

*Pharmacists Registration Amendment Act 2010*

**SCHEDULE 1 – SAVINGS AND TRANSITIONAL PROVISIONS**

**1. Interpretation**

In this Schedule, unless the contrary intention appears –

“**amended Act**” means the *Pharmacists Registration Act 2001* as in force immediately before the commencement of the amendment Act;

“**amendment Act**” means the *Pharmacist Registration Amendment Act 2010*;

“**commencement day**” means the day proclaimed under section 2;

“**former Board**” means the Pharmacists Registration Board of Tasmania as constituted under the amended Act;

“**national law**” means the Health Practitioner Regulation National Law (Tasmania);

“**this Act**” means the *Pharmacy Control Act 2010* as in force immediately after the commencement of the amendment Act.

**2. Certain details in register kept by former Board**

Any detail contained in the register maintained by the former Board under the amended Act *Pharmacists Registration Amendment Act 2010* relating to the registration of business premises is taken to form part of the register maintained by the Authority under section 71L of this Act.

**3. Finances of former Board**

Any funds held by the former Board that related to the registration of pharmacy business premises or for any approval of ownership of a pharmacy business, whether a statutory or administrative fee, prior to the commencement day, that have not been distributed pursuant to the terms of the national law, are to be treated as funds of the Authority pursuant to this Act.

#### **4. Applications made prior to commencement day**

An application made under Part 6A of the amended Act to the former Board before the commencement day that was not determined on or before the commencement day is taken to have been made to the Authority, but is to be dealt with under the amended Act as if the amendment Act had not commenced.

#### **5. Pharmacy business premises registered on commencement day**

- (1) Pharmacy business premises that were registered under the amended Act prior to the commencement day are taken to be registered under this Act, if, by 31 December 2010 or within 3 months from the commencement day (whichever is later), the responsible occupier pays the prescribed transition fee to the Authority.
- (2) Upon payment of the prescribed fee, the Authority is to issue a certificate of registration under section 71F.
- (3) Where the prescribed transition fee is not paid within the period specified in subclause (1), the registration lapses and the Authority is to cancel the registration by making the appropriate entry in the register.

#### **6. Pharmacy business ownership**

- (1) A body corporate, who held an interest in a pharmacy business prior to the commencement day is taken to hold an eligibility certificate under this Act, if, by 31 December 2010 or within 3 months from the commencement day (whichever is later), the body corporate pays the prescribed transition fee to the Authority.
- (2) Upon payment of the prescribed transition fee, the Authority is to issue an eligibility certificate under section 61C.
- (3) The Authority may, if it wishes, waive the transition fee and issue an eligibility certificate.
- (4) Where the prescribed transition fee is not paid within the period specified in subclause (1), the Authority is taken to have refused an application and the provisions of section 61C(8) and (9) apply.

## **7. Existing requirement of the former Board**

Where, under section 53(5)(g) or (h) of the amended Act, a person was required by the former Board to –

- (a) carry out specified work or actions in relation to his or her pharmacy premises; or
- (b) close the pharmacy premises until the person carried out the specified work or actions –

and the work or actions have not been completed or commenced on the commencement day, the requirement is taken to be a requirement of the Authority pursuant to section 59A.

## **8. Former Board members**

- (1) The terms of office of the persons who, immediately before the commencement day, were members of the former Board are terminated, but those persons are, if qualified, eligible to be appointed as members of the Authority under this Act.
- (2) Service as a member of the former Board is not to be taken into account for the purposes of clause 1(2) of Schedule 1.