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Robyn Webb
Chief Parliamentary Counsel
Dated 30 July 2019



TASMANIA

PHARMACY CONTROL ACT 2001

No. 90 of 2001

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PHARMACY CONTROL ACT 2001

No. 90 of 2001

An Act to provide for the regulation of pharmacy business ownership, the registration of pharmacy business premises, to repeal the *Pharmacy Act 1908* and for related purposes

[Royal Assent 17 December 2001]

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:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Pharmacy Control Act 2001*.

2. Commencement

This Act commences on a day to be proclaimed.

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3. Interpretation

In this Act, unless the contrary intention appears –

applicant means a person who submits an application to the Authority;

approved means approved by the Authority;

Authority means the Tasmanian Pharmacy Authority established under section 6;

certificate of registration means a certificate given by the Authority under section 71F;

chairperson means chairperson of the Authority;

committee means a committee established by the Authority under section 13;

eligible person means a person who holds an eligibility certificate;

eligibility certificate means a certificate issued by the Authority under section 61B;

exempt person means a person who is exempt, under section 61D, from the requirement to apply for an eligibility certificate;

financial year means the 12 month period ending on 30 June in any year;

Friendly Society means a body that was registered under the Friendly Societies

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(Tasmania) Code as a society immediately before the repeal of the *Friendly Societies (Tasmania) Act 1997*;

functions includes duties;

guidelines means guidelines issued by the Authority;

Health Complaints Commissioner means the person appointed as Health Complaints Commissioner under the *Health Complaints Act 1995*;

inspection means an inspection under section 59;

interest in a pharmacy business – see section 3B;

lapsing date, for a provision of this Act, means –

- (a) 30 June or, if another date is prescribed for the provision, that other date; or
- (b) if the Authority determines in respect of a particular person, pharmacy business or pharmacy business premises that a date other than the date specified or prescribed under paragraph (a) of this definition should be the lapsing date for the provision, the other date so determined by the

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Authority for that person or
business or those premises;

member means member of the Authority and
includes the chairperson;

notice means notice in writing;

owner, of a pharmacy business, means the
person or persons for the time being
holding an eligibility certificate and
named in the certificate of registration for
the relevant pharmacy business premises;

pharmacist means a person who holds general
registration under the Health Practitioner
Regulation National Law (Tasmania) in
the pharmacy profession;

pharmacy business – see section 3A;

pharmacy business premises means a shop or
other premises where a pharmacy
business is carried on;

register means the Pharmacy Business
Premises Register kept under
section 71L;

registered means registered under this Act;

registration board means a board established
under section 31 of the Health
Practitioner Regulation National Law
(Tasmania);

relevant pharmacy business, in relation to
any pharmacy business premises, means

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the pharmacy business carried on in or from those premises;

relevant pharmacy business premises in relation to a pharmacy business, means the premises in or from which the business is carried on;

report includes publish;

responsible tribunal means the Health Practitioners Tribunal established under the *Health Practitioners Tribunal Act 2010*;

Secretary means Secretary of the Department;

specified means specified in writing by the Authority.

3A. Meaning of “*pharmacy business*”

(1) In this section –

dispensing, of narcotic substances or restricted substances, means preparing the narcotic substances or restricted substances for sale or supply to members of the public;

preparing includes packaging, labelling and recording.

(2) In this section, the following expressions have the same meaning as they have in the *Poisons Act 1971* –

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- (a) medicinal poison;
 - (b) narcotic substance;
 - (c) potent substance;
 - (d) restricted substance.
- (3) For the purposes of this Act, a business is a pharmacy business if it involves any or any combination of the following activities:
- (a) the compounding or dispensing, by a pharmacist, of narcotic substances and restricted substances on the prescription or lawful request of a medical practitioner or other health professional;
 - (b) the sale or supply, by a pharmacist, of potent substances;
 - (c) the sale or supply, by a pharmacist or by an employee of that pharmacist under his or her supervision, of medicinal poisons that are in the possession, custody or control of that or another pharmacist.
- (4) To avoid doubt, a business that is carried on by a person to whom section 27 of the *Poisons Act 1971* applies is not a pharmacy business for this Act.

3B. Meaning of “*interest in a pharmacy business*”

- (1) For the purposes of this Act, the expression *interest in a pharmacy business* means any legal

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or beneficial interest in the business, including an interest as –

- (a) a sole proprietor; or
 - (b) a partner; or
 - (c) a director, member or shareholder of a company as defined in the Corporations Act; or
 - (d) a trustee or beneficiary of, or unit holder in, a trust.
- (2) Without limiting the generality of subsection (1), a person will be taken to have an interest in a pharmacy business for the purposes of this Act if the person is party to an arrangement of a kind prescribed by the regulations.

4. Act binds Crown

This Act, other than Parts 4, 5A and 6A, binds the Crown in right of Tasmania and, so far as the legislative power of Parliament permits, in all its other capacities.

5. Application of Act

Nothing in this Act extends to or affects –

- (a) the business of a licensed manufacturing chemist or licensed wholesale chemist, within the meaning of the *Poisons Act 1971*; or

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- (b) a person who is authorised under the *Poisons Act 1971* to sell or supply a scheduled substance, within the meaning of that Act, other than a pharmacist.

5A. Inconsistency between Act and Health Practitioner Regulation National Law (Tasmania)

In the event of an inconsistency between a provision of this Act and the Health Practitioner Regulation National Law (Tasmania), the provisions of the Health Practitioner Regulation National Law (Tasmania) prevail.

PART 2 – TASMANIAN PHARMACY AUTHORITY

Division 1 – The Authority

6. Establishment of Authority

- (1) The Tasmanian Pharmacy Authority is established.
- (2) The Authority –
 - (a) is a body corporate with perpetual succession; and
 - (b) may acquire, hold, dispose of and otherwise deal with property; and
 - (c) may sue and be sued in its corporate name.

7. Membership of Authority

- (1) The Authority consists of –
 - (a) two pharmacists nominated by the Secretary; and
 - (b) one person, who is not a pharmacist, nominated by the Secretary to represent the interests of consumers.
- (2) The members are appointed by the Minister.
- (3) The Secretary, on the recommendation of the members, must appoint a member as chairperson.

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- (4) For the purpose of making nominations under subsection (1)(a), the Secretary may –
- (a) request any body that purports to represent the professional interests of pharmacists to provide the Secretary within 28 days of the date of the request with a list of names; and
 - (b) accept a recommendation from any body that purports to represent the professional interests of pharmacists or from any pharmacist; and
 - (c) accept an expression of interest from any pharmacist.
- (5) Schedule 1 has effect with respect to membership of the Authority.
- (6) Schedule 2 has effect with respect to meetings of the Authority.

Division 2 – Functions, powers and objectives

8. Functions of Authority

The Authority has the following functions:

- (a) to administer a scheme of registration of pharmacy business premises;
- (b) to approve the ownership of and interests in pharmacy businesses;
- (c) to ensure that the services that pharmacy businesses provide from pharmacy

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business premises to the public are of the highest possible standard;

- (d) to prosecute offences against this Act;
- (e) to advise the Minister on matters relating to this Act;
- (f) such other functions as are imposed on the Authority by this or any other Act or as may be prescribed.

9. Powers of Authority

The Authority has power to do all things necessary or convenient to be done in connection with the performance of its functions and, in particular, has power to –

- (a) share information with pharmacists registration authorities and other relevant bodies; and
- (b) publish and distribute information about this Act to pharmacists and other interested persons; and
- (c) do anything incidental to any of its powers.

10. Delegation

The Authority may delegate any of its functions or powers, other than this power of delegation, to a member of the Authority, the Registrar or a committee.

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11. Guidelines

- (1) The Authority may issue guidelines from time to time to provide practical guidance and direction to persons on the registration and renewal of registration of pharmacy business premises and other matters under this Act.
- (2) The guidelines –
 - (a) are to be written in plain language, follow a consistent style and format, and be as brief as possible consistent with their intended application; and
 - (b) may be made so as to apply differently according to such matters, limitations or restrictions, whether as to time, location, circumstance or otherwise, as are specified in them; and
 - (c) may confer responsibilities and discretionary responsibilities on the Authority; and
 - (d) may not purport to impose sanctions for any failure to comply with them; and
 - (e) may not contain provisions that are repugnant to the provisions of this or any other Act.
- (3) In the event that the provisions of any guideline are inconsistent with the provisions of any Act, the provisions of the Act always prevail.

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- (4) The Authority may publish guidelines as it thinks fit having regard to their intended application.
- (5) No fee is chargeable or payable for issuing, supplying, obtaining or accessing a copy of any guidelines.
- (6) Guidelines are not –
 - (a) statutory rules for the purposes of the *Rules Publication Act 1953*; or
 - (b) instruments of a legislative character for the purposes of the *Subordinate Legislation Act 1992*.
- (7) Guidelines are taken to be instruments to which section 22 of the *Acts Interpretation Act 1931* applies.

12. Compliance with Treasurer’s Instructions

Treasurer’s Instructions issued under the *Financial Management Act 2016* in relation to procurement and disposal apply to the Authority as if the Authority were an Agency within the meaning of that Act.

Division 3 – Miscellaneous

13. Committees

- (1) The Authority may establish such committees as it considers necessary for the purpose of assisting it in the performance of any of its

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functions or the exercise of any of its powers or advising it on any matter relating to this Act.

- (2) Except as otherwise provided in this Act –
 - (a) a committee comprises such persons as the Authority appoints; and
 - (b) a member of the Authority may be a member of a committee.
- (3) A member of a committee is entitled to be paid such remuneration, including travelling and subsistence allowances, as the Authority may from time to time determine and any such remuneration is to be paid by the Authority.
- (4) The Authority may give written directions to a committee and the committee must comply with any such directions.
- (5) A committee must keep accurate minutes of its proceedings.
- (6) Except as otherwise provided in this Act, a committee may regulate its own proceedings.

14. Registrar

- (1) The Authority must appoint a Registrar.
- (2) The Registrar may be –
 - (a) an independent contractor to the Authority; or

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- (b) a person whose services are made available to the Authority pursuant to an arrangement under section 15.
- (3) The Registrar is to act as secretary to the Authority.

14A.

15. Use by Authority of services of persons

- (1) The Authority may arrange with the Head of an Agency, within the meaning of the *State Service Act 2000*, for the services of persons employed in that Agency to be made available to the Authority.
- (2) The Authority may arrange with any other person for the services of persons employed by that person to be made available to the Authority.
- (3) The cost of making a person's services available to the Authority in accordance with this section is to be met by the Authority.

16. Protection from liability

- (1) A person engaged in the administration of this Act does not incur any personal liability for an act done or purported or omitted to be done by the person in good faith for that purpose.

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- (2) A person who makes a complaint in good faith does not incur any personal liability in respect of any loss, damage or injury suffered by another person as a result of the making of the complaint.

Division 4 – Finance and reports

17. Funds of Authority

- (1) The Authority is to keep such authorised deposit-taking institution accounts as it considers necessary.
- (2) The funds of the Authority are to be paid to the credit of such of the accounts referred to in subsection (1) as the Authority determines and are to consist of –
- (a) money received by way of fees, fines, penalties and charges paid to or recovered by the Authority; and
 - (b) any money borrowed by the Authority; and
 - (c) any money received by the Authority from other sources.
- (3) The funds of the Authority are to be applied –
- (a) in payment or discharge of the expenses, charges and obligations incurred or undertaken by the Authority in the performance of its functions and the exercise of its powers; and

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- (b) in the payment of any remuneration payable by the Authority.
- (4) The Authority may invest any money that it is holding in any manner in which a trustee is authorised by law to invest trust funds.

18. Audit

- (1) The accounts and records of the Authority are subject to the *Audit Act 2008*.
- (2) The Authority must pay into the Public Account such amounts as the Treasurer may require towards the reasonable costs and expenses of audits conducted pursuant to this section.

19. Accounts

The Authority must keep proper accounts and records of its financial affairs and, not later than 15 August after the end of each financial year, prepare a statement of accounts in a form approved by the Auditor-General exhibiting a true and correct view of the financial position and transactions of the Authority for that financial year.

20. Annual report

- (1) The Authority must, not later than 31 August after the end of each financial year, give the Minister a report on its operations for that financial year.

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- (2) The report is to incorporate the audited statement of accounts prepared for the relevant financial year under section 19.
- (3) The Minister may, in writing, direct the Authority to prepare the report in a particular way or to include particular information in the report.
- (4) The report may be appended to an annual report of the Department.
- (5) Subsection (4) has effect notwithstanding section 36(3) of the *State Service Act 2000*.
- (6) If the Authority's report is not appended to an annual report of the Department, the Minister must cause the Authority's report to be laid before each House of Parliament by not later than 31 October after the end of the financial year to which it relates.

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PART 4 – INSPECTIONS

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Division 3 –

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58. Interpretation

(1) In this Division –

relevant party means –

- (a) in the case of registered pharmacy business premises, the owner of the relevant pharmacy business; and
- (b) in the case of premises sought to be registered as pharmacy business premises, the applicant for registration; and
- (c) in the case of all other premises, the person apparently in charge of those premises.

59. Authorisation and powers of inspection

(1) If –

- (a) the Authority reasonably suspects that a person may be operating a pharmacy business in breach of this Act; or
- (b) the Authority reasonably suspects that a person may be operating a pharmacy business from premises that may not be suitable for registration having regard to the matters set out in section 71E ; or
- (c) the Authority receives a referral of a complaint from the Health Complaints Commissioner; or
- (d) the Authority receives a request from a registration Board to inspect any premises; or
- (e) premises sought to be registered are being made ready to be used or have been made ready to use for the purposes of a pharmacy business; or
- (f) premises registered as pharmacy business premises have been, or are being, renovated or altered; or
- (g) the Authority wishes to carry out a random inspection on registered pharmacy business premises for the purposes of auditing those premises against the matters set out in section 71E –

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the Authority may, in writing, authorise a person to act as an inspector.

- (2) On production of the authorisation, the inspector may at any reasonable time enter the relevant premises and do all or any of the following:
- (a) inspect the premises generally;
 - (b) require the person apparently in charge of the premises to produce for inspection any document held at the premises;
 - (c) inspect and take notes of or extracts from any such document;
 - (d) make a copy of any such document;
 - (e) ask questions of and require answers from persons on the premises;
 - (f) take photographs;
 - (g) open and inspect containers or packages that the inspector reasonably suspects are used for the purpose of, or in connection with, the practice of pharmacy;
 - (h) examine or test any equipment held on the premises;
 - (i) require a person claiming to be a pharmacist to produce evidence of his or her registration as a pharmacist;
 - (j) if the inspector reasonably suspects that an offence has been committed against this Act, seize and, on furnishing a

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receipt, remove anything that in the reasonable opinion of the inspector is evidence of the offence or contravention;

- (k) remove, on furnishing a receipt, any document found on the premises to the custody and control of the Authority for as long as the Authority considers necessary or expedient.
- (3) If the Authority is satisfied that for legitimate reasons a person needs access to a document that has been removed from the person's pharmacy business premises to the custody and control of the Authority under subsection (2)(k), the Authority in its discretion may –
- (a) grant the person reasonable access to the document or to a copy of the document; or
 - (b) provide the person with a copy or certified copy of the document; or
 - (c) retain a copy of the document and return the original to the person.
- (4) A person must not give, agree to give or offer to an inspector a gift, reward or other inducement to do or abstain from doing anything in relation to an inspection.

Penalty: Fine not exceeding 25 penalty units.

- (5) Following an inspection, an inspector is to furnish the Authority with a report –

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- (a) detailing the nature of the inspection; and
- (b) containing copies of any photographs or documents and particulars of any test, examination or items seized during the course of the inspection; and
- (c) advising any recommendations of the inspector.

59A. Powers of Authority following inspection

- (1) Following receipt of a report from an inspector under section 59, the Authority may make a decision –
 - (a) that no further action be taken; or
 - (b) that action is required by the relevant party to ensure that the premises are suitable for use as pharmacy business premises; or
 - (c) that the premises are being unlawfully used as pharmacy business premises.
- (2) If the Authority determines that action is required by the relevant party pursuant to subsection (1)(b), the Authority may direct the relevant party to carry out specified works or actions in relation to the pharmacy business premises and, if it considers it appropriate to do so in the circumstances, further direct the relevant party to close, and not trade from, the

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pharmacy business premises until those works or actions have been carried out.

- (3) If the Authority determines that the premises are being unlawfully used as pharmacy business premises pursuant to subsection (1)(c), the Authority may take appropriate action in accordance with this Act to prevent the further unlawful use of the premises as pharmacy business premises.
- (4) The Authority is to serve a notice of its decision made under subsection (1) on the relevant party.
- (5) The written decision of the Authority is to contain the following information:
 - (a) the reason for the decision;
 - (b) in the case of a decision referred to in subsection (1)(b) –
 - (i) a general description of the work to be carried out at the premises; and
 - (ii) whether the decision includes a direction under subsection (2)(b) that the pharmacy business premises be closed until the work or actions have been carried out; and
 - (iii) the day on which the decision is to take effect; and

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- (iv) the relevant party's right to appeal against the decision to the responsible tribunal under section 60 ;
- (c) in the case of a decision referred to in subsection (1)(c) –
 - (i) a statement to the effect that the premises are being unlawfully used as pharmacy business premises; and
 - (ii) a statement to the effect that the premises must not continue to be used as pharmacy business premises; and
 - (iii) the date upon which the notice was served; and
 - (iv) the relevant party's right to appeal against the decision to the responsible tribunal under section 60 .
- (6) A decision of the Authority referred to in subsection (1)(b) or (c) takes effect notwithstanding the relevant party's right of appeal.
- (7) Nothing in subsection (6) is intended to restrict –
 - (a) a relevant party's right to appeal the decision of the Authority; or

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- (b) the responsible tribunal's power to order a stay of the decision; or
 - (c) the Authority's power to prosecute for an offence committed under this Act.
- (8) If the Authority's decision under subsection (1)(b) or (c) takes effect, the Authority may do any or all of the following:
- (a) give notice of its decision to a registration board and such other bodies as it considers appropriate;
 - (b) give notice of its decision to the Secretary;
 - (c) cause notice of its decision to be published in the *Gazette*, in any newspaper or in any professional publication related to the practice of pharmacy;
 - (c) cause notice of its decision to be published in any other way it considers appropriate.
- (9) The Authority may not do any of the things specified in subsection (8) until –
- (a) the expiration of the period within which the relevant party may lodge an appeal against the decision; or
 - (b) if the relevant party lodges an appeal against the decision, the decision is

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affirmed or varied by the responsible tribunal or the appeal is withdrawn.

- (10) The Authority, as an alternative to taking action under subsection (2)(a) or (b), may accept an undertaking from the relevant party to take or refrain from taking specified action either generally or within a specified period of time.
- (11) If the Authority has appointed an inspector following the referral of a complaint from the Health Complaints Commissioner, the Authority must, within a reasonable period, notify the Health Complaints Commissioner of the outcome of the inspection, including details of any notice served under subsection (4).
- (12) If the Authority has appointed an inspector following a request from a registration board, the Authority must, within a reasonable period, notify the relevant registration board of the outcome of the inspection, including details of any notice served under subsection (4).

59B. Failure to comply with Authority's direction

- (1) If the Authority –
 - (a) takes action under section 59A(2)(a) or (b); or
 - (b) accepts an undertaking under section 59A(10) –

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and the relevant party fails to comply with the direction or undertaking, the Authority may take action under section 71H .

- (2) The Authority may not take action under section 71H until –
- (a) the expiration of the period within which the relevant party may lodge an appeal against the decision; or
 - (b) if the relevant party lodges an appeal against the decision, the decision is affirmed or varied by the responsible tribunal or the appeal is withdrawn.

PART 5 – APPEALS

60. Right of appeal

- (1) A person may appeal to the responsible tribunal if the person is aggrieved by a decision of the Authority.
 - (a- k)
- (2) The appeal is to be instituted within 28 days after notice of the Authority’s decision is given to the person.

61. Hearing of appeals

- (1) On hearing an appeal against a decision of the Authority, the responsible tribunal may –
 - (a) affirm the decision; or
 - (b) vary the decision; or
 - (c) quash the decision.
- (2) If the responsible tribunal quashes the decision it may, according to the circumstances of the case –
 - (a) substitute for the decision it has quashed any decision that the Authority would have had jurisdiction to make in those circumstances; or
 - (b) remit the matter to the Authority, with or without directions, for further hearing or

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consideration or for rehearing or reconsideration.

- (3) The responsible tribunal may make any further order that it considers just in the circumstances of the case and, without limiting the generality of this, may order the Authority to take or refrain from taking any action in relation to the appellant.

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Part 5A – Interests in Pharmacy Businesses

PART 5A – INTERESTS IN PHARMACY BUSINESSES

61A. Application of Part

- (1) This Part does not bind the Crown.
- (2) This Part does not apply to a pharmacy business located wholly within a hospital operated by an agency or instrumentality of the Crown in right of Tasmania or the Commonwealth.
- (3) In this Part –

close relative, of a pharmacist, means –

- (a) the spouse of the pharmacist; or
- (b) the son, daughter, grandson or granddaughter of the pharmacist; or
- (c) any child of the spouse of the pharmacist, of whom the pharmacist is not the natural parent; or
- (d) the father, stepfather, mother or stepmother of the pharmacist; or
- (e) the brother, step-brother, sister or step-sister of the pharmacist;

spouse, in relation to a pharmacist, includes a person who is in a significant relationship with the pharmacist within the meaning of the *Relationships Act 2003*.

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61B. Applying to hold an interest in pharmacy business

- (1) A person, including a body corporate, that intends to hold an interest in a pharmacy business must apply to the Authority for a certificate deeming the person to be eligible to hold an interest in a pharmacy business (an *eligibility certificate*), unless the person is an exempt person.
- (2) An application is to be –
 - (a) in an approved form; and
 - (b) lodged with the Authority; and
 - (c) accompanied by the prescribed application fee, if any; and
 - (d) accompanied by such information or evidence as the Authority requires.
- (3) The Authority may require the applicant to provide such further information or evidence as it considers necessary in order to consider the application.
- (4) The Authority may waive all or part of the application fee.
- (5) The Authority, after considering an application for an eligibility certificate may –
 - (a) issue an eligibility certificate; or
 - (b) refuse to issue an eligibility certificate.

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- (6) The Authority must issue an eligibility certificate to an applicant if –
- (a) the applicant is an eligible person within the meaning of section 61C; and
 - (b) the applicant is a fit and proper person, and in the case of a body corporate each of its members is a fit and proper person, to hold an interest in a pharmacy business; and
 - (c) the applicant complies with subsections (2) and (3).
- (7) An eligibility certificate remains in force until the earlier of the following:
- (a) the lapsing date following its date of issue;
 - (b) the end of the period of 14 days commencing on the day a change occurs in the matters relied upon in support of the application for the certificate.
- (8) If the Authority refuses to issue an eligibility certificate, the Authority is to give the applicant notice of –
- (a) the refusal; and
 - (b) the reasons for the refusal; and
 - (c) the right to appeal the refusal.

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61C. Eligibility

- (1) A person is eligible to hold an interest in a pharmacy business if, and only if –
 - (a) in the case of a natural person, he or she is a pharmacist, whether or not that pharmacist has had his or her registration suspended within the meaning of the Health Practitioner Regulation National Law (Tasmania); or
 - (b) in the case of a partnership, each member of the partnership is a pharmacist whether or not one or more of those pharmacists have had their registrations suspended within the meaning of the National Practitioner Regulation National Law (Tasmania); or
 - (c) in the case of a body corporate, each director of the body corporate is a pharmacist and each other member of the body corporate is a pharmacist or a close relative of a pharmacist and –
 - (i) the controlling interest in the body corporate is held by a pharmacist or by persons who are pharmacists; and
 - (ii) all the shares and the beneficial interest in those shares are held by pharmacists or close relatives of a pharmacist; and

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- (iii) control and supervision of any pharmacy services carried on by the pharmacy business are vested in a person who is a pharmacist or in persons who are pharmacists; or
 - (d) the person is a body corporate lawfully permitted to call itself a Friendly Society and –
 - (i) control and supervision of the pharmacy business is, or will be, vested in a pharmacist; and
 - (ii) that body corporate held an interest in a pharmacy business in this State before the commencement of the *Pharmacists Registration Amendment Act 2010*.
- (2) Nothing in this section prevents a person who is eligible under subsection (1) from holding the eligible person's interest on trust for a beneficiary if each beneficiary is –
 - (a) a pharmacist; or
 - (b) a close relative of a pharmacist; or
 - (c) a trustee of another trust, each beneficiary or, if applicable, each unit holder of which is –
 - (i) a pharmacist; or

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- (ii) a close relative of a pharmacist.

61D. Exemptions

A person is exempt from the requirement to apply for an eligibility certificate if –

- (a) the person is a member of a body corporate that has applied for, or holds, an eligibility certificate; or
- (b) the person is a beneficiary of or unit holder in a trust referred to in section 61C(2) and the trustee of that trust has applied for, or holds, an eligibility certificate; or
- (c) the person is the executor, administrator or trustee of the estate of a pharmacist who has died or become bankrupt while holding an interest in a pharmacy business, and –
 - (i) the executor, administrator or trustee notifies the Authority that it has assumed the interest within 14 days of so assuming; and
 - (ii) control and supervision of any pharmacy services carried on by that pharmacy business are vested in a pharmacist; and
 - (iii) a period not exceeding the duration of the eligibility certificate held by the pharmacist

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- prior to his or her death or bankruptcy, or such longer time as the Authority determines, has not elapsed; or
- (d) the person is an administrator or liquidator of a body corporate that has become insolvent while holding an interest in a pharmacy business and –
- (i) the administrator or liquidator notifies the Authority that it has assumed the interest within 14 days of so assuming; and
 - (ii) control and supervision of any pharmacy services carried on by that pharmacy business are vested in a pharmacist; and
 - (iii) a period not exceeding the duration of the eligibility certificate held by the body corporate prior to its insolvency, or such longer time as the Authority determines, has not elapsed; or
- (e) the person assumes the administration of the property of a pharmacist under a mortgage, bill of sale or security interest and –
- (i) the person notifies the Authority within 14 days of so assuming; and

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- (ii) control and supervision of any pharmacy services carried on on the property are vested in a pharmacist; and
- (iii) a period not exceeding the duration of the eligibility certificate held by the pharmacist prior to the assumption of the pharmacist's property, or such longer time as the Authority determines, has not elapsed.

61E. Annual renewal of eligibility certificate

- (1) On or before the lapsing date each year, the holder of an eligibility certificate may apply for the renewal of the eligibility certificate.
- (2) An application for renewal of an eligibility certificate is to be –
 - (a) in an approved form; and
 - (b) lodged with the Authority; and
 - (c) accompanied by the prescribed renewal fee, if any; and
 - (d) accompanied by such information or evidence as the Authority requires.
- (3) The Authority may, upon receipt of an application for renewal of an eligibility certificate, require the applicant to provide such further information or evidence as it considers necessary in order to consider the application.

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- (4) The Authority may waive all or part of the fee.
- (5) The Authority, after considering an application for renewal of an eligibility certificate may –
 - (a) renew an eligibility certificate; or
 - (b) refuse to renew an eligibility certificate.
- (6) The Authority may refuse to renew an eligibility certificate if –
 - (a) the applicant fails to comply with subsection (2) or (3); or
 - (b) the Authority reasonably believes that the applicant no longer meets the criteria for eligibility set out in section 61B(6); or
 - (c) the Authority is satisfied that the facts or matters relied upon in support of the original application, including, in the case of a body corporate, details of its membership, have changed; or
 - (d) the application is made more than 30 days after the lapsing date.
- (7) If the Authority refuses to renew an eligibility certificate, the Authority is to give the applicant notice of –
 - (a) the refusal; and
 - (b) the reasons for the refusal; and
 - (c) the right to appeal the refusal.

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- (8) A person who applies after the lapsing date but within 30 days after the due date is liable to pay the prescribed late fee.
- (9) If a person applies for a renewal of an eligibility certificate on or before the lapsing date in accordance with subsection (1) or within 30 days after the lapsing date in accordance with subsection (8), the eligibility certificate is taken to continue until the earlier of the following:
 - (a) the date upon which the Authority renews the eligibility certificate;
 - (b) the date upon which the Authority gives a notice under subsection (7).
- (10) Nothing in this section prevents a person from applying for a new eligibility certificate where the facts and matters relied upon in support of the original application, including, in the case of a body corporate, details of its membership, have changed.

61F. Persons are not required to hold more than one eligibility certificate

- (1) Subject to section 65, an eligibility certificate has effect for multiple pharmacy businesses and, accordingly, a person who holds an interest in more than one pharmacy business is not required to hold more than the one eligibility certificate in respect of those interests.

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- (2) However, subsection (1) applies only if, and only to the extent that, the person holds the various interests in the same legal capacity.

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**PART 6 – PUBLIC AND PROFESSIONAL
SAFEGUARDS**

Division 1 – Public and professional safeguards

**62. Offence for certain persons to hold interest in
pharmacy business &c.**

- (1) A person must not hold an interest in a pharmacy business unless –
- (a) the person holds an eligibility certificate;
or
 - (b) the person is an exempt person.

Penalty: Fine not exceeding 200 penalty units and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues.

- (2) A person who holds an eligibility certificate must not hold an interest in a pharmacy business if the person knows or ought to know that the facts relied upon in support of the application for an eligibility certificate have changed and the person has not, within 14 days since the change, applied for a new eligibility certificate.

Penalty: Fine not exceeding 200 penalty units and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues.

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65. Limitation on number of pharmacies in which person may have interest

- (1) A person, including a body corporate, must not, at any one time, either alone or in partnership with another person or as a member of a body corporate or as a trustee, beneficiary or unit holder of a trust, hold an interest in more than 4 pharmacy businesses.

Penalty: Fine not exceeding 100 penalty units and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues.

- (2) In this section –

pharmacy business means a pharmacy business that is carried on in or from the one premises;

premises does not include individual premises that are the subject of an exemption under section 71J that has been granted for a period not exceeding 3 months.

66. Protection of title

A person must not, in the course of carrying on business, use the word “pharmacy” to describe the business or the premises unless the business premises are registered under this Act.

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Penalty: Fine not exceeding 100 penalty units.

Division 2 – General offences

67. Time limit for prosecuting offences

Proceedings for an offence against this Act may be commenced not later than 24 months after the date on which the offence is alleged to have been committed.

68. Offences of dishonesty

- (1) A person must not make or produce, or cause to be made or produced, a false or misleading statement, either orally or in writing, in connection with –
- (a) an application; or
 - (b)
 - (c) an inspection.

Penalty: Fine not exceeding 100 penalty units.

(2 - 3)

69. Obstruction &c.

A person must not obstruct, hinder, threaten or intimidate another person –

- (a) in the exercise by the other person of a power conferred by this Act; or

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- (b) in the performance of a duty imposed on the other person by this Act.

Penalty: Fine not exceeding 100 penalty units.

70. Offences relating to inspections &c.

- (1) A person must not, without reasonable excuse –
 - (a) fail to attend an inspection; or
 - (b)
 - (c) fail to produce a document when required to do so by a person conducting an inspection; or
 - (d) fail to answer a question when required to do so by a person conducting an inspection.

Penalty: Fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 5 penalty units for each day during which the offence continues.

- (2) A person may be required by a person conducting an inspection to answer a question or produce a document notwithstanding that the answer to the question or the contents of the document may tend to incriminate the person.
- (3) If a person objects to answering a question or producing a document on the grounds that to do so may tend to incriminate the person, the answer to the question or the contents of the

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document are not admissible in evidence in any other proceedings in relation to the person, other than proceedings in relation to an offence under section 68 or in relation to an appeal under Part 5.

70A. Failure to notify Authority

(1) In this section –

relevant event, in relation to a person,
means –

(a) for an individual –

- (i) his or her registration as a pharmacist under the Health Practitioner Regulation National Law (Tasmania) is suspended or cancelled or made subject to a condition or another restriction; or
- (ii) he or she is charged, whether in this State or elsewhere, with an offence punishable by imprisonment for a term of 12 months or longer; or
- (iii) he or she is convicted of, or is the subject of a finding of guilt for, an offence, whether in this State or elsewhere,

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punishable by
imprisonment; and

- (b) for a body corporate, there is a change to the membership or particulars of the body corporate; and
- (c) for any person –
 - (i) the person's authority under a law of a State or Territory to obtain, possess, sell or supply a scheduled medicine or a class of scheduled medicines is cancelled or restricted; or
 - (ii) there is a change of trustees, beneficiaries or, if applicable, unit holders of a trust in which the person has any legal or equitable interest, being a trust that holds an interest in a pharmacy business in this State;

scheduled medicine means a substance included for the time being in Schedule 2, 3, 4 or 8 to the *Standard for the Uniform Scheduling of Medicines and Poisons* (SUSMP) produced by the Australian Committee for Chemicals Scheduling (AACS), being a committee

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of the regulatory body known as the Therapeutic Goods Administration (TGA), which is a part of the Commonwealth Government Department responsible for the administration of the *Therapeutic Goods Act 1989*;

- (2) A person who holds an eligibility certificate must, within 14 days after becoming aware that a relevant event has occurred in relation to that person, give the Authority written notice of the event.

Penalty: Fine not exceeding 100 penalty units and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues.

70B. Improper directions and inducements

- (1) In this section –

induce means induce by making a threat or offering approval, encouragement or a reward.

- (2) A person must not direct, induce, assist or allow a person to engage in any conduct that the person knows, or ought to know, constitutes or is reasonably likely to constitute a breach of this Act.

Penalty: Fine not exceeding 100 penalty units.

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71. Failure to comply with orders

A person must not –

- (a) report or otherwise disclose any proceedings of a meeting of the Authority contrary to an order of the Authority; or
- (b) report or otherwise disclose any information in relation to a meeting of the Authority contrary to an order of the Authority; or
- (c) fail to comply with any other order or direction of the Authority.

Penalty: Fine not exceeding 100 penalty units.

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**PART 6A – REGISTRATION OF PHARMACY
BUSINESS PREMISES**

Division 1 – Preliminary

71A.

71B. Application of Part

- (1) This Part does not bind the Crown.
- (2) This Part does not apply to –
 - (a) pharmacy business premises that are located wholly within a hospital operated by an agency or instrumentality of the Crown in right of Tasmania or the Commonwealth; or
 - (b) prescribed premises, prescribed persons or prescribed pharmacy practices or services.

Division 2 – Registration

71C. Pharmacy business premises to be registered

A person must not use any premises for the purposes of a pharmacy business unless those premises are –

- (a) registered as pharmacy business premises; or

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- (b) exempt, under section 71J, from the requirement to be registered as pharmacy business premises.

Penalty: Fine not exceeding 100 penalty units and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues.

71D. Applications for registration of pharmacy business premises

- (1) A person may apply to the Authority to have premises registered as pharmacy business premises.
- (2) The application is to be –
 - (a) in an approved form; and
 - (b) lodged with the Authority; and
 - (c) accompanied by the prescribed application fee, if any; and
 - (d) accompanied by such information or evidence as the Authority requires.
- (3) The Authority may require the applicant to provide such further information or evidence as it considers necessary in order to consider the application.
- (4) The Authority may waive all or part of the fee.

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71E. Consideration of applications for registration of pharmacy business premises

- (1) The Authority, after considering an application to have premises registered as pharmacy business premises, may –
 - (a) approve the application subject to any conditions that the Authority thinks appropriate; or
 - (b) refuse the application.
- (2) However, the Authority must not approve the application unless it is satisfied that –
 - (a) the applicant –
 - (i) is an eligible person; or
 - (ii) has, by virtue of some other status, reasonable grounds for making the application; and
 - (b)
 - (c) the premises –
 - (i) are not located wholly or partly within a supermarket; or
 - (ii) are not capable of being entered from within a supermarket; or
 - (iii) are not capable of being used to gain entry to a supermarket; and

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- (d) the premises sought to be registered are suitable, or are being made suitable, to be used for the purposes of a pharmacy business.
- (3) The matters that the Authority may have regard to for the purposes of subsection (2)(d) include, but are not limited to –
- (a) the standard or proposed standard of presentation of the premises, including the external appearance and internal fittings; and
 - (b) the physical condition of the premises, and the condition of associated amenities such as lighting, ventilation and sanitation; and
 - (c) the security of the premises and, in particular, the security of dispensing and storage areas; and
 - (d) key professional requirements such as the need for –
 - (i) professional supervision of the sale and supply of medicines and drugs; and
 - (ii) customer privacy and counselling; and
 - (iii) sufficient storage for medicines and drugs; and

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- (e) whether there is or will be reasonable public access to the premises and, in particular, access for disabled persons; and
 - (f) if there is or will be direct access to or from adjoining premises, the nature of the activities carried out on those adjoining premises; and
 - (g) any issues of compliance regarding State or council legislative requirements on matters such as fire safety and occupational health and safety; and
 - (h) in the case of leased premises, the terms of the lease.
- (4) For the purposes of subsection (2)(c) –
- (a) a supermarket is taken to be any large enclosed shop that primarily sells fresh and processed foods (including beverages) and where the selection of goods is organised on a self-serve basis, even though –
 - (i) customer advice may always or sometimes be available in the shop; and
 - (ii) customer service and assistance may always or sometimes be available in a part of the shop; and

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- (iii) other goods (including household goods like cleaning and kitchen products and personal care products like toiletries) may also be offered for sale in the shop; and
- (b) a large enclosed shop that sells general merchandise (commonly known as a department store) is not taken to be a supermarket even though it may –
 - (i) contain a restaurant or café; or
 - (ii) sell specialty foods such as biscuits, confectionery and condiments.
- (5) If the Authority is unsure, in respect of an application under this Part, whether or not any premises are a supermarket, it may apply to the Secretary for a ruling.
- (6) If subsection (5) applies –
 - (a) the Secretary, after making such inquiries as he or she considers necessary, may, in writing, make the ruling; and
 - (b) the Authority is bound by that ruling.

71F. Approval or refusal of applications

- (1) If an application to have premises registered as pharmacy business premises is approved –

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- (a) the Authority is to register the premises by making an appropriate entry in the register; and
 - (b) the registration takes effect as soon as the Authority has complied with paragraph (a).
- (2) The Authority, as soon as practicable after registering the premises, must give the applicant a certificate of registration, in an approved form, in evidence of the registration.
 - (3) If an application to have premises registered as pharmacy business premises is refused, the Authority is to give the applicant notice of –
 - (a) the refusal; and
 - (b) the reasons for the refusal; and
 - (c) the right to appeal the refusal.

71G. Nature of registration of pharmacy business premises

- (1) The registration of pharmacy business premises remains in force, subject to any period of suspension, until the lapsing date following the date on which it takes effect.
- (2) However, the period of registration of pharmacy business premises is not to exceed 12 months.
- (3) For the avoidance of doubt, the registration of pharmacy business premises is not affected by a transfer in the ownership of the premises.

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71H. Registration of pharmacy business premises may be cancelled or suspended

- (1) The Authority may cancel or suspend the registration of premises as pharmacy business premises if it is satisfied that –
 - (a) the premises have temporarily ceased to be used for the purposes of a pharmacy business; or
 - (b) having regard to the matters set out in section 71E(3), the premises are no longer suitable to be used for the purposes of a pharmacy business; or
 - (c) there has been, in respect of the premises, a failure to comply with a decision of the Authority made pursuant to section 59A(1)(b) within the time specified in a notice under section 59A(1) or, if no time is specified, within a time that the Authority considers reasonable.
- (2) The Authority is to cancel the registration of premises as pharmacy business premises if it is satisfied that –
 - (a) the premises have been, or are about to be, demolished; or
 - (b) the premises have ceased permanently to be, or are incapable of ever again being, used for the purposes of a pharmacy business.

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- (3) If the Authority decides to cancel or suspend the registration of any premises as pharmacy business premises, it is to make an appropriate entry to that effect in the register and give the owner of the relevant pharmacy business notice of –
- (a) the cancellation or suspension; and
 - (b) the reasons for the cancellation or suspension; and
 - (c) in the case of a suspension on the ground referred to in subsection (1)(b) or (c), the actions that need to be taken to have the suspension revoked; and
 - (d) the right to appeal the cancellation or suspension.
- (4) The cancellation takes effect when the notice under subsection (3) is given to the owner of the relevant pharmacy business premises or on such later date as is specified in the notice.
- (4A) Where the relevant pharmacy business is jointly owned, the Authority is to give each of the owners notice under subsection (3) but if, after making a reasonable attempt, it is unable to do so, subsection (4) still applies provided at least one of the owners has been given the notice.
- (5) The Authority, for any reason it considers sufficient, may revoke the suspension of the registration of premises as pharmacy business premises at any time.

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(6) If the Authority decides to suspend the registration of premises as pharmacy business premises it may afford the owner of the relevant pharmacy business an opportunity to be heard but it is not required to do so.

(7)

71I. Registration of pharmacy business premises may be relinquished

(1) The registration of pharmacy business premises may be relinquished at any time.

(1A) To effect the relinquishment, the owner of the relevant pharmacy business or, if it is jointly owned, each of the owners jointly or severally is to give an appropriate notice to the Authority.

(2) On receiving notice in accordance with subsection (1A) the Authority is to cancel the registration of the premises by making an appropriate entry to that effect in the register.

(3) No entitlement to a refund of registration or other fees arises by reason of the relinquishment of registration.

71J. Premises exempt from registration requirements

(1) The Authority, by instrument in writing, may exempt any premises used for the purposes of a pharmacy business from the requirement to be registered as pharmacy business premises.

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- (2) An exemption may be granted on the Authority's own initiative, at the written request of the Director of Public Health or on an application by or on behalf of a pharmacist.
- (3) An application under subsection (2) is to be –
- (a) in an approved form; and
 - (b) lodged with the Authority; and
 - (c) accompanied by the prescribed application fee, if any; and
 - (d) supported by such information or evidence as the Authority requires.
- (3A) The Authority may require an applicant for an exemption to provide such further information or evidence as it considers necessary in order to consider the application.
- (4) The Authority may waive all or part of the fee.
- (5) An exemption may be granted –
- (a) for individual premises or a class of premises; and
 - (b) unconditionally or on conditions.
- (6) Without limiting subsection (5)(b), the conditions of an exemption may restrict its operation according to matters or limitations, whether as to time, circumstance or otherwise, specified in the instrument of exemption.

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- (7) A person must not engage in the practice of pharmacy contrary to a condition of an exemption under this section.

Penalty: Fine not exceeding 25 penalty units.
- (8) The Authority may revoke an exemption if it is satisfied on reasonable grounds that the exemption is no longer justified or required.
- (9) In determining whether to grant or revoke an exemption the Authority is to have regard to the prescribed criteria, if any.
- (10) The Authority may publicise exemptions and their revocation in the *Gazette* and in such other ways as the Authority thinks fit having regard to the nature of the exemptions.

71K. Annual renewal of registration

- (1) The registration of pharmacy business premises is from time to time renewable.
- (2) To effect the renewal, the owner of the relevant pharmacy business is to lodge an application with the Authority on or before the lapsing date.
- (3) The application is to be –
 - (a) in an approved form; and
 - (b) lodged with the Authority; and
 - (c) accompanied by the prescribed renewal fee, if any; and

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- (d) supported by such information or evidence as the Authority requires.
- (4) The Authority may require the applicant to provide such further information or evidence as it considers necessary in order to consider the application.
- (5) The Authority may waive all or part of the renewal fee.
- (6) If for any reason the application is not lodged on or before the lapsing date, the Authority may still consider the application if it is –
 - (a) lodged no later than 30 days after the lapsing date; and
 - (b) accompanied by, in addition to the renewal fee, the prescribed late fee.
- (7) The Authority, after considering the application may –
 - (a) renew the registration; or
 - (b) refuse to renew the registration.
- (8) The Authority may refuse to renew the registration if –
 - (a) the applicant fails to comply with subsection (3) or (4); or
 - (b) the Authority reasonably believes that the pharmacy business premises no longer meet the criteria for eligibility

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- having regard to the matters set out in section 71E(3); or
- (c) the Authority is satisfied that material facts or matters relied upon in support of the original application, including, in the case of a body corporate, details of its membership, have changed; or
 - (d) the application is made more than 30 days after the lapsing date.
- (9) If the Authority refuses to renew the registration, it is to give the applicant notice of –
- (a) the refusal; and
 - (b) the reason for the refusal; and
 - (c) the right to appeal the refusal.
- (10) If the application is made on or before the lapsing date or within 30 days after the lapsing date, the registration of the pharmacy business premises is taken to continue until the earlier of the following:
- (a) the date upon which the Authority renews the registration;
 - (b) the date upon which the Authority gives a notice under subsection (9).

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Division 3 – Alterations

71KA. Interpretation of Division

In this Division –

alteration, to pharmacy business premises, means any alteration, whether permanent or temporary, that is likely to affect or interfere with –

- (a) the dispensing of medicines or drugs on the premises; or
- (b) the storage of medicines or drugs on the premises; or
- (c) access to the premises; or
- (d) the security arrangements for the premises or any part thereof; or
- (e) the professional activities of the pharmacist.

71KB. Alterations to pharmacy business premises require approval

- (1) The owner of a pharmacy business must not cause or allow an alteration to be made to the relevant pharmacy business premises unless the alteration has been approved by the Authority.

Penalty: Fine not exceeding 20 penalty units.

- (2) If a pharmacy business is owned by 2 or more persons jointly, the obligation of those persons

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under subsection (1) is joint and several but the discharge of that obligation by one owner also discharges the corresponding obligation of each other owner.

71KC. Applications for approval of alterations to pharmacy business premises

- (1) An application for an approval under section 71KB is to be –
 - (a) in an approved form; and
 - (b) signed by the owner of the relevant pharmacy business or, if it is jointly owned, at least one of the owners; and
 - (c) lodged with the Authority; and
 - (d) accompanied by the prescribed fee, if any; and
 - (e) accompanied by such information or evidence as the Authority requires.
- (2) The Authority may require the applicant to provide such further information or evidence as it considers necessary in order to consider the application.
- (3) The authority may waive all or part of the fee.

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71KD. Consideration of application for approval of alteration to pharmacy business premises

- (1) The Authority, after considering an application for an approval under section 71KB, may –
 - (a) grant the application subject to any conditions that the Authority thinks fit to impose; or
 - (b) refuse the application.
- (2) However, the Authority must not grant the application unless it is satisfied that, the pharmacy business premises, as proposed to be altered –
 - (a) will be suitable to be used for the purposes of a pharmacy business; and
 - (b) will not be –
 - (i) located wholly or partly within a supermarket; or
 - (ii) capable of being entered from within a supermarket; or
 - (iii) capable of being used to gain entry to a supermarket.
- (3) The matters that the Authority may have regard to for the purposes of subsection (2)(a) include the matters referred to in section 71E(3).

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71KE. Approval or refusal of applications

- (1) As soon as practicable after granting an application for an approval under section 71KB, the Authority is to give the applicant notice of –
 - (a) the approval; and
 - (b) the date of the approval; and
 - (c) if applicable, the conditions of the approval; and
 - (d) if paragraph (c) applies, the right to appeal the conditions of the approval.
- (2) As soon as practicable after refusing an application for an approval under section 71KB, the Authority is to give the applicant notice of –
 - (a) the refusal; and
 - (b) the date of the refusal; and
 - (c) the reasons for the refusal; and
 - (d) the right to appeal the refusal.

Division 4 – Registration notices

71KF. Notice of events disruptive to registered pharmacy business premises

- (1) In this section –

appropriate notice, of the occurrence of an event, means a notice advising, and setting out full particulars, of the event;

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disruptive event, in relation to pharmacy business premises, means –

- (a) a fire, flood or other damaging event that prevents, or is likely to prevent, a pharmacy business being carried on in or from the premises for an extended period; or
- (b) an interruption to the supply of electricity, gas, water or another service to the premises that lasts, or is likely to last, for an extended period; or
- (c) an event prescribed by the regulations;

extended period means a period exceeding 3 days.

- (2) The owner of a pharmacy business must give the Authority appropriate notice of the occurrence of a disruptive event in relation to the relevant pharmacy business premises within 7 days after that occurrence.

Penalty: Fine not exceeding 2 penalty units.

- (3) If a pharmacy business is owned by 2 or more persons jointly, the obligation of those persons under subsection (2) is joint and several but the discharge of that obligation by one owner also discharges the corresponding obligation of each other owner.

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- (4) A person who gives the Authority notice of the occurrence of a disruptive event under subsection (2) must, on written request, give the Authority any further information it may require concerning the disruptive event.

Penalty: Fine not exceeding 2 penalty units.

71KG. Notice of important events relevant to registration of pharmacy business premises

- (1) In this section –

appropriate notice, of the occurrence of an event, means a notice advising, and setting out full particulars, of the event;

major change, to leasehold arrangements, means –

- (a) a transfer or assignment of the lease; or
- (b) a change to the term of the lease (including the extension of term or renewal options, if any); or
- (c) a change to the way in which the rent is calculated; or
- (d) the expiration of the lease; or
- (e) a change to the obligations of the parties for and in respect of the condition or maintenance of the premises leased.

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- (2) The owner of a pharmacy business must give the Authority appropriate notice within 14 days if –
- (a) the person, or all persons, carrying on the pharmacy business abandon it; or
 - (b) the pharmacy business is, because of the retirement or physical incapacity of any person, or for any other reason, wound up; or
 - (c) there is a change in respect of any interests held in the relevant pharmacy business premises, whether as to the identity or number of the interest holders, the quantum, apportionment or legal nature of the interests or otherwise; or
 - (d) where the pharmacy business occupies the relevant pharmacy business premises under lease, there is a major change to the leasehold arrangements; or
 - (e) a prescribed event relevant to the registration of the relevant pharmacy business premises occurs.

Penalty: Fine not exceeding 2 penalty units.

- (3) If a pharmacy business is owned by 2 or more persons jointly, the obligation of those persons under subsection (2) is joint and several but the discharge of that obligation by one owner also discharges the corresponding obligation of each other owner.

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- (4) A person who gives the Authority notice of the occurrence of an event under subsection (2) must, on written request, give the Authority any further information it may require concerning the event.

Penalty: Fine not exceeding 2 penalty units.

Division 5 – Register

71L. Register

- (1) The Authority is to keep a register called the Pharmacy Business Premises Register.
- (2) The Authority is to record the following information in the register in relation to each pharmacy business premises that it registers:
- (a) the name of the owner of the relevant pharmacy business or, if it is jointly owned, each of the owners;
 - (b) the date of registration of the pharmacy business premises;
 - (c) the address of the premises registered as pharmacy business premises.
- (3) The Authority is to also record the following matters in the register:
- (a) the renewal of registration of premises as pharmacy business premises;

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- (b) the cancellation or suspension of registration of premises as pharmacy business premises.
- (4) The register may contain such other information as the Authority considers necessary or appropriate.

71M. Inspection of register

- (1) A person may, on payment of the prescribed fee, inspect the register at the office of the Authority.
- (2) A person inspecting the register may, on payment of the prescribed fee, obtain a copy or extract from the register.
- (3) The Authority may waive all or part of the fee.

71N. Publication of register &c.

- (1) The Authority may publish by notice in the *Gazette* a copy of the register or part of the register.
- (2) The Authority may provide a person with a copy of a notice referred to in subsection (1) on payment of the prescribed fee.
- (3) A notice under subsection (1) is not a statutory rule within the meaning of the *Rules Publication Act 1953*.
- (4) The Authority may waive all or part of the fee.

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71O. Protection of private information

Notwithstanding sections 71M and 71N –

- (a) the register made available for public inspection need not include the information or all of the information referred to in section 71L(4); and
- (b) a copy of the register or a part of the register published in the *Gazette* need not include the information, or all of the information, referred to in section 71L(4).

PART 7 – MISCELLANEOUS

Division 1 – Obligations to provide information

72.

73. Information requirements

(1) In this section –

information includes documents, access to documents and copies of documents;

reasonable period means a period, of not less than 21 days, determined by the Authority;

relevant information means information that the Authority reasonably considers it necessary or expedient to have for the purpose of exercising its power or performing its functions.

(1A) The Authority, by notice, may require the owner of a pharmacy business to give it –

(a) any information about the pharmacy business or the conduct of the pharmacy business; or

(b) any other relevant information.

(2) Without limiting its generality, under subsection (1A) the owner of a pharmacy business may be required to give the Authority –

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- (a) in the case of a body corporate –
 - (i) any relevant information about its membership, shareholdings, officers or employees; and
 - (ii) any other relevant information about its structure, management or operations; and
 - (iii) a copy of its replaceable rules or constitution; and
 - (b) in the case of a partnership, a copy of the partnership deed; and
 - (c) in the case of a person whose interest in the pharmacy business is held in trust –
 - (i) a copy of the trust deed; and
 - (ii) relevant information about the trustees or beneficiaries of or, if applicable, unit holders in the trust.
- (3) The owner of a pharmacy business must comply with a notice under subsection (2) within such reasonable period as is specified in the notice.
- Penalty: Fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 5 penalty units for each day during which the offence continues.
- (4) If a pharmacy business is owned by 2 or more persons jointly, the obligation of those persons

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under subsection (3) in respect of a notice is joint and several but the discharge of that obligation by one owner in respect of the notice also discharges the corresponding obligation of each other owner in respect of the same notice.

(5)

73A. Power of Authority to give information to registration boards &c.

- (1) For the purpose of assisting a registration board to perform its functions under any Act, the Authority may make available to the board any information that it receives in the administration of this Act.
- (2) For the purpose of assisting the Health Complaints Commissioner to perform his or her functions under the *Health Complaints Act 1995*, the Authority may make available to the Commissioner any information that it receives in the administration of this Act.

Division 2 – Administrative and legal

74. Service of documents

- (1) A document may be given to the Authority or a committee by –
 - (a) leaving it at, or sending it by post to, the Authority’s address; or
 - (b)

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- (c) sending it by way of electronic mail to the Authority's electronic mail address.
- (2) A document may be given to another person by –
- (a) in the case of an individual –
 - (i) handing it to the person; or
 - (ii) leaving it at, or sending it by post to, the person's postal or residential address or place of business or employment last known to the giver of the document; or
 - (iii)
 - (iv) sending it by way of electronic mail to the person's electronic mail address; and
 - (b) in the case of another person –
 - (i) leaving it at, or sending it by post to, the person's principal or registered office or principal place of business; or
 - (ii)
 - (iii) sending it by way of electronic mail to the person's electronic mail address.
- (3) A document that is posted to a person is taken not to have been given to the person until the

time when it would have been delivered in the ordinary course of post.

75. Common seal

- (1) The Authority may have a common seal and, if so, it is to be kept and used as authorised by the Authority.
- (2) All courts and persons acting judicially must take judicial notice of the imprint of the common seal on a document and presume that it was duly sealed by the Authority.

76. Presumptions

In any proceedings, unless evidence is given to the contrary, proof is not required of –

- (a) the constitution of the Authority or a committee; or
- (b) any resolution of the Authority or a committee; or
- (c) the presence of a quorum at any meeting of the Authority or a committee; or
- (d) the appointment of any member of the Authority or a committee.

77. Appropriation of fees, penalties and fines

- (1) All fees payable and all penalties imposed and recovered under this Act are to be paid to the Authority.

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- (2) A fee payable under this Act may be recovered as a debt due to the Authority.
- (3) A fine imposed on a person under this Act may be recovered as a debt due to the Authority.
- (4)

78.

79. Offences by bodies corporate

- (1) If a body corporate commits an offence against this Act, each person concerned in the management of the body corporate is taken to have also committed the offence and may be convicted of the offence unless the person proves that the act or omission constituting the offence took place without the person's knowledge or consent.
- (2) A person referred to in subsection (1) may be convicted of an offence against this Act whether or not the body corporate is charged with or convicted of the offence.

80. Regulations

- (1) The Governor may make regulations for the purposes of this Act.
- (2) Without limiting the generality of subsection (1), regulations may be made under that subsection

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for and in relation to any one or more of the following matters:

- (a) the control of infection;
 - (b) the establishment, operation and regulation of pharmacy depots at which prescriptions may be left or dispensed prescriptions may be collected;
 - (ba) the charging and payment of fees in relation to the establishment and regulation of pharmacy depots;
 - (c) standards for pharmacy business premises and other premises used for or in connection with the provision of pharmacy services.
- (3) Regulations made under this section, including any regulations prescribing fees, may –
- (a) apply generally or be limited in their application by reference to specified exemptions or specified factors; and
 - (b) apply differently according to different factors, limitations or restrictions of a specified kind; and
 - (c) authorise any matter to be from time to time determined, applied or regulated by the Authority.
- (4) Regulations made under this section may –
- (a) provide that a contravention of any of the regulations is an offence; and

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- (b) in relation to any such offence, provide for the imposition of a fine not exceeding 25 penalty units and, in the case of a continuing offence, a further fine not exceeding 2.5 penalty units for each day during which the offence continues.
- (5) The Governor may make regulations of a savings or transitional nature consequent on the enactment of this Act.
- (6) Regulations made under subsection (5) may, without limiting the scope of that subsection, prescribe interim standards for pharmacy business premises and other premises used for or in connection with the provision of pharmacy services.
- (7) A provision of a regulation made pursuant to subsection (5) may, if the regulation so provides, take effect on the day proclaimed under section 2 or a later date.

Division 3 – Consequential and transitional

81. Administration of Act

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

- (a) the administration of this Act is assigned to the Minister for Health; and
- (b) the department responsible to the Minister for Health in relation to the

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administration of this Act is the
Department of Health and Human
Services.

82 - 83.

84. *Pharmacy Act 1908 repealed*

The *Pharmacy Act 1908* is repealed.

85. *See Schedule 6.*

**SCHEDULE 1 – PROVISIONS WITH RESPECT TO
MEMBERSHIP OF AUTHORITY**

Section 7(6)

1. Term of office

- (1) A member is to be appointed for such period, not exceeding 3 years, as is specified in the member's instrument of appointment.
- (2) A member is eligible to serve any number of terms of office but may not serve more than 4 of those terms in succession.

2. Holding other office

The holder of an office who is required under any Act to devote the whole of his or her time to the duties of that office is not disqualified from –

- (a) holding that office and also the office of a member; or
- (b) accepting any remuneration payable to a member.

3. Remuneration of members

A member is entitled to be paid such remuneration, including travelling and subsistence allowances, as the Minister determines.

4. Vacation of office

- (1) A member vacates office if he or she –
- (a) dies; or
 - (b) resigns; or
 - (c) is removed from office under subclause (2) or (3); or
 - (d) ceases to be qualified for office by virtue of subclause (4).
- (2) The Minister may remove a member from office if the member –
- (a) is absent from 3 consecutive meetings of the Authority without the permission of the other members of the Authority; or
 - (b) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with the member's creditors or makes an assignment of the member's remuneration or estate for their benefit; or
 - (c) is convicted, in Tasmania or elsewhere, of a crime or an offence punishable by imprisonment for a period exceeding 12 months; or
 - (d) fails, without reasonable excuse, to comply with the obligation referred to in clause 5 of Schedule 2; or

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- (e) is convicted of an offence against this Act.
- (3) The Minister may remove a member from office if satisfied that the member is unable to perform the duties of office competently.
- (4) A member appointed under section 7(1)(a) vacates office if he or she ceases to be a pharmacist.

5. Filling of vacancies

If the office of a member becomes vacant, the Minister may appoint an appropriate person to the vacant office for the remainder of that member's term of office.

6. Validity of proceedings, &c.

- (1) An act or proceeding of the Authority or of a person acting under the direction of the Authority is not invalid by reason only that at the time when the act or proceeding was done, taken or commenced there was a vacancy in the membership of the Authority.
- (2) An act or proceeding of the Authority or of a person acting under the direction of the Authority is valid even if –
 - (a) the appointment of a member of the Authority was defective; or

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- (b) a person appointed as a member of the Authority was disqualified from acting as, or incapable of being, such a member.
- (3) This clause applies to the Authority acting in any capacity.

**SCHEDULE 2 – PROVISIONS WITH RESPECT TO
MEETINGS OF AUTHORITY**

Section 7(7)

1. Convening of meetings

A meeting of the Authority may be convened by the chairperson or by any 2 members.

2. Procedure at meetings

- (1) Two members form a quorum at any duly convened meeting of the Authority.
- (2) Any duly convened meeting of the Authority at which a quorum is present is competent to transact any business of the Authority.
- (3) Questions arising at a meeting of the Authority are to be determined by a majority of votes of the members present and voting.
- (4) In the event of an equality of votes on a question arising at a meeting of the Authority, the question stands adjourned until its next meeting.

3. Who presides at meetings

- (1) The chairperson is to preside at all meetings of the Authority at which he or she is present.
- (2) If the chairperson is not present at a meeting of the Authority, a member elected by the members present is to preside at that meeting.

4. Minutes

The Authority must keep accurate minutes of its meetings.

5. Disclosure of interest

- (1) A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Authority must, as soon as practicable after the relevant facts come to the knowledge of the member, disclose the nature of that interest at a meeting of the Authority.
- (2) A disclosure under subclause (1) is to be recorded in the minutes and the member must not, unless the Authority exclusive of that member determines otherwise –
 - (a) be present during any deliberations of the Authority in relation to that matter; or
 - (b) take part in any decision of the Authority in relation to that matter.

6. Meetings to be open to public

- (1) In this clause,

meeting means a meeting of the Authority.
- (2) Except as provided in subclause (3), a meeting is to be open to the public.

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- (3) The Authority may do either or both of the following at a meeting if it considers that there are compelling grounds to do so:
- (a) make an order excluding any person who is not a member from the meeting;
 - (b) make an order prohibiting the reporting or other disclosure of all or any of the proceedings at the meeting or prohibiting the reporting or other disclosure of particular information in relation to the meeting.
- (4) Without limiting the range of grounds that may be relevant for the purposes of subclause (3), the Authority may exercise its power under that subclause if –
- (a) it is dealing with privileged information or information that has been communicated to the Authority in confidence; or
 - (b) it is dealing with information concerning the personal affairs, finances or business arrangements of a pharmacist; or
 - (c) the disclosure of the proceedings or the information may be unfairly prejudicial to the reputation of a pharmacist or any other person.

7. General procedures

- (1) Subject to this Schedule, the procedure for calling meetings of the Authority and for the conduct of business at meetings of the Authority is as determined by the Authority.
- (2) The Authority may permit members to participate in a particular meeting by a telephone or other means of communication.
- (3) A member who participates in a meeting under a permission granted under subclause (2) is taken to be present at the meeting.
- (4) The Authority may allow a person to attend a meeting for the purpose of advising or informing it on any matter.

8. Report to Minister

The Authority, if requested to do so by the Minister, must furnish the Minister with any information the Minister may require in relation to the proceedings of the Authority.

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SCHEDULE 3 –

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SCHEDULE 5 –

SCHEDULE 6

The amendments effected by Section 85 and this Schedule have been incorporated into authorised versions of the following Acts:

- (a) *Agricultural and Veterinary Chemicals (Control of Use) Act 1995;*
- (b) *Approvals (Deadlines) Act 1993;*
- (c) *HIV/AIDS Preventive Measures Act 1993;*
- (d) *Health Professionals (Special Events Exemption) Act 1998;*
- (e) *Jury Act 1899;*
- (f) *Poisons Act 1971;*
- (g) *Public Health Act 1997;*
- (h) *Public Trustee Act 1930;*
- (i) *Workers Rehabilitation and Compensation Act 1988.*

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NOTES

The foregoing text of the *Pharmacy Control Act 2001* comprises those instruments as indicated in the following table. Any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 1 July 2019 are not specifically referred to in the following table of amendments.

Act	Number and year	Date of commencement
<i>Pharmacists Registration Act 2001</i>	No. 90 of 2001	1.4.2002
<i>Financial Management and Audit Amendment Act 2003</i>	No. 42 of 2003	4.7.2003
<i>Pharmacists Registration Amendment Act 2004</i>	No. 72 of 2004	17.12.2004
<i>Pharmacists Registration Amendment Act 2005</i>	No. 62 of 2005	15.12.2005
<i>Health Practitioners Registration (Miscellaneous Amendments) Act 2007</i>	No. 2 of 2007	17.4.2007
<i>Health Professionals Registration (Miscellaneous Amendments) Act 2008</i>	No. 2 of 2008	17.4.2008
<i>Legal Profession (Miscellaneous and Consequential Amendments) Act 2007</i>	No. 66 of 2007	31.12.2008
<i>Audit (Consequential Amendments) Act 2008</i>	No. 50 of 2008	1.3.2009
<i>Health Professionals Registration (Miscellaneous Amendments) Act 2009</i>	No. 80 of 2009	7.12.2009
<i>Audit (Consequential Amendments) Act 2008</i>	No. 50 of 2008	1.7.2010
<i>Health Practitioner Regulation National Law (Tasmania) (Consequential Amendments) Act 2010</i>	No. 3 of 2010	1.7.2010
<i>Pharmacists Registration Amendment Act 2010</i>	No. 47 of 2010	1.2.2011
<i>Medical Radiation Science Professionals Registration (Repeal) Act 2011</i>	No. 33 of 2011	1.7.2012

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Act	Number and year	Date of commencement
<i>Pharmacy Control Amendment Act 2016</i>	No. 22 of 2016	1.1.2017
<i>Community, Health, Human Services and Related Legislation (Miscellaneous Amendments) Act 2019</i>	No. 13 of 2019	18.6.2019
<i>Health Miscellaneous Amendments Act 2019</i>	No. 15 of 2019	28.6.2019
<i>Legislation Publication Act 1996</i>	No. 17 of 1996	28.6.2019
<i>Financial Management (Consequential and Transitional Provisions) Act 2017</i>	No. 4 of 2017	1.7.2019

TABLE OF AMENDMENTS

Provision affected	How affected
Long title	Amended by 47 of 2010, s. 4
Section 1	Amended by No. 47 of 2010, s. 5
Section 3	Amended by No. 62 of 2005, s. 4, No. 2 of 2007, s. 12, No. 47 of 2010, s. 6, No. 33 of 2011, s. 13 and No. 22 of 2016, s. 5
Section 3A	Inserted by No. 22 of 2016, s. 6
Section 3B	Inserted by No. 22 of 2016, s. 6
Section 4	Amended by No. 62 of 2005, s. 5 and No. 47 of 2010, s. 7
Section 5	Substituted by No. 47 of 2010, s. 8
Section 5A	Inserted by No. 3 of 2010, Sched. 1
Part 2	Substituted by No. 47 of 2010, s. 9
Division 1 of Part 2	Substituted by No. 47 of 2010, s. 9
Section 6	Substituted by No. 47 of 2010, s. 9
Section 7	Substituted by No. 47 of 2010, s. 9
Division 2 of Part 2	Substituted by No. 47 of 2010, s. 9
Section 8	Amended by No. 62 of 2005, s. 6 Substituted by No. 47 of 2010, s. 9
Section 9	Amended by No. 62 of 2005, s. 7 Substituted by No. 47 of 2010, s. 9
Section 10	Amended by No. 62 of 2005, s. 8 Substituted by No. 47 of 2010, s. 9
Section 11	Substituted by No. 47 of 2010, s. 9 and No. 22 of 2016, s. 7
Section 12	Substituted by No. 47 of 2010, s. 9 Amended by No. 4 of 2017, Sched. 1

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Provision affected	How affected
Division 3 of Part 2	Substituted by No. 47 of 2010, s. 9
Section 13	Substituted by No. 47 of 2010, s. 9
Section 14	Amended by No. 2 of 2008, Sched. 1 Subsection (2) omitted by No. 2 of 2008, Sched. 1 Substituted by No. 47 of 2010, s. 9
Section 14A	Inserted by No. 2 of 2008, Sched. 1 Repealed by No. 47 of 2010, s. 9
Section 15	Substituted by No. 47 of 2010, s. 9
Section 16	Subsection (1) substituted by No. 2 of 2008, Sched. 1 Substituted by No. 47 of 2010, s. 9
Division 4 of Part 2	Substituted by No. 47 of 2010, s. 9
Section 17	Substituted by No. 47 of 2010, s. 9
Section 18	Amended by No. 50 of 2008, Sched. 1 Repealed by No. 50 of 2008, Sched. 2 Substituted by No. 47 of 2010, s. 9
Section 19	Amended by No. 4 of 2017, Sched. 1 Substituted by No. 50 of 2008, Sched. 2 and No. 47 of 2010, s. 9
Section 20	Amended by No. 42 of 2003, Sched. 1, No. 50 of 2008, Sched. 2 Substituted by No. 47 of 2010, s. 9 Amended by No. 4 of 2017, Sched. 1
Part 3	Repealed by No. 47 of 2010, s. 9
Division 1 of Part 3	Repealed by No. 47 of 2010, s. 9
Section 21	Repealed by No. 47 of 2010, s. 9
Section 22	Repealed by No. 47 of 2010, s. 9
Division 2 of Part 3	Repealed by No. 47 of 2010, s. 9
Section 23	Repealed by No. 47 of 2010, s. 9
Section 24	Repealed by No. 47 of 2010, s. 9
Section 25	Repealed by No. 47 of 2010, s. 9
Section 26	Repealed by No. 47 of 2010, s. 9
Division 3 of Part 3	Repealed by No. 47 of 2010, s. 9
Section 27	Repealed by No. 47 of 2010, s. 9
Section 28	Amended by No. 62 of 2005, s. 9 Repealed by No. 47 of 2010, s. 9
Section 29	Repealed by No. 47 of 2010, s. 9
Section 30	Amended by No. 62 of 2005, s. 10 Repealed by No. 47 of 2010, s. 9
Section 31	Repealed by No. 47 of 2010, s. 9
Division 4 of Part 3	Repealed by No. 47 of 2010, s. 9
Section 32	Amended by No. 62 of 2005, s. 11 Repealed by No. 47 of 2010, s. 9

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Section 33	Repealed by No. 47 of 2010, s. 9
Section 34	Repealed by No. 47 of 2010, s. 9
Section 35	Repealed by No. 47 of 2010, s. 9
Section 36	Repealed by No. 47 of 2010, s. 9
Section 37	Amended by No. 62 of 2005, s. 12 Repealed by No. 47 of 2010, s. 9
Section 38	Amended by No. 62 of 2005, s. 13, No. 2 of 2007, s. 13 Repealed by No. 47 of 2010, s. 9
Section 39	Repealed by No. 47 of 2010, s. 9
Section 40	Repealed by No. 47 of 2010, s. 9
Section 41	Repealed by No. 47 of 2010, s. 9
Division 1 of Part 4	Repealed by No. 47 of 2010, s. 11
Section 42	Repealed by No. 47 of 2010, s. 11
Section 43	Amended by No. 62 of 2005, s. 14 Repealed by No. 47 of 2010, s. 11
Section 44	Repealed by No. 47 of 2010, s. 11
Division 2 of Part 4	Repealed by No. 47 of 2010, s. 11
Subdivision 1 of Division 2 of Part 4	Repealed by No. 47 of 2010, s. 11
Section 45	Repealed by No. 47 of 2010, s. 11
Subdivision 2 of Division 2 of Part 4	Repealed by No. 47 of 2010, s. 11
Section 46	Repealed by No. 47 of 2010, s. 11
Section 47	Repealed by No. 47 of 2010, s. 11
Section 48	Repealed by No. 47 of 2010, s. 11
Subdivision 3 of Division 2 of Part 4	Repealed by No. 47 of 2010, s. 11
Section 49	Repealed by No. 47 of 2010, s. 11
Section 50	Repealed by No. 47 of 2010, s. 11
Subdivision 4 of Division 2 of Part 4	Repealed by No. 47 of 2010, s. 11
Section 51	Repealed by No. 47 of 2010, s. 11
Section 52	Repealed by No. 47 of 2010, s. 11
Section 53	Amended by No. 62 of 2005, s. 15 Repealed by No. 47 of 2010, s. 11
Section 54	Repealed by No. 47 of 2010, s. 11
Section 55	Repealed by No. 47 of 2010, s. 11
Division 3 of Part 4	Repealed by No. 47 of 2010, s. 11
Section 56	Amended by No. 62 of 2005, s. 16 Repealed by No. 47 of 2010, s. 11
Section 57	Repealed by No. 47 of 2010, s. 11

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Section 58	Substituted by No. 47 of 2010, s. 13 Amended by No. 22 of 2016, s. 8
Section 59	Amended by No. 62 of 2005, s. 17 and No. 47 of 2010, s. 14
Section 59A	Inserted by No. 47 of 2010, s. 15 Amended by No. 22 of 2016, s. 9
Section 59B	Inserted by No. 47 of 2010, s. 15
Section 60	Amended by No. 62 of 2005, s. 18 and No. 47 of 2010, s. 16
Section 61	Amended by No. 47 of 2010, s. 17
Section 61A	Inserted by No. 47 of 2010, s. 18 Amended by No. 22 of 2016, s. 10
Section 61B	Inserted by No. 47 of 2010, s. 18 Amended by No. 22 of 2016, s. 11
Section 61C	Inserted by No. 47 of 2010, s. 18 Amended by No. 22 of 2016, s. 12 and No. 13 of 2019, Sched. 1
Section 61D	Inserted by No. 47 of 2010, s. 18 Amended by No. 22 of 2016, s. 13
Section 61E	Inserted by No. 47 of 2010, s. 18 Amended by No. 22 of 2016, s. 14
Section 61F	Inserted by No. 22 of 2016, s. 15
Section 62	Amended by No. 72 of 2004, s. 4 Subsection (2A) inserted by No. 72 of 2004, s. 4 Amended by No. 72 of 2004, s. 4, No. 62 of 2005, s. 19 Substituted by No. 47 of 2010, s. 20 Amended by No. 22 of 2016, s. 16
Section 63	Repealed by No. 47 of 2010, s. 21
Section 64	Repealed by No. 47 of 2010, s. 21
Section 65	Amended by No. 72 of 2004, s. 5 Substituted by No. 62 of 2005, s. 20 Amended by No. 47 of 2010, s. 22 and No. 22 of 2016, s. 17
Section 66	Substituted by No. 47 of 2010, s. 23
Section 67	Amended by No. 62 of 2005, s. 21 Substituted by No. 47 of 2010, s. 24
Section 68	Amended by No. 47 of 2010, s. 25
Section 69	Amended by No. 47 of 2010, s. 26
Section 70	Amended by No. 47 of 2010, s. 27
Section 70A	Inserted by No. 47 of 2010, s. 28 Amended by No. 22 of 2016, s. 18
Section 70B	Inserted by No. 47 of 2010, s. 28
Section 71	Substituted by No. 47 of 2010, s. 29
Division 1 of Part 6A	Heading inserted by No. 22 of 2016, s. 20
Section 71A	Inserted by No. 62 of 2005, s. 22 Substituted by No. 47 of 2010, s. 30 Repealed by No. 22 of 2016, s. 19

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Section 71B	Inserted by No. 62 of 2005, s. 22 Amended by No. 47 of 2010, s. 31
Division 2 of Part 6A	Heading inserted by No. 22 of 2016, s. 21
Section 71C	Inserted by No. 62 of 2005, s. 22 Amended by No. 47 of 2010, s. 32
Section 71D	Inserted by No. 62 of 2005, s. 22 Amended by No. 47 of 2010, s. 33
Section 71E	Inserted by No. 62 of 2005, s. 22 Amended by No. 47 of 2010, s. 34 and No. 22 of 2016, s. 22
Section 71F	Inserted by No. 62 of 2005, s. 22 Amended by No. 47 of 2010, s. 35 and No. 22 of 2016, s. 23
Section 71G	Inserted by No. 62 of 2005, s. 22 Amended by No. 47 of 2010, s. 36 and No. 22 of 2016, s. 24
Section 71H	Inserted by No. 62 of 2005, s. 22 Amended by No. 47 of 2010, s. 37 and No. 22 of 2016, s. 25
Section 71I	Inserted by No. 62 of 2005, s. 22 Amended by No. 47 of 2010, s. 38 and No. 22 of 2016, s. 26
Section 71J	Inserted by No. 62 of 2005, s. 22 Amended by No. 47 of 2010, s. 39 and No. 22 of 2016, s. 27
Section 71K	Inserted by No. 47 of 2010, s. 40 Substituted by No. 22 of 2016, s. 28
Division 3 of Part 6A	Heading inserted by No. 22 of 2016, s. 29
Section 71KA	Inserted by No. 22 of 2016, s. 30
Section 71KB	Inserted by No. 22 of 2016, s. 30
Section 71KC	Inserted by No. 22 of 2016, s. 30
Section 71KD	Inserted by No. 22 of 2016, s. 30
Section 71KE	Inserted by No. 22 of 2016, s. 30
Division 4 of Part 6A	Heading inserted by No. 22 of 2016, s. 31
Section 71KF	Inserted by No. 22 of 2016, s. 32
Section 71KG	Inserted by No. 22 of 2016, s. 32
Division 5 of Part 6A	Heading inserted by No. 22 of 2016, s. 33
Section 71L	Inserted by No. 47 of 2010, s. 40 Amended by No. 22 of 2016, s. 34
Section 71M	Inserted by No. 47 of 2010, s. 40
Section 71N	Inserted by No. 47 of 2010, s. 40
Section 71O	Inserted by No. 47 of 2010, s. 40
Section 72	Repealed by No. 47 of 2010, s. 41
Section 73	Amended by No. 2 of 2007, s. 14, No. 47 of 2010, s. 42

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	and No. 22 of 2016, s. 35
Section 73A	Inserted by No. 47 of 2010, s. 43
Section 74	Amended by No. 47 of 2010, s. 44 and No. 22 of 2016, s. 36
Section 75	Amended by No. 47 of 2010, s. 45
Section 76	Amended by No. 47 of 2010, s. 46
Section 77	Amended by No. 47 of 2010, s. 47
Section 78	Repealed by No. 47 of 2010, s. 48
Section 80	Amended by No. 17 of 1996, No. 62 of 2005, s. 23, No. 47 of 2010, s. 49, No. 13 of 2019, Sched. 1 and No. 15 of 2019, Sched. 1
Section 81	Amended by No. 47 of 2010, s. 50
Section 82	Repealed by No. 47 of 2010, s. 51
Section 83	Repealed by No. 47 of 2010, s. 51
Schedule 1	Amended by No. 80 of 2009, Sched. 1 and No. 47 of 2010, s. 52
Schedule 2	Amended by No. 47 of 2010, s. 53
Schedule 3	Amended by No. 66 of 2007, Sched. 1 Repealed by No. 47 of 2010, s. 54
Schedule 4	Repealed by No. 47 of 2010, s. 54
Schedule 5	Repealed by No. 47 of 2010, s. 54
