

THE PHARMACY ACT, 1908.

ANALYSIS.

1. Short title.
2. Interpretatio

Division I.—*The Pharmacy Board of Tasmania.*

3. Pharmacy Board.
4. Qualification of members of Board.
5. How first Board appointed.
6. Future Board to be elected.
7. Term of office.
8. Vacancies.
9. President to be elected by Board.
10. Quorum of Board.
11. Appointment of officers.
12. Examination of persons and witnesses.
13. President of the Board may summon persons to give evidence.

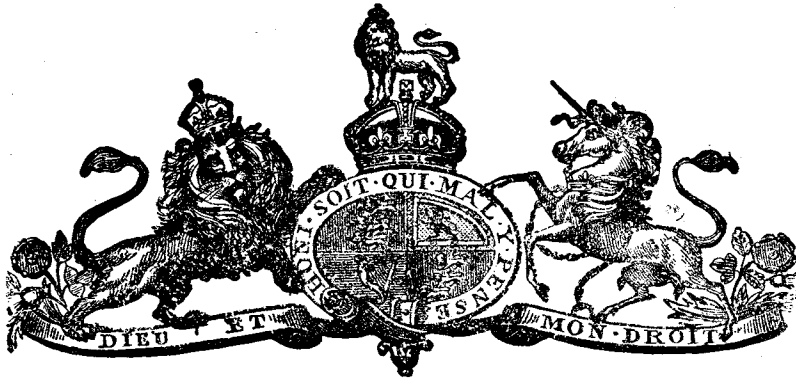
Division II.—*The Pharmaceutical Register of Tasmania.*

14. Register.
15. Board may alter register and erase names therefrom.
16. Change of residence to be notified.
17. Board may strike name off register in certain cases.
18. Annual list of pharmaceutical chemists to be published.
19. Printed registers and documents authenticated by signature of Registrar to be evidence.
20. Appeal to Supreme Court.

Division III.—*Registered Pharmaceutical Chemists.*

21. Qualification of registered pharmaceutical chemists.
 22. Certain persons to be admitted on passing a practical examination.
 23. Certificate.
 24. Board to control examinations in practical pharmacy.
 25. Conditions of registration.
 26. Certain powers of Medical Board continued.
 27. Not to extend to medical practitioners, &c.
 28. Penalties for fraudulent registration.
 29. Certain titles to be used only by pharmaceutical chemists.
 30. Unregistered person carrying on business.
 31. Registered chemist shall control all shops and assistants.
 32. Penalty.
 33. Chemists not to carry on business without a licence.
 34. Reciprocity.
 35. Exemption from juries.
 36. Fees payable.
 37. Penalties and fees to be paid to the Registrar.
 38. Regulations.
 39. No penalty for selling medicines or drugs in certain cases.
 40. Medical practitioners may vend drugs.
 41. Amendment of 50 Vict. No. 13.
 42. Summary jurisdiction.
- Appeal.

TASMANIA.



1908.

ANNO OCTAVO

EDWARDI VII. REGIS,

No. 33.

AN ACT to establish a Board of Pharmacy in *Tasmania*, and to make provision for the Registration of Pharmaceutical Chemists, and for other purposes. [14 *December*, 1908.]

A.D.
1908.

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

1 This Act may be cited as "The Pharmacy Act, 1908."

Short title.

2 In this Act—

Interpretation.

"The Board" means "The Pharmacy Board of *Tasmania*" established under this Act:

"Chemist and druggist" means—

(a) Any person who has, prior to the commencement of this Act, obtained from the President and Two or more members of the Court of Medical Examiners, under the provisions of the Act of Council 6 *Victoria* No. 2, a licence to vend medicines or drugs in *Tasmania*; and

(b) Every person who may be duly registered under this Act as a pharmaceutical chemist:

Pharmacy.

A.D. 1908.

"Pharmaceutical chemist" means a person registered as such under this Act :

"Prescribed" means in manner prescribed by regulation :

"Register" means "The Pharmaceutical Register of *Tasmania* :

"Governor" means the Governor in Council :

"Regulations" means the regulations made under the authority of this Act.

Division I.—*The Pharmacy Board of Tasmania.*

Pharmacy Board. **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.

Qualification of members of Board. **4** Until a register shall have been made in manner provided by Section Fourteen 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 election 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 shall hold office until the Thirtieth day of *January*, One thousand nine hundred and ten.

Future Board to be elected. **6** The members of every future Board shall be elected by the pharmaceutical chemists. No person shall be a member of the Board unless he be a pharmaceutical chemist. Every election shall be conducted in manner prescribed, and be held on some day in the month of *January* to be appointed by the Board. Provided that every registered pharmaceutical chemist shall be entitled to a 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 Sections Twenty-one to Twenty-three inclusive hereof, or shall die, resign, cease to reside in the State, become insolvent or insane, or be declared by resolution of an absolute majority in number 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 by the Board 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.

Pharmacy.

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 Six hereof, but shall be eligible for re-election.

A.D. 1908.

President to be elected by Board.

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

Quorum of Board.

11 The Board may from time to time appoint and remove a Registrar, Deputy-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.

12 The Board may question any person who may attend before the Board, and any witness who may be produced before the Board, and may examine any persons upon oath or take a solemn declaration from such persons; and if any person shall wilfully, knowingly, or corruptly make any false statement upon such examination or in such declaration, or shall utter, or attempt to utter, or put off as true, before the Board any false, forged, or counterfeit diploma, degree, licence, certificate, or other document or writing, he shall be guilty of a misdemeanour, and being thereof duly convicted he shall be liable to be imprisoned for any period not exceeding One year, or to a penalty not exceeding Twenty Pounds.

Examination of persons and witnesses.

13 The President of the Board may summon any person to attend before the Board for the purpose of being examined, or for the purpose of answering any questions in respect to matters within the jurisdiction of the Board which the Board is authorised to put under this Act.

President of the Board may summon persons to give evidence.

Division II.—*The Pharmaceutical Register of Tasmania.*

14 The Board shall from time to time cause the names of all persons certified by the Board as duly qualified for registration as pharmaceutical chemists to be registered, with their residences and qualifications, in a book to be kept by the Board for that purpose, in the form in the First Schedule to this Act, or to the like effect; and such register shall be called "The Pharmaceutical Register of *Tasmania*."

Register.

All persons, so long as their names continue to be enrolled in such register, may be described in this or any other Act or any regulations as pharmaceutical chemists.

Pharmacy.

A.D. 1908.

Board may alter register and erase names therefrom.

15 The Board may from time to time direct the Registrar to make the necessary alterations in the registration of the qualifications and addresses of the persons registered under this Act; and 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 residence or place of business, and if no answer be returned to such letter within the period of Six months from the sending thereof, the Board 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 satisfactory proof of his former registration.

Change of residence to be notified.

16 Every pharmaceutical chemist, on changing his residence or place of business, shall intimate the same to the Registrar, who shall make an entry thereof in the register; and the Registrar-General, under "The Registration of Births and Deaths Act, 1895," or any amendment thereof, on receiving information of the death of any pharmaceutical chemist, shall forthwith transmit notice thereof by post to the Registrar of the Board in *Hobart*, and on receipt thereof, or upon receipt of a certificate or other sufficient proof of the death of any pharmaceutical chemist, the Registrar shall inform the Board thereof, and the Board shall erase the name of such pharmaceutical chemist from the register.

Board may strike name off register in certain cases.

17 If any pharmaceutical chemist be convicted of any offence under this Act, or of any felony or misdemeanour which in the opinion of the Board renders him unfit to be on the register, the Board may, subject to the approval of the Governor in Council, order the name of such person to be erased from such register; and such erasure shall be a disqualification as a pharmaceutical chemist within the meaning of this Act, and it shall be the duty of the Board to erase such name accordingly.

Annual list of pharmaceutical chemists to be published.

18 The Board shall in the month of *February* in each year cause to be published in the *Tasmanian Government Gazette* a list of all pharmaceutical chemists who have taken out certificates under Section Twenty-three for the current year, and in such lists respectively the names of such pharmaceutical chemists shall be in alphabetical order according to the surnames, with the respective residences or places of business and dates of registration of such chemists.

Provided that if after the publication of such annual list any pharmaceutical chemist shall take out a certificate for the current year, the Board, so often as the same may happen, shall publish in the said *Gazette* an extract from the register containing the name, residence, place of business, and date of registration of such chemist.

Pharmacy.

19 The *Gazette* containing a list or a printed copy of the list purporting to be signed by the 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 whatever 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.

A.D. 1908.

Printed registers and documents authenticated by signature of Registrar to be evidence.

20 The Supreme Court may, by *mandamus* directed to the Board, compel the issue of a certificate or licence under this Act to any person, or the registration of any person who in the opinion of the Court shall have been unreasonably refused such certificate, licence, or registration by the Board.

Appeal to Supreme Court.

Division III.—*Registered Pharmaceutical Chemists.*

21 No person shall receive from the Board a certificate that he is duly qualified for registration as a pharmaceutical chemist unless he shall have attained the age of Twenty-one years, and unless—

Qualification of registered pharmaceutical chemists.

- I. Prior to the commencement of this Act he had obtained from the President and Two or more members of the Board of Medical Examiners, under the provisions of the Act of Council 6 *Victoriæ* No. 2, a licence to vend medicines or drugs: or unless
- II. He holds a certificate or diploma of competency as a pharmaceutical chemist, or as a chemist and druggist, from the Pharmaceutical Societies of *Great Britain* or *Ireland*, or any college or board of pharmacy recognised by the Board under any regulations made or for the time being in force under this Act: or unless
- III. He shall have served for not less than Four years as an apprentice in the business of a registered pharmaceutical chemist, or chemist and druggist, or homœopathic chemist, keeping an open shop for the compounding and dispensing of prescriptions of duly-qualified medical practitioners or for vending medicines or drugs, and shall produce to the board a certificate from the proper officer of the *Tasmanian* University that the person named therein has before the commencement of his apprenticeship passed the junior or senior public examination of such University, or some other examination equivalent thereto, or has before the commencement of his apprenticeship passed a preliminary examination before the Board of Examiners appointed thereby in the subjects of Latin, English, arithmetic, euclid, and algebra, and shall also have passed an inter-

Pharmacy.

A.D. 1908.

mediate examination in subjects prescribed by the Board and a final examination in the subjects of practical pharmacy, chemistry, and any subject that may be prescribed by the Board.

Certain persons to be admitted on passing a practical examination.

22—(1.) Every person who shall have been continuously employed by a qualified chemist in *Tasmania* in dispensing medicines for a period of Four years prior to the commencement of this Act shall be entitled to be registered upon passing, within Two years from the commencement of this Act, an examination in practical knowledge of the business of a dispensing chemist without any preliminary examination.

(2.) Every person claiming the benefit of this section shall register his name with the Board on or before the Thirty-first day of *March*, One thousand nine hundred and nine.

Certificate.

23 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 to 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.

Board to control examinations in practical pharmacy.

24 The Board shall have power to control and direct the preliminary and all examinations under this Act, including practical pharmacy, and such other subjects as may be prescribed by the Board; but such examination shall not include the theory and practice of medicine, surgery, or midwifery. The Board may grant or refuse to any persons certificates of competency, skill, knowledge, and qualification to exercise the business or calling of a pharmaceutical chemist. In the case of rejection, a rejected candidate may present himself for re-examination after a period of Six months.

Conditions of registration.

25 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 and Sixth Schedules of this Act respectively, or to the like effect. Where a person applies for such certificate under Subsection II. of Section Twenty-one his declaration must be accompanied by 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.

Certain powers of Medical Board continued.

26 If the Court of Medical Examiners under the Act 6 *Victoriae* No. 2 shall cease to exist for general purposes, it shall nevertheless continue to exist for the purpose of granting licences to sell drugs under the said Act 6 *Victoriae* No. 2 until the Board shall have been constituted under this Act, and thereafter the Board shall exercise all such powers as shall have accrued under the said Act but shall not have been exercised.

Pharmacy.

27 Nothing in this Act contained shall extend to or interfere with the business, or with any rights and privileges, of any legally-qualified medical practitioner, nor with the business of wholesale importers of drugs or medicines in supplying the same in the ordinary course of wholesale dealing; and upon the decease of any registered pharmaceutical chemist actually in business at the time of his death, it shall be lawful for his executors, administrator, or trustee to continue such business if and so long as such business shall be *bonâ fide* conducted under the management of a registered pharmaceutical chemist.

A.D. 1908.

Not to extend
to medical
practitioners, &c.

28 Any Registrar or other person who shall wilfully, knowingly, or corruptly make any false entry in the register, or in the list of pharmaceutical chemists for any year, and any person who shall procure or attempt 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 deemed guilty of a misdemeanour punishable by a fine or imprisonment, and shall on conviction be liable to a penalty not exceeding Twenty Pounds or imprisonment for any term not exceeding Twelve months.

Penalties for
fraudulent
registration.

29 Every person commits an offence who, after the First day of *March*, One thousand nine hundred and nine, not being a registered pharmaceutical chemist, in any way directly or indirectly:—

Certain titles to
be used only by
pharmaceutical
chemists.

- i. Uses the name or title of "Chemist and Druggist," "Pharmaceutical Chemist," "Registered Chemist," "Pharmaceutist," "Pharmacist," "Dispensing Chemist," "Dispensing Druggist," "Homœopathic Chemist," "Chemist," or "Druggist," whether with or without any other words: or
- ii. Holds himself out to the public as being the successor of, or as having been connected with or in the employment of, any pharmaceutical chemist: or
- iii. Uses or exhibits any name, title, term, sign, or symbol which may be construed to mean that he is qualified to perform the duties of a pharmaceutical chemist.

30 Every person commits an offence who, after the First day of *March*, One thousand nine hundred and nine, not being a registered pharmaceutical chemist, in any way directly or indirectly carries on, or attempts to carry on, the business of a chemist and druggist, or homœopathic chemist, or pharmaceutical chemist, or any of them, by keeping an open shop or place of business for the compounding or dispensing of prescriptions, or for vending any medicines or drugs.

Unregistered
person carrying
on business.

Pharmacy.

A.D. 1908.

Registered
chemist shall
control all shops
and assistants.

- 31** Every pharmaceutical chemist commits an offence who—
- I. Keeps or maintains any shop for vending medicines or drugs, or the compounding or dispensing of prescriptions, unless such shop is constantly under his own control or that of some other registered pharmaceutical chemist :
 - II. Permits any person, other than an assistant in his employment and under his constant control, or a registered pharmaceutical chemist, to vend medicines or drugs or compound or dispense prescriptions.

Penalty.

32 Every person who commits any of the offences referred to in any of the Three last preceding sections hereof, and every person who fails to comply with the provisions of this Act or any regulations, is liable to a penalty not exceeding Ten Pounds for each offence, and may be also committed to prison for any period not exceeding Six months. Nothing in this Act shall prevent any person from being liable to any other penalty, damages, or punishment to which he would have been liable if this Act had not been passed.

Chemists not to
carry on business
without a licence.

33 No 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 pharmaceutical chemist or dispensing chemist or druggist, excepting during the currency of a certificate granted to him under Section Twenty-three hereof ; and every pharmaceutical chemist who shall be guilty of any contravention of this section shall be liable to a penalty not exceeding Ten Pounds.

Reciprocity.

34 The Board may from time to time, with the consent of the Governor, make arrangements with the Pharmacy Board in any of the *Australasian* States or the Dominion of *New Zealand* or other *British* colony for the reciprocal recognition and exchange of certificates and registration.

Exemption from
juries.

35 All pharmaceutical chemists actually engaged in carrying on business as chemists and druggists shall whilst so engaged be exempt from serving on juries.

Fees payable.

36 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. Provided that the Board, with the consent of the Governor, may from time to time, by notice in the *Tasmanian Government Gazette*, increase, diminish, alter, or abolish such fees or any of them.

Pharmacy.

37 All penalties recovered and all fees received under this Act shall be paid to the Registrar, and shall form part of the funds of the Board.

A.D. 1908.

Penalties and fees to be paid to the Registrar.

38 The Board may from time to time make, alter, or rescind regulations for the purpose of carrying this Act into effect. Such regulations shall not have any effect if they be repugnant to any law in force in *Tasmania* or to the provisions of this Act, nor until they shall have been confirmed by the Governor in Council, and published in the *Tasmanian Government Gazette*; and any regulation may impose a 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 *primâ facie* evidence that such regulations were duly made in pursuance of this Act.

Regulations.

39 No person shall, after the commencement of this Act, incur any penalty by selling medicines or drugs at any place which is distant more than Two miles from the place of business of any registered pharmaceutical chemist: Provided that such medicines or drugs shall be sold in unopened packages made up by or bearing the label of some registered pharmaceutical chemist and not otherwise.

No penalty for selling medicines or drugs in certain cases.

40 It shall be lawful for every legally-qualified medical practitioner to vend any medicines or drugs without becoming registered as a pharmaceutical chemist under this Act.

Medical practitioners may vend drugs.

41 Wherever in the Act of Parliament of *Tasmania* 50 *Victoriae* No. 13 the Court of Medical Examiners is mentioned, the same shall hereafter be taken to mean the Board; and wherever in the same Act a person who has obtained a licence to vend any medicine or drug, as provided in Section Six of the Act of Council of the 6th *Victoriae* No. 2 is referred to, such person shall hereafter be taken to mean a registered pharmaceutical chemist under this Act; and wherever in the Fourth Section of the same Act the words "a qualified person under 'The Medical Act' (6 *Victoriae* No. 2)" are used, such person shall hereafter be taken to mean a registered pharmaceutical chemist under this Act.

Amendment of 50 Vict. No. 13.

42 All offences against this Act, other than offences which are hereinbefore declared to be misdemeanours, shall be heard and determined, and all penalties be recovered, in a summary way by and before any Two or more justices of the peace in the mode prescribed by "The Magistrates Summary Procedure Act" and any person aggrieved by any summary conviction under this Act may appeal therefrom in the manner directed by "The Appeals Regulation Act."

Summary jurisdiction.

Appeal.

Pharmacy.

A.D. 1908.

Sect. 14.

FIRST SCHEDULE.

REGISTER OF PHARMACEUTICAL CHEMISTS.

No.	Name.	Address.	Qualification.	Date of Registration.	By whom Registered.
1	Thomson, Alfred	Elizabeth-street, Hobart	Pharmaceutical Chemist, Great Britain	2nd Jan., 1907	X.Y.Z.
2	Jones, Wm.	Patterson-street, Launceston	Chemist and Drug- gist	1st Feb., 1907	Ditto

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

Sect. 23.

SECOND SCHEDULE.

FEES PAYABLE TO THE BOARD UNDER THIS ACT.

	£	s.	d.
For every preliminary examination	1	1	0
For every intermediate examination	1	1	0
For the final examination under Section 20	3	3	0
For the issue of any annual certificate of registration to any pharmaceutical chemist	1	1	0
For every list of pharmaceutical chemists	0	1	0

Sect. 23.

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 Phar-
maceutical Chemist from the date hereof until the 1st day of January next
ensuing.

Dated at Hobart, this _____ day of _____, 1908.

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

Sect. 25.

FOURTH SCHEDULE.DECLARATION BY A PERSON WHO WAS IN BUSINESS IN
TASMANIA AS A CHEMIST AND DRUGGIST BEFORE THE
COMMENCEMENT OF THIS ACT.

I _____ residing at
in _____ do solemnly and sincerely declare that I have attained
the age of 21 years, and that prior to the commencement of "The Pharmacy Act,
1908," I had obtained from the President and Two or more members of the Court

Pharmacy.

of Medical Examiners under the provisions of Act of Council of Tasmania 6 Victoria No. 2 a licence to vend medicines or drugs, and that such licence is still in force. And I make this solemn declaration, &c. A.D. 1908.

Declared at _____ in the _____ this
day of _____ 190 _____
Before me,

FIFTH SCHEDULE.

Sect. 25.

DECLARATION BY APPRENTICE.

I _____ of _____ in the State of Tasmania
do solemnly and sincerely declare—

1. That I have attained the age of 21 years.
2. That I have served not less than Four years as an apprentice to
Mr. _____ registered pharmaceutical chemist keeping
an open shop _____ for dispensing and compounding
prescriptions and for vending medicines or drugs, and also that I
have passed examinations at _____

And I make this solemn declaration, &c.

Declared at _____ in the _____ this
day of _____ 190 _____
Before me,

SIXTH SCHEDULE.

Sect. 25.

**DECLARATION TO BE SIGNED BY MASTER CHEMIST AND
DRUGGIST AS TO SERVICE OF APPRENTICE.**

I _____ residing at _____ do hereby declare that
I am a registered pharmaceutical chemist, and that
residing at _____ was employed as an apprentice in my open
shop at _____ during the periods under mentioned from
190 to _____ 190 And I make this solemn declaration, &c.

Declared at _____ this _____ day of _____ 190
Before me,

