



Australian Government

Veterans' Entitlements Act 1986
Military Rehabilitation and Compensation Act 2004

Veterans' Affairs Pharmaceutical Benefits Schemes
Amendment Instrument 2017

Instrument 2017 No. R7/MRCC7

I, Dan Tehan, Minister for Veterans' Affairs, approve:

- (a) under section 91 of the *Veterans' Entitlements Act 1986*, the variations by the Repatriation Commission of the *Repatriation Pharmaceutical Benefits Scheme* in the following instrument; and
- (b) under section 286 of the *Military Rehabilitation and Compensation Act 2004*, the variations by the Military Rehabilitation and Compensation Commission of the *MRCA Pharmaceutical Benefits Scheme* in the following instrument.

Dated this 8th day of December 2017

Dan Tehan

DAN TEHAN

The Repatriation Commission, under section 91 of the *Veterans' Entitlements Act 1986*, makes the variations to the *Repatriation Pharmaceutical Benefits Scheme* in the following instrument.

Dated this 4th day of December 2017

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

Simon Lewis	C Orme	MA Kelly
.....
SIMON LEWIS	CRAIG ORME	MAJOR GENERAL MARK KELLY
PRESIDENT	DSC AM CSC	AO DSC
	DEPUTY PRESIDENT	COMMISSIONER

The Military Rehabilitation and Compensation Commission, under section 286 of the *Military Rehabilitation and Compensation Act 2004*, makes the variations to the *MRCA Pharmaceutical Benefits Scheme* in the following instrument.

Dated this 4th day of December 2017

The Seal of the
Military Rehabilitation and Compensation Commission)
was affixed hereto in the) SEAL
presence of:)

Simon Lewis	C Orme	MA Kelly
.....
SIMON LEWIS	CRAIG ORME	MAJOR GENERAL MARK KELLY
CHAIR	DSC AM CSC	AO DSC
	MEMBER	MEMBER
BS Wolski	Jennifer Taylor	T Smart
.....
REAR ADMIRAL BRETT WOLSKI	JENNIFER TAYLOR	AIR VICE-MARSHAL TRACY SMART
AM		AM
MEMBER	MEMBER	MEMBER

1 Name

This instrument is the *Veterans' Affairs Pharmaceutical Benefits Schemes Amendment Instrument 2017*.

2 Commencement

This instrument commences on 1 January 2018.

3 Authority

This instrument is made under:

- (a) section 91 of the *Veterans' Entitlements Act 1986* in respect of the variations to the *Repatriation Pharmaceutical Benefits Scheme* in Schedule 1; and
- (b) section 286 of the *Military Rehabilitation and Compensation Act 2004* in respect of the variations to the *MRCA Pharmaceutical Benefits Scheme* in Schedule 2.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is varied as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1-Variations to the *Repatriation Pharmaceutical Benefits Scheme* (Instrument 2013 No. R43)

Part 1 – Updating of incorporated documents and other amendments

[1] Schedule 1 – Incorporated Documents

substitute:

SCHEDULE 1 – INCORPORATED DOCUMENTS

The following documents are incorporated-by-reference into the *Scheme* in the version in which they exist on 1 January 2018:

- *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*

[2] Subparagraph 7(d) – conformity with standards

substitute:

- (d) **conformity with standards:** no drug or therapeutic substance shall be prescribed unless it conforms with the specific or general standards as determined by the relevant Minister under the *Therapeutic Goods Act 1989*.

[3] Section 41 - Standards

substitute:

41 Standards

The minimum acceptable standard for a *Pharmaceutical benefit* is that described in the regulations under the *Therapeutic Goods Act 1989* which relate to specific standards for drugs.

[4] Section 42 – Editions of monographs and standards

omit the section

[5] Section 43 – Order of precedence

omit the section

Part 2 – Consequential amendments

[6] Section 3 (Interpretation) Definition of *approval number*

omit the definition, substitute:

approval number means a number allotted by the *Secretary* or the *Minister for Health* under section 16 of the *National Health (Pharmaceutical Benefits) Regulations 2017* to an approval under the *National Health Act 1953* of a person described in the section who, under the *Scheme*, is a *Community Pharmacist*;

[7] Section 3 (Interpretation) Definition of *approved electronic communication*

omit:

regulation 5E of the *National Health (Pharmaceutical Benefits) Regulations 1960*

substitute:

section 11 of the *National Health (Pharmaceutical Benefits) Regulations 2017*

[8] Section 3 (Interpretation) Definition of *approved information technology requirements*

omit:

regulation 5F of the *National Health (Pharmaceutical Benefits) Regulations 1960*

substitute:

section 12 of the *National Health (Pharmaceutical Benefits) Regulations 2017*

[9] Section 3 (Interpretation) Definition of *Authority Prescription Form*

omit:

National Health (Pharmaceutical Benefits) Regulations 1960;

substitute:

National Health (Pharmaceutical Benefits) Regulations 2017;

[10] Section 3 (Interpretation) Definition of *deferred supply authorisation*

omit:

regulation 26A of the *National Health (Pharmaceutical Benefits) Regulations 1960;*

substitute:

section 53 of the *National Health (Pharmaceutical Benefits) Regulations 2017;*

[11] Section 3 (Interpretation) Definition of *electronic prescription (paragraph(b))*

omit paragraph (b)

substitute:

- (b) in accordance with the appropriate form approved by the *Secretary* under:
- (i) subparagraph 40(2)(c)(ii) (prescriptions other than medication chart prescriptions) of the *National Health (Pharmaceutical Benefits) Regulations 2017*; or
 - (ii) subsection 41(5) (medication chart prescriptions) of the *National Health (Pharmaceutical Benefits) Regulations 2017*.

[12] Section 3 (Interpretation)

insert the following definition:

Minister for Health means the Minister administering the *National Health Act 1953*;

[13] Section 3 (Interpretation) Definition of *paper-based prescription*

omit:

subparagraph 19(1)(a)(i), (ii) or (iii) of the *National Health (Pharmaceutical Benefits) Regulations 1960*

substitute:

subsection 40(2) of the *National Health (Pharmaceutical Benefits) Regulations 2017*

[14] Section 3 (Interpretation) Definition of *repeat authorisation form*

omit:

subparagraph 26(1A)(a)(i) of the *National Health (Pharmaceutical Benefits) Regulations 1960*.

substitute:

subparagraph 52(3)(a)(i) of the *National Health (Pharmaceutical Benefits) Regulations 2017*.

**[15] Section 3 (Interpretation) Definition of
*Standard Prescription Form***

omit:

subparagraph 19(1)(a)(i), (ii) or (iii) of the *National Health (Pharmaceutical Benefits) Regulations 1960*;

substitute:

subsection 40(2) of the *National Health (Pharmaceutical Benefits) Regulations 2017*;

**[16] Section 11 - Form of prescriptions (paragraph
11(1)(a))**

omit:

National Health (Pharmaceutical Benefits) Regulations 1960;

substitute:

National Health (Pharmaceutical Benefits) Regulations 2017;

**[17] Section 11A - Writing of prescriptions –
prescriptions other than medication chart
prescriptions (paragraph 11A(1)(e))**

omit:

regulation 8A of the *National Health Act 1953*;

substitute:

section 16 of the *National Health (Pharmaceutical Benefits) Regulations 2017*;

**[18] Section 11A -Writing of prescriptions –
prescriptions other than medication chart
prescriptions (paragraph 11A(1)(i))**

omit:

(as defined in the *National Health (Pharmaceutical Benefits) Regulations 1960*)

substitute:

(as defined in the *National Health (Pharmaceutical Benefits) Regulations 2017*)

**[19] Section 16 - Supply of Pharmaceutical Benefits
– Procedure by Community Pharmacists (the
Note to the section)**

omit:

National Health (Pharmaceutical Benefits) Regulations 1960.

substitute:

National Health (Pharmaceutical Benefits) Regulations 2017.

**[20] Section 16AA - Supply of pharmaceutical
benefit on basis of medication chart
prescription (subparagraph 16AA(2)(c)(i))**

omit:

regulation 8A of the *National Health (Pharmaceutical Benefits) Regulations 1960*;

substitute:

section 16 of the *National Health (Pharmaceutical Benefits) Regulations 2017*;

**[21] Section 16A - When Pharmaceutical benefits
may be supplied by Community Pharmacists
without prescription (paragraph 16A(4)(a))**

omit:

regulation 8A of the *National Health (Pharmaceutical Benefits) Regulations 1960*;

substitute:

section 16 of the *National Health (Pharmaceutical Benefits) Regulations 2017*;

[22] Section 16A - When Pharmaceutical benefits may be supplied by Community Pharmacists without prescription (subsection 16A(8))

omit:

subregulation 25(2) of the *National Health (Pharmaceutical Benefits) Regulations 1960*

substitute:

subsection 51(2) of the *National Health (Pharmaceutical Benefits) Regulations 2017*

[23] Section 45 – Keeping documents – other than for continued dispensing or medication chart prescriptions (after subsection 45(2))

insert, at the end of the section:

Note: The document may be kept in an electronic form (see subsection 12(2) of the *Electronic Transactions Act 1999*).

[24] Section 45A – Keeping documents – continued dispensing

insert, at the end of the section:

Note: The information may be kept in an electronic form (see subsection 12(2) of the *Electronic Transactions Act 1999*).

[25] Section 45B – Keeping documents – medication chart prescriptions

insert, at the end of the section:

Note: The document may be kept in an electronic form (see subsection 12(2) of the *Electronic Transactions Act 1999*).

Schedule 2-Variations to the *MRCA Pharmaceutical Benefits Scheme (Instrument 2013 No. MRCC 44)*

Part 1 – Updating of incorporated documents and other amendments

[1] Schedule 1 – Incorporated Documents

substitute:

SCHEDULE 1 – INCORPORATED DOCUMENTS

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- *RPBS Explanatory Notes*
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substitute:

- (d) **conformity with standards:** no drug or therapeutic substance shall be prescribed unless it conforms with the specific or general standards as determined by the relevant Minister under the *Therapeutic Goods Act 1989*.

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substitute:

41 Standards

The minimum acceptable standard for a *Pharmaceutical benefit* is that described in the regulations under the *Therapeutic Goods Act 1989* which relate to specific standards for drugs.

[4] Section 42 – Editions of monographs and standards

omit the section

[5] Section 43 – Order of precedence

omit the section

Part 2 – Consequential amendments

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approval number means a number allotted by the *Secretary* or the *Minister for Health* under section 16 of the *National Health (Pharmaceutical Benefits) Regulations 2017* to an approval under the *National Health Act 1953* of a person described in the section who, under the *Scheme*, is a *Community Pharmacist*;

[7] Section 3 (Interpretation) Definition of *approved electronic communication*

omit:

regulation 5E of the *National Health (Pharmaceutical Benefits) Regulations 1960*

substitute:

section 11 of the *National Health (Pharmaceutical Benefits) Regulations 2017*

[8] Section 3 (Interpretation) Definition of *approved information technology requirements*

omit:

regulation 5F of the *National Health (Pharmaceutical Benefits) Regulations 1960*

substitute:

section 12 of the *National Health (Pharmaceutical Benefits) Regulations 2017*

[9] Section 3 (Interpretation) Definition of *authority prescription (paragraph(b))*

omit:

National Health (Pharmaceutical Benefits) Regulations 1960;

substitute:

National Health (Pharmaceutical Benefits) Regulations 2017;

[10] Section 3 (Interpretation) Definition of *Authority Prescription Form*

omit:

National Health (Pharmaceutical Benefits) Regulations 1960

substitute:

National Health (Pharmaceutical Benefits) Regulations 2017

[11] Section 3 (Interpretation) Definition of *deferred supply authorisation*

omit:

regulation 26A of the *National Health (Pharmaceutical Benefits) Regulations 1960*;

substitute:

section 53 of the *National Health (Pharmaceutical Benefits) Regulations 2017*;

[12] Section 3 (Interpretation) Definition of *electronic prescription (paragraph(b))*

omit:paragraph (b)

substitute:

- (b) in accordance with the appropriate form approved by the *Secretary* under:
 - (i) subparagraph 40(2)(c)(ii) (prescriptions other than medication chart prescriptions) of the *National Health (Pharmaceutical Benefits) Regulations 2017*; or
 - (ii) subsection 41(5) (medication chart prescriptions) of the *National Health (Pharmaceutical Benefits) Regulations 2017*.

[13] Section 3 (Interpretation)

insert the following definition:

Minister for Health means the Minister administering the *National Health Act 1953*;

[14] Section 3 (Interpretation) Definition of *paper-based prescription*

omit:

subparagraph 19(1)(a)(i), (ii) or (iii) of the *National Health (Pharmaceutical Benefits) Regulations 1960*

substitute:

subsection 40(2) of the *National Health (Pharmaceutical Benefits) Regulations 2017*

[15] Section 3 (Interpretation) Definition of *repeat authorisation form*

omit:

subparagraph 26(1A)(a)(i) of the *National Health (Pharmaceutical Benefits) Regulations 1960*

substitute:

subparagraph 52(3)(a)(i) of the *National Health (Pharmaceutical Benefits) Regulations 2017*

[16] Section 3 (Interpretation) Definition of *Standard Prescription Form*

omit:

subparagraph 19(1)(a)(i), (ii) or (iii) of the *National Health (Pharmaceutical Benefits) Regulations 1960*;

substitute:

subsection 40(2) of the *National Health (Pharmaceutical Benefits) Regulations 2017*;

[17] Section 11 - Form of prescriptions (paragraph 11(1)(a))

omit:

National Health (Pharmaceutical Benefits) Regulations 1960;

substitute:

National Health (Pharmaceutical Benefits) Regulations 2017;

[18] Section 11A - Writing of prescriptions – prescriptions other than medication chart prescriptions (paragraph 11A(1)(e))

omit:

regulation 8A of the *National Health Act 1953*;

substitute:

section 16 of the *National Health (Pharmaceutical Benefits) Regulations 2017*;

[19] Section 11A -Writing of prescriptions – prescriptions other than medication chart prescriptions (paragraph 11A(1)(i))

omit:

(as defined in the *National Health (Pharmaceutical Benefits) Regulations 1960*)

substitute:

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[20] Section 16 - Supply of Pharmaceutical Benefits – Procedure by Community Pharmacists (the Note to the section)

omit:

National Health (Pharmaceutical Benefits) Regulations 1960.

substitute:

National Health (Pharmaceutical Benefits) Regulations 2017.

[21] Section 16AA - Supply of pharmaceutical benefit on basis of medication chart prescription (subparagraph 16AA(2)(c)(i))

omit:

regulation 8A of the *National Health (Pharmaceutical Benefits) Regulations 1960*;

substitute:

section 16 of the *National Health (Pharmaceutical Benefits) Regulations 2017*;

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omit:

regulation 8A of the *National Health (Pharmaceutical Benefits) Regulations 1960*;

substitute:

section 16 of the *National Health (Pharmaceutical Benefits) Regulations 2017*;

[23] Section 16A - When Pharmaceutical benefits may be supplied by Community Pharmacists without prescription (subsection 16A(8))

omit:

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substitute:

subsection 51(2) of the *National Health (Pharmaceutical Benefits) Regulations 2017*

[24] Section 45 – Keeping documents – other than for continued dispensing or medication chart prescriptions (after subsection 45(2))

insert, at the end of the section:

Note: The document may be kept in an electronic form (see subsection 12(2) of the *Electronic Transactions Act 1999*).

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insert, at the end of the section:

Note: The information may be kept in an electronic form (see subsection 12(2) of the *Electronic Transactions Act 1999*).

[26] Section 45B – Keeping documents – medication chart prescriptions

insert, at the end of the section:

Note: The document may be kept in an electronic form (see subsection 12(2) of the *Electronic Transactions Act 1999*).