

## RAILWAY MANAGEMENT.

---

### No. 65 of 1965.

#### AN ACT to amend the *Railway Management Act* 1935. [22 December 1965.]

**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:—

Short title and citation.

**1**—(1) This Act may be cited as the *Railway Management Act* 1965.

(2) The *Railway Management Act* 1935, as subsequently amended, is in this Act referred to as the Principal Act.

Responsibility of Commission outside limits of railway.

**2** Section thirty of the Principal is amended —

- (a) by omitting the words “, or the loss, detention, non-delivery, misdelivery, or delay in the carriage or delivery of, or injury or damage to, any goods,”; and
- (b) by omitting from that section the words “ or the carriage or delivery of such goods ”.

---

## PHARMACY.

---

### No. 66 of 1965.

#### AN ACT to amend the *Pharmacy Act* 1908. [22 December 1965.]

**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:—

Short title, citation, and commencement.

**1**—(1) This Act may be cited as the *Pharmacy Act* 1965.

(2) The *Pharmacy Act* 1908, as subsequently amended, is in this Act referred to as the Principal Act.

(3) This Act shall commence on a date to be fixed by proclamation.

**2** Section ten of the Principal Act is amended by omitting from subsection (1) the word "A" and substituting therefor the words "Subject to section seventeen C, a". Quorum of Board.

**3** Section eleven of the Principal Act is amended — Officers of the Board.  
 (a) by inserting after the word "examiners," the word "inspectors,"; and  
 (b) by omitting all the words following the word "remunerations".

**4** Section sixteen of the Principal Act is amended by inserting after subsection (1) the following subsection:— Notification of change of residence, &c.

"(1A) A registered pharmaceutical chemist who fails to comply with the provisions of subsection (1) of this section is guilty of an offence and liable to a penalty not exceeding fifty pounds."

**5** Section seventeen of the Principal Act is amended by omitting subsection (3). Refusal of registration and removal from register on conviction for certain offences.

**6** After section seventeen of the Principal Act the following sections are inserted:—

"17A—(1) Where, on an inquiry under this section, the Board is satisfied that a registered pharmaceutical chemist has been guilty of infamous conduct in a professional respect or of improper conduct in a professional respect it may exercise the powers conferred by subsection (2) of this section. Unprofessional conduct of pharmaceutical chemists.

"(2) In a case where the Board may exercise the powers conferred by this subsection in relation to a registered pharmaceutical chemist it may, as it considers the circumstances of the case require—

- (a) reprimand him;
- (b) order that he pay a fine of such amount, not exceeding two hundred pounds as it thinks proper; or
- (c) suspend his registration for such period as it may determine,

or, where it is satisfied that he has been guilty of infamous conduct in a professional respect, may, instead of exercising the powers specified in the foregoing provisions of this subsection, erase his name from the register.

"(3) Where the Board, on an inquiry under this section, is satisfied that a registered pharmaceutical chemist is unfit to practise as a pharmaceutical chemist by reason of—

- (a) his habitual taking of intoxicating liquors or drugs to excess; or
- (b) his suffering from mental disorder within the meaning of the *Mental Health Act 1963*,

it may suspend his registration for such period as it may determine or may erase his name from the register.

“(4) Where it appears to the Board that grounds may exist for the exercise of the powers conferred on it by this section in relation to a registered pharmaceutical chemist, or it receives information from any person from which it appears that any such grounds may exist, it shall serve notice on the registered pharmaceutical chemist—

- (a) specifying those grounds and the reasons for which they are believed to exist; and
- (b) summoning him to appear before the Board to show cause why its powers under this section should not be exercised in relation to the matters specified therein.

“(5) Where notice has been served on a registered pharmaceutical chemist under this section the Board shall inquire into the matters specified therein and shall determine whether, in relation to those matters, he has been guilty of infamous conduct in a professional respect or of improper conduct in a professional respect, or is unfit to practise as a pharmaceutical chemist for any of the reasons specified in subsection (3) of this section, and, if it finds that he has been so guilty, or is so unfit, whether and in what manner it shall exercise the powers conferred by this section in relation to that finding.

“(6) In conducting an inquiry under this section the Board shall not sit to hear any evidence or any representations unless it has given the registered pharmaceutical chemist reasonable notice of the time and place at which it will so sit.

“(7) At an inquiry under this section in relation to a pharmaceutical chemist he is entitled, either by himself or some person acting in his behalf, to appear and to cross-examine witnesses appearing before the Board and to give or adduce evidence.

“(8) At an inquiry under this section the Board may take evidence in such manner as it may determine, but where the registered pharmaceutical chemist requests that any evidence to be given before the Board be given on oath, the Board shall not hear that evidence otherwise than on oath.

“(9) Before making a determination under this section in relation to a registered pharmaceutical chemist on the grounds referred to in paragraph (b) of subsection (3) of this section the Board shall serve notice of its intention so to do on the Director of Psychiatric Services and, subject to the *Mental Health Act 1963*, the Director may take such steps as he considers necessary or desirable to protect the interests of that registered pharmaceutical chemist.

“(10) For the purpose of the exercise of the powers conferred on him by subsection (9) of this section the Director of Psychiatric Services has a right to appear before the Board, either by himself or by some other person acting in his behalf.

“(11) The Governor may make regulations with respect to the institution and conduct of inquiries under this section, and those inquiries shall, subject to this section, be brought and heard in the manner so prescribed.

“17B—(1) On an application made under this section the Board, after making such inquiry as it considers necessary— Restoration of names to the register, &c.

- (a) may restore to the register the name of any person which has been erased therefrom under section seventeen or section seventeen A, either without limitation as to time or for a limited period not exceeding six months in length;
- (b) may direct that the suspension of any person under section seventeen A is to cease to have effect or to cease to have effect for a limited period not exceeding six months in length; or
- (c) may extend any limited period specified in a determination made under this subsection by a further limited period not exceeding six months in length.

“(2) Where, otherwise than on the grounds referred to in paragraph (b) of subsection (3) of section seventeen A, the name of any person has been erased from the register, or the registration of any person has been suspended, no application shall be made by that person under this section within twelve months of the erasure or the imposition of the suspension, as the case may be, or within twelve months from the date on which a previous application was made under this section in respect of that erasure or suspension.

“(3) Subsection (2) of this section does not apply during any limited period for which the name of the person referred to therein has been restored to the register under this section or during any limited period for which his suspension ceases to have effect under this section, and where that subsection does not so apply, not more than one application may be made by that person under this section during that limited period.

“(4) Where an application has been made to the Board under this section the Board shall notify the applicant in writing of its determination thereon within one month of the making of the application and, if the Board fails to comply with this subsection in relation to any application, it shall be deemed to have refused the application.

“17C For the purposes of any proceedings under section seventeen, section seventeen A, or section seventeen B the quorum of the Board shall consist of not less than five members thereof. Quorum of Board in disciplinary cases.

“17D—(1) Any person who is aggrieved by—

- (a) a refusal of the Board to grant him such a certificate as is referred to in section twenty-one or section twenty-three; or

Appeals to Supreme Court.

(b) a determination made by the Board in relation to him under section seventeen A or section seventeen B,

may appeal to the Supreme Court.

“(2) On an appeal under paragraph (a) of subsection (1) of this section the Supreme Court may, if it considers the issue of the certificate to have been unreasonably refused, direct the Board to issue the certificate and the Board shall comply with that direction.

“(3) On an appeal under paragraph (b) of subsection (1) of this section the court, unless it dismisses the appeal, may quash or vary the determination of the Board, or make such other determination as the Board could have made on the subject matter of the appeal.

“(4) A determination made by the Supreme Court under subsection (3) of this section has the like effect as a determination made by the Board, and a determination of the Board in respect of which an appeal is brought under this section has effect subject to any determination made by the Supreme Court on that appeal.

Advertising  
by pharma-  
ceutical  
chemists.

“17E—(1) The Board may make rules regulating or restricting advertising in relation to the practices or businesses carried on by pharmaceutical chemists, and where any such rules are confirmed by the Governor, any breach or contravention of those rules committed in relation to the practice or business of any registered pharmaceutical chemist shall, without prejudice to the generality of the provisions of section seventeen A, be deemed to constitute improper conduct in a professional respect on the part of that registered pharmaceutical chemist unless he shows that that breach or contravention was committed without his knowledge.

“(2) References in this section to advertising in relation to any practice or business shall be construed as including references to the making, issuing, or publication of any announcement, information, or other matter in respect of that practice or business in a manner that appears calculated to bring that announcement, information, or other matter to the attention of the public or of persons able to make use of the services or facilities provided by that practice or business.”.

Annual list  
of pharma-  
ceutical  
chemists.

**7** Section eighteen of the Principal Act is amended by omitting subsection (3) and substituting therefor the following subsection:—

“(3) The Board shall cause to be published in the *Gazette* notice of—

- (a) the erasure of the name of any person from the register;
- (b) the suspension of the registration of any person; and

- (c) the coming into effect again of the erasure of the name of any person from the register or the suspension of the registration of any person.”.

**8** Section nineteen of the Principal Act is amended by omitting from subsection (2) the words following the word “evidence” and substituting therefor the words “of the facts stated in the notice”. Evidence of notices in Gazette.

**9** Section twenty of the Principal Act is repealed. Appeals to Supreme Court.

**10** Section twenty-one of the Principal Act is amended by adding at the end thereof the following subsections:— Qualifications of registered pharmaceutical chemists.

“(4) No service rendered after the appointed day in the business of a registered pharmaceutical chemist shall be treated as prescribed service for the purposes of this section unless that service is rendered under a contract of service that has been approved by the Board.

“(5) In subsection (4) of this section ‘the appointed day’ means such day as the Governor may, by order, appoint for the purposes of that subsection.”.

**11** Section twenty-three of the Principal Act is amended— Annual certificates.

(a) by inserting after subsection (2) the following subsection:—

“(2A) Subsection (2) of this section does not apply in any case where the applicant has not held any such certificate as is referred to therein by reason of his name having been erased from the register or of his registration having been suspended, but the Board shall not issue such a certificate to any person while his registration is suspended.”; and

(b) by inserting in subsection (3), after the word “register”, the words “or his registration is suspended.”.

**12** Section twenty-four of the Principal Act is amended by omitting subsection (3). Examinations.

**13** Section twenty-eight of the Principal Act is amended by omitting the words “Twenty pounds” and substituting therefor the words “Fifty pounds”. Penalties for fraudulent registration.

**14** Section twenty-nine of the Principal Act is amended— Use of certain titles.

(a) by omitting from subsection (1) the words “Ten pounds” and substituting therefor the words “Fifty pounds”; and

(b) by omitting from subsection (3) the words “Ten pounds.” and substituting therefor the words “Fifty pounds.”.

Control of  
businesses.

**15** Section thirty-one of the Principal Act is amended—

- (a) by omitting the words “Ten pounds” and substituting therefor the words “Fifty pounds”; and
- (b) by adding at the end thereof the following subsections:—

“(2) For the purposes of paragraph (b) of subsection (1) of this section it shall conclusively be presumed that a pharmaceutical chemist is incapable of being in control of a person who is vending medicines or drugs or compounding or dispensing prescriptions unless that pharmaceutical chemist is in the same shop or room as that in which that person is vending those medicines or drugs or compounding or dispensing those prescriptions.

“(3) Where any shop is used by a pharmaceutical chemist for the vending of medicines or drugs or the compounding or dispensing of prescriptions he shall not keep that shop or any part thereof open to the public or allow that shop or any part thereof to be so kept open, unless he or some other registered pharmaceutical chemist is present in that shop.

Penalty: Fifty pounds or six months' imprisonment.

“(4) For the purposes of this section—

- (a) a shop includes any room directly connected therewith that is ordinarily used, in connection with the practice or business carried on at the shop, for the compounding or dispensing of prescriptions or the keeping or storage of medicines or drugs, but does not include any part of a shop, room, or building in which, when that part is open to the public, goods are exposed for sale to the public and in which medicines or drugs are not ordinarily vended; and
- (b) a shop shall be deemed to be kept open to the public at any time at which it is not shut up in such a way as to exclude all persons from entering therein for the purchase, inspection, or removal of any goods kept for sale therein.”.

**16** Section thirty-three of the Principal Act is amended by omitting the words "Ten pounds." and substituting therefor the words "Fifty pounds."

Prohibition on unauthorized business.

**17** Section thirty-seven of the Principal Act is amended by inserting, after the word "Act", the words ", and all fines ordered to be paid under section seventeen A,".

Application of penalties and fees.

**18** Section thirty-eight of the Principal Act is amended by omitting subsection (2) and substituting therefor the following subsections:—

Regulations.

"(2) Without prejudice to the generality of the provisions of subsection (1) of this section, regulations made for the purposes of this Act may—

- (a) regulate, in connection with the practice or business of a pharmaceutical chemist, manufacturing chemist, or wholesale chemist, the manufacture, storage, and making up, of medicines and drugs, and the compounding and dispensing of prescriptions;
- (b) impose duties on registered pharmaceutical chemists with regard to the training of persons who have entered into with them such contracts of service as are referred to in subsection (4) of section twenty-one, and the provision of facilities and equipment for any such training; and
- (c) require notifications to be given to the Board of the employment by a registered pharmaceutical chemist of another registered pharmaceutical chemist.

"(3) Regulations made for the purposes of paragraph (a) of subsection (2) of this section may impose requirements with reference to any provisions that are contained or may at any time be contained in any publication specified in the regulations relating to the matters referred to in that paragraph.

"(4) Regulations made under this Act may impose penalties, not exceeding fifty pounds, for any contravention of the regulations."

**19** After section forty-four of the Principal Act the following section is inserted:—

"45 For the purpose of ascertaining whether the provisions of this Act are being complied with an inspector appointed by the Board under this Act may enter and inspect any premises on which he has reasonable grounds for believing there is carried on the practice or business of a pharmaceutical chemist, a manufacturing chemist, or a wholesale chemist."

Powers of inspection.



Form of annual certificate.

**20** The first schedule to the Principal Act is amended by omitting Form II and substituting therefor the form contained in the schedule to this Act.

Saving for certain existing rights.

**21** Subsection (4) of section twenty-one of the Principal Act (as amended by this Act) does not apply in respect of any person who, before the appointed day referred to in that subsection, has rendered any period of service that, if this Act had not been enacted, could have been reckoned as a period of prescribed service for the purposes of that section.

**22** Section thirteen of the Principal Act is repealed and the following section is substituted therefor:—

Inquiries by Board.

“ 13—(1) Without prejudice to the provisions of section twelve, where the Board has power to make an inquiry under this Act or in relation to a registered pharmaceutical chemist or considers it necessary to make an inquiry into any matters before determining an application made to it by any person Division II of Part II of the *Evidence Act* 1910 applies to that inquiry as it applies to inquiries referred to in section fourteen of that Act, as if the Board were such a board of inquiry as is referred to in that section.

“(2) Any allowances required to be paid to witnesses under section nineteen of the *Evidence Act* 1910 as it has effect for the purposes of this section shall be made by the Board.”.

---

THE SCHEDULE.

(Section 23.)

FORM II.

CERTIFICATE OF QUALIFICATION AS A REGISTERED PHARMACEUTICAL CHEMIST.

I do hereby certify that..... is duly qualified to practise as a registered pharmaceutical chemist from the date hereof until the first day of January next ensuing.

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

.....  
[Registrar] [Deputy-Registrar] \* of the Pharmacy Board of Tasmania.

\* Delete whichever is inapplicable.