



PHARMACY ACT 1956

[Consolidated as at 12 August 2013
on the authority of the Administrator
and in accordance with
the *Enactments Reprinting Act 1980*]

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Pharmacy Act 1956

An Act to provide for the registration of pharmaceutical chemists, to control the business of pharmacy, and for other purposes.

PART 1 — PRELIMINARY

Short title

1. This Act may be cited as the *Pharmacy Act 1956*.

Commencement

2. This Act shall commence on a date to be fixed by the Minister by notice posted on or near the Court House, Norfolk Island.

Parts

3. This Act is divided into Parts, as follows:
Part 1 — Preliminary (Sections 1-4)
Part 2 — Registration (Sections 5-11)
Part 3 — Conduct of Business (Sections 12-14)
Part 4 — Offences (Sections 15-19)
Part 5 — Miscellaneous (Section 20).

Definitions

4. In this Act, unless the contrary intention appears —
“medical practitioner” means a medical practitioner registered under a law of a State or of a Territory of the Commonwealth providing for the registration of medical practitioners;
“registered pharmaceutical chemist” means a person whose name is registered in the Register;
“the Register” means the Register of Pharmaceutical Chemists kept by the Minister under this Act.

PART 2 — REGISTRATION

Registration of person entitled

5. The Minister shall, upon the application of a person who is entitled to be registered as a pharmaceutical chemist under this Act and the payment by that person of the prescribed fee —
 - (a) enter the name of that person, together with such other particulars relating to him as are prescribed, in a register to be kept by the Minister and to be called the Register of Pharmaceutical Chemists; and
 - (b) issue to that person a certificate of registration in the prescribed form.

Qualifications for registration

6. A person who —
- (a) is registered, or is entitled to be registered, as a pharmaceutical chemist under —
 - (i) a law of a State or Territory of Australia providing for the registration of pharmaceutical chemists; or
 - (ii) the *Pharmacy Act 1970* of New Zealand or that Act as amended and in force from time to time; and
 - (b) is, in the opinion of the Minister, a fit and proper person to be registered as a pharmaceutical chemist under this Act

is entitled to be registered as a pharmaceutical chemist under this Act.

Fraudulent registration

7. A person shall not, for the purpose of having himself registered as a pharmaceutical chemist under this Act —

- (a) make a false statement to the Minister knowing it to be false; or
- (b) produce a false document to the Minister knowing it to be false.

Penalty: 20 penalty units.

Amendments to Register

8. The Minister may, in his discretion, make any amendment to the entry relating to a person in the Register that is requested by that person.

Removal and cancellation of names from Register

9. (1) The Minister may remove from the Register the name of, and such other particulars as have been entered in the Register relating to, a person —

- (a) who so requests; or
- (b) who is dead.

(2) The Minister may remove from the Register the name of, and such other particulars as have been entered in the Register relating to, a person —

- (a) whose registration under this Act was obtained by misrepresentation;
- (b) who is, after the date of his registration under this Act, convicted of an offence that makes him unfit to be registered as a pharmaceutical chemist under this Act;
- (c) who is guilty —
 - (i) of habitual drunkenness or of habitual addiction to a drug; or
 - (ii) of such improper conduct as makes him unfit to be registered as a pharmaceutical chemist under this Act;
- (d) who is not carrying on the business of a pharmaceutical chemist in Norfolk Island; or
- (e) who is certified to be insane.

(3) Upon the removal from the Register under this section of the name of, and the particulars relating to, a person, the person ceases to be a registered pharmaceutical chemist.

(4) Where the Minister removes the name of a person from the Register under subsection 9(2), the Minister —

- (a) shall, by notice in writing served on the person, inform the person that his name has been removed from the Register; and
- (b) shall specify in the notice the ground, being a ground specified in subsection 9(2), on which the Minister relies for the removal of the name of the person.

(5) A notice under subsection 9(4) may be served on a person by post at his last-known address or place of business.

Application to Court for order to restore registration

10. (1) A person whose name has been removed from the Register under subsection 9(2) may, within 3 months of the service on him of a notice under subsection 9(4), apply to the Court of Petty Sessions for an order that his name, and such other particulars as have been removed, be restored to the Register.

(2) Jurisdiction to hear and determine the application is vested in the Court of Petty Sessions.

(3) On the hearing of the application, the Minister may oppose the making of the order.

(4) If, on the hearing of the application, the Court of Petty Sessions is satisfied that the ground on which the Minister relied in removing the name of the applicant from the Register existed, the Court shall dismiss the application but, if not so satisfied, shall direct the Minister to restore to the Register the name of, and the particulars relating to, the applicant.

Surrender of certificate of registration

11. A person who has in his possession a certificate of registration in the name of a person whose name has been removed from the Register under section 9 shall, upon the request of the Minister, forthwith surrender the certificate to the Minister.

Penalty: 10 penalty units.

PART 3 — CONDUCT OF BUSINESS

Name to be exhibited

12. A registered pharmaceutical chemist who carries on, or controls the carrying on of, the business of a pharmaceutical chemist at a place of business shall cause his name to be exhibited in a legible form and in a conspicuous place on the front of that place of business.

Penalty: 10 penalty units.

Conduct of business by registered pharmaceutical chemist

13. (1) A registered pharmaceutical chemist shall not —

- (a) carry on the business of a pharmaceutical chemist at a place of business unless the carrying on of the business at that place is controlled at all times by a registered pharmaceutical chemist at that place;
- (b) carry on the business of a pharmaceutical chemist except under his own name;
- (c) adopt the title of consulting chemist;

- (d) at a place where he carries on, or controls the carrying on of, the business of a pharmaceutical chemist, permit any person, other than a registered pharmaceutical chemist or other than a bona fide assistant or apprentice in the course of his employment and under the personal supervision of a registered pharmaceutical chemist, to supply a medicine or drug or to compound or dispense a prescription;
- (e) at a place where he carries on, or controls the carrying on of, the business of a pharmaceutical chemist, give medical or surgical advice or aid unless —
 - (i) under the specific instructions of a medical practitioner; or
 - (ii) for the purpose of saving life, or preventing serious injury in an emergency or treating a simple ailment of common occurrence;
- (f) use or supply a medicine or drug that is not of the standard of quality or composition prescribed for that medicine or drug; or
- (g) prepare or compound a medicine or drug by a method other than the method prescribed for preparing or compounding that medicine or drug.

Penalty: 20 penalty units.

(2) Where a standard of quality or composition for a medicine or drug or a method of preparing or compounding a medicine or drug is laid down in the British Pharmacopoeia, that standard shall be the prescribed standard for that medicine or drug for the purposes of paragraph 13(1)(f) and that method shall be the prescribed method for that medicine or drug for the purposes of paragraph 13(1)(g).

(3) Where a standard of quality or composition, or a method of preparing or compounding, in respect of a medicine or drug is not laid down in the British Pharmacopoeia, the prescribed standard for the purposes of paragraph 13(1)(f) or the prescribed method for the purposes of paragraph 13(1)(g), as the case may be, in respect of that medicine or drug, shall be the standard or method prescribed in the regulations in respect of that medicine or drug.

(4) For the purposes of subsection 13(3), the regulations may prescribe a standard or a method in respect of a medicine or drug by reference to a standard or a method in respect of that medicine or drug laid down in the British Pharmaceutical Codex or the Australian Pharmaceutical Formulary.

(5) In this section —

“the Australian Pharmaceutical Formulary” means —

- (a) the latest edition for the time being of the book called the Australian Pharmaceutical Formulary, published by the Pharmaceutical Society of Australia; or
- (b) if that edition has been added to or amended - that edition as affected by those additions or amendments;

“the British Pharmaceutical Codex” means —

- (a) the latest edition for the time being of the book called the British Pharmaceutical Codex published by the direction of the Council of the Pharmaceutical Society of Great Britain; or
- (b) if that edition has been added to or amended - that edition as affected by those additions or amendments;

“the British Pharmacopoeia” means —

- (a) the latest edition (being an edition that has taken effect) for the time being of the book called the British Pharmacopoeia published under the direction of the General Medical Council of the United Kingdom; or
- (b) if that edition has been added to or amended by additions or amendments that have taken effect - that edition as affected by those additions or amendments.

Prescriptions

14. (1) A registered pharmaceutical chemist shall not supply a medicine or drug in accordance with a prescription, unless the prescription is dated and either signed by a medical practitioner with his usual signature or written by a medical practitioner on paper on which appear the surname, and at least the initials of the christian names, of the medical practitioner.

(2) Where a registered pharmaceutical chemist purports to supply a medicine or drug in accordance with a prescription of a medical practitioner, the registered pharmaceutical chemist shall not, while purporting so to act, supply a medicine or drug that is not in accordance with the prescription.

(3) A registered pharmaceutical chemist shall, as prescribed, record in a book to be kept by him for the purpose the particulars of every prescription in accordance with which he, or a person acting under his personal supervision, has supplied a medicine or drug.

Penalty: 10 penalty units.

PART 4 — OFFENCES

Carrying on business of a pharmaceutical chemist prohibited

15. (1) Subject to section 16, a person, other than a medical practitioner or a registered pharmaceutical chemist, shall not carry on, or control the carrying on of, or exhibit any symbol from which it may be inferred that he is carrying on, the business of a pharmaceutical chemist.

(2) A person, other than a registered pharmaceutical chemist, shall not —

- (a) hold himself out to be a pharmaceutical chemist;
- (b) use the title of pharmaceutical chemist, pharmacist, pharmacist, chemist, druggist, homeopathic chemist, dispensing chemist, dispensing druggist or any other title of similar meaning; or
- (c) exhibit any symbol from which it may be inferred that he is qualified to perform the functions of a pharmaceutical chemist.

Penalty: 20 penalty units.

Carrying on business of a deceased person

16. Where a person who is a registered pharmaceutical chemist dies while carrying on the business of a pharmaceutical chemist, the personal representative of that deceased person may, if he arranges for the carrying on of the business of the deceased person to be controlled by a registered pharmaceutical chemist, carry on that business for a period of 12 months or for such longer period as the Minister approves.

Sale of patent medicines, etc

17. (1) For the purposes of section 15, a person shall not, merely because, in the course of the business of retail storekeeping or shopkeeping, he supplies a patent or proprietary medicine, or a medicine or drug packed in the container in which it was packed by its manufacturer, be held to be carrying on, or controlling the carrying on of, the business of a pharmaceutical chemist.

(2) For the purposes of this section, “a patent or proprietary medicine” means any pills, powders, lozenges, tinctures, lotions or waters (other than artificial mineral waters) —

- (a) which are the subject of an existing letters patent;
- (b) for the making of which the maker claims to have a secret process;
- (c) to sell which the vendor claims to have an exclusive right; or
- (d) which are by any public notice or advertisement, or by any written or printed papers or handbills, or by any label, held out or recommended to the public by the maker or vendor as nostrums or specifics, or as beneficial to the prevention, cure or relief of any ailment.

Supply of certain articles restricted

18. (1) A person, other than a medical practitioner or a person acting under the instructions of a medical practitioner, shall not attend upon, or prescribe for, another person —

- (a) for the purpose of treating him for —
 - (i) a venereal disease;
 - (ii) a disease affecting the generative organs or functions;
 - (iii) sexual impotence;
 - (iv) an ailment arising from, or relating to, sexual intercourse; or
 - (v) where that other person is a woman - an ailment peculiar to women,whether that other person is suffering from the disease or ailment for which it is proposed to treat him, or not; or
- (b) where that other person is a woman - for the purpose of terminating, or influencing the course of, the pregnancy of that other person, whether that other person is pregnant or not.

Penalty: 10 penalty units or imprisonment for 6 months.

(2) A person, other than a medical practitioner or a person acting under the instructions of a medical practitioner, shall not supply any article, drug, medicine, instrument or appliance prepared or made for the treatment of any of the diseases or ailments specified in paragraph 18(1)(a), or for terminating, or influencing the course of, a pregnancy.

Penalty: 10 penalty units or imprisonment for 6 months.

(3) Subsection 18(2) does not operate to prohibit a registered pharmaceutical chemist, or a person acting under his supervision, from supplying an article in the ordinary course of the business of a pharmaceutical chemist and for a purpose other than the purpose of treating any of the diseases or ailments specified in paragraph 18(1)(a) or other than the purpose of terminating, or influencing the course of, a pregnancy.

Certain advertisements prohibited

19. (1) A person shall not publish a statement, whether by itself or contained in a book or other document, and whether by way of advertisement or otherwise, for the purpose of promoting the sale of any article as a drug, medicine, instrument or appliance —

- (a) for treating any of the diseases or ailments specified in paragraph 18(1)(a);
- (b) for terminating, or influencing the course of, a pregnancy; or
- (c) for preventing conception.

Penalty: 10 penalty units.

(2) Without limiting the generality of subsection 18(1), a person shall be deemed to publish a statement if —

- (a) he exhibits a book or document containing, or an article bearing, the statement in such a manner that the statement may be read by a person who is in a shop, a public place or a public conveyance;
- (b) he leaves a book or document containing, or an article bearing, the statement in a public place, or in or on a public or private conveyance or on land on which a dwelling-house is built; or
- (c) he sends by post a book or document containing, or an article bearing, the statement.

(3) This section does not operate to prohibit —

- (a) the publishing of a book or document in good faith for the advancement of medical science;
- (b) the publishing of a book or document by the authority of the Minister; or
- (c) the publishing of a book or document —
 - (i) to medical practitioners for the purposes of the practice of medicine; or
 - (ii) to registered pharmaceutical chemists for the purposes of the business of a pharmaceutical chemist.

PART 5 — MISCELLANEOUS

Power to make regulations

20. The Administrator may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular —

- (a) for prescribing the forms to be used for the purposes of this Act;
- (b) for prescribing the manner of keeping the Register and the particulars to be entered in the Register;
- (c) for prescribing the fee to be charged for the performance of any act provided for or required under this Act;

- (d) for controlling the conduct of registered pharmaceutical chemists when engaged in the business of pharmacy;
- (e) for regulating or controlling the manufacturing, compounding, dispensing or supplying of drugs or medicines;
- (f) for prescribing the qualifications of apprentices and the conditions under which apprentices may be employed; and
- (g) for prescribing penalties not exceeding 5 penalty units for offences against the regulations.

NOTES

The *Pharmacy Act 1956* as shown in this consolidation comprises Act No. 2 of 1956 and amendments as indicated in the Tables below.

Enactment	Number and year	Date of commencement	Application saving or transitional provision
<i>Pharmacy Act 1956</i>	2, 1956	5.11.56	
<i>Amendments Incorporation Act 1963</i>	2, 1963	28.3.63	
<i>Acts Revision Act 1964</i>	6, 1964	30.6.64	6
<i>Pharmacy Act 1975</i>	2, 1975	15.5.75	
<i>Ordinances Citation Act 1976</i>	11, 1976	25.11.76	
<i>Ordinances Revision (Decimal Currency) Act 1980</i>	31, 1980	15.1.81	
<i>Statute Law Revision (Penalties and Fees) Act 1984</i>	9, 1985	13.5.85	4
<i>Statute Law (Miscellaneous Provisions) (No. 3) Act 1986</i>	35, 1986	4.12.86	
<i>Statute Law Revision (Self-Government) No. 4 Act 1991</i>	17, 1991	31.10.91	
<i>Citation of Laws Act 1995</i>	14, 1995	1.1.96	
<i>[previously consolidated as at 1 September 1996]</i>			
<i>Interpretation (Amendment) Act 2012</i>	14, 2012	28.12.12	
<i>[to substitute throughout — Commonwealth Minister for Minister; and to substitute Minister for executive member]</i>			

Table of Amendments

ad = added or am = amended rep = repealed rs = repealed and
inserted substituted

Provisions affected	How affected
1	am 2, 1963; 1, 1975; 11, 1976; 14, 1995
3	am 14, 1995
4	am 17, 1991; 14, 1995
5	am 17, 1991; 14, 1995
6	am 2, 1975; 17, 1991; 14, 1995
7	am 31, 1980; 9, 1985; 17, 1991
8	am 17, 1991
9	am 6, 1964; 17, 1991; 14, 1995
10	am 6, 1964; 17, 1991
11	am 31, 1980; 9, 1985; 17, 1991
12	am 31, 1980; 9, 1985
13	am 31, 1980; 9, 1985; 35, 1986
14	am 31, 1980; 9, 1985
15	am 31, 1980; 9, 1985
16	am 17, 1991
18	am 31, 1980; 9, 1985
19	am 31, 1980; 9, 1985; 17, 1991
20	am 31, 1980; 9, 1985; 17, 1991; 14, 1995

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