

|  |
| --- |
| 2024-2025 fines and penalties for Pharmacy Regulation Act 2010 |
|  |

This document is an annually updated publication of the indexation of fines and penalties for the reference of the general public.

# Pharmacy Regulation Act 2010

| Pharmacy Regulation Act 2010, section | Description | 2023-2024 Penalty amount  (Natural Person) | 2024-2025 Penalty amount  (Natural Person) | 2023-2024 Penalty amount  (Body Corporate) | 2024-2025 Penalty amount  (Body Corporate) |
| --- | --- | --- | --- | --- | --- |
| 5(1) Ownership of pharmacy businesses | A person must not own or have a proprietary interest in a pharmacy business unless the person is—  (a) a registered pharmacist; or  (b) a company registered under the Corporations Act— (i) whose directors are all registered pharmacists; and (ii) in which all the shares and the beneficial and legal interest in those shares are held by registered pharmacists; or  (c) a company registered under the Corporations Act— (i) that immediately before 1 July 1999 was registered or incorporated as a friendly society under a Friendly Societies Code of a State or Territory that was in force at that time; and (ii) that is a company limited by guarantee or shares or by guarantee and shares; and (iii) that has at least 100 members; and (iv) whose members have equal voting rights on a poll or at a meeting or equal voting rights to elect a representative to vote on their behalf; and (v) whose objects include the provision of health or welfare facilities or services for its members or their dependants; and (vi) whose undistributed surplus if the company were wound up is to be distributed among its members at the time of winding up or transferred to another person or body with a similar structure and objects; and (vii) that satisfies the Authority as to the matters set out in subsection (4); or  (d) a company registered under the Corporations Act that is a wholly owned subsidiary of a company referred to in paragraph (c); or  (e) a company registered under the Corporations Act that— (i) satisfies the requirements of paragraph (c)(ii) to (vii); and (ii) is an amalgamation of 2 or more companies that comply with paragraph (c) or, at the time of amalgamation, complied with paragraph (c); or (f) a person approved by the Authority to carry on a pharmacy business in an area that the Authority determines needs a pharmacy business but in which there is no person referred to in paragraphs (a) to (e) who is able to own and carry on the pharmacy business | $46,155 | $47,422 | $230,772 | $237,108 |
| 9 Offence not to comply with section 7 or 8 | A person must not fail or refuse to give the Authority any information required under section 7 or 8 or fail or refuse to produce any documents required under section 8 or wilfully mislead the Authority when giving the information. | $11,538 | $11,855 | $57,693 | $59,277 |
| 14 Cap on growth of pharmacy ownership for friendly society type companies | A company referred to in section 5(1)(c), (d) or (e) must not acquire ownership of any pharmacy business except in accordance with this Division | $230,772 | $237,108 | x | x |
| 21(1) Establishment of pharmacy businesses | A person must not establish or carry on a pharmacy business unless— (a) the requirements of section 5(1) and (2) are satisfied; and (b) the Authority has registered the premises of the pharmacy business; and (c) the Authority has granted a licence to the person to carry on a pharmacy business at the registered premises. | $46,155 | $47,422 | $230,772 | $237,108 |
| 22 Where establishment of a pharmacy department not permitted | A person must not establish or carry on a pharmacy department unless— (a) the person is a registered funded agency, registered community health centre, private hospital or privately-operated hospital within the meaning of the Health Services Act 1988 that is acting in accordance with the provisions of the Health Services Act 1988; and (b) the Authority has registered the premises of the pharmacy department; and (c) the Authority has granted a licence to the person to carry on a pharmacy department at the registered premises. | $46,155 | $47,422 | $230,772 | $237,108 |
| 23 Establishment of pharmacy depot | A person must not establish or carry on a pharmacy depot unless— (a) the person is a licensee; and (b) the Authority has registered the premises of the pharmacy depot. | $11,538 | $11,855 | x | X |
| 24 Controls on business activity at registered premises | A licensee must not authorise, cause or permit any other person to carry on in the registered premises of the licensee any business or activity unless the business or activity is permitted by the licence or approved by the Authority | $11,538 | $11,855 | x | x |
| 25 Notifications about pharmacy businesses | A licensee of a pharmacy business must notify the Authority as soon as practicable, and in any event at least 14 days, before the licensee ceases carrying on the pharmacy business. | $1,923 | $1,975 | x | x |
| 26 Notifications for a pharmacy department that ceases operation | If a pharmacy department is to cease operation, the licensee carrying on the pharmacy department must notify the Authority at least 14 days before the pharmacy department is closed. | $1,923 | $1,975 | x | x |
| 27 Notifications for a company licensee | If a licensee is a company it must notify the Authority within 14 days of a change to— (a) the shareholding of the company; and (b) the directorship of the company; and (c) the office bearers of the licensee. | $1,923 | $1,975 | x | x |
| 28(1) Notification by pharmacists | A registered pharmacist must, within 14 days after the pharmacist commences to supply, compound or dispense medicines from a pharmacy or pharmacy department, notify the Authority of the address of the pharmacy or pharmacy department. | $1,923 | $1,975 | x | x |
| 30(2) Personal supervision of pharmacy or pharmacy department | Any of the following persons is guilty of an offence and liable to a penalty not exceeding 60 penalty units if the person knowingly or negligently allows a pharmacy service to be provided at a pharmacy or a pharmacy department unsupervised by a registered pharmacist— (a) in the case of a pharmacy, the person licensed to carry on the pharmacy business of that pharmacy; (b) in the case of a pharmacy department, the person licensed to carry on the pharmacy department; (c) the registered pharmacist who is regularly and usually in charge of the pharmacy or pharmacy department; (d) the registered pharmacist (if he or she is not the pharmacist referred to in paragraph (c)) who had in respect of that period of time been placed in charge of and had undertaken to personally supervise the pharmacy or pharmacy department | $11,538 | $11,855 | x | x |
| 31(1) Access to closed pharmacies and pharmacy departments | The registered pharmacist who is regularly and usually in charge of a pharmacy and the person licensed to carry on the pharmacy business must not allow a person to have access to that pharmacy when it is not open for business unless a registered pharmacist is present. | $11,538 | $11,855 | x | x |
| 31(2) Access to closed pharmacies and pharmacy departments | The registered pharmacist who is regularly and usually in charge of a pharmacy department and the person licensed to carry on the pharmacy department must not allow a person to have access to that pharmacy department when it is not open for providing pharmacy services unless a registered pharmacist is present. | $11,538 | $11,855 | x | x |
| 33 Security at pharmacy depots | The operator of a pharmacy depot must keep secure— (a) medicines left for collection at the depot until they are collected by or on behalf of the persons to whom they are addressed; and (b) prescription and client records kept at the depot | $11,538 | $11,855 | x | x |
| 34(1) Claims by persons as to licence to operate | A person must not intentionally or recklessly use the title "pharmacy", "pharmacy practice" or "pharmacy business" except in relation to a pharmacy or pharmacy business to which a licence applies | $11,538 | $11,855 | $57,693 | $59,277 |
| 77 Refusal or failure to comply with requirement | A person must not, without reasonable excuse, refuse or fail to comply with a requirement of the Authority or an authorised person under this Part | $11,538 | $11,855 | x | x |
| 79 Offence to give false or misleading information | A person must not— (a) give information to an authorised person under this Act that the person believes to be false or misleading in any material particular; or (b) produce a document to an authorised person under this Act that the person knows to be false or misleading in a material particular without indicating the respect in which it is false or misleading and, if practicable, providing correct information. | $11,538 | $11,855 | x | x |
| 80 Offence to hinder or obstruct authorised person | A person must not, without reasonable excuse, hinder or obstruct an authorised person who is exercising a power under this Part. | $11,538 | $11,855 | x | x |

|  |
| --- |
| To receive this document in another format, phone 1300 650 172, using the National Relay Service 13 36 77 if required, or email [Fees and Penalties](mailto:feesandpenalties@dhhs.vic.gov.au) <feesandpenalties@dhhs.vic.gov.au>  Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.  © State of Victoria, Australia, Department of Health, April 2023.  Available at [Fees, charges and penalties webpage](https://www.health.vic.gov.au/payments/fees-charges-and-penalties-subject-to-automatic-indexation) <https://www.health.vic.gov.au/payments/fees-charges-and-penalties-subject-to-automatic-indexation> |