



National Health (Australian Community Pharmacy Authority Rules) Amendment Determination 2007 (No. 1)

National Health Act 1953

I, TONY ABBOTT, Minister for Health and Ageing, make this Determination under subsection 99L (1) of the *National Health Act 1953*.

Dated 26 March 2007

TONY ABBOTT
Minister for Health and Ageing

1 Name of Determination

- (1) This Determination is the *National Health (Australian Community Pharmacy Authority Rules) Amendment Determination 2007 (No. 1)*.
- (2) This Determination may also be cited as Determination No. PB 30 of 2007.

2 Commencement

This Determination commences on 27 March 2007.

3 Amendment of *National Health (Australian Community Pharmacy Authority Rules) Determination 2006*

Schedule 1 amends the *National Health (Australian Community Pharmacy Authority Rules) Determination 2006*.

4 Application

The amendments made by this Determination apply to the consideration of an application by the Authority on or after 27 March 2007.

Schedule 1 Amendments

(section 3)

[1] Schedule 1, item 101

substitute

- | | | |
|-----|---|--|
| 101 | Relocation within shopping centre or private hospital | <ol style="list-style-type: none">1. The proposed premises are in the same large or small shopping centre or private hospital as the existing premises.2. The existing approval was granted:<ol style="list-style-type: none">(a) following an application of a kind mentioned in item 109, 110 or 111 of this Schedule; or(b) following a recommendation by the Authority:<ol style="list-style-type: none">(i) in accordance with section 7 of Determination No. PB 8 of 2006 made on 6 January 2006; or(ii) in accordance with section 7 of Determination No. PB 8 of 2000 made on 11 July 2000; or(iii) in accordance with section 7 of Determination No. PB 13 of 1998 made on 22 June 1998; or(iv) in accordance with section 7 of Determination No. PB 13 of 1997 made on 19 September 1997; or(v) in accordance with section 7 of Determination No. PB 21 of 1996 made on 11 December 1996; or(vi) in accordance with section 7 of Determination No. PB 18 of 1995 made on 14 December 1995; or(vii) in accordance with section 7 of Determination No. PB 6 of 1995 made on 2 May 1995; or(viii) in accordance with paragraph 3 (eaa) or (eab) of Determination No. PB 9 of 1993 made on 8 July 1993; or(ix) in accordance with paragraph 3 (eaa) or (eab) of Determination No. PB 6 of 1993 made on 22 April 1993; or(c) following an application:<ol style="list-style-type: none">(i) of a kind mentioned in subsection 90 (3AA) or (3AE) of the Act; and(ii) that involved the cancellation of an approval granted in the circumstances mentioned in paragraph (a) or (b). |
|-----|---|--|

[2] Schedule 1, items 104 and 105*substitute*

- 104 Short distance relocation (1 km)
1. The proposed premises are no more than 1 km, in a straight line, from the existing premises.
 2. Either:
 - (a) the existing premises are not in a private hospital or large shopping centre; or
 - (b) the existing premises are in a private hospital or large shopping centre, and:
 - (i) the proposed premises are at least 500 m, in a straight line, from all approved premises other than approved premises in the private hospital or large shopping centre; or
 - (ii) the Authority is satisfied that, before 27 March 2007, the applicant had a legal right to occupy the proposed premises.
- 105 Short distance relocation (more than 1 km)
1. The proposed premises are more than 1 km, but not more than 1.5 km, in a straight line, from the existing premises.
 2. Either:
 - (a) the existing premises are not in a private hospital or large shopping centre, and the proposed premises are at least 500 m, in a straight line, from all approved premises other than approved premises that are no more than 1 km, in a straight line, from the existing premises; or
 - (b) the existing premises are in a private hospital or large shopping centre, and:
 - (i) the proposed premises are at least 500 m, in a straight line, from all approved premises other than approved premises in the private hospital or large shopping centre; or
 - (ii) the Authority is satisfied that, before 27 March 2007, the applicant had a legal right to occupy the proposed premises.

[3] Schedule 2, item 201, paragraphs (a) and (b)*substitute*

- (a) the applicant had, on the date of the application, and has, on the date on which the Authority makes a recommendation in respect of the application, a legal right to occupy the proposed premises; and
- (b) the proposed premises could, on the date of the application, and can, on the date on which the Authority makes a recommendation in respect of the application, be used for the purpose of operating a pharmacy under the applicable local government and State or Territory laws relating to land development; and

[4] Schedule 3, Part 2*substitute***Part 2 Particular applications**

Item	Description of application	Requirement
303	<p>An application involving the cancellation of an existing approval in respect of existing premises in a rural locality, the existing approval for which was granted:</p> <ul style="list-style-type: none"> (a) following an application of the kind mentioned in item 114 of Schedule 1; or (b) following a recommendation by the Authority: <ul style="list-style-type: none"> (i) under paragraph 5 (b) of Determination No. PB 8 of 2006 made on 6 January 2006; or (ii) under paragraph 5 (b) of Determination No. PB 8 of 2000 made on 11 July 2000; or (c) following an application: <ul style="list-style-type: none"> (i) of the kind mentioned in subsection 90 (3AA) or (3AE) of the Act; and (ii) that involved the cancellation of an approval granted in the circumstances mentioned in paragraph (a) or (b). 	The proposed premises are in the same rural locality as the existing premises.
304	<p>An application involving the cancellation of an existing approval in respect of existing premises in a rural locality, the existing approval for which was granted:</p> <ul style="list-style-type: none"> (a) following an application described in item 303; or (b) following an application described in this item; or (c) following a recommendation by the Authority: <ul style="list-style-type: none"> (i) under section 6 or 7, and in accordance with section 9, of Determination No. PB 8 of 2006 made on 6 January 2006; or 	The proposed premises are in the same rural locality as the existing premises.

Item	Description of application	Requirement
305	<ul style="list-style-type: none"> (ii) under section 6 or 7, and in accordance with section 9, of Determination No. PB 8 of 2000 made on 11 July 2000; or (d) following an application: <ul style="list-style-type: none"> (i) of the kind mentioned in subsection 90 (3AA) or (3AE) of the Act; and (ii) that involved the cancellation of an approval granted in the circumstances mentioned in paragraph (a), (b) or (c). <p>An application of the kind mentioned in item 104 or 105 of Schedule 1 involving the cancellation of an existing approval in respect of existing premises in a private hospital, small or large shopping centre or large medical centre, the existing approval for which was granted:</p> <ul style="list-style-type: none"> (a) following an application of the kind mentioned in item 109, 110, 111 or 112 of Schedule 1; or (b) following an application: <ul style="list-style-type: none"> (i) of the kind mentioned in subsection 90 (3AA) or (3AE) of the Act; and (ii) that involved the cancellation of an approval granted in the circumstances mentioned in paragraph (a); or (c) following an application: <ul style="list-style-type: none"> (i) of the kind mentioned in item 101 of Schedule 1; and (ii) that involved the cancellation of an approval granted in the circumstances mentioned in paragraph (a). 	The Authority is satisfied that there are exceptional circumstances.
306	<p>An application:</p> <ul style="list-style-type: none"> (a) involving the cancellation of an existing approval in respect of existing premises, the existing approval for which was granted: <ul style="list-style-type: none"> (i) following an application of the kind mentioned in item 113 of Schedule 1; or (ii) following an application: <ul style="list-style-type: none"> (A) of the kind mentioned in subsection 90 (3AA) or (3AE) of the Act; and (B) that involved the cancellation of an approval granted in the circumstances mentioned in subparagraph (i); and (b) that is made within 5 years after the date on which the approval granted in the circumstances mentioned in subparagraph (a) (i) was granted. 	The proposed premises are not more than 1.5 km in a straight line from the existing premises.

Item	Description of application	Requirement
307	An application: <ul style="list-style-type: none">(a) involving the cancellation of an existing approval in respect of existing premises, the existing approval for which was granted:<ul style="list-style-type: none">(i) following an application described in item 306; or(ii) following an application described in this item; or(iii) following an application:<ul style="list-style-type: none">(A) of the kind mentioned in subsection 90 (3AA) or (3AE) of the Act; and(B) that involved the cancellation of an approval granted in the circumstances mentioned in subparagraph (i) or (ii); and(b) that is made within 5 years after the date on which an approval in respect of premises in the catchment area in which the existing premises are located was first granted following an application of the kind mentioned in item 113 of Schedule 1.	The proposed premises are not more than 1.5 km in a straight line from the premises in respect of which the approval mentioned in paragraph (b) of column 2 was granted.
