

Pharmacy.

Act No. 7, 1897.

An Act to establish a Board of Pharmacy; to regulate the carrying on of the business of a Pharmacist; to provide for the examination and registration of Pharmacists; and for purposes incidental to the above objects. [1st July, 1897.]

PHARMACY.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

The Pharmacy Board.

1. On the commencement of this Act the Board of Pharmacy of New South Wales as constituted by the Poisons Act of 1876 shall be deemed to be dissolved, and in its place a Board to be called the Pharmacy Board of New South Wales (in this Act called the "Board") is hereby constituted. The Board shall administer the provisions of the said Poisons Act in place of the Board hereby dissolved, and shall consist of the President of the Board of Health and such other persons as the Governor may, by proclamation in the Gazette, appoint from among those persons whom he considers eligible for registration under this Act: Provided that the number of members of the Board shall at no time be more than eight.

Constitution of first Board; incorporation of Board.

On and from its constitution, the Board shall be a body corporate, having perpetual succession and a common seal.

2. At the expiration of twelve months from the commencement of this Act, and at the expiration of each successive period of twelve months thereafter, two of the members of the Board shall retire until all the members have retired, and the order in which they shall retire shall be determined in each instance by lot in the manner prescribed.

Election of members of subsequent Boards.

At the expiration of each of the said periods two persons may be elected members of the Board by the registered pharmacists in the manner prescribed.

The elected members shall each hold office for a period of three years and shall then retire, and the places of the members so retiring shall be filled by persons elected by the registered pharmacists in the manner prescribed.

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Any vacancy occurring among the elected members of the Board may be filled by the Board. The member so appointed shall retire at the expiration of the period for which the person whose place he fills was elected.

No person shall be elected or appointed under this section unless he is a registered pharmacist.

President and
Chairman of Board.

3. The members of the Board may, at the times and in the manner prescribed, elect one of their own number to be the President; and the members present at any meeting may, in the absence of the President or in case no President be elected, choose one of their number to preside at that meeting.

The President or member of the Board presiding at any meeting shall have a casting as well as an original vote.

A quorum shall consist of three members of the Board.

Powers of Board.

4. The Board may—

- (a) appoint a registrar and such other officers as it may from time to time think fit for carrying out the provisions of this Act and of any regulations made thereunder;
- (b) direct any person to attend before the Board and administer an oath or affirmation to that person and examine him on oath or affirmation;
- (c) make regulations as hereinafter mentioned.

Board to furnish
reports of its
proceedings.

5. The Board shall in the month of January in each year prepare and send to the Colonial Treasurer a report of its proceedings during the last preceding year, and shall also, at the request of the said Treasurer, made at any time, forthwith prepare and send to him a special report of its proceedings. A copy of every annual report furnished under this section shall be laid before both Houses of Parliament without delay.

The Register of Pharmacists.

Register of
pharmacists to be
kept.
Schedules I and II.

6. The Board shall, on payment of the fees mentioned in Schedule I to this Act, enter in a book to be kept in the form of Schedule II to this Act, and hereinafter referred to as "the register," the names, arranged alphabetically, of all persons entitled to be registered as pharmacists, and their addresses and qualifications; and those persons, so long as their names are entered on the register, shall be and are herein referred to as "registered pharmacists."

The register shall be open at all reasonable times for public inspection on the payment of such fees as may be prescribed.

Amendment of
register.

7. The Board may, subject to the provisions of this Act, make alterations and additions to the register, and for that purpose—

- (a) every registered pharmacist shall give written notice to the Board of any change of his address;

(b)

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(b) the Registrar-General and every District Registrar and Assistant District Registrar under the Act thirtieth Victoria number four or any Act regulating the registration of deaths shall, on being informed of the death of any registered pharmacist, forthwith send notice of the same to the Registrar of the Board.

8. The Board may cause to be written and posted to any registered pharmacist a registered letter, addressed to his last known address, inquiring whether he has changed his address, and if no answer to that inquiry be received within three months from the day it was posted, a second letter of similar import may be written and posted as aforesaid, and if no answer be given to the inquiry in the second letter within one month from the day it was posted, the Board may remove the name of that pharmacist from the register, but shall replace the name so removed as aforesaid on the register on his personal application.

Change of address of registered pharmacists.

9. The Governor may direct the name of any person who has at any time before or after the commencement of this Act been convicted of any offence which, in the opinion of the Governor, renders that person unfit to carry on the business of a pharmacist, to be removed from the register.

Names may be removed from the register.

But the Board may, with the approval of the Governor, replace on the register any name so removed as aforesaid.

10. The Board shall, in the month of January in each year, publish in the Gazette a list of the names of all registered pharmacists, corrected up to the thirty-first day of December of the last preceding year.

List of pharmacists to be published.

11. A person is entitled to be registered as a pharmacist, and shall receive from the Board a certificate in the form of Schedule III to this Act, if he is of the full age of twenty-one years, and—

Qualifications of registered pharmacists. Schedule III.

(a) has before the twenty-first day of August, one thousand eight hundred and seventy-six, been in business on his own account as a pharmacist keeping open shop in the Colony of New South Wales;

(b) has before the day aforesaid served in the Colony of New South Wales for not less than three months as an apprentice, dispensing assistant, or compounder to a pharmacist keeping open shop, or in a dispensary in connection with any hospital; or

(c) has, before the commencement of this Act, for not less than two years been in business in the Colony of New South Wales on his own account as a pharmacist keeping open shop for the purpose of dispensing or compounding medical prescriptions, and produces to the Board a certificate signed by two legally qualified medical practitioners that he is a fit and proper person to dispense the prescriptions of legally qualified medical practitioners; or

(d)

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- (*d*) has for not less than three years, before the commencement of this Act been in the Colony of New South Wales an assistant or apprentice in the business of pharmacist keeping open shop, or in a dispensary under the management of a registered pharmacist, or of a legally qualified medical practitioner in connection with any public hospital or friendly society, or having so served for not less than one year before the passing of this Act, continues to serve thereafter so as to make a total period of three years, and produces to the Board a certificate signed by two legally qualified medical practitioners that he is a fit and proper person to dispense the prescriptions of legally qualified medical practitioners ; or
- (*e*) holds a certificate or diploma of competency as a pharmaceutical chemist or chemist and druggist or pharmacist from any College or Board of Pharmacy recognised by the Board ; or
- (*f*) holds or has held a certificate issued under the Sale and Use of Poisons Act, 1876 (not being a certificate granted under the proviso to section eleven of that Act) that he is duly qualified to be a dealer in poisons ; or
- (*g*) fulfils the following conditions—
- (I) has passed an examination, called the preliminary examination, before examiners appointed under this Act or acknowledged by the Board in his knowledge of arithmetic and the English and Latin languages, and has afterwards served for not less than three years as an apprentice in the business of a registered pharmacist in the Colony of New South Wales, keeping open shop for the purpose of dispensing and compounding medical prescriptions ;
 - (II) has attended one course of lectures acknowledged by the Board in each of the following subjects, namely :— chemistry, practical chemistry, botany, and materia medica, and has also passed examinations in each of the said subjects at the University of Sydney, or some School or College of Pharmacy recognised by the Board ; and
 - (III) has passed an examination before examiners appointed under this Act in the subject of practical pharmacy :

Provided that no person shall be entitled to be registered under subsections (*a*), (*b*), or (*c*) hereof after the month of January, one thousand eight hundred and ninety-nine, or under subsection (*d*) after the month of January, one thousand nine hundred and three.

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12. It shall be the duty of a registered pharmacist to allow his apprentices during the last year of their apprenticeship to attend the lectures and examinations mentioned in the last preceding section; and any failure to comply with the requirements of this section shall be deemed to be a breach by the pharmacist of the articles of apprenticeship.

Apprentices to be allowed to attend lectures and examinations.

13. Any person authorised by the Governor in that behalf may be present during the conduct of any examination held under the authority of this Act.

Who may be present at examinations.

14. Any person who wilfully makes, or causes to be made, any falsification in any matter relating to the register of pharmacists, or any certificate or diploma, and any person who wilfully procures or attempts to procure himself or any other person to be registered as a pharmacist under this Act by making, or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either verbally or in writing, or any false or fraudulent certificate or diploma, shall for each offence be liable to a penalty not exceeding twenty pounds, or to imprisonment for a term not exceeding twelve months.

Penalty for fraudulent registration.

Nothing in this part of this Act contained shall extend to or interfere with the business or with any rights and privileges of any legally qualified medical practitioner, or of any member of the Royal College of Veterinary Surgeons of Great Britain, nor with the business of wholesale dealers in supplying drugs or chemicals in the ordinary course of wholesale dealing.

Duties of Pharmacists—Penalties.

15. A registered pharmacist who, on or after the expiration of three months from the commencement of this Act, carries on the business of a pharmacist in more than one open shop shall employ at each branch shop a registered pharmacist who shall be in charge of the branch shop during the absence of his employer from that shop; and any person who contravenes any of the provisions of this section shall for each offence be liable to a penalty not exceeding twenty pounds.

Branch shops.

16. Upon the death of a registered pharmacist in business as a pharmacist on his own account on the day of his death, the executor, administrator, or trustee of his estate may continue the said business under the name of the deceased pharmacist, subject to the condition that the business is in charge of a registered pharmacist.

Death of registered pharmacist.

17. Any person who at any time on or after the expiration of three months from the commencement of this Act, not being then a registered pharmacist, pretends to be a registered pharmacist, or a chemist, druggist, pharmacist, pharmaceutist, pharmaceutical chemist, homœopathic

Penalty for falsely pretending to be a pharmacist.

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homœopathic chemist, dispensing chemist, or dispensing druggist, or who takes or uses any title or term, sign or symbol, which may be construed to mean that he is qualified to perform the duties of a pharmacist, shall for each offence be liable to a penalty not less than five pounds and not more than fifty pounds :

Provided that this section shall not apply to an executor, administrator, or trustee continuing a business under the name of a deceased pharmacist in accordance with the provisions of this Act.

Registered pharmacist to be in charge of every open shop.

18. On and after the expiration of three months from the commencement of this Act, in every case where the business of a pharmacist is carried on in an open shop, the said business shall be in charge of a registered pharmacist, who shall personally superintend the carrying on of the said business.

Any person who carries on the said business in a shop as aforesaid in contravention of, or without fulfilling, the requirements of this section shall for each offence be liable to a penalty not exceeding twenty pounds.

The word "person" wherever the same occurs in sections seventeen and eighteen shall be deemed to include any corporation whether established by charter or otherwise, and any company or society duly registered in pursuance of the provisions of any Act of Parliament.

Amendments of the Poisons Act of 1876.

19. The provisions of sections nine, eleven, twelve, thirteen, fourteen, fifteen, sixteen, and seventeen of the Poisons Act of 1876, and the following words in section twenty-one of that Act, "or for the registration of persons claiming to be registered chemists and druggists in the event of sufficient regulations in that behalf being made by the said Board," are hereby repealed, also Schedules B and C of that Act ; and after the commencement of this Act no person shall receive the certificate mentioned in section ten, unless he be a registered pharmacist within the meaning of this Act : Provided always that in places remote from large towns any person who shall produce a certificate according to Schedule D of the Act first-mentioned from a legally-qualified medical practitioner and a police magistrate that he is a fit and proper person to be allowed to sell poisons in such place shall receive a certificate as "a dealer in poisons," renewable at the discretion of the Board in the month of January in each year.

Supplemental.

Board may make regulations.

20. (1) The Board may, subject to the provisions of this Act, make regulations dealing with the following matters :—

(a) The manner of election of its members, the times and places of the meetings of the Board, and the conduct of business at those meetings.

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- (b) The terms and conditions of articles of apprenticeship to registered pharmacists.
- (c) The verification by statutory declaration, examination of witnesses, or otherwise, of the compliance of candidates for examination and for registration with the requirements of this Act, and their admission to examination.
- (d) The appointment of examiners, and the conduct of the examinations.
- (e) The granting of certificates and the keeping and publication of the register of pharmacists.
- (f) And generally for carrying this Act into effect.

The Board may also in those regulations impose any penalty not exceeding ten pounds for any breach of the same.

(II) All regulations made under this Act shall, when approved by the Governor and published in the Gazette, have the force of law, and shall thereupon be laid before both Houses of Parliament without delay.

21. The fees and penalties payable under this Act shall be paid to the Board, and shall be applied by the Board in such manner as it may think fit in paying the officers appointed under, and in defraying the expenses of carrying out, the provisions of this Act, and of any regulations made under its authority. Application of fees and penalties.

22. All penalties imposed by this Act, or by any regulations made under its authority, may be recovered before, and all charges under this Act may be heard and determined by, a police or stipendiary magistrate or any two justices of the peace in Petty Sessions. Offences and penalties.

23. In proceedings under this Act or any regulations made thereunder, a copy of the register kept in pursuance of this Act, signed by the president or any two members of the Board, or a copy of the Gazette containing the list provided for in section ten shall be prima facie evidence that the persons whose names are therein contained, and no others, were registered pharmacists. Registers to be prima facie evidence.

24. In this Act and in any regulations made thereunder "the board" means the Pharmacy Board of New South Wales as constituted by this Act; the word "Governor" means Governor with the advice of the Executive Council; "prescribed" means prescribed by regulations made under this Act; the definition of "legally qualified medical practitioner" in the Act second Victoria number twenty-two, as amended by the Acts ninth Victoria number twelve and nineteenth Victoria number seventeen, applies to the same expression when used in this Act; "pharmacist" means a pharmaceutical chemist, pharmacist, chemist and druggist, chemist, druggist, homœopathic chemist, dispensing Definitions.

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dispensing chemist, dispensing druggist; and "registered pharmacist" means pharmacist whose name is entered on the register kept in pursuance of this Act.

Commencement and short title.

25. This Act shall (except where otherwise provided) commence and have effect on and after the first day of July, one thousand eight hundred and ninety-seven, and may be cited as the "Pharmacy Act, 1897."

SCHEDULES.

SCHEDULE I.

	£	s.	d.
For every preliminary examination	2	2	0
For every examination before the Board and qualifying for registration ...	3	3	0
On registration in every other case	1	1	0

SCHEDULE II.

Register of Pharmacists.

Name.	Address.	Qualification.	Date of Registration.
Jones, Henry ...	Elizabeth-street, Sydney	Pharmaceutical Chemist, Great Britain.	2 Jan., 189 .

A.B., Registrar.

SCHEDULE III.

We hereby certify that [name] of [address] is a pharmacist registered under the Pharmacy Act, 1897, [qualification].

(Seal.) [Signatures of three members of Board
and the Registrar.]