

National Health Amendment (Effect of Prosecution—Approved Pharmacist Corporations) Act 2023

No. 16, 2023

An Act to amend the *National Health Act 1953*, and for related purposes

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No. 16, 2023

An Act to amend the *National Health Act 1953*, and for related purposes

[*Assented to 11 April 2023*]

The Parliament of Australia enacts:

1 Short title

This Act is the *National Health Amendment (Effect of Prosecution—Approved Pharmacist Corporations) Act 2023*.

2 Commencement

(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information | | |
| --- | --- | --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this Act | The day after this Act receives the Royal Assent. | 12 April 2023 |

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

(2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

National Health Act 1953

1 Before subsection 133(1)

Insert:

Effect of being charged

2 Before subsection 133(2)

Insert:

Effect of conviction

3 Before subsection 133(5)

Insert:

Effect of acquittal

4 Before subsection 133(6)

Insert:

Effect on Committees of Inquiry

5 After subsection 133(6)

Insert:

Extended operation for approved pharmacist corporations

(6A) If a person that is a director of an approved pharmacist corporation is charged before a court with having committed an offence referred to in subsection (1), then this section applies in relation to the approved pharmacist corporation:

(a) as if the approved pharmacist corporation were charged before the court with having committed the offence; and

(b) if:

(i) the person is convicted of the offence; or

(ii) the court concerned thinks that the charge in relation to the offence is proved but, without proceeding to conviction, discharges the person conditionally on the person’s entering into a recognizance;

as if the approved pharmacist corporation were convicted of the offence; and

(c) if:

(i) the person ceases to be an ineligible director at a particular time; and

(ii) at that time, there is no other director of the approved pharmacist corporation that is an ineligible director;

as if the approved pharmacist corporation were acquitted of the offence.

Definitions

6 Subsection 133(7)

Insert:

***approved pharmacist corporation*** means an approved pharmacist that is a body corporate.

***ineligible director***: a director of an approved pharmacist corporation is an ***ineligible director*** if:

(a) the director has been charged before a court with having committed an offence referred to in subsection (1); and

(b) the director has not been acquitted of the offence; and

(c) the charge has not been withdrawn or otherwise disposed of.

7 Application of amendments

Subsection 133(6A) of the *National Health Act 1953*, as inserted by this Schedule, applies on and after the commencement of this item in relation to a person who is or was a director of an approved pharmacist corporation, regardless of whether the person is:

(a) charged before a court with having committed the offence referred to in subsection 133(1) of that Act; or

(b) convicted of the offence; or

(c) discharged conditionally;

before, on or after that commencement.

[*Minister’s second reading speech made in—*

*House of Representatives on 9 March 2023*

*Senate on 22 March 2023*]

(19/23)