



**Australian Government**

**Veterans' Entitlements (Dispensed Price for  
Repatriation Pharmaceutical  
Benefits/Updating Incorporated  
Documents) Amendment Instrument 2015**

Instrument 2015 No. R45.

I, Stuart Robert, Minister for Veterans' Affairs, under subsection 91(3) of the *Veterans' Entitlements Act 1986*, approve the following instrument prepared by the Repatriation Commission.

Dated this 21 day of December 2015

Stuart Robert

**STUART ROBERT**

The Repatriation Commission, under subsection 91(2) of the *Veterans' Entitlements Act 1986* prepares the following instrument.

Dated this 3rd day of December 2015

The Seal of the  
Repatriation Commission  
was affixed hereto in the  
presence of:

Simon Lewis

Craig Orme

Major General Mark Kelly

.....  
**SIMON LEWIS**

**CRAIG ORME**

**MAJOR GENERAL MARK KELLY**

**PRESIDENT**

**AM CSC  
DEPUTY PRESIDENT**

**AO DSC  
COMMISSIONER**

## 1 Name

This instrument is the *Veterans' Entitlements (Dispensed Price for Repatriation Pharmaceutical Benefits/Updating Incorporated Documents) Amendment Instrument 2015*.

## 2 Commencement

- (1) Each provision of this Instrument 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. Sections 1 to 5	The day after this instrument is registered	
2. Schedule Part A	The day after this instrument is registered	
3. Schedule Part B	1 January 2016	
4. Any provision not covered by this table	The day after this instrument is registered	

Note: This table relates only to the provisions of this instrument as originally made.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

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

## 3 Authority

This instrument is made under subsection 91(2) of the *Veterans' Entitlements Act 1986*.

## 4 Definition

“RPBS” means the instrument known as the Repatriation Pharmaceutical Benefits Scheme prepared under section 91 of the *Veterans' Entitlements Act 1986*.

## 5 Schedule

The instrument specified in the Schedule to this instrument is varied as set out in the applicable items in the Schedule.

# Schedule

## PART A

### Variations to the RPBS Commencing on Registration

#### 1 Part 1 – Interpretation (Section 3)

*insert:*

**“dispensed price”** means:

- (a) for a *Pharmaceutical benefit* included in the *PBS* and supplied under the *Scheme* — the dispensed price for the *Pharmaceutical benefit* in the *PBS*;

Note: the dispensed price in the *PBS* is described as “Dispensed Price for Max.Qty”

- (b) for a *Pharmaceutical benefit* included in the *RPBS Schedule* and supplied under the *Scheme* — the dispensed price for the *Pharmaceutical benefit* in the *RPBS Schedule*;

Note: the dispensed price in the *RPBS Schedule* is described as “Dispensed Price for Max.Qty”

- (c) for a *Pharmaceutical benefit* not included in the *PBS* or the *RPBS Schedule* and supplied under the *Scheme* — the dispensed price for the *Pharmaceutical benefit* worked out under the *RPBS Schedule*.

Note: see the information in the *RPBS Schedule* under the headings: “Pricing of Non-Schedule Ready Prepared Items” and “Pricing of Non-Schedule Extemporaneously Prepared Items”.

**“Sixth Community Pharmacy Agreement”** means the written agreement between the Australian Government and the Pharmacy Guild of Australia called the “Sixth Community Pharmacy Agreement” which relates to the delivery of *PBS* medicines and related services, being the version of the agreement as it exists on the date for the document in Schedule 1.

#### 2 Paragraph 11B (the heading “Supply Certification Form”)

omit the heading.

### 3 Paragraph 21

after the paragraph, insert:

#### 21A Dispensed Price for RPBS Schedule Pharmaceutical benefits

- (1) The *Commission* is to decide the *dispensed price* for *Pharmaceutical benefits* included in the *RPBS Schedule* and the *Department* is to notify a *dispensed price* decided by the *Commission*.

Note (1): in practice a delegate of the *Commission* could decide the dispensed price.

Note (2): as at 1 January 2016 a Committee called the “Repatriation Pharmaceutical Reference Committee” established under the auspices of the Department of Veterans’ Affairs advised the Repatriation Commission on the listing of pharmaceutical benefits in the *RPBS Schedule*.

Note (3): sections 4 and 5 explain the process of notification for the purposes of the *Scheme*.

- (2) The *dispensed price* in (1) is to be comprised of:
- (a) the ex manufacturer price – being the price the *Commission* and the responsible person for the brand of the *Pharmaceutical benefit* have agreed, by reference to the quantity of the *Pharmaceutical benefit*, is to be the price at which the manufacturer sells the *Pharmaceutical benefit* in the context of the *Scheme* (approved ex manufacturer price); and
- Note: in practice a delegate of the *Commission* could enter into the agreement.
- (b) the following amounts worked out as if the *Pharmaceutical benefit* is included in the PBS and the amount worked out under the PBS and the *Sixth Community Pharmacy Agreement* except that the approved ex manufacturer price is ascertained under the *Scheme*:
    - (i) the wholesale mark-up – being the mark-up on the approved ex manufacturer

price of a ready-prepared  
*Pharmaceutical benefit* (approved  
wholesale price);

(ii) the administration, handling and  
infrastructure fee;

Note: previously this fee was known as the  
pharmacy mark-up.

(iii) the dispensing fee (for a ready-prepared  
*Pharmaceutical benefit* or a  
extemporaneously-prepared  
*Pharmaceutical benefit* (as the case  
may be));

(iv) any dangerous drug fee (for a ready-  
prepared *Pharmaceutical benefit*).

Note: see clause 4 (Commonwealth price) of the  
*Sixth Community Pharmacy Agreement* for the  
amounts mentioned above.

#### **4 Paragraphs 26, 27, 28, 29 (including the headings)**

*substitute:*

##### **26 Payment of Dispensed Price**

The amount payable to a *Community Pharmacist*  
for the supply of a *Pharmaceutical benefit* under  
the *Scheme* is the *dispensed price*.

Note: the dispensed price includes a dispensing fee.

#### **5 Paragraph 30 (except the heading)**

*substitute:*

30. The *dispensed price* may not be payable to a  
*Community Pharmacist* where that person does not satisfy  
the requirements of paragraph 18 and supplies  
*Pharmaceutical benefits* to a person who is not an *Eligible  
Person*.

## PART B

# Variations to the RPBS Commencing on 1 January 2016

## 1 Schedule 1 – Incorporated Documents

*substitute:*

### SCHEDULE 1 – INCORPORATED DOCUMENTS

The following documents, in the version in which they exist on 1 January 2016, are incorporated-by-reference into the *Scheme*:

#### List A

- *Explanatory Notes*
- *RPBS Explanatory Notes*
- *PBS or Pharmaceutical Benefits Scheme*
- *RPBS Schedule*  
Note: “RPBS Schedule” is defined to mean the *Repatriation Schedule of Pharmaceutical Benefits* which is further defined.
- *Sixth Community Pharmacy Agreement*
- the British Pharmacopoeia
- the United States Pharmacopoeia
- the European Pharmacopoeia
- the Australian Pharmaceutical Formulary
- a prescribed Pharmacology text of international standing
- the Pharmaceutical Codex as amended and authorised by regulations under the *Therapeutic Goods Act 1989*.

#### List B

**The following documents are incorporated-by-reference into the *Scheme*:**

- previous editions of the British Pharmacopoeia which describe drugs and medicinal preparations
- previous editions of the Pharmaceutical Codex as amended and authorised by regulations under the *Therapeutic Goods Act 1989* which describe drugs and medicinal preparations
- previous editions of the Australian Pharmaceutical Formulary which describe drugs and medicinal preparations.

Note: paragraph 43 provides that the later versions of certain documents in list A take precedence over earlier versions of the documents in List B