



ANNO PRIMO

# EDWARDI VIII REGIS.

A.D. 1936.

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## No. 2289.

An Act to repeal section 19 of the Pharmacy Act, 1935, and to enact other provisions in lieu thereof, and to make other amendments to the said Act.

[Assented to, 8th October, 1936.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof as follows :

1. (1) This Act may be cited as the "Pharmacy Act Amendment Act, 1936." Short titles.

(2) The Pharmacy Act, 1935 (which is hereinafter referred to as "the principal Act"), and this Act may be cited together as the "Pharmacy Acts, 1935 and 1936." No. 2207 of 1935.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.

3. Section 19 of the principal Act is repealed and the following section inserted in lieu thereof :— Amendment of principal Act, s. 19—

19. (1) The board may cancel or suspend the registration and revoke the certificate of any person as a pharmaceutical chemist— Power to cancel registration, &c. Cf. 2257, 1935, ss. 19 and 25.

(a) whose registration has been obtained by fraud or misrepresentation ; or

(b) whose qualification has been withdrawn or cancelled by the university or other body by which it was conferred ; or

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(c) who has been certified to be a mental defective ; or

(d) who is deemed by the board to have been guilty of infamous conduct in any professional respect,

and upon the making of the order of cancellation or during the period specified in the order of suspension, the said person shall cease to be registered as, or entitled to carry on the business of or practise as, a pharmaceutical chemist.

(2) If any registered pharmaceutical chemist is guilty of unprofessional conduct, or is convicted of any felony or misdemeanour, or is convicted outside the State of any offence, which, if committed in South Australia, would be a felony or misdemeanour, or is guilty of habitual drunkenness or habitual addiction to any drug, the board may impose all or any of the following penalties on the offending person, namely, the board may—

(a) censure him ;

(b) order him to pay within any time fixed by the board, the board's costs and expenses of inquiring into the matter alleged against him, and of hearing any charge in relation thereto, including witness fees ; and if the costs are not paid within the said time, may also suspend him from practising as, or carrying on the business of a pharmaceutical chemist until the costs and expenses are paid :

(c) require him to give such undertaking as the board thinks fit, to abstain in the future from the conduct complained of :

(d) impose a fine not exceeding fifty pounds :

(e) suspend his registration, either conditionally or absolutely for a period not greater than one year :

(f) cancel his registration, in serious cases.

(3) The cancellation or suspension of the registration of any person previously registered as a pharmaceutical chemist may, at any time and for such reason as the board thinks fit, by order of the board, be annulled. The effect of any such annulment shall be as the board determines.

(4) Before cancelling or suspending the registration of any person or taking any proceeding under subsection (1) or subsection (2) against any person, the board shall—

(a) give to the said person, by post by registered letter addressed to the last known place of residence or business of the said person, at

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least fourteen days' notice in writing of the complaint against him, and of the day, time, and place fixed for hearing the same ; and

(b) hold full inquiry into the matter of the complaint and afford the said person an opportunity of giving an explanation personally or in writing.

(5) For the purposes of any inquiry under this section, a quorum of the board shall consist of five members and no decision of the board shall be given under this section unless at least four members of the board vote in favour of the decision.

(6) Upon the holding of an inquiry under this section, or of any other proceedings before the board, the board shall be entitled to require the attendance before it of any person, including the person complained against.

(7) The board, for the purposes of any such inquiry or proceedings, may examine any person upon oath, affirmation, or declaration, and for that purpose any member of the board may administer an oath, affirmation, or declaration.

(8) A summons issued by the board requiring the attendance of any person or the production of any documents and signed by the registrar shall have the same effect as a *subpoena ad testificandum* or *duces tecum*, as the case may be, issued out of the Supreme Court in a civil action ; and obedience thereto or non-observance thereof or refusal to give evidence shall be enforced or punished by a judge of the Supreme Court in chambers in the same manner as in the case of disobedience to or non-observance of a subpoena issued out of the said Court or refusal to give evidence before the said Court.

(9) No person shall be required to attend before the board unless he shall previously or at the time of service of the subpoena have been tendered his reasonable expenses of such attendance.

4. Section 22 of the principal Act is amended by adding at the end thereof the following subsection :—

(3) Notwithstanding anything contained in this section, any person who—

(a) satisfies the board that he served outside Australia as a member of the Australian Imperial Forces in the Great War ; and

(b) satisfies the board that prior to such service he served in South Australia for not less than

Amendment of  
principal Act,  
s. 22—  
Persons entitled  
to be  
registered.

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four years as an apprentice in the business of a registered pharmaceutical chemist ; and

(c) satisfies the board that since his discharge from the Australian Imperial Forces he has been employed in the business of a pharmaceutical chemist in any part of Australia for at least ten years ; and

(d) before the first day of January, nineteen hundred and thirty-seven, makes application in writing to the board for exemption from compliance with the provisions of paragraph (b) of subdivision v. of subsection (1),

shall be relieved from compliance with the provisions of paragraph (b) of subdivision v. of subsection (1).

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

W. DUGAN, Governor.