

**AUSTRALIAN CAPITAL TERRITORY
PHARMACY ACT 1931
DETERMINATION NO. 103 OF 1994**

EXPLANATORY STATEMENT

The *Pharmacy Act 1931* provides for the registration of suitably qualified pharmacists and related purposes, and for the Minister to determine fees for the purpose of the Act and to publish that determination in the ACT Gazette.

It should be noted that with the enactment of amending legislation on 1 January 1994, some sections of the *Pharmacy Act 1931* were repealed while new sections were included. This has resulted in an extensive renumbering of sections of the Act. The provision which did allow for the Minister to make determinations under the Act was section 50, but is now section 57.

This instrument:

(a) revokes all existing fees and determinations under the *Pharmacy Act 1931* which relate to:

1. Subsection 24(d), fee for application for registration;
2. Subsection 25(6), fee for a duplicate certificate;
3. Paragraph 26(1)(b), annual fee;
4. Paragraph 26(5)(b), entitlement to re registration subject to payment of fee;
5. Subsection 28(3), alteration of register;
6. Subsection 29(1), provisional registration;
7. Subsections 30(1), and 30(2), temporary registration;
8. Subsections 31(2), and 31(3), special registration;
9. Paragraph 48(1)(a), inspect an entry in the register;
10. Paragraph 48(1)(b), obtain a certified copy of an entry in the register; and

(b) sets fees for equivalent provisions or new provisions under the amended *Pharmacy Act 1931* as per the attached schedule.

The following explanatory statements refer to the above numbered items and to the new provisions as noted in the attached schedule.

1. Section 24 of the principal Act, which included subsection 24(d) and provided for the determined fee to be paid when an application for registration was submitted, was repealed by the amendments which came into effect on 1 January 1994. The determined fee of \$54.00 for registration was noted in Determination No. 116 of 1993 and published in the ACT Gazette No. S174, Monday 30 August 1993.

The repealed section 24 has now been replaced by a new section 18 which provides for lodgement of applications for registration other than applications by persons who are entitled to registration under the mutual recognition provisions.

Paragraph 18(2)(b) of the amended *Pharmacy Act 1931* provides for a determined fee to be lodged with that application. The fee has been set at \$56.00, and indexed in accordance with the Consumer Price Index (CPI) increases.

2. Subsection 25(6) of the *Pharmacy Act 1931* provided for a duplicate certificate to be issued to a pharmacist where the original has been lost or destroyed, subject to the payment of the determined fee. The determined fee for this purpose was set at \$10.00 and published in the Commonwealth of Australia Gazette No. S48, 22 February 1985.

This provision is now found under subsection 31(3) in the amended Act. It should be noted that there is an inconsistency between the various ACT Health Registration Boards as to the fee charged for this provision. In the interest of aligning all fees for similar provisions for all ACT Health Registration Boards, the fee has now been set at \$30.00. This amount is consistent with subsection 26(3) of the *Medical Practitioners Act 1930* which was increased by Determination No. 111 of 1993, and published in the ACT Gazette No. S174 of 30 August 1993.

3. Paragraph 26(1)(b) of the *Pharmacy Act 1931*, which required a registered pharmacist to notify the Board of his or her professional address or addresses in the Territory and to pay the determined annual registration fee, was repealed and has been replaced by subsection 28(1) in the amended Act.

The existing annual fee of \$54.00 was determined by Determination No. 116 of 1993 and published in the ACT Gazette No. S174, Monday 30 August 1993.

The amended fee for this provision has been set at \$56.00 and has been indexed in accordance with Consumer Price Index (CPI) increases.

4. Section 26 of the *Pharmacy Act 1931* entitled a pharmacist to re-registration where registration was cancelled for failure to pay the annual fee, subject to the payment of the determined fee under paragraph 26(5)(b).

With the repeal of section 26, and to ensure this provision is still available to pharmacists, a similar provision has been included in paragraph 30(2)(b) of the amended Act.

The fee associated with this provision has now been set at \$56.00 which is consistent with both the annual renewal registration fee and the fee for registration under mutual recognition provisions.

5. Subsection 28(3) of the Act provided for the payment of a determined fee in respect to alterations made to particulars in the register which may be made from time to time at the request of the person concerned. This provision is now provided for under subsection 33(3) of the amended *Pharmacy Act 1931*.

The fee for alteration to entries in the register is \$5.00 and notification of this was published in the Commonwealth of Australia Gazette No. S48, 22 February 1985. The fee has been increased to \$10.00 in the interest of establishing consistent administrative fees between Boards with similar provisions. This will also align the determined fee with that noted in subsection 28(4) of the *Medical Practitioners Act 1930*, published in the ACT Gazette No. S174, 30 August 1993.

6. Subsection 29(1) provided for the granting of provisional registration to allow time for the Board to consider a person's application for full registration. Provisional registration could be granted for a period of not more than three months. The determined registration fee is \$5.00, and was last published in the Commonwealth of Australia Gazette No. S48, 22 February 1985.

This provision is now replaced by section 12 of the amended Act which provides for the granting of interim registration to a person who is entitled to full registration where it is not practical to wait until the Board can consider the application. Subsection 12(2) of the amended Act provides for interim registration to be granted subject to the payment of a determined fee. This fee has been set at \$20.00 to make it consistent with those of other Boards.

7. Section 30 of the *Pharmacy Act 1931* which provided for 'temporary' registration was also repealed. The determined fees for 'temporary' registration under subsection 30(1), and renewal of 'temporary' registration under subsection 30(2), were set at \$20.00 and published in the Commonwealth of Australia Gazette No. S48, 22 February 1985.

This provision is now covered by the new section 11, 'Registration at the discretion of the Board'. The new provisions enable the Board to register a person on a temporary basis for the purposes of enabling the person to undertake training or to gain experience in practising pharmacy, or if the Board is satisfied that it is in the public interest to do so.

The provision for payment of a determined fee is provided for under paragraph 18(2)(b). The \$20.00 fee has been increased to \$56.00, and is equivalent to the fee payable for initial registration, registration under mutual recognition provisions and the annual practising fee. The administrative costs associated with granting temporary registration in the past have been equal to if not more costly than the granting of full registration. Therefore it is appropriate that the fee be set at a similar level.

8. Section 31 of the *Pharmacy Act 1931* provided for the Board to grant special registration to a pharmacist for certain purposes. The determined fees for 'special' registration under subsection 31(2) and for renewal of 'special' registration under subsection 31(3) were set at \$50.00, and were published in the Commonwealth of Australia Gazette No. S48, 22 February 1985.

This section was repealed and now is covered by the provisions of section 11, 'Registration at the discretion of the Board'. As this section also relates to 'temporary' registration, the fee has been set at \$56.00 which is equivalent to the fee payable for initial registration, registration under mutual recognition provisions and the annual practising fee.

As with 'temporary' registration the administrative costs associated with granting special registration have in the past been equal to if not more costly than the granting of full registration. The fee has been set at a similar level to that of full registration.

9. Paragraph 48(1)(a) of the *Pharmacy Act 1931* provided for a person upon the payment of a determined fee to inspect an entry in the register. The determined fee was set at \$1.00 per entry. The fee was notified in the Commonwealth of Australia Gazette No. S48, 22 February 1985.

This provision is now provided for under paragraph 56(1)(a) of the amended Act. The fee has been increased to \$5.00 to make it consistent with the determined fee for similar provisions made by other Boards.

10. Paragraph 48(1)(b) of the *Pharmacy Act 1931* provided for a person, upon the payment of a determined fee, to obtain a certified copy of an entry in the register. The determined fee was set at \$2.00 per entry and notified in the Commonwealth of Australia Gazette No. S48, 22 February 1985.

This provision is now provided for under paragraph 56(1)(b) of the amended Act. The fee has been increased to \$10.00 to make it consistent with the determined fee for similar provisions made by other Boards.

11. A new category of registration has been introduced pursuant to the *Mutual Recognition Act 1992*. This category is included in section 10 of the *Pharmacy Act 1931* and provision for the payment of a determined fee for applications for registration under mutual recognition provisions is provided for by section 21 of the Act.

The fee for the purpose of registration under the mutual recognition provisions is set at \$56.00 which is equivalent to the determined annual fee.

Pharmacy Act 1931 (Old Act)	Old Fee	Pharmacy Act 1931 (New Act)	New Fee
Subsection 24(d) fee for application for registration	\$54.00	Paragraph 18(2)(b) application for registration other than under mutual recognition provisions	\$56.00
Subsection 25(6) fee for a duplicate certificate	\$10.00	Subsection 31(3) fee for a duplicate certificate	\$30.00
Subsection 26(1)(b) annual registration fee	\$54.00	Subsection 28(1) annual registration fee	\$56.00
Paragraph 26(5)(b) entitlement to re-registration subject to payment of fee	\$54.00	Paragraph 30(2)(b) entitlement to re-registration subject to payment of fee	\$56.00
Subsection 28 (3) alteration of register	\$5.00	Subsection 33(3) alteration of register	\$10.00
Subsection 29 (1) provisional registration	\$5.00	Subsection 12(2) entitlement to interim registration subject to payment of fee	\$20.00
Subsection 30(1) temporary registration & subsection 30(2) renewal of temporary registration	\$20.00	Paragraph 18(2)(b) pursuant to section 11 registration at the discretion of the Board	\$56.00
Subsection 31(2) special registration & 31(3) renewal of special registration	\$50.00	Paragraph 18(2)(b) pursuant to section 11 registration at the discretion of the Board	\$56.00
Paragraph 48(1)(a) inspect an entry in the register	\$1.00 per entry	Paragraph 56(1)(a) inspect an entry in the register	\$5.00
Paragraph 48(1)(b) obtain a certified copy of an entry in the register	\$2.00 per entry	Paragraph 56(1)(b) obtain a certified copy of an entry in the register	\$10.00
Not Applicable	N/A	Section 21 fee for registration under mutual recognition provisions	\$56.00