



Western Australia

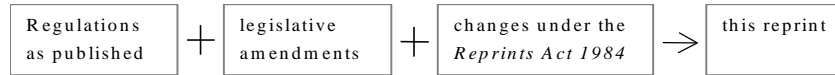
Pharmacy Act 1964

Pharmacy Act Regulations 1976

Reprint 3: The regulations as at 8 August 2008

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original regulations and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the regulations being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a regulation that was inserted, or has been amended, since the regulations being reprinted were made, editorial notes at the foot of the regulation give some history of how the regulation came to be as it is. If the regulation replaced an earlier regulation, no history of the earlier regulation is given (the full history of the regulations is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the regulations have been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the regulations were published. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the regulations are reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Western Australia

Pharmacy Act Regulations 1976

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Defined Terms



Western Australia

Reprinted under the
Reprints Act 1984 as
at 8 August 2008

Pharmacy Act 1964

Pharmacy Act Regulations 1976

Part I — Preliminary

1. Citation

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

[2. *Omitted under the Reprints Act 1984 s. 7(4)(f).*]

[3. *Repealed in Gazette 6 Jan 1998 p. 33.*]

4. Terms used in these regulations

In these regulations unless the contrary intention appears —

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

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

“**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. Appointment of returning officer

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. Payment of returning officer

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 authorised expenses incurred by him in conducting such election.

7. Election of members of Council

- (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), 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.
- (7) In determining the result of an election referred to in subregulation (6) 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. Notice of election

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

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- (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 Jun 1997 p. 3103.]

Nominations

9. Form of nomination

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. When election not required

- (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. Ballot papers

- (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) 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 prepaid post, or cause it to be delivered, to the returning officer.

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

12. Counting of votes

- (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

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- (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 Jun 1997 p. 3103-4.]

13. Withdrawal of nomination

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. Publication of election results

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. Scrutineers

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. Irregularity does not invalidate election

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

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. Requisition of special meeting

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.

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19. Notice of special meeting

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.

20. Irregularity of notice does not invalidate meeting

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. Failure to obtain a quorum

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

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. Rescission or amended for previous resolution

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. Proceedings at meetings

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. Common seal

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 Jun 1997 p. 3104.]

26. Affixing of common seal

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 authorised by a resolution passed for that purpose and entered upon the minutes of the proceedings of the Council, but not otherwise.

27. Committees

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. President to be a member of all committees

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. Proceedings at committee meetings

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.

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30. Minutes

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. Registrar

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

32. Duties of registrar

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. Registrar to attend meetings and consult president

- (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.
- (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 Jun 1997 p. 3104.]

36. Investment

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 authorised by a resolution of the Council.

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

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

The Honorary Treasurer

38. Treasurer and financial year

- (1) The Council shall from time to time appoint a member of the Council to be honorary treasurer, who shall hold office for one 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 Jun 1997 p. 3104.]

Part III — Examinations and practical training

41. Prescribed examinations

For the purposes of section 21(1)(a)(ii) 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 Jun 1997 p. 3104.]

42. Application to sit examination

An application to sit for an examination conducted pursuant to section 21(1)(c) 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. Practical training

- (1) For the purposes of section 21(1)(a)(i) 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.

- (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 Jun 1997 p. 3104-5.]

44. Requirement for training

- (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 does not satisfy the Council that the trainee has carried out the course of practical training prescribed by these regulations; or

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- (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 Jun 1997 p. 3105.]

Part IV — Registration of pharmaceutical chemists

45. Recognised boards and societies

The Council shall, for the purpose of section 21(1)(d) 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. Form of application for registration

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. Information to be provided by applicant

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. Change of details to be notified

- (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) 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. Application for licence to practise

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. Form of licence

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

51. Notice of refusal to grant licence

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 Jun 1997 p. 3105.]

52. Licence to be kept at place of practice

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. Repealed in Gazette 30 Dec 2004 p. 6969.]

Part VI — Registration of pharmacies

54. Application for registration of premises

- (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. Council to consider applications

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 regulation 56(1).

56. Requirements for registration

- (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), 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 with current copies of, or immediate access to, the reference books specified in Appendix C (whether in the form of a written textbook or a CD-ROM, or by way of a current on-line subscription);
 - (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 subregulation (1)(a) “**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

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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 subregulation (1)(a), if on 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 subregulation (1)(g), 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.

[Regulation 56 amended in Gazette 16 Jan 2004 p. 197.]

57. Registration subject to conditions

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. Alteration of registered pharmacy

- (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. Cancellation of registration of pharmacy

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. Notification of cancellation of registration

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. Registration of pharmacy not transferable

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

r. 61A

61A. Cessation of business

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 Jun 1997 p. 3105.]

Part VII — Advertising

62. What is permitted in advertising

- (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 Jun 1997 p. 3106.]

63. What is not permitted in advertising

- (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 Gazette 6 Oct 1978 p. 3636; 27 Jun 1997 p. 3106.]

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

65. Signs etc. to be removed on vacation of premises

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. Terms used in this Part

- (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*², 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

[Heading amended in Gazette 30 Dec 2004 p. 6969.]

[67, 68. Repealed and headings deleted in Gazette 30 Dec 2004 p. 6969.]

Form of Certificate

69. Form of certificate

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

Part IX — Miscellaneous

70. Books and records to be kept for 2 years

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. Council officer may inspect premises, books etc.

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. False or misleading statements

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. General offence

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 20.....

.....
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 20..... 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 2 amended in Gazette 27 Jun 1997 p. 3106.]

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 20....., do hereby withdraw from that election.

.....
Pharmaceutical Chemist

[Form 4 deleted in Gazette 27 Jun 1997 p. 3106.]

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 5 amended in Gazette 27 Jun 1997 p. 3107.]

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 section 21(1)(d)
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 6 amended in Gazette 27 Jun 1997 p. 3107.]

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 20.....

Dated this day of 20.....

.....
Signature of Applicant

[Form 7 amended in Gazette 27 Jun 1997 p. 3107.]

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 20.....

REGISTRAR

[Form 8 inserted in Gazette 27 Jun 1997 p. 3107.]

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. Under section 26(3) of the Act, you may apply to the State Administrative Tribunal for a review of the refusal.

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

[Form 9 amended in Gazette 30 Dec 2004 p. 6970.]

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 10 amended in Gazette 27 Jun 1997 p. 3107.]

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 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 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**

[Form 11 inserted in Gazette 27 Jun 1997 p. 3108-9.]

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 20.....
..... 20.....

.....
Registrar

[Forms 13 and 14 deleted in Gazette 30 Dec 2004 p. 6970.]

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 20.....
it was determined that
.....
.....
.....
.....

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

Appendix B — Fees

[Heading inserted in Gazette 15 May 2007 p. 2093.]

	\$
For conducting an election	25
For examinations conducted pursuant to section 21(1)(c) of the Act	220
For registration of pharmaceutical chemist	100
For annual licence to practise	200
For certificate of competency for registration elsewhere than in Western Australia	10
For registration of premises as a pharmacy until 30 June next	490
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)	400

[Appendix B inserted in Gazette 15 May 2007 p. 2093-4.]

Appendix C

(Regulation 56)

Basic scale of apparatus, equipment and reference books required by a registered pharmacy

Bar code scanner	1 only
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.	
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

Pharmacy Act Regulations 1976

Appendix C Basic scale of apparatus, equipment and reference books
required by a registered pharmacy

Vulcanite 150 mm	1 only
Stirring Rods:	
Glass and Vulcanite	2 each different sizes

Reference Library:

Current copy of the Australian Medicines Handbook
Current copy of Australian Pharmaceutical Formulary
Current copy of Martindale

OR

Current copy of AusDI
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 Jun 1997 p. 3109-10; amended in
Gazette 16 Jan 2004 p. 197; 15 Nov 2005 p. 5599.]*

Notes

¹ This reprint is a compilation as at 8 August 2008 of the *Pharmacy Act Regulations 1976* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Pharmacy Act Regulations 1976</i>	17 Sep 1976 p. 3430-43	1 Nov 1976
Untitled regulations	6 Oct 1978 p. 3636	6 Oct 1978
<i>Pharmacy Act Amendment Regulations 1984</i>	10 Feb 1984 p. 347	10 Feb 1984
<i>Pharmacy Act Amendment Regulations 1985</i>	5 Jul 1985 p. 2392	5 Jul 1985 (see r. 2) ³
<i>Pharmacy Amendment Regulations 1986</i>	20 Jun 1986 p. 2054	1 Jul 1986 (see r. 2)
<i>Pharmacy Amendment Regulations 1988</i>	24 Jun 1988 p. 2007	1 Jul 1988 (see r. 2)
<i>Pharmacy Amendment Regulations 1991</i>	12 Apr 1991 p. 1610	12 Apr 1991
<i>Pharmacy Amendment Regulations (No. 2) 1991</i>	28 Jun 1991 p. 3153-4	1 Jul 1991 (see r. 2)
<i>Pharmacy Amendment Regulations 1992</i>	3 Apr 1992 p. 1474	1 Jul 1992 (see r. 2)
<i>Pharmacy Amendment Regulations 1993</i>	14 May 1993 p. 2415	1 Jul 1993 (see r. 2)
<i>Pharmacy Amendment Regulations 1997</i>	27 Jun 1997 p. 3103-10	1 Aug 1997 (see r. 2)
Reprint of the Pharmacy Act Regulations 1976 as at 1 Aug 1997 (includes amendments listed above)		
<i>Miscellaneous Amendments Regulations 1997 r. 2</i>	6 Jan 1998 p. 33	6 Jan 1998
<i>Pharmacy Amendment Regulations 2000</i>	30 Jun 2000 p. 3405-6	1 Jul 2000 (see r. 2)
Reprint 2: The Pharmacy Act Regulations 1976 as at 14 Nov 2003 (includes amendments listed above)		

Pharmacy Act Regulations 1976

Citation	Gazettal	Commencement
<i>Pharmacy Amendment Regulations 2003</i>	16 Jan 2004 p. 196-7	16 Jan 2004
<i>Pharmacy Amendment Regulations 2004</i>	30 Dec 2004 p. 6969-70	1 Jan 2005 (see r. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130)
<i>Pharmacy Amendment Regulations 2005</i>	15 Nov 2005 p. 5599	1 Jan 2006 (see r. 2)
<i>Pharmacy Amendment Regulations 2007</i>	15 May 2007 p. 2093-4	r. 1 and 2: 15 May 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 16 May 2007 (see r. 2(b))

Reprint 3: The *Pharmacy Act Regulations 1976* as at 8 Aug 2008 (includes amendments listed above)

² Repealed by the *Friendly Societies (Western Australia) Act 1999*.

³ The commencement date of 1 Jul 1985 that was specified was before the date of gazettal.

Defined Terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined Term	Provision(s)
advertisement	66(1)
Appendix.....	4
deputy president	4
dispensary	4
pharmaceutical chemist.....	66(1)
president.....	4
public thoroughfare.....	56(2)
regulation	4
the Act.....	4