

WESTERN AUSTRALIA

PHARMACY ACT REGULATIONS 1976

REPRINTED AS AT 1 AUGUST 1997

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WESTERN AUSTRALIA

PHARMACY ACT REGULATIONS 1976

ARRANGEMENT

| | |
|--|----|
| PART I — PRELIMINARY | 1 |
| PART II — THE COUNCIL OF THE PHARMACEUTICAL SOCIETY | 3 |
| PART III — EXAMINATIONS AND PRACTICAL TRAINING | 11 |
| PART IV — REGISTRATION OF PHARMACEUTICAL CHEMISTS | 14 |
| PART V — ANNUAL LICENCES TO PRACTISE | 15 |

Pharmacy Act Regulations 1976

| | |
|---|----|
| PART VI — REGISTRATION OF PHARMACIES | 16 |
| PART VII — ADVERTISING | 20 |
| PART VIII — PROCEEDINGS AND APPEALS | 22 |
| PART IX — MISCELLANEOUS | 23 |
| APPENDIX A — FORMS | 24 |
| APPENDIX B — FEES | 36 |
| APPENDIX C — BASIC SCALE OF APPARATUS, EQUIPMENT AND REFERENCE BOOKS REQUIRED BY A REGISTERED PHARMACY | 37 |
| NOTES | 39 |

WESTERN AUSTRALIA

PHARMACY ACT 1964

**PHARMACY ACT
REGULATIONS 1976**

PART I — PRELIMINARY

1. These regulations may be cited as the *Pharmacy Act Regulations 1976*¹.

2. The *Pharmacy Act Regulations 1965* published in the *Government Gazette* on 29 June 1965, and all subsequent amendments thereto are hereby revoked.

[3. *Omitted under the Reprints Act 1984 s.7(4)(d).*]

4. In these regulations unless the contrary intention appears —

“**Appendix**” means an Appendix to these regulations;

“**deputy president**” means the deputy president of the Council;

Pharmacy Act Regulations 1976

r. 4

“dispensary” means that part of a pharmacy that is reserved for the dispensing of medicines;

“president” means the president of the council;

“regulation” means one of these regulations; and

“the Act” means the *Pharmacy Act 1964* (as amended).

**PART II — THE COUNCIL OF THE PHARMACEUTICAL
SOCIETY**

5. The Council shall from time to time appoint a pharmaceutical chemist to be a returning officer, and to conduct elections in accordance with and as provided by these regulations.

6. The council shall pay the returning officer for each and every election conducted by him the fee prescribed in Appendix B, and a further sum sufficient to recoup him all authorized expenses incurred by him in conducting such election.

7. (1) The returning officer for the time being shall, in the month of March in each year, conduct an election to fill the vacancies in the Offices of members of the Council that occur by effluxion of time in that year.

(2) A person elected to fill a vacancy occurring by effluxion of time shall hold office for a term of 3 years from 31 March in the year in which he is elected.

(3) Any member who retires from the Council or whose term of office expires by effluxion of time shall, subject to the Act, be eligible for re-election to the Council.

(4) Subject to subregulations (5) and (6) of this regulation, where an extraordinary vacancy occurs such vacancy shall be filled by election of a pharmaceutical chemist in the manner prescribed for elections generally, and the member so elected shall hold office for the residue of the term during which the member in lieu of whom he is elected would have held office.

(5) Where an extraordinary vacancy in the office of a member occurs within 3 months of the date on which the office would have become vacant by effluxion of time the vacancy shall be deemed to have occurred by effluxion of time and shall be filled at the next annual election of members of the council.

(6) Where in any year one or more extraordinary vacancies occur within 3 months before those occurring by effluxion of time in that year, one election may be conducted to fill all vacancies.

Pharmacy Act Regulations 1976

r. 8

(7) In determining the result of an election referred to in subregulation (6) of this regulation the returning officer shall —

- (a) if a poll is taken —
 - (i) declare the vacancies caused by effluxion of time to be filled by the candidates in order of number of votes received by each of them up to the number of such vacancies;
 - (ii) declare the extraordinary vacancies to be filled by as many of the remaining candidates in order of the number of votes received by each of them as may be required to fill such vacancies;
- (b) if a poll is not taken, decide by lot which of the candidates shall fill the respective vacancies.

(8) At the first meeting of the Council after 31 March in each year the members thereof shall elect 2 of their number to the respective offices of president and deputy president, and the members so elected shall hold office until the first meeting of the Council after 31 March in the next succeeding year.

8. (1) Notice of every election shall be posted to every financial member of the Pharmaceutical Society at his last known address.

- (2) The notice shall state —
 - (a) the date of the election; and
 - (b) the place, time and date (not being less than 14 days nor more than 35 days prior to the date of the election) for receipt of nominations.

[Regulation 8 amended in Gazette 27 June 1997 p.3103.]

Nominations

9. Every nomination of a candidate at an election shall be lodged with the returning officer in the form of Form 1 in Appendix A, signed by the candidate and by not less than 3 persons qualified to vote at the election.

10. (1) If the number of persons nominated is not greater than the number required to fill the vacancies, the returning officer shall forthwith make a return to the registrar, and declare the person or persons nominated to be elected as members.

(2) If the number of persons so declared to be elected is insufficient to fill the vacancies, the retiring president shall so report to the Governor in Council, who may thereupon appoint one or more qualified persons to fill such vacancy or vacancies.

11. (1) If the number of persons nominated is greater than the number required to fill the vacancies, a poll shall be taken by the returning officer, who shall cause ballot papers and counterfoils to be printed in the form of Form 2 in Appendix A.

(2) The returning officer shall send one ballot paper and counterfoil, initialled or authenticated in some other way by him, together with one unfastened envelope marked "Ballot Paper", and another unfastened envelope with the address of the returning officer printed thereon, by post in a sealed envelope to the address appearing in the register of every pharmaceutical chemist registered by the Council.

(3) A voter shall indicate on his ballot paper the candidate or candidates for whom he votes by striking out clearly and distinctly the names of the candidate or candidates for whom he does not vote, but leaving untouched the same number of names on the ballot paper as there are vacancies to be filled.

(4) A voter having marked his ballot paper in the manner prescribed by subregulation (3) of this regulation shall then —

- (a) complete the counterfoil and detach it from the ballot paper;
- (b) place the ballot paper in the envelope marked "Ballot Paper" and seal the envelope;
- (c) place the sealed envelope so marked and the counterfoil in the envelope addressed to the returning officer, seal that envelope and send it by pre-paid post, or cause it to be delivered, to the returning officer.

[Regulation 11 amended in Gazette 27 June 1997 p.3103.]

Pharmacy Act Regulations 1976

r. 12

12. (1) The returning officer shall at the time and at the place appointed for the holding of the ballot proceed, in the presence of the registrar and of the scrutineers (if any) appointed by any of the candidates, to open all the envelopes addressed to and received by him, and to remove the envelopes marked "Ballot Paper" and counterfoils therefrom.

(2) The returning officer shall —

- (a) reject any envelope marked "Ballot Paper" that is returned without a counterfoil or with an unsigned counterfoil;
- (b) open the envelopes marked "Ballot Paper" that have not been rejected; and
- (c) ascertain the number of votes cast in favour of the respective candidates.

(3) Where votes are recorded on a ballot paper for more or less candidates than the number of candidates to be elected the returning officer shall declare the votes cast in that ballot paper to be invalid and shall not count those votes, except that where a candidate withdraws from an election between the date of nomination and the date of the election the votes cast in a ballot paper shall not be invalid by reason only that a vote has been cast in favour of such withdrawn candidate.

(4) Having counted the votes the returning officer shall duly declare elected the candidates (not exceeding the number of vacancies) who have received the greatest number of valid votes or, in the event of an equal number of valid votes being received by 2 or more candidates, the candidate or candidates in whose favour he exercises his casting vote or votes.

(5) In the case of an equality of votes, the returning officer shall have a casting vote.

(6) As soon as practicable after declaring the result of the election the returning officer shall give notice thereof to the Council.

*[Regulation 12 amended in Gazette 27 June 1997
pp.3103-4.]*

13. Any candidate for election desirous of withdrawing from the election before the day of election shall, not later than 7 clear days before the day of election, sign and deliver to the returning officer a notice in the form of Form 3 in Appendix A and if the number of candidates is reduced by such withdrawal to the number of members to be elected, the returning officer shall declare such remaining members duly elected.

14. The name and address of every successful candidate at any election, and the name and address of the president and the deputy president upon their election, shall be published by the registrar in the *Government Gazette* within 28 days after the election.

15. Every candidate at an election shall be entitled to appoint by writing addressed and delivered to the returning officer one scrutineer, who shall be entitled to be present while the returning officer is opening and counting ballot papers.

16. The omission of the returning officer to send or post to, or the non-receipt of any ballot paper by, any voter within the time mentioned therein, or at all, shall not in any manner invalidate or affect the election.

Meetings of the Council

17. Ordinary meetings of the Council shall be held, at such time and place as may be appointed by it, on the first Tuesday in every month except January, or on such other day of each month except January as may be determined by it from time to time.

18. The president or any 2 members by notice in writing delivered to the registrar may requisition a special meeting of the Council for a specified time, date and place provided that sufficient time is allowed to permit members to be summoned in accordance with regulation 19.

19. On receipt of a requisition referred to in regulation 18 the registrar shall summon each of the members of the Council by notice given not less than 48 hours prior to the appointed time of the meeting.

Pharmacy Act Regulations 1976

r. 20

20. The omission to give notice of any meeting to, or the non-receipt of notice of any meeting by, any member of the Council within the time prescribed by regulation 19 or at all, shall not in any manner invalidate or affect any meeting.

21. If at the expiration of 30 minutes after the time appointed for the meeting there shall not be a quorum of members present, no business shall be transacted and the meeting shall lapse or may be adjourned by the member or members present to such time and place as he or they may determine.

22. Voting at meetings of the Council shall be by a show of hands unless in any particular case any member present requests that voting shall be by ballot.

23. No resolution arrived at, or act, matter or thing done, or authorised by any meeting shall be rescinded or amended at any subsequent meeting, unless notice of such intended rescission or amendment has been given to each of the members of the Council not less than 48 hours prior to the meeting at which such rescission or amendment is proposed.

24. At every meeting of the Council the business and proceedings and the conduct and management shall be dealt with, carried on, and regulated as provided from time to time by standing orders not inconsistent with the Act or these regulations or, in the absence or silence of such standing orders, as the Council may from time to time determine.

25. The Council may adopt by a resolution, a seal as and for the common seal of the Council, and such seal shall at all times be kept in the custody of the registrar, and deposited in the office of the Council.

[Regulation 25 amended in Gazette 27 June 1997 p.3104.]

26. The seal of the Council may be affixed by the registrar, in the presence of any member of the Council, to any instrument or writing, when authorized by a resolution passed for that purpose and entered upon the minutes of the proceedings of the Council, but not otherwise.

27. The Council may from time to time appoint such committee or committees, as may be thought fit, and may by resolution at any time abolish any committee so appointed, or modify or extend its power, or regulate its proceedings.

28. The president shall be an *ex officio* member of every such committee and he, or another member of the Council, shall preside at every meeting of such a committee.

29. The proceedings of such a committee shall, as far as practicable and subject to any resolution, be regulated by the same standing orders which apply to the proceedings of the Council.

30. Minutes of every meeting shall be kept by the registrar, and such minutes, when signed by the chairman of the same or any subsequent meeting, shall be binding and conclusive for all purposes and before all courts of the proceedings at such meeting.

The Registrar

31. The Council shall appoint a registrar, who shall be paid by salary and shall hold office subject to 1 month's notice of termination of engagement by either side.

32. The registrar shall discharge such duties of office as he may be required to discharge by the Act and these regulations, and such further duties as the Council may from time to time determine, and he shall be subject at all times to the direction of the Council.

33. (1) The registrar shall be in attendance at his office at such hours as may from time to time be appointed by the Council and be present at all meetings of the Council and committees, and make a report of all matters that come under his cognisance for the information of the Council and committees.

Pharmacy Act Regulations 1976

r. 36

(2) The registrar shall consult the president, or in his absence, the deputy president on any business requiring attention between the various meetings, and obey the order and direction of the president or deputy president as the case may be during such time, and he shall be responsible for the safe custody of all documents and property belonging to the Council which shall be under his control.

[34, 35. *Repealed in Gazette 27 June 1997 p.3104.*]

36. Surplus funds held by the Council, or such parts thereof as may be deemed advisable, shall be invested in such manner and upon such security as shall be authorized by a resolution of the Council.

[*Regulation 36 amended in Gazette 27 June 1997 p.3104.*]

[37. *Repealed and heading deleted in Gazette 27 June 1997 p.3104.*]

The Honorary Treasurer

38. (1) The Council shall from time to time appoint a member of the Council to be honorary treasurer, who shall hold office for 1 year and shall, on the expiration of his term of office, be eligible for reappointment.

(2) The honorary treasurer shall discharge such duties, in addition to those prescribed by these regulations, as the Council may from time to time determine.

(3) The financial year shall be the period from 1 January to 31 December, and at the ordinary meeting of the Council held in the month of February the honorary treasurer shall present a statement of accounts prepared by the Council's auditors covering the financial transactions of the Council during the last preceding financial year and present a balance sheet prepared by the Council's auditors showing the assets and liabilities of the Council at the end of that financial year.

[39, 40. *Repealed and heading deleted in Gazette 27 June 1997 p.3104.*]

PART III — EXAMINATIONS AND PRACTICAL TRAINING

41. For the purposes of subparagraph (ii) of paragraph (a) of subsection (1) of section 21 of the Act the prescribed examinations are those examinations that must be passed in order to complete the course of Bachelor of Pharmacy conducted by the Curtin University of Technology.

[Regulation 41 amended in Gazette 27 June 1997 p.3104.]

42. An application to sit for an examination conducted pursuant to paragraph (c) of subsection (1) of section 21 of the Act shall be lodged with the registrar at such time and place as may from time to time be determined by the Council, shall be in the form approved by the Council and shall be accompanied by the appropriate fees set out in Appendix B.

Practical Training

43. (1) For the purposes of subparagraph (i) of paragraph (a) of subsection (1) of section 21 of the Act a course of practical training shall —

- (a) occupy not less than 2 000 hours unless that course is commenced on or after 1 December 1976, in which case it shall occupy not less than 2 500 hours;
- (b) be served under the personal supervision of a pharmaceutical chemist;
- (c) include instruction and experience in current dispensing practice and pharmaceutical administration; and
- (d) be undertaken and completed under Articles of Traineeship between the trainee and the pharmaceutical chemist who conducts the pharmacy, or the pharmaceutical chemist in charge of the pharmacy department of a hospital, as the case may require.

Pharmacy Act Regulations 1976

r. 44

(2) Each trainee shall submit his Articles of Traineeship to the Council for registration within 28 days of commencement of his training.

(3) Each trainee shall keep a record in the form of Form 10 in Appendix A, showing the practical work carried out by him and must submit the original record to the Council —

- (a) within 14 days after completion of the first 500 hours of practical training; and
- (b) at the completion of another 2 000 hours of practical training.

(4) A trainee shall carry out all assignments and undertake all examinations that may be required of him by the Council and shall submit proof to the satisfaction of the Council that such assignments have been properly completed or examinations have been passed.

(5) A trainee shall attend any lecture or course of lectures or seminar as Council may from time to time direct.

*[Regulation 43 amended in Gazette 27 June 1997
pp.3104-05.]*

44. (1) Credit for training shall not be granted —
- (a) for any period of continuous service with one employer which is less than 160 hours;
 - (b) for any period of continuous service with one employer prior to the trainee passing all the prescribed examinations, if that service is less than 240 hours;
 - (c) for any hours of service in excess of 40 in any one week;
 - (d) for more than one-fifth part of the course prior to the trainee passing all the prescribed examinations;
 - (e) if the record required by regulation 43 of these regulations does not satisfy the Council that the trainee has carried out the course of practical training prescribed by these regulations; or

- (f) if the Articles of Traineeship have not been approved by the council.
- (2) A trainee who —
- (a) is awarded and pursues any research scholarship approved by the Council; or
 - (b) successfully undertakes a course of studies leading to a higher degree, may be credited with not more than 250 hours towards the course of practical training to be undertaken by him.

[Regulation 44 amended in Gazette 27 June 1997 p.3105.]

**PART IV — REGISTRATION OF PHARMACEUTICAL
CHEMISTS**

45. The Council shall, for the purpose of paragraph (d) of subsection (1) of section 21 of the Act, recognise the certificates or diplomas of competency as a pharmaceutical chemist or as a chemist and druggist of the Societies, Colleges or Boards of Pharmacy set forth hereunder, namely —

The Pharmacy Board of New South Wales;
The Pharmacy Board of Queensland;
The Pharmacy Board of South Australia;
The Pharmacy Board of Tasmania;
The Pharmacy Board of Victoria;
The Pharmaceutical Society of Great Britain;
The Pharmaceutical Society of Ireland;
The Pharmaceutical Society of New Zealand;
The Pharmaceutical Society of Northern Ireland.

46. Application for registration shall be made to the registrar in the form of Form 5 or Form 6, as the case may be, in Appendix A, signed by the applicant and accompanied by all necessary documents and certificates and the fee prescribed in Appendix B.

47. An applicant for registration shall, if requested by the registrar, supply to the Council such information or evidence (oral or in writing), as the Council may from time to time require, and may be required by the registrar to attend in person before the Council for that purpose.

48. (1) Every pharmaceutical chemist who changes his place of residence or employment, or the place at which he carries on his practice, shall thereupon notify the registrar of such change of address.

(2) The notice required by subregulation (1) of this regulation shall be given in writing, either by hand or by prepaid mail, and shall include particulars of the old and new addresses.

PART V — ANNUAL LICENCES TO PRACTISE

49. Every registered pharmaceutical chemist desirous of applying to the Council under section 26 of the Act for a licence or renewal of a licence to practise as a pharmaceutical chemist shall sign and deliver to the registrar an application in the form of Form 7 in Appendix A and the Council shall consider such application at its next meeting.

50. Every licence under section 26 of the Act shall be issued in the form of Form 8 in Appendix A.

51. The registrar shall forthwith give to an applicant whose application has been refused by the Council notice by registered post in the form of Form 9 in Appendix A.

[Regulation 51 amended in Gazette 27 June 1997 p.3105.]

52. Every practising pharmaceutical chemist shall keep his current annual licence to practise in the place at which he carries on his practice, so that the licence is readily accessible and capable of being produced for inspection at short notice.

Erasure of Name from the Register

53. Any pharmaceutical chemist whose name has been ordered by the Council to be erased from the register pursuant to subsection (5) of section 26 of the Act, shall forthwith be informed of such fact by the registrar by registered post.

[Regulation 53 amended in Gazette 27 June 1997 p.3105.]

PART VI — REGISTRATION OF PHARMACIES

54. (1) Application for the registration of premises as a pharmacy shall be made to the registrar in the form of Form 11 in Appendix A and shall be accompanied by —

- (a) the requisite fee;
- (b) complete plans and all relevant specifications of the pharmacy; and
- (c) in the case of premises which form part of a larger building, the plans of that building including a site plan showing the area in which the pharmacy is or is proposed to be situated in the building.

(2) Application for the renewal of the registration of premises as a pharmacy shall be made to the registrar in the form of Form 11 in Appendix A and shall be accompanied by the requisite fee.

55. The Council shall consider an application made under regulation 54 and may by resolution —

- (a) grant the applicant a certificate of registration of the pharmacy in the form of Form 12 in Appendix A;
- (b) refuse the application; or
- (c) withhold registration of the pharmacy until the applicant complies with, or brings the premises into conformity with, the requirements of subregulation (1) of regulation 56.

56. (1) The Council shall not register a pharmacy under section 23 of the Act unless it is satisfied that —

- (a) the premises used or intended to be used as a pharmacy, whether a single unit or portion of larger premises, are self-contained by being walled, floored and ceiled, have no means of access to any adjacent other type of professional or business premises and, subject to subregulation (3) of this regulation, have a separate entrance from a street or public thoroughfare;

- (b) the pharmacy is well lit and adequately ventilated;
- (c) the premises and fittings therein, and all equipment, utensils and apparatus used or to be used in dispensing and storing of drugs are and will be maintained, in clean condition and proper state of efficiency and repair;
- (d) the premises are not and will not be used for the receipt, handling or storage of any clothing or other article for dry cleaning, laundering or repair whether those operations are to be carried out on the premises or elsewhere;
- (e) the dispensary area has a minimum floor space of 8.3 m² and is equipped with a suitable sink having both hot water and cold water connected thereto;
- (f) the dispensary is equipped with the basic scale of apparatus and equipment and reference books specified in Appendix C;
- (g) proper and adequate provision is made for fully recording and maintaining a record of all prescriptions and repeat prescriptions dispensed in the pharmacy;
- (h) the applicant has made a full disclosure of the persons and bodies having an interest in the business, or any portion of the business, and the extent of each interest.

(2) For the purposes of paragraph (a) of subregulation (1) of this regulation "**public thoroughfare**" means a thoroughfare which is open to the public at all times.

(3) Registration of premises as a pharmacy shall not be refused by reason only of the fact that the entrance to those premises is from a thoroughfare which is closed to the public at certain times for security or other purposes so long as the Council is satisfied that the pharmaceutical chemist by whom or under whose immediate supervision the business of the pharmacy is carried on may gain unrestricted access to the premises whenever he wishes to do so.

(4) Notwithstanding the provisions of paragraph (a) of subregulation (1) of this regulation, if on the 1 July 1965 any premises were in an advanced stage of construction as a pharmacy or were

premises in which the practice of a pharmaceutical chemist was being carried on, those premises may be registered as a pharmacy if the Council is satisfied that the area of the premises used as a pharmacy is clearly defined and identified.

(5) For the purposes of paragraph (g) of subregulation (1) of this regulation, prescriptions and repeat prescriptions shall be recorded in an appropriate bound prescription book or other system approved by the Council, except that records of National Health Service prescriptions and Repatriation Department prescriptions may be in the form of duplicates kept in sequence in marked monthly order that are readily identifiable and accessible.

57. Where in any case application is made for registration of a pharmacy and circumstances exist which render it impracticable to comply immediately with the requirements of regulation 56, or in the opinion of the Council it is not in public interest to require such compliance, the Council may register the pharmacy subject to such conditions as it may determine.

Alteration of Registered Pharmacies

58. (1) A person in whose name any pharmacy is registered pursuant to section 23 of the Act shall not carry out or cause to be carried out or permit to be carried out any alterations affecting the construction, structure, layout or floor area of that pharmacy unless he has first —

- (a) given notice in writing to the Council of his intention to make alterations to that pharmacy; and
- (b) submitted to the Council complete plans and all relevant specifications relating to those alterations and obtained the approval of the Council thereto.

(2) The Council shall not withhold approval of plans and specifications relating to proposed alterations to a pharmacy unless it is satisfied that if those alterations were carried out in accordance with those plans and specifications the pharmacy would cease to comply with any one or more of the requirements of regulation 56.

Service of Notice

59. If the Council is satisfied that a registered pharmacy has ceased to comply with any one or more of the requirements of regulation 56, it may cancel the certificate of registration issued to that pharmacy.

60. Where a certificate of registration is cancelled by the Council under regulation 59 the registrar shall give notice in writing of the cancellation to the holder of the certificate and the holder shall, within 7 days of receipt of that notice, return the certificate to the Council by hand or registered post.

61. A certificate issued in accordance with regulation 55 is not transferable to any person, company or friendly society, or to other premises.

61A. Where the business of a pharmaceutical chemist ceases to be carried on in a registered pharmacy, the person in whose name the pharmacy is registered shall, within 7 days after the last day of business —

- (a) notify the registrar in writing that the premises are no longer used as a pharmacy; and
- (b) return the certificate of registration issued to the pharmacy.

[Regulation 61A inserted in Gazette 27 June 1997 p.3105.]

PART VII — ADVERTISING

62. (1) A pharmaceutical chemist may, in any advertisement indicating that he practises as a pharmaceutical chemist or a chemist and druggist, cause or permit —

- (a) himself to be described as a pharmaceutical chemist, a chemist or a pharmacist;
- (b) the full or short titles of any academic and professional qualifications that he holds to be appended to his name.

[(2) *repealed*]

[*Regulation 62 amended in Gazette 27 June 1997 p.3106.*]

63. (1) A pharmaceutical chemist shall not cause or permit to be made or displayed any advertisement —

- (a) which claims, or may be construed as claiming, professional superiority on behalf of that or any other pharmaceutical chemist, or which claims satisfaction, purity of drugs or accuracy in dispensing;
- (b) which constitutes an offer by him or any other person to treat or cure any disease or illness;
- (c) which offers free collection of prescriptions to be dispensed at, or free delivery of medicines from, premises in which he practises as a pharmaceutical chemist;
- (d) which is misleading in a professional respect.

[(2) *repealed*]

(3) A pharmaceutical chemist may display on a door or window of his premises a sign —

- (a) to the effect that urgently required medicines may be obtained on those premises whenever necessary or at such times as are specified therein, as the case requires, or which indicates his private address and telephone number;
or

- (b) specifying the times at which urgently required medicines may be obtained at another registered pharmacy specified therein.

[Regulation 63 amended in Gazettes 6 October 1978 p.3636;
27 June 1997 p.3106.]

[64. Repealed in Gazette 27 June 1997 p.3106.]

65. Where a pharmaceutical chemist vacates premises used by him as a pharmacy, he shall, except where he believes on reasonable grounds that the premises will within 30 days of his vacating them, be occupied by another pharmaceutical chemist for use as a pharmacy, cause any sign, notice or writing on the premises that refers to the practice of pharmacy therein to be removed or erased immediately upon his ceasing to practise in those premises.

66. (1) In this Part —

“advertisement” includes a sign or notice of any kind;

“pharmaceutical chemist” includes a company, friendly society registered under the *Friendly Societies Act 1894*, or a person carrying on the practice of a pharmaceutical chemist pursuant to section 36 of the Act.

(2) For the purposes of this Part, a reference contained in any advertisement, including a sign, to a business name registered under the *Business Names Act 1962* is deemed to be a reference to the pharmaceutical chemist or the pharmaceutical chemists carrying on business under that name.

PART VIII — PROCEEDINGS AND APPEALS

Procedure on Appeal

67. In any appeal filed in accordance with subsection (2) of section 27 of the Act —

- (a) all proceedings on or in connection with the appeal shall be conducted as if the appeal were an appeal against an order of a court of summary jurisdiction; and
- (b) any notice or other document that would be required to be served by the applicant on any person if the appeal were an appeal against an order of a court of summary jurisdiction may be served on the registrar, and such service shall be deemed to be sufficient.

Form of Summons

68. (1) A summons served pursuant to subsection (3) of section 32 of the Act shall be in the form of Form 13 in Appendix A.

(2) A summons served pursuant to subsection (4) of section 32 of the Act shall be in the form of Form 14 in Appendix A.

Form of Certificate

69. A certificate given pursuant to paragraph (a) of subsection (6) of section 40A of the Act shall be in the form of Form 15 in Appendix A.

PART IX — MISCELLANEOUS

70. All books, records and documents which are required to be kept or retained for a prescribed period shall (unless otherwise prescribed), in the case of books or records, be preserved for a period of 2 years from the date on which the last entry is made therein, and, in the case of any documents, for a period of 2 years from the date on which it is first received.

71. Any officer of the Council authorised in that behalf, either generally or in a particular case, by writing under the hand of the president or deputy president, may, at any reasonable time, inspect any pharmacy or other premises to which the Act applies, and any equipment therein and any books, entries, letters, documents, instruments, or other writings required by the Act or these regulations to be kept by persons subject to the provisions of the Act.

72. A person who knowingly makes either orally or in writing a false or misleading statement to the Council, the registrar or any other employee of the Council, in or in connection with, any application —

- (a) to be registered as a pharmaceutical chemist;
- (b) for a certificate of registration of premises as a pharmacy,

commits an offence.

Penalty: \$100.

73. Any person who contravenes or neglects, refuses, or fails to comply with any provisions of these regulations shall be guilty of an offence.

APPENDIX A — FORMS

Form 1

Western Australia
Pharmacy Act 1964 (as amended)
(Regulation 9)

NOMINATION PAPER

We, the undersigned pharmaceutical chemists of Western Australia, do hereby nominate of as a candidate for the office of a member of the Pharmaceutical Council of Western Australia at the election to be held on the day of 19

.....
Pharmaceutical Chemist

.....
Pharmaceutical Chemist

.....
Pharmaceutical Chemist

And I the abovenamed do hereby consent to such nomination.

.....
Pharmaceutical Chemist

Form 2

Western Australia

Pharmacy Act 1964 (as amended)

(Regulation 11)

BALLOT PAPER

Candidates for election as members of the Pharmaceutical Council of Western Australia: —

(Arrange in alphabetical order of surname.)

Directions

Strike out the name of the candidate (or candidates) for whom you do not wish to vote. Only names may be left uncanceled or your vote will be invalid.

Insert the ballot paper in the printed envelope marked "Ballot Paper", seal it, place it and the counterfoil in the envelope addressed to the returning officer, and post that envelope by prepaid mail or cause it to be delivered to the returning officer in time to be received before. o'clock on the day of 19 at which time the ballot will close.

.....
(Perforated)

COUNTERFOIL

Name of Voter
(In Block Letters)

Signature of Voter.....

Note — Counterfoil to be detached, and not enclosed in envelope marked "Ballot Paper" but to be placed loose in envelope addressed to returning officer.

Form 3

Western Australia

Pharmacy Act 1964 (as amended)

(Regulation 13)

NOTICE OF WITHDRAWAL FROM ELECTION

I, the undersigned, a candidate at the election of the Pharmaceutical Council of Western Australia to be held on the day of 19 , do hereby withdraw from that election.

.....
Pharmaceutical Chemist.

[Form 4 deleted]

Pharmacy Act Regulations 1976

App. A

Form 5

Western Australia
Pharmacy Act 1964 (as amended)
(Regulation 46)

**APPLICATION TO BE REGISTERED AS
A PHARMACEUTICAL CHEMIST**

I, of
being of (or over) the age of 18 years and having completed a prescribed
course of practical training of not less than 2 000 hours duration with a
pharmaceutical chemist or chemists in accordance with prescribed
conditions and in premises approved by the Council, and having
passed —

- (i) all the examinations prescribed by the *Pharmacy Act Regulations 1976* or
- (ii)

do hereby apply to the Pharmaceutical Council of Western Australia,
pursuant to section 21 of the *Pharmacy Act 1964* (as amended) to be
registered by the said Council as a pharmaceutical chemist.

I annex hereto the necessary supporting documents, namely: —

.....
.....
.....

.....
Signature of Applicant

Form 6

Western Australia

Pharmacy Act 1964 (as amended)

(Regulation 46)

**APPLICATION FOR REGISTRATION AS
A PHARMACEUTICAL CHEMIST**

I,, of
being of (or over) the age of 18 years, and being the holder of the
certificate (or diploma) of competency as a pharmaceutical chemist
(or as a chemist and druggist) of the *, do
hereby apply to the Pharmaceutical Council of Western Australia,
pursuant to subsection (1) (d) of section 21 of the *Pharmacy Act 1964*
(as amended) to be registered by the said Council as a pharmaceutical
chemist.

.....
Signature of Applicant

* Name of Society, College or Board of Pharmacy recognised by the
regulations.

Form 7

Western Australia

Pharmacy Act 1964 (as amended)

(Regulation 49)

**APPLICATION FOR A LICENCE
(OR RENEWAL OF A LICENCE)
TO PRACTISE AS A PHARMACEUTICAL CHEMIST**

I,, of
in the State of Western Australia do hereby apply to the
Pharmaceutical Council of Western Australia for a licence to practise as
a pharmaceutical chemist for the year ending 30 June, 19.

Dated this day of 19.

.....
Signature of Applicant

Form 8

Western Australia

Pharmacy Act, 1964

(Regulation 50)

LICENCE TO PRACTISE

NAME

REGISTRATION NUMBER

is registered and licensed to practise as a pharmaceutical chemist until
30 June 199.....

REGISTRAR

Form 9

Western Australia

Pharmacy Act 1964 (as amended)

(Regulation 51)

NOTICE OF REFUSAL TO GRANT LICENCE

To of
I hereby give you notice that at a meeting of the Pharmaceutical
Council of Western Australia, held at Perth on
your application for a licence to practise as a pharmaceutical chemist
was refused by the Council.

.....
Registrar,
Pharmaceutical Council
of Western Australia

Form 10

Western Australia

Pharmacy Act 1964 (as amended)

(Regulation 43)

RECORD OF PRACTICAL TRAINING

I certify that
has completed practical training under my supervision in my/our
premises, which are approved by the Pharmaceutical Council of
Western Australia.

| Name and Address of Approved Premises | Date of Commencement | Date of Completion | Number of Hours | Signature of Chemist in Charge |
|--|-------------------------|-----------------------|--------------------|--------------------------------------|
| | | | | |
| | | | | |
| | | | | |

.....
Progressive Total
of Hours

The original of this record must be submitted to the Council within 14
days after completion of the first 500 hours of practical training, and
again at the completion of another 2 000 hours of practical training.

Form 11

Western Australia

Pharmacy Act, 1964

(Regulation 54)

APPLICATION FOR REGISTRATION OR RENEWAL OF REGISTRATION OF PREMISES AS A PHARMACY

Application is hereby made for the *registration / *renewal of registration of a pharmacy, particulars of which are set out hereunder:

- 1. NAME/S OF APPLICANT/S:
(Full names of all individuals must be stated.)
.....
.....
.....
Telephone Number. Facsimile Number
- 2. BUSINESS NAME UNDER WHICH PHARMACY *IS / *IS TO BE CONDUCTED:
.....
- 3. FULL NAME OF MANAGER:
..... Pharmacist Registration No:
- 4. ADDRESS OF PREMISES:
.....
Telephone Number. Facsimile Number
- 5. INTENDED *OPENING / *SETTLEMENT / *EFFECTIVE DATE
- 6. OTHER INTERESTS IN THE PHARMACY: Does any person or entity other than the applicant have an interest in the business or any part of the business? If so, state the full extent of any such interest.
.....
.....
.....
(Attach additional sheets if necessary)

7. THE PHARMACY AREA

- *(a) is a self-contained unit physically separated from and having no direct access to any other professional or business premises and having its own entrance to a street or public thoroughfare;
- *(b) on the 1 July 1965 was operating as a pharmacy or was in an advanced stage of construction as a pharmacy and is physically separated from but has direct access to other professional or business premises and has its own separate entrance to a street or public thoroughfare; or
- *(c) on the 1 July 1965 was operating as a pharmacy or was in an advanced stage of construction as a pharmacy and is portion of larger premises, not being physically separated from other professional or business activities and is clearly defined and identified.

8. WITH the exception of items listed in the margin hereof or on an accompanying sheet, the dispensary is provided with the basic schedule of equipment and reference books listed in Appendix C to the regulations and a suitable sink with hot and cold water connected thereto.

Date Signature of Applicant/s

**Strike out whichever inapplicable*

ONLY FULLY AND CORRECTLY COMPLETED APPLICATIONS WILL BE CONSIDERED

Pharmacy Act Regulations 1976

App. A

Form 12

Western Australia

Pharmacy Act 1964 (as amended)

(Regulation 55)

CERTIFICATE OF REGISTRATION AS A PHARMACY

Pharmaceutical Council of Western Australia

This is to certify that the premises known as
..... situated at
and at which the practice of a Pharmaceutical Chemist is carried on
by/or under the managership of
are registered under section 23 of the *Pharmacy Act 1964* (as amended)
as a Pharmacy until 30 June 19

..... 19

.....
Registrar

Form 13

Western Australia
Pharmacy Act 1964 (as amended)
(Regulation 68(1))

SUMMONS TO SHOW CAUSE

To. (Name and address of pharmaceutical chemist, company or friendly society)
of
TAKE NOTICE that *you/the abovenamed company/the abovenamed friendly society *are/is required to *appear/be represented at a meeting of the Pharmaceutical Council of Western Australia to be held at on the day of 19 at the hour of ‡ a.m./p.m. in order to show cause why *you/the company/the friendly society should not be dealt with in accordance with section 32 of the Pharmacy Act 1964 (as amended) for having contravened

The grounds on which these proceedings are to be brought are as follows:

Dated at this day of 19

*President/Deputy President
Pharmaceutical Council of
Western Australia.

Note: In the event of *you/the company/the friendly society failing to *appear/be represented the Council may proceed in *your/its absence.

*Delete inapplicable word or words.
‡Delete whichever inapplicable.

Form 14

Western Australia
Pharmacy Act 1964 (as amended)
(Regulation 68(2))

SUMMONS TO ATTEND PROCEEDINGS

To
of
TAKE NOTICE that WHEREAS the Pharmaceutical Council of Western
Australia is taking disciplinary proceedings against
of and WHEREAS

*I believe that you may be able to give evidence or produce
documents touching the matter in question,

*a party to the proceedings desires to call you as a witness,

NOW, THEREFORE you are hereby summoned to appear before the
Council in accordance with the provisions of subsection (4) of section 32
of the *Pharmacy Act 1964* (as amended) at
on the day of at the hour
of a.m./p.m. and then and there to produce the books,
documents or other things, if any, described as follows:

Dated at this day of 19. . . .

.....
Registrar,
Pharmaceutical Council
of Western Australia.

*Delete if inapplicable.
‡Delete whichever inapplicable.

Form 15

Western Australia
Pharmacy Act 1964 (as amended)
(Regulation 69)

CERTIFICATE OF DETERMINATION UNDER SECTION 40A (4)

I
of
being the registrar of the Pharmaceutical Council of Western Australia,
certify that at a meeting of the Council held at
on the day of 19
it was determined that
.....
.....
.....

.....
Registrar,
Pharmaceutical Council
of Western Australia

[Appendix A amended in Gazette 27 June 1997 pp.3106-09.]

Pharmacy Act Regulations 1976

App. B

APPENDIX B — FEES

| | \$ |
|--|-----|
| For conducting an election | 25 |
| For examinations conducted pursuant to section 21 (1) (c) of the Act | 200 |
| For registration of pharmaceutical chemist | 42 |
| For annual licence to practise | 140 |
| For certificate of competency for registration elsewhere than in Western Australia | 10 |
| For registration of premises as a pharmacy until 30 June next | 200 |
| For renewal of registration of an existing pharmacy or registration of an existing pharmacy when a new pharmaceutical chemist, company or friendly society commences to practise or carry on business in the pharmacy (including issue of certificate) | 200 |

[Appendix B inserted in Gazette 24 June 1988 p.2007; amended in Gazette 12 April 1991 p.1610; 28 June 1991 pp.3153-4; 3 April 1992 p.1474; 14 May 1993 p.2415.]



APPENDIX C

(Regulation 56)

**BASIC SCALE OF APPARATUS, EQUIPMENT AND
REFERENCE BOOKS REQUIRED BY A
REGISTERED PHARMACY**

Beakers:

| | |
|---|--------|
| 100 ml | 1 only |
| 250 ml | 1 only |
| Appropriate heating device (e.g. gas, microwave or electric hotplate) | 1 only |

Funnels:

| | |
|-------------------------------|--------|
| glass or plastic 125 mm | 1 only |
|-------------------------------|--------|

Measures Graduated (dispensing glass):

| | |
|--------------|--------|
| 10 ml | 1 only |
| 20 ml | 1 only |
| 50 ml | 1 only |
| 100 ml | 1 only |
| 200 ml | 1 only |

Mortars and Pestles:

| | |
|-------------------|--------|
| Glass 75 mm | 1 only |
| Wedgewood | 1 only |

Refrigerator:

| | |
|--|--------|
| A refrigerator for storage of biological preparations and other preparations | 1 only |
|--|--------|

Scales:

| | |
|--|--------|
| Dispensing Beam type to weigh to 50 g | 1 only |
| Counter Beam type to weigh to 1 kg | 1 only |
| Weights — Metric — 5 mgm to 500 gm inclusive | 1 set |

OR

Electronic balance to weigh to at least 250 gm, with a readability of not less than 0.001 gm and standard deviation $\leq \pm 0.001$ gm.

Pharmacy Act Regulations 1976

App. C

Slabs-ointment:

250 mm x 250 mm (minimum size) 1 only

Spatulas:

Stainless Steel 175 mm 1 only
Stainless Steel 250 mm 1 only
Vulcanite 100 mm 1 only
Vulcanite 150 mm 1 only

Stirring Rods:

Glass and Vulcanite 2 each
different
sizes

Reference Library:

Current copy of Australian Pharmaceutical Formulary
Current copy of Martindale The Extra Pharmacopoeia
Current copy of P.P. Guide or MIMS
Pharmacy Act 1964 and regulations thereunder
Poisons Act 1964 and regulations thereunder.

[Appendix C inserted in Gazette 27 June 1997 pp.3109-10.]

Pharmacy Act Regulations 1976

NOTES

¹. This reprint is a compilation as at 1 August 1997 of the *Pharmacy Act Regulations 1976* and includes the amendments effected by the regulations referred to in the following Table.

Table of Regulations

| Regulation | Gazettal | Commencement | Miscellaneous |
|--|---------------------------------|-------------------------------------|---------------|
| <i>Pharmacy Act Regulations 1976</i> | 17 September 1976 pp.3430-43 | 1 November 1976 | |
| <i>Amending regulations</i> | 6 October 1978 p.3636 | 6 October 1998 | |
| <i>Pharmacy Act Amendment Regulations 1984</i> | 10 February 1984 p.347 | 10 February 1984 | |
| <i>Pharmacy Act Amendment Regulations 1985</i> | 5 July 1985 p.2392 | 1 July 1985 (see regulation 2) | |
| <i>Pharmacy Amendment Regulations 1986</i> | 20 June 1986 p.2054 | 1 July 1986 (see regulation 2) | |
| <i>Pharmacy Amendment Regulations 1988</i> | 24 June 1988 p.2007 | 1 July 1988 (see regulation 2) | |
| <i>Pharmacy Amendment Regulations 1991</i> | 12 April 1991 p.1610 | 12 April 1991 | |
| <i>Pharmacy Amendment Regulations (No. 2) 1991</i> | 28 June 1991 pp.3153-4 | 1 July 1991 (see regulation 2) | |
| <i>Pharmacy Amendment Regulations 1992</i> | 3 April 1992 p.1474 | 1 July 1992 (see regulation 2) | |
| <i>Pharmacy Amendment Regulations 1993</i> | 14 May 1993 p.2415 | 1 July 1993 (see regulation 2) | |
| <i>Pharmacy Amendment Regulations 1997</i> | 27 June 1997 pp.3103-10 | 1 August 1997 (see regulation 2) | |