

[Reprinted on the 3rd February, 1976, pursuant to the Acts Republication Act, 1967, as amended, and incorporating all amendments made prior to that date.]

PHARMACY ACT, 1935-1973

being

Pharmacy Act, 1935, No. 2207 of 1935 [Assented to 24th October, 1935];

as amended by

Pharmacy Act Amendment Act, 1936, No. 2289 of 1936 [Assented to 8th October, 1936];
Pharmacy Act Amendment Act, 1937, No. 2354 of 1937 [Assented to 3rd November, 1937];
Pharmacy Act Amendment Act, 1942, No. 27 of 1942 [Assented to 19th November, 1942];
Pharmacy Act Amendment Act, 1947, No. 38 of 1947 [Assented to 11th December, 1947];
Pharmacy Act Amendment Act, 1951, No. 21 of 1951 [Assented to 18th October, 1951];
Pharmacy Act Amendment Act, 1952, No. 34 of 1952 [Assented to 27th November, 1952];
Statute Law Revision Act, 1952, No. 42 of 1952 [Assented to 4th December, 1952];
Pharmacy Act Amendment Act, 1965, No. 42 of 1965 [Assented to 9th December, 1965] (as amended by Pharmacy Act Amendment Act, 1972, No. 16 of 1972);
Pharmacy Act Amendment Act, 1967, No. 73 of 1967 [Assented to 16th November, 1967];
Age of Majority (Reduction) Act, 1970-1971, No. 15 of 1971 [Assented to 8th April, 1971]¹ (as amended by Pharmacy Act Amendment Act, 1972, No. 16 of 1972);
Pharmacy Act Amendment Act, 1972, No. 16 of 1972 [Assented to 30th March, 1972]²;

and

Statute Law Revision Act, 1973, No. 77 of 1973 [Assented to 6th December, 1973].

An Act to consolidate certain Acts relating to the registration of pharmaceutical chemists, and other purposes.

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

PART I

PART I

PRELIMINARY

1. This Act may be cited as the "Pharmacy Act, 1935-1973".
Short title.
Citation
amended by 77,
1973, s. 3 (1)
(2nd Sched.).
2. This Act is a consolidation of the Acts mentioned in the first schedule and the said Acts are hereby repealed.
Consolidation
and repeal.
3. The provisions of this Act are arranged as follows:—
Arrangement.

PART I—Preliminary.
PART II—The Pharmacy Board.
PART III—The Pharmaceutical Register.
PART IV—Registration of Pharmaceutical Chemists.
PART V—Miscellaneous.

¹ Came into operation 15th April, 1971: *Gaz.* 15th April, 1971, p. 1598.

² Came into operation 20th April, 1972: *Gaz.* 13th April, 1972, p. 1428.

PART I

Interpretation.
509, 1891, s. 2.

Def. inserted by
16, 1972, s. 3.

4. In this Act—

“board” means the Pharmacy Board of South Australia:

“friendly society” means a society as defined in the Friendly Societies Act, 1919, as amended¹, a branch of such a society or a body corporate formed under section 41 of that Act:

“register” means the Pharmaceutical Register of South Australia kept under this Act:

“registered pharmaceutical chemist” means a person registered under this Act or any repealed Act as a pharmaceutical chemist:

“repealed Act” means any Act repealed by this Act.

PART II

PART II

THE PHARMACY BOARD

Pharmacy
Board.
509, 1891, s. 3.

5. (1) The Pharmacy Board of South Australia is hereby continued.

(2) The board shall consist of seven members and shall have and exercise the powers given by this Act.

(3) The members of the board in office at the commencement of this Act shall continue in office, subject to the provisions of this Act.

Qualifications
of members.
509, 1891, s. 4.

6. No person shall be eligible to be a member of the board unless at the time of the election he is a registered pharmaceutical chemist.

Election of
members.
509, 1891, s. 6.

7. (1) The members of the board shall be elected by registered pharmaceutical chemists.

(2) Elections shall be conducted in the manner prescribed and shall be held on some day in the month of December to be appointed by the board.

(3) At any such election any member of the board shall be entitled to vote.

Term of office.
509, 1891, s. 7.

8. The members of the board shall hold office for a term of three years from the date of their election and shall be eligible for re-election.

Vacancies.
509, 1891, s. 8.

9. (1) If any member of the board—

(a) ceases to hold a current certificate under section 24 of this Act; or

(b) dies; or

(c) resigns; or

(d) ceases to reside in the State; or

(e) becomes bankrupt or insane; or

(f) is declared by a resolution of an absolute majority of the board to be unfit to remain a member of the board,

his office shall become vacant and the vacancy shall be filled by the election of another member.

(2) Any person elected to fill any such vacancy shall hold office for the residue of the term for which the member whose office became vacant was elected.

¹ Now Friendly Societies Act, 1919-1975.

10. (1) A quorum of the board shall consist of not less than three members. Quorum.
509, 1891, s. 9
(part).

(2) The continuing members may act notwithstanding any vacancy.

11. (1) The members of the board shall elect one of their members to be the president of the board. President.
509, 1891, s. 9
(part).

(2) The president shall, whilst he remains a member of the board, hold office as president until the first meeting of every board elected as aforesaid and shall be eligible for re-election as president.

(3) The president, when present, shall preside at all meetings of the board. In the event of his absence from any meeting, one of the members present shall be elected chairman of that meeting.

12. The board may, from time to time, appoint and remove a registrar, examiners, and other officers and fix their annual salaries and remunerations, but the total of any such salaries or remunerations shall not in any year exceed the receipts by the board for fees under this Act for that year. Officers.
509, 1891, s. 10.

13. (1) The board may examine any person who attends before it for the purposes of this Act and all witnesses the board may call to give evidence. Power to
examine
witnesses.
509, 1891, s. 11.

(2) Any such examination may be taken upon oath or declaration.

13a. (1) No suit, prosecution or other legal proceedings shall lie against any person, in his personal capacity in respect of any act or thing done or performed by that person in good faith in the exercise or performance, or the purported exercise or performance, of his powers, functions or duties as— Protection of
certain persons.
S. 13a enacted
by 16, 1972,
s. 5.

(a) a member of the board;

or

(b) a registrar, examiner or other officer of the board,

whether that act or thing was done or performed before or after the commencement of the Pharmacy Act Amendment Act, 1972.

PART III

PART III

THE PHARMACEUTICAL REGISTER

14. (1) The board shall cause to be kept a register, to be called the Pharmaceutical Register of South Australia, of the names of all persons certified by the board to be duly qualified pharmaceutical chemists. Register.
509, 1891, s. 12.

(2) The register shall be in the form in the second schedule or a form to the like effect.

15. 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 registered pharmaceutical chemists. Correction of
register.
509, 1891, s. 13.

16. (1) The board may, from time to time, send by post notice in writing to any registered pharmaceutical chemist, addressed to his registered address, to inquire whether he has changed his place of business. Addresses of
registered
persons.
509, 1891, s. 15.

(2) If no answer is returned within twelve months from the sending of the notice, the board may erase the name of the registered pharmaceutical chemist from the register.

(3) The board may restore to the register any name erased under this section or section 15 of The Pharmacy Act of 1891, upon the personal application of the pharmaceutical chemist and either upon production of his certificate or upon satisfactory proof of his former registration.

Registration of premises.
S. 17 substituted by 16, 1972, s. 6.

17. (1) On and after the commencement of the Pharmacy Act Amendment Act, 1972, a registered pharmaceutical chemist shall not (whether as principal or manager for a principal) carry on, in any premises, the business of compounding and dispensing the prescriptions of legally qualified medical practitioners unless those premises are registered under this section and a registered pharmaceutical chemist who carries on business in contravention of this subsection shall be guilty of an offence against this Act and, upon conviction, be liable to a penalty not exceeding ten dollars for each day or part of a day on which he so carried on business.

(2) Any premises—

(a) the full address of which was registered with the board under section 17 of this Act as in force before the commencement of the Pharmacy Act Amendment Act, 1972;

and

(b) in which immediately before that commencement the business of compounding and dispensing the prescriptions of legally qualified medical practitioners was carried on by a registered pharmaceutical chemist,

shall, for all purposes, be deemed to be premises registered under this section.

(3) Subject to subsection (4) of this section, the board may, on application being made in the prescribed form, register, without fee, any premises under this section.

(4) The board shall—

(a) not register any premises under this section;

and

(b) cancel the registration of any premises registered under this section,

where it appears to the board that those premises do not, or, as the case may be, have ceased to comply with the provisions of the regulations relating to the registration, or as the case may be, the continuance of registration of premises under this section.

(5) On the cancellation of the registration of premises registered under this section those premises shall cease to be premises registered under this section.

Registration of death.
509, 1891, s. 16.

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

Power to cancel registration, etc.
Cf. 2257, 1935, ss. 19, 25.
S. 19 substituted by 2289, 1936, s. 3.
Subsec. (1) amended by 16, 1972, s. 7.

19. (1) The board may cancel or suspend the registration and revoke the certificate granted under section 24 of this Act of any person as a pharmaceutical chemist—

(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
- (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 one hundred dollars¹:
- (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 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.

¹ Pursuant to s. 8 of the Acts Replication Act, 1967, as amended, references to amounts of money expressed in decimal currency substituted for references to amounts of money expressed in the old currency.

(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.

Annual list.
509, 1891, s. 18.
677, 1897, s. 3.
S. 20 amended
by 16, 1972,
s. 8.

20. In the month of January in every year the board shall cause to be published in the *Government Gazette* a list of all registered pharmaceutical chemists who have taken out certificates under section 24 of this Act for the current year. The list shall be arranged in alphabetical order, according to the surnames, with the respective places of business of the persons named therein. The board and the registrar shall, on payment of the prescribed fee, supply a copy of any such list to any person applying for the same.

PART IV

Part IV
comprising
heading and
ss. 21-24
amended by
2289, 1936, s. 4;
27, 1942, s. 3;
34, 1952, ss. 3,
4, 5; 42, 1952,
s. 3 (2nd
Sched.); 42,
1965, ss. 3, 4¹;
73, 1967, s. 3;
15, 1971,
s. 4 (Sched. Part
XXIX, ss. 2,
3²); substituted
by 16, 1972,
s. 9.

PART IV

REGISTRATION OF PHARMACEUTICAL CHEMISTS

Previous
registration to
continue.
S. 21 substituted
by 16, 1972,
s. 9.

21. A person, who was immediately before the commencement of the Pharmacy Act Amendment Act, 1972, entitled to be entered on the register kept pursuant to this Act, shall for all purposes be deemed to be registered as a pharmaceutical chemist under this Act.

¹ This amendment was inoperative in view of the repeal of s. 22a by 42, 1952, s. 3, and has been repealed by 16, 1972, s. 19.

² This amendment was inoperative in view of the repeal of s. 22a by 42, 1952, s. 3, and has been repealed by 16, 1972, s. 20.

22. A person may apply to the board for registration as a pharmaceutical chemist if—

Application for registration.
S. 22 substituted by 16, 1972, s. 9.

(a) he—

(i) holds a degree or diploma in pharmacy granted or conferred by a University in this State or by the South Australian Institute of Technology;

and

(ii) has, or will have, at the time his application for registration is considered by the board, served for the prescribed period as a trainee in the business of a pharmaceutical chemist, in a public hospital within the meaning of the Hospital Act, 1934, as amended¹, in an institution within the meaning of the Mental Health Act, 1935-1958, as amended², or in an industrial establishment approved in writing by the Minister on the recommendation of the board;

(b) he—

(i) holds a degree or diploma in pharmacy which any university, college, institute or other body in any State or Territory of the Commonwealth is authorized by law to grant and which has been granted to him on his passing of the examination prescribed in relation to that degree or diploma by that university, college, institute or other body;

and

(ii) has had either in this State or in the State or Territory in which the university, college, institute or other body, whose degree or diploma he holds, is situate, for a period of not less than the prescribed period referred to in subparagraph (ii) of paragraph (a) of this section, experience in the dispensing and compounding of medical prescriptions that the board regards as sufficient to enable him satisfactorily to carry on the business of a pharmaceutical chemist in this State;

(c) he—

(i) holds a degree, diploma or other academic qualification in pharmacy which entitled him to be registered, under the law of a prescribed country or place, as a pharmacist or pharmaceutical chemist and that degree, diploma or other academic qualification has been lawfully granted by a university, college, institute or other body situate in that country or place upon his passing examination held in that country or place for that degree, diploma or other academic qualification;

and

¹ Now Hospitals Act, 1934-1971.

² Now Mental Health Act, 1935-1974.

(ii) is or was by the law of that country or place registered or entitled to practise as a pharmacist or pharmaceutical chemist in that country or place;

or

(d) he—

Subpara. (i)
amended by 77,
1973, s. 3 (1)
(2nd Sched.).

(i) has completed some other course of academic and practical training that is, in the opinion of the board, the substantial equivalent of the requirements set out in paragraph (a) of this section;

and

(ii) he has passed such examination or examinations (if any) as the board may direct or approve.

Registration.
S. 23 substituted
by 16, 1972,
s. 9.

23. (1) Where a person has pursuant to section 22 of this Act applied for registration as a pharmaceutical chemist and the board is satisfied that the person—

(a) has paid the fee prescribed for registration;

(b) possesses the qualification set out in paragraphs (a), (b), (c) or (d) of that section;

(c) in the case of an applicant possessing the qualifications referred to in paragraph (c) of that section, has not ceased to be registered or to be entitled to practise as a pharmacist or pharmaceutical chemist in a country or place for a reason that would disqualify him for registration under this Act or for a reason that would entitle the board to suspend or cancel his registration under this Act, if he were so registered;

(d) has sufficient knowledge of the English language to be able to readily and intelligibly speak, read and write that language;

and

(e) has an adequate knowledge of, or if required by the board, has passed such examination or examinations approved of by the board relating to the law affecting the practice of pharmacy and the sale or supply of drugs or medicines in this State,

then the board may cause that person to be registered as a pharmaceutical chemist under this Act.

(2) Registration as a pharmaceutical chemist shall be effected by entering the name of the person to be registered on the register kept pursuant to section 14 of this Act.

(3) Where the board refuses to register an applicant for registration as a pharmaceutical chemist under this Act the board shall, at the request of the applicant, give reasons in writing for its refusal.

Practising
certificate.
S. 24 substituted
by 16, 1972,
s. 9.

24. (1) The board shall from time to time on payment of the prescribed fee grant to any registered pharmaceutical chemist a certificate in the form of the third schedule to this Act.

(2) The certificate granted under subsection (1) of this section shall entitle the holder thereof to carry on the business of a pharmaceutical chemist during the currency of the certificate.

(3) A certificate granted under section 21 of this Act and in force immediately before the commencement of the Pharmacy Act Amendment Act,

1972, shall for all purposes be deemed to be a certificate granted under subsection (1) of this section and be deemed to be current until the first day of January next following that commencement.

PART V

PART V

MISCELLANEOUS

25. (1) No person who is not a registered pharmaceutical chemist shall—

Prohibition on unregistered persons carrying on business. 1879, 1928, s. 7 (part).

(a) retail, compound, or dispense any drug or medicine for fee or reward on the order or prescription of a legally qualified medical practitioner;

(b) hold himself out as a pharmaceutical chemist, pharmacist, pharmacist, homoeopathic chemist, dispensing chemist, dispensing druggist, or chemist and druggist, or in any way whether directly or indirectly signify that he is qualified to compound and dispense drugs or medicines on the orders or prescriptions of duly qualified medical practitioners, or that his business is or includes such compounding and dispensing.

(2) Any person offending against any provision of this section shall be guilty of an offence against this Act, and shall be liable to a penalty not exceeding two hundred dollars¹.

Subsec. (2) amended by 42, 1965, s. 10 (Sched.).

(3) No person shall be convicted of the offence of holding himself out as a pharmacist, pharmacist, homoeopathic chemist, dispensing chemist, or chemist and druggist, or of directly or indirectly signifying that his business is or includes the compounding and dispensing of drugs and medicines on the orders or prescriptions of legally qualified medical practitioners if he shows that he carries on the business of compounding and dispensing drugs or medicines on the orders or prescriptions of legally qualified medical practitioners and that every shop or place where he carries on that business is constantly supervised and managed by a registered pharmaceutical chemist, and the name of that registered pharmaceutical chemist is kept painted or affixed in a conspicuous position in letters easily legible on the outside of every such shop or place of business.

25a. (1) Except as is provided in subsection (2) of this section, in section 31 or in section 31a of this Act, a person who is not a registered pharmaceutical chemist shall not own or take part in the control or management of a business that consists wholly or partly of retailing, compounding or dispensing of drugs or medicines on the orders or prescriptions of legally qualified medical practitioners.

Prohibition on unregistered persons owning etc., business. S. 25a enacted by 16, 1972, s. 10.

Penalty: Two hundred dollars.

(2) Subsection (1) of this section does not apply to a person who owns or takes part in the control or management of a business referred to in subsection (1) of this section and who—

(a) owned or took part in the control or management of that business immediately before the commencement of the Pharmacy Act Amendment Act, 1972;

and

¹ Pursuant to s. 8 of the Acts Republication Act, 1967, as amended, references to amounts of money expressed in decimal currency substituted for references to amounts of money expressed in the old currency.

- (b) has, since the commencement of that Act, continued to so own or take part in the control or management of that business,

where that business is under the constant supervision and management of a registered pharmaceutical chemist and the name of that registered pharmaceutical chemist is kept painted or affixed in a conspicuous position in letters easily legible on the outside of the premises where that business is carried on.

Provisions as to companies and associations, 1879, 1928, s. 7 (part).

26. (1) No company or association of persons incorporated or unincorporated shall—

- (a) in any shop or place of business carry on the business of retailing, compounding, or dispensing drugs or medicines on the orders or prescriptions of legally qualified medical practitioners;
- (b) in or about any shop or place of business exhibit any words or sign signifying or which may reasonably be interpreted to signify that its business is that of a pharmaceutical chemist, pharmacist, pharmacist, homoeopathic chemist, dispensing chemist, dispensing druggist, or chemist and druggist, or that it is qualified to compound or dispense drugs or medicines on the orders or prescriptions of legally qualified medical practitioners, or that its business is or includes such compounding or dispensing,

unless that shop or place of business is constantly supervised and managed by a registered pharmaceutical chemist, and the name of that registered pharmaceutical chemist is kept painted or affixed in a conspicuous position in letters easily legible on the outside of that shop or place of business.

Subsec. (2) amended by 42, 1965, s. 10 (Sched.).

(2) If any company or incorporated association contravenes any provision of this section it shall be guilty of an offence against this Act and liable for a first offence to a penalty of not less than twenty dollars¹ nor more than one hundred dollars¹, and for any subsequent offence to a penalty of not less than fifty dollars¹ nor more than four hundred dollars¹.

Subsec. (3) amended by 42, 1965, s. 10 (Sched.).

(3) If any unincorporated association contravenes any provision of this section, the members of the board of management or other controlling body thereof shall each be severally guilty of an offence against this Act and liable for a first offence to a penalty of not less than ten dollars¹ nor more than one hundred dollars¹, and for any subsequent offence to a penalty of not less than twenty dollars¹ nor more than two hundred dollars¹.

Restriction on companies and associations, S. 26a enacted by 27, 1942, s. 4.
Subsec (1) amended by 16, 1972, s. 11.

26a. (1) Subject to sections 31 and 31a of this Act no company or association of persons corporate or unincorporate shall—

- (a) carry on the business of retailing, compounding or dispensing drugs or medicines on the order or prescriptions of legally qualified medical practitioners; or
- (b) in or about any shop or place of business exhibit any words or sign signifying or which may reasonably be interpreted to signify that its business is that of a pharmaceutical chemist, pharmacist, pharmacist, homoeopathic chemist, dispensing chemist, dispensing druggist, or chemist and druggist, or that it is qualified to compound or dispense drugs or medicines on the orders or

¹ Pursuant to s. 8 of the Acts Replication Act, 1967, as amended, references to amounts of money expressed in decimal currency substituted for references to amounts of money expressed in the old currency.

prescriptions of legally qualified medical practitioners or that its business is or includes such compounding or dispensing:

Provided that this subsection shall not apply to—

- (a) any company which on the first day of August, 1942¹, was carrying on the business of retailing, compounding or dispensing drugs or medicines on the orders or prescriptions of legally qualified medical practitioners; or
- (b) any friendly society; or
- (c) any partnership every member of which is a registered pharmaceutical chemist.

Para. (b)
substituted by 16, 1972, s. 11.

(2) If any company or incorporated association contravenes any provision of this section it shall be guilty of an offence against this Act and liable for a first offence to a fine of not more than two hundred dollars², and for any subsequent offence to a fine of not more than four hundred dollars².

Subsec. (2)
amended by 42, 1965, s. 10 (Sched.).

(3) If any unincorporated association contravenes any provision of this section every member, manager, secretary, or officer of the association who knowingly authorizes or permits the contravention shall be guilty of an offence against this Act and liable for a first offence to a fine of not more than one hundred dollars² and for any subsequent offence to a fine of not more than two hundred dollars².

Subsec. (3)
amended by 42, 1965, s. 10 (Sched.).

26aa. Sections 26 and 26a of this Act shall not apply to the Board of Management of any hospital receiving a Government subsidy or grant in aid, approved by the Chief Secretary on the recommendation of the board, employing a registered pharmaceutical chemist for the purpose only of compounding or dispensing drugs or medicines on the order or prescription of legally qualified medical practitioners for in-patients accommodated at that hospital.

Non-application of ss. 26 and 26a to certain hospitals.
S. 26aa enacted by 42, 1965, s. 5.

26b. (1) No person or association of persons whether corporate or unincorporate shall carry on the business of retailing, compounding or dispensing drugs or medicines on the orders or prescriptions of legally qualified medical practitioners except under his or its name.

Name of person carrying on pharmacy.
S. 26b enacted by 27, 1942, s. 4.
Subsec. (1) amended by 16, 1972, s. 12 (a), (b).

(2) For the purposes of subsection (1) of this section the name—

Subsec. (2) substituted by 16, 1972, s. 12 (c).

- (a) of a natural person, shall be his full name or his surname together with—
 - (i) his christian name or names;
 - (ii) the initial letter of his christian name or names;
 - (iii) a combination of one or more of his christian names and the initial letter or initial letters of his remaining christian name or christian names;

or

¹ Reference to the year nineteen hundred and forty-two altered to 1942 pursuant to s. 7 (1) of the Acts Republication Act, 1967, as amended.

² Pursuant to s. 8 of the Acts Republication Act, 1967, as amended, references to amounts of money expressed in decimal currency substituted for references to amounts of money expressed in the old currency.

(iv) the christian name or names by which he is commonly known or a combination of any one or more of such names and the initial letters of such names;

(b) of a partnership, the name of each person constituting the partnership;

and

(c) of body corporate, the name of that body corporate.

Subsec. (3)
struck out by 16,
1972, s. 12 (c).

* * * * *

(4) Notwithstanding anything in this section a person, company, association or partnership may continue to use any business name used by that person, company, association or partnership in connection with his or its business on the first day of August, 1942¹.

Subsec. (5)
amended by 42,
1965, s. 10
(Sched.).

(5) If any person, company or incorporated association contravenes any provision of this section he or it shall be guilty of an offence against this Act and liable to a fine of not more than two hundred dollars².

Subsec. (6)
amended by 42,
1965, s. 10
(Sched.).

(6) If any partnership or other unincorporated association contravenes any provision of this section every member, manager, secretary or officer of the partnership or association who knowingly authorizes or permits the contravention shall be guilty of an offence against this Act and liable to a fine of not more than one hundred dollars².

Restriction on
number of
shops.
S. 26c enacted
by 27, 1942,
s. 4.

26c. (1) Subject to sections 31 and 31a of this Act no person or association of persons corporate or unincorporate shall carry on the business of retailing, compounding or dispensing drugs or medicines on the orders or prescriptions of legally qualified medical practitioners, in more than four shops:

Provided that this subsection shall not apply to any person or association of persons who or which on the first day of August, 1942¹, was carrying on such business in more than four shops.

(2) No person or association of persons corporate or unincorporate who or which on the first day of August, 1942¹, was carrying on in more than four shops the business of retailing, compounding or dispensing drugs or medicines on the orders or prescriptions of legally qualified medical practitioners shall carry on such business in any greater number of shops than the number in which that person, company or association was carrying on such business on the said day.

(3) Notwithstanding anything in this section a partnership, every member of which is a registered pharmaceutical chemist, may carry on the business of retailing compounding or dispensing drugs or medicines on the orders or prescriptions of legally qualified medical practitioners in as many shops as there are partners if each shop is constantly supervised and managed by one of the partners.

Subsec. (4)
amended by 16,
1972, s. 13.

(4) This section shall not apply to a friendly society.

Subsec. (5)
amended by 42,
1965, s. 10
(Sched.).

(5) If any company or incorporated association contravenes any provision of this section it shall be guilty of an offence against this Act and liable to a fine of not more than two hundred dollars².

¹ Reference to the year nineteen hundred and forty-two altered to 1942 pursuant to s. 7 (1) of the Acts Republication Act, 1967, as amended.

² Pursuant to s. 8 of the Acts Republication Act, 1967, as amended, references to amounts of money expressed in decimal currency substituted for references to amounts of money expressed in the old currency.

(6) If any partnership or other unincorporated association contravenes any provision of this section every member, manager, secretary, or officer of the partnership or association who knowingly authorizes or permits the contravention shall be guilty of an offence against this Act and liable to a fine of not more than one hundred dollars¹.

Subsec. (6) amended by 42, 1965, s. 10 (Sched.).

26d. (1) Subject to subsection (2) of this section a friendly society shall not carry on a business of selling goods by retail in a greater number of shops than the number in which that society is carrying on such business at the time of the passing of the Pharmacy Act Amendment Act, 1947.

Restriction on friendly societies.
S. 26d enacted by 38, 1947, s. 3.
Subsec. (1) amended by 42, 1965, s. 6 (a).

(1a) Notwithstanding the provisions of subsection (1) of this section the body known as The Friendly Societies Medical Association Incorporated may, after the commencement of the Pharmacy Act Amendment Act, 1965, carry on the business of selling goods by retail in not more than thirty-one shops; but the Association shall not establish or maintain any such new shop after the commencement of the Pharmacy Act Amendment Act, 1965, unless the situation of that shop has been approved by the Minister.

Subsec. (1a) inserted by 42, 1965, s. 6 (b).

(2) In computing the number of shops in which a friendly society carries on the business mentioned in subsection (1) or (1a) of this section, any shop which is a restricted shop under section 26e of this Act, shall not be taken into account.

Subsec. (2) amended by 42, 1965, s. 6 (c).

(3) A society which contravenes this section shall be guilty of an offence and liable to a fine of not more than two hundred dollars¹.

Subsec. (3) amended by 42, 1965, s. 10 (Sched.).

26e. (1) A friendly society may—

(a) in respect of any shop in which it carries on the business of selling goods by retail give notice to the board stating that in that shop the society does not and will not sell goods by retail to any person other than—

Restricted shops.
S. 26e enacted by 38, 1947, s. 3.

(i) a financial member of a friendly society;

(ii) the wife, husband, or child of a financial member of a friendly society;

(b) at any time withdraw any such notice.

(2) A shop in respect of which a notice is given under subsection (1) of this section shall until the notice is withdrawn be a restricted shop within the meaning of section 26d and this section.

(3) A friendly society shall not in or from a restricted shop sell any goods by retail to any person other than a financial member of a friendly society or the wife, husband, or child of a financial member of a friendly society.

(4) A person shall not falsely represent himself to be either a financial member of a friendly society, or the wife, husband, or child of a financial member of a friendly society.

(5) Every friendly society carrying on business in a restricted shop shall at all times keep displayed in that shop in a conspicuous position a notice printed in clear capital letters not less than four inches high the words "Goods sold only to financial members of friendly societies and to their wives, husbands, and children under sixteen".

¹ Pursuant to s. 8 of the Acts Replication Act, 1967, as amended, references to amounts of money expressed in decimal currency substituted for references to amounts of money expressed in the old currency.

PART V

Subsec. (6) amended by 42, 1965, s. 10 (Sched.).

(6) Any society which, or person who, contravenes this section shall be guilty of an offence and liable to a penalty of not more than two hundred dollars¹.

Interpretation of ss. 26d-26e.

S. 26f enacted by 38, 1947, s. 3; amended by 16, 1972, s. 14 (a), (b), (c).

26f. In sections 26d and 26e of this Act the expression

Def. of "friendly society" struck out by 16, 1972, s. 14 (b).

* * * * *

Def. amended by 16, 1972, s. 14 (c).

"child" means a person under sixteen years of age:

"sell" includes offer or agree to sell.

The supply for reward of a drug or medicine compounded or dispensed on the order or prescription of a legally qualified medical practitioner shall be deemed for the purposes of sections 26d and 26e to be a sale of that drug or medicine.

Limitation of application of Act. 509, 1891, s. 27.

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

Saving as to assistants and trainees. 1879, 1928, s. 7 (part). S. 28 amended by 42, 1965, s. 7.

28. Nothing in this Act shall prevent any assistant or trainee to a registered pharmaceutical chemist or any person who is by the term of his employment required to work under the supervision and control of a registered pharmaceutical chemist from retailing, compounding, or dispensing drugs and medicines in the course of his employment and under the supervision of a registered pharmaceutical chemist.

Chemists not to carry on business without certificate. 677, 1897, s. 2. Subsec. (1) amended by 16, 1972, s. 15.

29. (1) No registered pharmaceutical chemist shall carry on business as or assume or use the title of pharmaceutical or dispensing chemist or druggist, or use or exhibit any title, term or sign which may be construed to mean that he is a registered or dispensing chemist or druggist, except during the currency of a certificate granted to him under section 24 of this Act.

Subsec. (2) amended by 42, 1965, s. 10 (Sched.).

(2) Any person who commits any contravention of this section shall be guilty of an offence against this Act and liable to a penalty not exceeding fifty dollars¹.

Branch business. 677, 1897, s. 4, 1879, 1928, s. 11.

Subsec. (1) substituted by 21, 1951, s. 3.

30. (1) No person shall carry on the business of retailing compounding or dispensing drugs or medicines on the orders or prescriptions of legally qualified medical practitioners in any shop or place of business unless at all times while that shop or place of business is open to the public—

Para. (a) amended by 16, 1972, s. 16 (a).

(a) it is under the direct and constant personal supervision of a registered pharmaceutical chemist holding a current certificate granted under section 24 of this Act;

(b) there is painted or affixed in a conspicuous position in letters easily legible on the outside of the shop or place of business the name of the proprietor, and in a case where the proprietor is not the person supervising the shop or place of business, the name of that person also.

¹ Pursuant to s. 8 of the Acts Republication Act, 1967, as amended, references to amounts of money expressed in decimal currency substituted for references to amounts of money expressed in the old currency.

(2) No person shall manage the shop, or business, or branch business of a pharmaceutical or dispensing chemist or druggist unless he holds a current certificate under section 24 of this Act.

Subsec. (2) amended by 16, 1972, s. 16 (b).

(3) Every registered pharmaceutical chemist or person who is guilty of any contravention of this section shall be guilty of an offence against this Act and liable to a penalty not exceeding forty dollars¹.

31. Upon the death of any registered pharmaceutical chemist carrying on business at the time of his death, it shall be lawful for his executor or administrator to continue the business for the benefit of the estate of the deceased for a period of six months only, unless the business is continued under the management of a registered pharmaceutical chemist.

Provision in case of death for carrying on business. 509, 1891, s. 23. S. 31 amended by 27, 1942, s. 5.

While any such business is not under the management of a registered pharmaceutical chemist, no person who is not a registered pharmaceutical chemist shall in the course of the business dispense any drug or medicine on the order or prescription of a legally qualified medical practitioner.

31a. Notwithstanding any other provision of this Act the following persons, namely—

Provision for carrying on business in certain events. S. 31a enacted by 27, 1942, s. 6.

- (a) any person or company seizing or taking possession of the stock-in-trade of a registered pharmaceutical chemist under a mortgage, bill of sale, or other security; or
- (b) the liquidator of a company which is in the course of being wound up, and was at the commencement of the winding up carrying on business as a pharmaceutical chemist; or
- (c) any mortgagee or receiver seizing and taking possession of the stock-in-trade of a company carrying on such business, under a mortgage, bill of sale or other security,

may continue to carry on the business of the pharmaceutical chemist or of the company, as the case may be, for a period not exceeding two years, and for any further period permitted by the board, upon condition that the business is continued under the personal management and control of a registered pharmaceutical chemist.

32. (1) Any person who wilfully, knowingly, or corruptly makes, or causes to be made, any false entry in the register or in the list of registered pharmaceutical chemists, and any person who procures or attempts to procure himself to be registered under this Act or any repealed Act by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either orally or in writing, and any person aiding or assisting therein, shall be guilty of a misdemeanour, and shall, on conviction, be liable to a penalty not exceeding one hundred dollars¹, with or without imprisonment for any term not exceeding two years.

Penalties for falsification of register or list, or other frauds on the Act. 509, 1891, s. 24. Subsec. (1) amended by 42, 1965, s. 10 (Sched.).

(2) Any person who wilfully, knowingly, or corruptly makes any false statement in answer to any question, or upon any examination, or in any declaration under this Act, or any repealed Act, or utters, or attempts 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, shall be guilty of a misdemeanour, and on conviction thereof shall be liable to be imprisoned for any period not exceeding two years, or to a penalty not exceeding one hundred dollars¹.

Subsec. (2) amended by 42, 1965, s. 10 (Sched.).

¹ Pursuant to s. 8 of the Acts Replication Act, 1967, as amended, references to amounts of money expressed in decimal currency substituted for references to amounts of money expressed in the old currency.

PART V

Power of board to charge fees. 1879, 1928, s. 8 (part).

33. The board may charge fees of such amounts as are prescribed for the following things, namely:—

- i. For examining any candidate at any examination under this Act;
- ii. For issuing any certificate under this Act;
- iii. For supplying to any person a list of registered pharmaceutical chemists.

The fees shall be paid to the registrar.

Non-application of section 223 of the Industrial Code, 1920. S. 33a enacted by 2354, 1937, s. 2; amended by 42, 1965, s. 8.

33a. Section 223 of the Industrial Code, 1920¹, shall not apply and shall be deemed never to have applied to any trainee to a registered pharmaceutical chemist.

Application of fees and penalties. 1879, 1928, s. 8 (part).

34. All fines imposed for any offence against this Act or any repealed Act shall be paid to the board, and shall, together with the fees received by the board under this Act or any repealed Act be applied towards defraying the expenditure incurred in administering this Act.

Appeals. 1925, 1929, s. 5 (part).

35. (1) There shall be an appeal against any decision, ruling, order, or direction of the board or registrar. Every such appeal shall be to the Supreme Court, and shall be instituted within one month from the making or giving of the decision, ruling, order, or direction appealed against.

(2) Subject as hereinafter mentioned, all proceedings on or in connection with any such appeal shall be conducted as if the appeal were an appeal against an order of a court of summary jurisdiction.

(3) Any notice or other document which, if the appeal were an appeal against an order of a court of summary jurisdiction, would be required to be served by the appellant on any person, may be served on the registrar, and any such service shall be deemed sufficient.

Gazette copy of regulations, etc., to be evidence. 509, 1891, s. 32.

36. 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 registered pharmaceutical chemists. The absence of the name of any person from such *Gazette* and printed list for the time being shall, until the contrary be proved, be evidence that such person is not a registered pharmaceutical chemist.

Regulations. S. 37 substituted by 42, 1965, s. 9.

37. The board may, with the approval of the Governor, make regulations not inconsistent with this Act prescribing all matters which under this Act are required or permitted to be prescribed or which may be necessary or convenient to be prescribed for carrying out or giving effect to this Act and in particular but without limiting the generality of the foregoing for all or any of the following matters:—

- (a) the manner of election of its members, the times and places of meetings of the board and the conduct of business at those meetings;
- (b) the terms and conditions of agreements of traineeship with registered pharmaceutical chemists;

¹ S. 223 of the Industrial Code, 1920, was repealed by s. 39 and Schedule of Act No. 51 of 1950.

- (c) the period to be served by trainees;
- (d) the number of trainees to be employed in hospitals or approved institutions;
- (e) the training of trainees and the provision by every pharmaceutical chemist, public hospital, institution and industrial establishment with whom or where any person serves as a trainee of adequate and suitable equipment and facilities for such training;
- (f) the appointment of examiners and the conduct of examinations;
- (g) the verification by statutory declaration, examination of witnesses or otherwise of the compliance of applicants for examination and for registration with the requirements of this Act and their admission to examination;
- (h) the granting of certificates and the keeping and publication of a register of pharmacists;
- (i) the recording by pharmaceutical chemists of prescriptions dispensed, compounded or made up by them;
- (j) the conditions under which the practice of a pharmaceutical chemist in any pharmacy is to be conducted and medicines are to be dispensed compounded or made up;
- (ja) the registration and the continuation of the registration of premises under section 17 of this Act and without limiting the generality of the foregoing the type and construction of premises that may be registered under that section;
- (k) the duties of managers and relieving managers;
- (l) the inspection of pharmacies;
- (m) the equipment and facilities to be kept and provided at premises where the business of a pharmaceutical chemist is conducted; and
- (n) prescribing penalties recoverable summarily and not exceeding fifty dollars¹ for the breach of any regulation.

Para. (ja) inserted by 16, 1972, s. 17.

38. All proceedings for offences against this Act shall be disposed of summarily.

Summary procedure. 509, 1891, s. 33.

SCHEDULES

THE FIRST SCHEDULE

SCHEDULE OF ACTS REPEALED

Number and Year of Act	Short Title
No. 509 of 1891	The Pharmacy Act of 1891
No. 677 of 1897	The Pharmacy Act Amendment Act, 1897
No. 1879 of 1928	Pharmacy Act Amendment Act, 1928
No. 1925 of 1929	Pharmacy Act, 1929

¹ Pursuant to s. 8 of the Acts Republication Act, 1967, as amended, references to amounts of money expressed in decimal currency substituted for references to amounts of money expressed in the old currency.

Pharmacy Act, 1935-1973

509, 1891.
First Sched.

SECOND 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 }

509, 1891.
Third Sched.
3rd Sched.
amended by 16,
1972, s. 18.

THIRD SCHEDULE

Certificate of Qualification to Practise as a Registered Pharmaceutical Chemist

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

Dated at Adelaide, this _____ day of _____, 19 _____.

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

4th, 5th and 6th
Scheds. struck
out by 34, 1952,
s. 6.

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