
PHARMACY AMENDMENT ACT 1988

No. 34 of 1988

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AN ACT to amend the Pharmacy Act 1908.

[Royal Assent 10 November 1988]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—This Act may be cited as the *Pharmacy Amendment Act* Short title. 1988.

2—This Act shall commence on the day on which it receives Commencement. the Royal assent.

3—In this Act, the *Pharmacy Act 1908** is referred to as Principal Act. the Principal Act.

* 8 Edw. VII No. 33. For the Act, as amended to 1st March 1979, see the continuing Reprint of Statutes. Subsequently amended by Act No. 82 of 1981, S.R. 1981, No. 330, S.R. 1982, No. 221, Act No. 99 of 1982, S.R. 1983, No. 218, S.R. 1984, No. 238, Act No. 51 of 1985, Act No. 96 of 1986, S.R. 1986, No. 289, Act No. 23 of 1987, and Act No. 58 of 1987.

Insertion in
Principal Act of
new section
17AA.

4—After section 17A of the Principal Act, the following section is inserted:—

Removal of
name from
register outside
Tasmania.

17AA—(1) Where the Registrar is satisfied that, after the commencement of the *Pharmacy Amendment Act 1988* and while a pharmaceutical chemist is registered under this Act—

- (a) a finding has been made under the law of a place other than Tasmania relating to the registration of pharmaceutical chemists (in this section referred to as “the other law”) that the pharmaceutical chemist has contravened the other law or any relevant code of conduct or is otherwise unfit to continue in the practice of pharmacy; and
- (b) by reason of that finding, the registration of the pharmaceutical chemist under the other law has been cancelled or suspended,

the Registrar shall make an entry in the Register to that effect, and the registration of the pharmaceutical chemist under this Act is, by force of this subsection, suspended with effect from the making of that entry.

(2) Subject to subsections (3), (4), and (5), a suspension imposed by subsection (1) continues in force until—

- (a) the reinstatement of the registration of the pharmaceutical chemist under the other law; or
- (b) the expiration of the period of suspension under the other law,

as the case requires.

(3) Subject to subsection (5), the Board—

- (a) may, at any time during the currency of the suspension imposed by subsection (1), review the suspension; and
- (b) shall, as soon as practicable after the receipt by the Registrar of a request, in writing, from the pharmaceutical chemist in that regard, conduct such a review.

(4) On a review under subsection (3)—

(a) where the Board is of the opinion that, if there had been an inquiry under section 17A in relation to the matters giving rise to the cessation or suspension of the registration of the pharmaceutical chemist under the other law, it would have been satisfied that he had been guilty of infamous conduct in a professional respect or of improper conduct in a professional respect, it may, without making such an inquiry, confirm the suspension; and

(b) where it is of the opinion that, at such an inquiry, it would not have been so satisfied, it shall direct that the suspension be lifted,

and the Registrar shall make an entry in the Register to that effect.

(5) This section has effect notwithstanding anything in section 17A, but nothing in this section prevents any matter that may be the subject of a review under subsection (3) from being dealt with under section 17A if the Board, in any particular case, so decides, whether on such a review or otherwise, and the determination of the Board on such an inquiry shall have effect to the exclusion of anything having effect or authorized by this section.

(6) Where the registration of a pharmaceutical chemist who holds an interest in a pharmacy or in a business carried on in a pharmacy is suspended under subsection (1), he shall be entitled to retain that interest while his registration is so suspended, unless and until the Board makes an order to the contrary.

5—Section 17C of the Principal Act is amended by omitting “section 17A, or section 17B” and substituting “17A, 17AA, or 17B”. Amendment of section 17c of Principal Act (Quorum of Board in disciplinary cases).

6—Section 17D of the Principal Act is amended as follows:— Amendment of section 17d of Principal Act (Appeals to Supreme Court).

(a) by omitting from paragraph (a) of subsection (1) “or”;

(b) by omitting from paragraph (b) of subsection (1) “or section 17B,” and substituting “, 17AA, or 17B,”;

(c) by inserting after paragraph (b) of subsection (1) the following paragraphs:—

(c) a suspension having effect under section 17AA (1); or

(d) an order under section 17AA (6),

(d) by adding after subsection (4) the following subsection:—

(5) On an appeal under paragraph (c) of subsection (1), the court may confirm, vary, or lift the suspension.

Amendment of section 24 of Principal Act (Board to control examinations in practical pharmacy).

7—Section 24 of the Principal Act is amended by omitting subsection (1A).

Insertion in Principal Act of new section 26.

8—After section 25 of the Principal Act, the following section is inserted:—

Educational functions of Board.

26—(1) The Board may—

(a) provide, or arrange for the provision of, information and programmes of education with respect to the theory and practice of pharmacy and related matters to—

(i) registered pharmaceutical chemists;

(ii) pharmacy graduates rendering prescribed service within the meaning of section 21; and

(iii) persons otherwise engaged in preparation for registration as pharmaceutical chemists under this Act; and

(b) encourage the participation of registered pharmaceutical chemists in programmes of education of the kind referred to in paragraph (a), whether provided or arranged by the Board or otherwise.

(2) The exercise by the Board of its powers under subsection (1) is one of the purposes of this Act referred to in section 37.