the premises shall be granted by the Board only after consultation with the Secretary to the Department of Human Services.

**25. *Approval not to be refused on the ground of geographical location***

The Board shall not refuse to approve the premises of a pharmacy or pharmacy department on the ground that the Board itself disapproves of the geographical location of those premises.

**26. *Board to be notified before opening, closing etc. of pharmacies and pharmacy departments***

- (1) Before a pharmacist—
- (a) opens a new pharmacy;
  - (b) closes a pharmacy; or
  - (c) changes the address of an existing pharmacy—

he shall notify the Board of his intention to take such action and, in a case referred to in paragraph (a) or (c), give the Board the address of the new pharmacy or the change of address of the existing pharmacy.

- (2) Before a pharmacy department is opened or closed the person or body of persons responsible for employing a pharmacist to be in charge of that pharmacy department shall notify the Board of the intention to take such action.

**27. *Where pharmacy may be practised***

*Pharmacists Act 1974*

*Act No. 8593/1974*

---

- (1) A pharmacist shall not practise as a pharmacist except—
  - (a) in a pharmacy or in a pharmacy department which is approved by the Board; or
  - (b) in such other special circumstances as may be approved by the Board in a particular case.
- (2) The Board may refuse to approve of the use of any premises as a pharmacy if the premises are freely accessible to persons from other premises where a business other than that of a pharmacist is carried out.
- (3) A pharmacist carrying on business as such in premises approved by the Board as a pharmacy shall not permit any person to carry on in those premises any form of business not approved by the Board.
- (4) A pharmacist practising as such in a pharmacy or a pharmacy department approved by the Board shall not permit any student or trainee to supply compound or dispense drugs and medicines in the course of his employment with such pharmacist except when the student or trainee is doing so under the actual personal supervision of a pharmacist.
- (5) A pharmacist must—
  - (a) within 14 days after the pharmacist—
    - (i) commences practice as a pharmacist; or
    - (ii) changes his or her place of residence; or
  - (b) without delay after 28 days after the pharmacist changes the place at which he or she practises as a pharmacist (if he or she has

**S. 27(5)  
substituted by  
No. 42/1993  
s. 70(g).**

---

practised at the same place for the whole of that 28 days period)—

notify the Board of the current address of the place at which he or she practices as a pharmacist or of his or her place of residence (whichever is applicable).

**28. *Personal supervision of pharmacy or pharmacy department***

- (1) When a pharmacy or a pharmacy department is open for business it shall at all times be personally supervised by a pharmacist.
- (2) Where a pharmacy or pharmacy department which is open for business is not personally supervised by a pharmacist—
  - (a) the pharmacist who ordinarily conducts the pharmacy practice; and
  - (b) the pharmacist (if he is not the pharmacist referred to in paragraph (a)) who had in respect of that period of time been placed in charge of and had undertaken personally to supervise the conducting of the pharmacy practice—

shall severally be guilty of an offence against this Act.

Penalty: 25 penalty units.

- (3) It shall be a defence in a prosecution for a contravention of this section if the defendant proves that—
  - (a) he did not know and could not reasonably have known that at the relevant period of time the pharmacy or the pharmacy department was open for business and was not being personally supervised by a pharmacist; and

S. 28(2)  
amended by  
No. 42/1993  
s. 70(h).

(b) he had reason to believe that at that period of time the pharmacy or the pharmacy department would personally be supervised by a pharmacist.

(4) In this section "**personally supervised by a pharmacist**" means personally supervised by a pharmacist who is present at the pharmacy or the pharmacy department.

**29. Sales by employees etc.**

For the purposes of this Act a person on whose behalf a sale is made shall be deemed to be the person who sells, and every employé or assistant of such person shall be liable to the like penalties as the person on whose behalf he makes any sale.

**30. Recording of prescriptions**

A pharmacist shall keep a record as prescribed of every prescription compounded or dispensed by him.

**31. Application of Part XIV of Health Act 1958**

The provisions of Part XIV of the **Health Act 1958** shall extend to all articles usually taken and sold as medicines, and every adulteration of any such article shall be deemed an admixture deleterious to health, and any pharmacist who sells any such article adulterated shall unless the contrary is proved be deemed to have knowledge of such adulteration.

**32. Continuation of business of deceased pharmacist by executor etc.**

Upon the death of a pharmacist actually in business at the time of his death it shall be lawful for any executor administrator or trustee of the estate of that pharmacist to continue the business for a period of 6 months or for such further term as may from time to time be permitted by the

S. 32  
amended by  
No. 90/1993  
s. 6.



Board if and so long only as the business is bona fide conducted by a registered pharmacist.

S. 32A  
inserted by  
No. 90/1993  
s. 7.

**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.

---

---

**PART VII—OFFENCES AND LEGAL PROCEEDINGS**

**33. *Penalties for various offences***

- (1) A person who is not a registered pharmacist who—
- (a) practises as or holds himself out as or pretends to be a pharmacist;
  - (b) gives uses or exhibits—
    - (i) the name or title of pharmacist, pharmaceutical chemist, chemist, druggist, chemist and druggist or homoeopathic chemist or any name of similar import; or
    - (ii) any title or sign or symbol which may be construed as meaning that he is qualified to perform the duties of a pharmacist;
  - (c) subject to sub-section (3), takes or uses or causes or permits to be attached to or exhibited at any place the words "pharmacy" or "apothecary's hall" or "medical drug hall" or "pharmaceutical institution" or "drug store" (either alone or in combination with any other words or expressions) or any other name title word letters addition or description implying or tending to the belief that he is a pharmacist or is carrying on the business of a pharmacist; or
  - (d) contravenes or fails to comply with any of the provisions of this Act or the regulations—

shall be guilty of an offence against this Act.

S. 33(2)  
amended by  
No. 42/1993  
s. 70(i).

- (2) A person who is guilty of an offence against this Act or the regulations for which no penalty is prescribed shall be liable to a penalty of 25 penalty units or imprisonment for 12 months or both such penalty and imprisonment.
- (3) It shall not be an offence against this Act where a museum uses any words prohibited by virtue of paragraph (c) of sub-section (1) when the words are used to identify premises where items relating to the history of pharmacy are exhibited, provided that—
  - (a) the written permission of the Board has been obtained; and
  - (b) the practice of a pharmacist is not carried on in those premises.
- (4) Nothing in this Act shall prevent any person from being liable for any other penalty damages or punishment for which he would have been liable if this Act had not been passed.

### **34. Offences**

A person who—

- (a) fraudulently or by false representation or declaration either orally or in writing obtains a certificate or diploma under this Act;
  - (b) wilfully procures or attempts to procure himself or any other person to be registered under this Act by making or producing or causing to be made or produced any false or fraudulent representation or declaration either orally in writing or by impersonation at an examination or before the Board;
  - (c) forges or counterfeits or alters any certificate of this Act or utters or uses any such forged counterfeited or altered certificate knowing
-

---

the same to have been forged counterfeited or altered;

- (d) wilfully knowingly or corruptly utters or puts off or attempts to utter or put off as true before the Board any false forged or counterfeited certificate diploma licence letters testimonial or other document or writing;
- (e) wilfully makes or causes to be made any falsification or any false representation or declaration in any matter relating to any register under this Act or which may affect any entry to be made in any such register;
- (f) aids or assists in the commission of any of the above offences—

shall be guilty of an offence against this Act.

**35. *Proof of certificate of analyst***

- (1) In any inquiry by the Board or any legal proceedings for offences under this Act—
  - (a) the production of a certificate purporting to be signed by an analyst with respect to any analysis made by him shall, without proof of the signature of the person appearing to have signed it or of the fact that he is an analyst, be sufficient evidence—
    - (i) of the identity of the thing analysed;
    - (ii) of the result of the analysis;
    - (iii) of the matters relevant to such proceedings stated in such certificate—

unless after being afforded an opportunity so to do the defendant, having given at least three days' notice in writing delivered to the informant and by a like three days' notice

delivered to the analyst requires that the analyst shall attend as a witness; and

- (b) the Board, in the case of an inquiry, or the court may in addition to any other order as to costs make such order as it thinks proper as to the conduct money of the analyst and as to the expenses of and remuneration to be paid for any analysis.
- (2) For the purposes of this section "**analyst**" means a person employed by the Government of Victoria as an analyst or a person approved as an analyst under the **Health Act 1958** or any corresponding previous enactment.

**36. Penalties to be paid to the Board**

All penalties imposed under this Act when recovered shall be paid to the Board to be applied towards the expenses of carrying this Act into effect.

---

PART VIII—REGULATIONS

37. *Regulations*

(1) The Governor in Council on the recommendation of the Board may from time to time make regulations for or with respect to—

\* \* \* \* \*

S. 37 amended by No. 42/1993 s. 70(j)(i).

S. 37(1)(a)(b) repealed by No. 10/1991 s. 33(c).

- (c) prescribing the manner of conducting elections of pharmacists as members of the Board;
- (d) the recording by pharmacists of prescriptions compounded or dispensed by them;
- (e) advertising by pharmacists;
- (f) the type and size of signs used in identifying pharmacies or pharmacy departments and the words and expressions that may or may not appear on such signs;
- (g) the conditions under which the practice of a pharmacist in any pharmacy is to be conducted and medicines are to be compounded or dispensed;
- (h) the standards in relation to the equipment and services to be maintained in a private hospital or in any other place;
- (i) the conditions under which persons may undertake practical training for the purpose of obtaining registration as pharmacists;
- (j) prescribing the form of agreement to be made between pharmacists and students and trainees in relation to such practical training;

- (k) prescribing the conditions and standards to be complied with in places used for the purpose of such practical training;
  - (l) the records to be kept and furnished in respect of such practical training;
  - (m) prescribing the procedure to be followed by the Board in respect of any inquiry into the conduct of a pharmacist;
  - (n) prescribing the form of the register and the manner of keeping the register;
  - (o) prescribing the educational requirements necessary to undertake the study of pharmacy;
  - (p) prescribing the subjects to be studied and the duration of the course of study for the prescribed annual examinations and the final examination;
  - (q) prescribing forms to be used for the purposes of this Act;
  - (r) prescribing the method of lodging applications for registration under this Act;
  - (s) prescribing the bodies whose certificates of competency the Board will accept;
  - (t) prescribing the statutes, regulations and books of reference to be kept by a pharmacist in charge of a pharmacy or pharmacy department;
  - (u) prescribing the equipment and appliances to be installed in any pharmacy or pharmacy department;
  - (v) prohibiting and controlling the use of particular names and titles in respect to the operation of a pharmacy and the business carried on therein;
-

(w) subject to the **Health Act 1958** and the **Drugs, Poisons and Controlled Substances Act 1981**—

S. 37(1)(w)  
amended by  
No. 10/1991  
s. 37(c).

(i) prescribing labelling requirements for containers of drugs and medicines, compounded or dispensed; and

(ii) prescribing conditions and standards with respect to location dimensions security and cleanliness of pharmacies and pharmacy departments;

\* \* \* \* \*

S. 37(1)(x)  
repealed by  
No. 83/1992  
s. 184(Sch. 6  
item 16).

(y) the establishment and operation of pharmacy depots at which dispensed medicines suitably labelled and properly addressed may be left for collection by the addressee, and prescribing conditions for such establishment and operation;

(z) prescribing the type of construction, minimum dimensions and layout of work areas in pharmacies or pharmacy departments in which students or trainees are to undertake practical training;

(za) requiring plans and specifications to be submitted to the Board before the alteration of the portion of any pharmacy or pharmacy department set aside for the compounding and dispensing of drugs and medicines is carried out, and the exemption of any pharmacy or pharmacy department or any class of pharmacy or pharmacy department from those requirements;



S. 37(2)  
inserted by  
No. 42/1993  
s. 70(j)(ii).

- (zb) prescribing conditions under which a person may be registered or, after de-registration, may be re-registered as a pharmacist;
  - (zc) generally any matter or thing necessary to be prescribed for carrying this Act into effect.
- (2) The regulations—
- (a) may leave any matter to be approved or determined by the Board; and
  - (b) may apply, adopt or incorporate, with or without modification, any matter contained in any document, code, standard, rule, specification or method formulated, issued, prescribed or published by any authority or body as formulated, issued, prescribed or published at the time the regulations are made or at any time before then.
- 
-

---

**NOTES**

**1. General Information**

The **Pharmacists Act 1974** was assented to on 19 November 1974 and came into operation on 12 February 1975: Government Gazette 12 February 1975 page 281.

*Pharmacists Act 1974*  
*Act No. 8593/1974*

---

## 2. Table of Amendments

This Version incorporates amendments made to the **Pharmacists Act 1974** by Acts and subordinate instruments.

---

### **Health Commission Act 1977, No. 9023/1977**

*Assent Date:* 24.5.77  
*Commencement Date:* S. 47(Sch. 1 Pt B item 9) on 7.12.78: Government Gazette 6.12.78 p. 3760  
*Current State:* This information relates only to the provision/s amending the **Pharmacists Act 1974**

### **Pharmacists (Amendment) Act 1979, No. 9287/1979**

*Assent Date:* 2.10.79  
*Commencement Date:* 2.10.79  
*Current State:* All of Act in operation

### **Health (Reporting to Parliament) Act 1980, No. 9479/1980**

*Assent Date:* 23.12.80  
*Commencement Date:* 23.12.80  
*Current State:* All of Act in operation

### **Companies (Consequential Amendments) Act 1981, No. 9699/1981**

*Assent Date:* 5.1.82  
*Commencement Date:* S. 23 on same day as No. 9712—1.7.82: s. 2(1)  
*Current State:* This information relates only to the provision/s amending the **Pharmacists Act 1974**

### **Health (Privileges) Act 1982, No. 9784/1982**

*Assent Date:* 19.10.82  
*Commencement Date:* 19.10.82  
*Current State:* All of Act in operation

### **Registration of Births Deaths and Marriages (Amendment) Act 1985, No. 10244/1985**

*Assent Date:* 10.12.85  
*Commencement Date:* 31.10.86: Government Gazette 29.10.86 p. 4114  
*Current State:* All of Act in operation

### **Health (Amendment) Act 1985, No. 10262/1985**

*Assent Date:* 10.12.85  
*Commencement Date:* S. 4 on 1.3.86: Government Gazette 26.2.86 p. 451  
*Current State:* This information relates only to the provision/s amending the **Pharmacists Act 1974**

### **Supreme Court Act 1986, No. 110/1986**

*Assent Date:* 16.12.86  
*Commencement Date:* 1.1.87: s. 2  
*Current State:* All of Act in operation

### **Friendly Societies Act 1986, No. 119/1986**

---

## Pharmacists Act 1974

Act No. 8593/1974

Notes
-------

---

*Assent Date:* 23.12.86  
*Commencement Date:* 1.9.87: Government Gazette 26.8.87 p. 2257  
*Current State:* All of Act in operation

### **Health Services Act 1988, No. 49/1988**

*Assent Date:* 24.5.88  
*Commencement Date:* S. 185 on 14.5.89: Government Gazette 3.5.89 p. 998  
*Current State:* This information relates only to the provision/s amending the **Pharmacists Act 1974**

### **Magistrates' Court (Consequential Amendments) Act 1989, No. 57/1989**

*Assent Date:* 14.6.89  
*Commencement Date:* S. 4(1)(a)–(e)(2) on 1.9.89: Government Gazette 30.8.89 p. 2210; rest of Act on 1.9.90: Government Gazette 25.7.90 p. 2217  
*Current State:* All of Act in operation

### **Health Services (Further Amendment) Act 1990, No. 53/1990**

*Assent Date:* 7.11.90  
*Commencement Date:* Ss 9, 27 on 14.5.89: s. 2(1); rest of Act on 7.11.90: s. 2(2)  
*Current State:* All of Act in operation

### **Health Registration Acts (Amendment) Act 1991, No. 10/1991**

*Assent Date:* 23.4.91  
*Commencement Date:* Ss 36, 37 on 26.11.91: Government Gazette 20.11.91 p. 3146; s. 34 on 1.1.93: Government Gazette 6.5.92 p. 1058; ss 33, 35 on 8.8.92: Government Gazette 5.8.92 p. 2050  
*Current State:* This information relates only to the provision/s amending the **Pharmacists Act 1974**

### **Employee Relations Act 1992, No. 83/1992**

*Assent Date:* 24.11.92  
*Commencement Date:* S. 184(Sch. 6 item 16) on 1.3.93: Special Gazette (No. 63) 27.11.92 p. 1  
*Current State:* This information relates only to the provision/s amending the **Pharmacists Act 1974**

### **Health and Community Services (General Amendment) Act 1993, No. 42/1993**

*Assent Date:* 1.6.93  
*Commencement Date:* S. 70 on 1.10.93: Government Gazette 16.9.93 p. 2548  
*Current State:* This information relates only to the provision/s amending the **Pharmacists Act 1974**

### **Pharmacists (Amendment) Act 1993, No. 90/1993**

*Assent Date:* 16.11.93  
*Commencement Date:* 16.11.93: s. 2  
*Current State:* All of Act in operation

*Pharmacists Act 1974*  
*Act No. 8593/1974*

---

**Medical Practice Act 1994, No. 23/1994**

*Assent Date:* 17.5.94  
*Commencement Date:* Ss 1, 2 on 17.5.94: s. 2(1); rest of Act on 1.7.94:  
Government Gazette 23.6.94 p. 1672  
*Current State:* All of Act in operation

**Births, Deaths and Marriages Registration Act 1996, No. 43/1996**

*Assent Date:* 26.11.96  
*Commencement Date:* S. 65(Sch. item 10) on 2.10.97: Government Gazette  
2.10.97 p. 2731  
*Current State:* This information relates only to the provision/s  
amending the **Pharmacists Act 1974**

**Health Acts (Further Amendment) Act 1996, No. 68/1996**

*Assent Date:* 17.12.96  
*Commencement Date:* S. 16 on 17.12.96: s. 2(1)  
*Current State:* This information relates only to the provision/s  
amending the **Pharmacists Act 1974**

**Miscellaneous Acts (Omnibus No. 3) Act 1997, No. 45/1997**

*Assent Date:* 11.6.97  
*Commencement Date:* S. 21 on 11.6.97: s. 2(1)  
*Current State:* This information relates only to the provision/s  
amending the **Pharmacists Act 1974**

**Audit (Amendment) Act 1997, No. 93/1997**

*Assent Date:* 16.12.97  
*Commencement Date:* S. 28(Sch. item 24) on 1.7.98: s. 2(2)  
*Current State:* This information relates only to the provision/s  
amending the **Pharmacists Act 1974**

**Public Sector Reform (Miscellaneous Amendments) Act 1998, No. 46/1998**

*Assent Date:* 26.5.98  
*Commencement Date:* S. 7(Sch. 1) on 1.7.98: s. 2(2)  
*Current State:* This information relates only to the provision/s  
amending the **Pharmacists Act 1974**

**Financial Sector Reform (Victoria) Act 1999, No. 37/1999**

*Assent Date:* 8.6.99  
*Commencement Date:* S. 58(Sch. 3 item 10) on 1.7.99: Special Gazette  
(No. 97) 30.6.99 p. 2  
*Current State:* This information relates only to the provision/s  
amending the **Pharmacists Act 1974**

---

---

**3. Explanatory Details**

No entries at date of publication.