



ANNO QUINQUAGESIMO QUARTO ET QUINQUAGESIMO QUINTO

# VICTORIÆ REGINÆ.

A.D. 1891.

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## No. 509.

An Act to Establish a Board of Pharmacy in South Australia, and to make provision for the Registering of Pharmaceutical Chemists, and for other purposes.

*[Assented to, October 14th, 1891.]*

**B**E it Enacted by the Governor of the Province of South Australia, by and with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

1. This Act may be cited as "The Pharmacy Act of 1891."

Short title.

2. In this Act—

Definitions.

(a) "Board" shall mean "The Pharmacy Board of South Australia" established under this Act:

(b) "Chemist and druggist" shall mean (A) any person, who, as owner or manager, has, prior to the coming into operation of this Act, carried on the business of a chemist and druggist in the keeping of open shop for the compounding of the prescriptions of duly qualified medical practitioners; and (B) such persons as may be duly registered under this Act:

(c) "Pharmaceutical chemist" shall mean a person registered as such under this Act:

(d) "Prescribed" shall mean in manner prescribed by regulation:

(e) "Register"

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(e) "Register" shall mean the Pharmaceutical Register of South Australia kept under the provisions of this Act:

(f) "Regulations" shall mean the regulations made under the authority of this Act.

## PART I.

## PART I.

## THE PHARMACY BOARD.

Board to consist of seven persons.

3. There shall be a Board consisting of seven members, which shall be constituted as hereinafter provided, and shall have and exercise the powers and authorities hereinafter contained.

Qualifications of members of Board.

4. Until a register shall have been made, in manner provided by section 12 hereof, every person who, for the time being, shall be entitled to be registered as a pharmaceutical chemist shall be eligible as a member of such Board, and from and after the completion of such register no person shall be so eligible unless at the time of such elections he shall be registered as a pharmaceutical chemist.

How first Board appointed.

5. The first members of the board shall be appointed by the Governor, and hold office until the thirty-first day of December, one thousand eight hundred and ninety-three.

Future Board to be elected.

6. The members of every future Board shall be elected by the pharmaceutical chemists. Every election shall be conducted in the prescribed manner, and be held on some day in the month of December, to be appointed by the Board: Provided that every registered member shall be entitled to vote.

Term of office.

7. The members of the Board (except the first members appointed under this Act) shall hold office for three years from the date of their election, and shall be eligible for re-election.

Vacancies.

8. If any member of the Board shall fail to obtain a certificate under section 19 hereof, or shall die, resign, cease to reside in the colony, become insolvent or insane, or be declared by a resolution of an absolute majority of the Board to be unfit to remain a member of the Board, his seat shall become vacant and the vacancy shall be filled by the election of another member, who shall hold office for the residue of the term for which the member whose place became vacant was appointed or elected.

President to be elected by Board.

9. The members of the Board shall elect one of their number as president who, whilst he remains a member of the Board, shall hold office until the first meeting of every Board elected under section 6 hereof, but shall be eligible for re-election.

Quorum of Board.

A quorum of the Board shall consist of not less than three members thereof. The continuing members may act notwithstanding any vacancy. The

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The president, when present, shall preside at all meetings of the Board; and, in the event of his absence from any meeting, one of the members present shall be elected chairman of that meeting.

## PART I.

**10.** The Board may, from time to time, appoint and remove a registrar, examiners, and other officers, and fix their annual salaries and remunerations, but such salaries and remunerations shall not at any time exceed the annual receipts by the Board for fees under this Act.

Appointment of officers.

**11.** The Board may examine any person who may attend before it for the purpose of this Act, and all witnesses he may call to give evidence, and such examination may be taken upon oath or solemn declaration.

Board may examine witnesses.

## PART II.

## PART II.

## PHARMACEUTICAL REGISTER OF SOUTH AUSTRALIA.

**12.** The Board shall cause to be made and kept a register of the names of all persons certified by the Board to be duly qualified pharmaceutical chemists. Such register shall be in the form of the First Schedule hereto, or to the like effect. So soon as the first register shall have been made under the provisions of this Act, the same shall be notified to the Chief Secretary of the said province, under the hand of the President.

Register to be kept.

**13.** The Board may, from time to time, direct the Registrar to make any necessary corrections in the registration relating to the qualifications and addresses of persons registered under this Act.

Register may be corrected.

**14.** Every pharmaceutical chemist, on changing his place of business, shall give notice thereof to the Registrar, who shall make an entry thereof in the register.

Change of residence to be notified.

**15.** The board may, from time to time, write, or cause to be written, a letter to any pharmaceutical chemist, addressed to him at his registered address, to inquire whether he has changed his place of business; and, if no answer be returned to such letter within the period of twelve months from the sending thereof, may erase the name of such person from the register. The Board may restore the name to such register upon the personal application of such person and production of his certificate, or upon satisfactory proof of his former registration.

Members whose address cannot be found may be removed from register.

**16.** Upon receiving a certificate or other sufficient proof of the death of any pharmaceutical chemist, the registrar shall erase the name of such chemist from the register.

Death to be registered.

**17.** If any pharmaceutical chemist be convicted of any offence which, in the opinion of the Board, renders him unfit to be on the register,

Names may be erased for certain causes.

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register, it shall be the duty of the Board to erase such name accordingly.

Annual list of members to be published.

**18.** In the month of January in each year the board shall cause to be published in the *Government Gazette* a list of all registered pharmaceutical chemists, in alphabetical order, according to the surnames, with the respective places of business of the persons named therein. The Board and the registrar shall supply a copy of such list to any person applying for the same, and on payment of the prescribed fee.

**PART III.****PART III.****REGISTERED PHARMACEUTICAL CHEMISTS.**

Persons entitled to be registered.

**19.** No person shall receive from the Board a certificate that he is a pharmaceutical chemist unless he shall have attained the age of twenty-one years, and—

- (a) Unless at any time before the date of the commencement of this Act he shall have carried on the business of a chemist and druggist, or homœopathic chemist, in the keeping of an open shop in South Australia for the compounding and dispensing of prescriptions of duly qualified medical practitioners; or
- (b) Unless at any time before the date of the commencement of this Act he shall have been employed in South Australia as a dispensing assistant in an open shop for the compounding and dispensing of the prescriptions of duly qualified medical practitioners, and shall have been registered within twelve months from the coming into operation of this Act; or
- (c) Unless he shall have been for not less than three years employed as a dispensing chemist in an hospital, benevolent asylum, or other like public institution in South Australia, and shall have been registered within twelve months from the coming into operation of this Act; or
- (d) Unless he hold a certificate or diploma of competency as a pharmaceutical chemist, or as a chemist and druggist, or homœopathic chemist, from the Pharmaceutical Society of Great Britain, or any college or board of pharmacy recognised by the Board under any regulations made under this Act; or
- (e) Unless he shall have served for not less than four years as an apprentice in the business of a registered pharmaceutical chemist, or of a chemist and druggist, or homœopathic chemist, keeping an open shop for the compounding and dispensing of prescriptions of duly qualified medical practitioners, and shall produce to the Board a certificate from the proper officer of the Adelaide University that the person named therein has passed the senior public examination of such

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## PART III.

such University, or some other examination equivalent thereto, or have passed a preliminary examination before the Board, or examiners appointed thereby, in the subjects of Latin, English, and arithmetic, and a final examination in the subjects of practical pharmacy, chemistry, and any prescribed subject; but any person having served or serving a period of not less than four years' apprenticeship, whose period of apprenticeship shall have commenced three months before the date of the commencement of this Act, either with a chemist and druggist or with a duly qualified medical practitioner, or in a public hospital, benevolent asylum, or other like public institution, shall be required to pass such modified examination only as may be prescribed, and a certificate of qualification in the form in the Third Schedule hereto, shall, subject to the provisions of this Act, entitle the person named therein, on payment of the proper fees, to be and to continue to be registered under this Act at any time within six months after the date of such certificate; and any person being a member of the Pharmaceutical Society of South Australia at the time of the passing of this Act shall, on application to the Board, be entitled to such registration.

**20.** The Board shall, from time to time, on payment of the annual fee in the Second Schedule hereto, grant to every pharmaceutical chemist under this Act a certificate in the form in the Third Schedule of this Act, and such certificate shall entitle the holder thereof to be entered upon the register and to carry on the business of a pharmaceutical chemist during the currency of such certificate.

Certificate.

**21.** The Board shall control and direct all examinations under the provisions of this Act, but such examinations shall not include the theory and practice of medicine, surgery, or midwifery.

Board may examine candidates.

**22.** Every person who desires a certificate of qualification for registration under this Act, or to be examined, shall furnish the Board with a statutory declaration according to the Fourth or Fifth Schedules of this Act, respectively, or to the like effect. Where a person applies for such certificate under sub-section (*d*) of section 19, his declaration must be accompanied by the certificates or diplomas on which he bases his application, or other evidence thereof, which certificates or diplomas shall be returned to the applicant by the Board; and where such application is made under sub-section (*a*) of section 19, the application shall be accompanied by the statutory declaration of a justice or a duly qualified medical practitioner in the form of the Sixth Schedule, or to the like effect.

Conditions of registration.

## PART IV.

## MISCELLANEOUS.

## PART IV.

**23.** Upon the decease of any registered pharmaceutical chemist carrying on business at the time of his death, it shall be lawful for his

Provision in case of death for carrying on business.

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his executor or administrator, to continue such business for the benefit of the estate of the deceased, for a period of six months only, unless such business shall be continued under the management of a pharmaceutical chemist.

Penalties for falsification of register or list, or other frauds on the Act.

**24.** Any person who wilfully, knowingly, or corruptly makes, or causes to be made, any false entry in the register or in the list of pharmaceutical chemists, and any person who procures or attempts to procure himself 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 verbally or in writing, and any person aiding or assisting therein, shall be guilty of a misdemeanor, and shall, on conviction, be liable to a penalty not exceeding Twenty Pounds, with or without imprisonment, for any term not exceeding twelve calendar months.

If any person shall wilfully, knowingly, or corruptly make any false statement in answer to any such question, or upon such examination, or in such declaration, or shall utter, or attempt to utter, or put off as true to or before the Board any false, forged, or counterfeit diploma, degree, licence, certificate, or other document or writing, he shall be guilty of a misdemeanor, and on conviction thereof shall be liable to be imprisoned for any period not exceeding one year, or a penalty not to exceed Twenty Pounds.

Unregistered person may not represent himself to be a chemist, &c.

**25.** From and after the first day of January, one thousand eight hundred and ninety-three, it shall not be lawful for any person, not being a pharmaceutical chemist under this Act, to assume or use the title of a pharmaceutical or dispensing chemist, or druggist, or to use or exhibit any title, term, or sign which may be construed to mean that any such person is a registered or dispensing chemist or druggist.

Any person offending against the provisions of this section shall be liable to a penalty not exceeding Twenty Pounds, and in default of payment shall be liable to be imprisoned for any term not exceeding six months.

Corporations not to carry on business of dispensing chemists.

**26.** Any corporation or joint stock company carrying on the business of pharmaceutical or dispensing chemist or druggist, except under the management of a pharmaceutical chemist, shall be liable to a penalty not exceeding Twenty Pounds.

Limitation of application of Act.

**27.** The provisions of section 26 shall not apply to any person or corporation carrying on the business of wholesale dealers in drugs in the ordinary course of wholesale dealing only.

Exemption from juries.

**28.** All pharmaceutical chemists actually engaged in carrying on business as chemists and druggists shall, whilst so engaged, be exempt from serving on juries: Provided that only one pharmaceutical chemist shall be exempt at the same time in the business of any one person or firm.

**29.** The

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**29.** The fees set out in the Second Schedule to this Act shall be paid to the Registrar in respect of the matters therein mentioned for the purposes of this Act.

PART IV.

Fees payable.

**30.** The fees imposed by this Act shall be received by the Board and be applied for the purposes of defraying the expenditure arising in the administration of this Act.

Application of fees.

**31.** The Board may, from time to time, with the approval of the Governor, make, alter, or rescind regulations for carrying this Act into effect. Such regulations shall not have any effect until they have been laid before Parliament for twenty-one days, and shall have been published in the *Gazette*; and any regulation may impose any penalty not exceeding Five Pounds for the breach of any such regulations. The production of the *Gazette* containing regulations purporting to have been made under this Act shall, in all courts and in all legal proceedings, be *prima facie* evidence that such regulations were duly made in pursuance of this Act.

Regulations.

**32.** The *Gazette* containing a list, or a printed copy of the list, purporting to be signed by the president or registrar, of the persons registered as pharmaceutical chemists, and every extract from the register or the minutes of the Board, signed as aforesaid, shall be *prima facie* evidence in all courts of justice and in all legal proceedings whatsoever that the persons named therein are pharmaceutical chemists, registered according to the provisions of this Act, and the absence of the name of any person from such *Gazette* and printed list for the time being shall, until the contrary be proven, be evidence that such person is not a registered pharmaceutical chemist.

*Gazette copy of regulations, &c., to be evidence.*

**33.** Every proceeding for any offence against this Act may be had and taken before, and be heard and determined in a summary way by, any Special Magistrate or two Justices of the Peace, under the provisions of an Ordinance of the Governor and Legislative Council, No. 6 of 1850, intituled "An Ordinance to facilitate the performance of the duties of Justices of the Peace out of sessions with respect to Summary Convictions and Orders," or of any Act now in force or hereafter to be in force, relating to the duties of Justices of the Peace with respect to summary convictions and orders; and all convictions and orders made by such Magistrate or Justices may be enforced, as in the said Ordinance or in any other Act as aforesaid is or shall be provided.

Summary jurisdiction.

**34.** There shall be an appeal to the Local Court of Adelaide of Full Jurisdiction only from every decision or determination of the Board or conviction by any Special Magistrate or Justices for any offence against this Act, or from every order dismissing any information or complaint, or from any other order made by such Magistrate or Justices under this Act; and the proceedings on such appeal shall be conducted in manner appointed by the said Ordinance, No. 6 of

Appeals.

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1850, for appeals to Local Courts, or any Act to be hereafter in force regulating such appeals; but the Local Court of Adelaide aforesaid shall have power to make such order as to the payment of the costs of the appeal as it shall think fit, although such costs may exceed Ten Pounds.

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

KINTORE, Governor.



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## SCHEDULES.

## FIRST SCHEDULE.

*Register of Pharmaceutical Chemists.*

No.	Name.	Address.	Qualification.	Date of Registration.	By whom Registered.
1	Jones, Henry ..	Edward-street, Norwood	Pharmaceutical chemist, Great Britain	Jan. 2, 1889	W. Grundy, Registrar
2	Smith, Peter ..	Rundle-street, Adelaide	Chemist and druggist	Feb. 7, 1889	

A. B., President }  
 C. D., Member } of the Pharmacy Board of South Australia.  
 E. F., Member }

## SECOND SCHEDULE.

*Fees Payable to the Board under Act.*

	£	s.	d.
For every preliminary examination.....	1	1	0
For the final examination under section 19 .....	1	1	0
For the issue of any annual certificate of registration to any pharmaceutical chemist .....	0	10	6
For every list of pharmaceutical chemists .....	0	1	0

## THIRD SCHEDULE.

*Certificate of Qualification for Registration as a Registered Pharmaceutical Chemist.*

We do hereby certify that \_\_\_\_\_, residing at \_\_\_\_\_,  
 in \_\_\_\_\_, is duly qualified to practice as a registered pharmaceutical  
 chemist from the date hereof until the 1st day of January next ensuing.

Dated at Adelaide, this \_\_\_\_\_ day of \_\_\_\_\_, 18 .

A. B., President }  
 C. D., Member } of the Pharmacy Board of  
 E. F., Member } South Australia.

## FOURTH SCHEDULE.

*Declaration by a person who was in business in South Australia as a chemist and  
 druggist before the commencement of this Act, or who was employed as a manager  
 or dispensing assistant in some pharmacy in South Australia before the date of  
 the commencement of "The Pharmacy Act, 1891."*

I, \_\_\_\_\_, residing at \_\_\_\_\_, in \_\_\_\_\_, do solemnly  
 and sincerely declare that I have attained the age of twenty-one years, and that I  
 carried on the business of a chemist and druggist (or homœopathic chemist) in the  
 keeping

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keeping of an open shop for the compounding and dispensing of the prescriptions of a duly qualified medical practitioner (or was employed as a dispensing assistant in an open shop for the compounding and dispensing of the prescriptions of a duly qualified medical practitioner), at the following times and places, that is to say:

And I make this solemn declaration, &c.

Declared at \_\_\_\_\_ in \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_, before me.

## FIFTH SCHEDULE.

*Declaration by Apprentice.*

I, \_\_\_\_\_, of \_\_\_\_\_, in the colony of South Australia, do solemnly and sincerely declare—

1st. That I have attained the age of twenty-one years.

2nd. That I have served not less than four years in the business of \_\_\_\_\_, a pharmaceutical chemist, keeping an open shop at \_\_\_\_\_ for dispensing and compounding prescriptions; or (2) that I have served a period of \_\_\_\_\_ day of \_\_\_\_\_ not less than four years' apprenticeship, commencing on the \_\_\_\_\_ day of \_\_\_\_\_, with Mr. \_\_\_\_\_, a chemist and druggist

[or as the case may be].

I make this solemn declaration, &c.

Declared at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_, before me.

## SIXTH SCHEDULE.

*Declaration to be signed by a Justice of the Peace, or duly qualified medical practitioner, respecting a person who was in business as a chemist and druggist in South Australia before the commencement of "The Pharmacy Act, 1891."*

I, \_\_\_\_\_, residing at \_\_\_\_\_, do hereby solemnly and sincerely declare that I am a Justice of the Peace (or a duly qualified practitioner), and that to my knowledge, \_\_\_\_\_, residing at \_\_\_\_\_, was in business as \_\_\_\_\_ during the period (or periods) stated in his declaration, dated the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_.

And that I believe the statements in his declaration to be true and correct.

And I make this solemn declaration, &c.

Declared at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_, before me.

## SEVENTH SCHEDULE.

*Declaration to be signed by Master Chemist and Druggist as to service of Dispensing Assistant or Apprentice.*

I, \_\_\_\_\_, residing at \_\_\_\_\_, do hereby declare that I am a registered pharmaceutical chemist, and that \_\_\_\_\_, residing at \_\_\_\_\_, was employed as a dispensing assistant (or as an apprentice) in my open shop at \_\_\_\_\_, during the periods undermentioned.

From \_\_\_\_\_ 18 \_\_\_\_\_, to \_\_\_\_\_ 18 \_\_\_\_\_.

And I make this solemn declaration, &c.

Declared at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_, before me.