

PHARMACEUTICAL BENEFITS.

No. 35 of 1945.

An Act to amend the *Pharmaceutical Benefits Act 1944*.

[Assented to 10th October, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1.—(1.) This Act may be cited as the *Pharmaceutical Benefits Act 1945*. Short title and citation.

(2.) The *Pharmaceutical Benefits Act 1944** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Pharmaceutical Benefits Act 1944–1945*.

2. This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

3. Section two of the Principal Act is repealed and the following section inserted in its stead:—

"2.—(1.) Sections one, two, three, four, five, six, ten, eleven, fourteen, fifteen, sixteen and twenty-seven of this Act shall commence on the date of commencement of the *Pharmaceutical Benefits Act 1945*. Commencement.

* Act No. 11, 1944.

“(2.) The remaining sections of this Act shall commence on a date to be fixed by proclamation.”

Pharmaceutical
benefits to be
provided on
prescriptions.

4. Section nine of the Principal Act is amended by inserting in paragraph (a) of sub-section (1.), after the word “chemist”, the words “and at premises in respect of which he is for the time being approved”.

5. Section ten of the Principal Act is repealed and the following section inserted in its stead:—

Approved
pharmaceutical
chemists.

“10.—(1.) The Director-General shall, on application by a pharmaceutical chemist who is permitted by law and is willing, subject to sub-section (5.) of this section, to supply pharmaceutical benefits on demand, approve that pharmaceutical chemist for the purposes of supplying pharmaceutical benefits in accordance with this Act.

“(2.) Where a pharmaceutical chemist desires to supply pharmaceutical benefits at several premises, a separate application shall be made in respect of each of the premises and separate approval shall be granted in respect of each of the premises.

“(3.) Where an approved pharmaceutical chemist desires to supply pharmaceutical benefits at premises other than premises in respect of which approval has been granted, the Director-General shall, on application by the approved pharmaceutical chemist, grant approval in respect of those other premises.

“(4.) Subject to the next succeeding sub-section, the approval of a pharmaceutical chemist (being a friendly society) under this section in respect of any premises shall be an approval to supply pharmaceutical benefits to persons generally.

“(5.) Where, at the time approval is granted to a pharmaceutical chemist (being a friendly society) in respect of any premises, the number of premises in respect of which approvals are in force in favour of friendly societies is not less than the number of premises at which friendly societies carried on dispensaries on the first day of August, One thousand nine hundred and forty-five, the approval so granted (in this Act referred to as a ‘limited approval’) shall be an approval to supply pharmaceutical benefits to members of the friendly society, and to their respective spouses and children, only.

“(6.) Every approved pharmaceutical chemist shall display, at each of the premises in respect of which he is approved (but not including premises in respect of which the approval granted is a limited approval), a sign, in accordance with the prescribed form, indicating that he has been approved under this Act.”

6. Section eleven of the Principal Act is amended by adding at the end thereof the following sub-sections :—

Approved
hospital
authorities.

“(4.) Where a hospital authority desires to supply pharmaceutical benefits at several hospitals, a separate application shall be made in respect of each hospital and separate approval may be granted in respect of each hospital.

“(5.) Where an approved hospital authority desires to supply pharmaceutical benefits at a hospital other than a hospital in respect of which approval has been granted, the Director-General may, on application by the approved hospital authority, grant approval in respect of that other hospital.”.

7. Section twelve of the Principal Act is amended by adding at the end thereof the following sub-section :—

Suspension, &c.,
of approval.

“(4.) The suspension or revocation of an approval under this section may be in respect of all the premises, or all the hospitals, in respect of which approval has been granted or may be in respect of any particular premises or hospital.”.

8. Section thirteen of the Principal Act is amended by omitting sub-sections (2.) and (3.) and inserting in their stead the following sub-sections :—

Payments for
supply of
pharmaceutical
benefits.

“(2.) An approved pharmaceutical chemist shall not be entitled to payment under this section in respect of the supply of a pharmaceutical benefit at premises other than premises in respect of which the pharmaceutical chemist is approved.

“(3.) Where the approval under section ten of this Act granted to a pharmaceutical chemist (being a friendly society) in respect of any premises is a limited approval, that friendly society shall not be entitled to payment under this section in respect of a pharmaceutical benefit supplied at those premises to a person who is not a member of that friendly society or the spouse or child of such a member.

“(4.) An approved hospital authority shall, subject to this Act, be entitled to payment from the Commonwealth, in accordance with the regulations, in respect of the supply, at a hospital in respect of which the approved hospital authority is approved, of pharmaceutical benefits and of uncompounded medicines, medicinal compounds, materials and appliances which are not pharmaceutical benefits.

“(5.) Any payment to which an approved hospital authority in a State is entitled under this section may be paid to that State, or to an authority of that State, on behalf of the approved hospital authority.”.

9. Section eighteen of the Principal Act is amended by omitting the word “six” and inserting in its stead the word “eight”.

Consultative
Council

10. Section twenty-two of the Principal Act is repealed and the following section inserted in its stead :—

Medical practitioners to be satisfied that prescriptions necessary.

“ 22. A medical practitioner shall not write a prescription in accordance with any prescribed form unless he is satisfied, by personal examination of the person in respect of whom the prescription is written, or in some other sufficient manner, that the pharmaceutical benefit specified in the prescription is necessary for the treatment of that person.

Penalty : Fifty pounds.”

Powers of authorized persons.

11. Section twenty-five of the Principal Act is amended—

- (a) by adding at the end of paragraph (a) the words “ or of any approved hospital authority ” ; and
- (b) by inserting in paragraph (c), after the word “ as ”, the words “ , or may be ingredients of,”.