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# 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

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| I, Dan Tehan, Minister for Veterans’ Affairs, approve:   1. 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 2. 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** |

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| 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 ) SEAL  was affixed hereto in the )  presence of: )    Simon Lewis C Orme MA Kelly  ………………………………………………………………………………………………..  **SIMON LEWIS CRAIG ORME Major General Mark Kelly**  **DSC AM CSC AO DSC**  **PRESIDENT DEPUTY PRESIDENT COMMISSIONER** |

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| 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 ) SEAL  was affixed hereto in the )  presence of: )  Simon Lewis C Orme MA Kelly  …………………………………………………………………………………………………………..  **SIMON LEWIS CRAIG ORME Major General Mark Kelly**  **DSC AM CSC AO DSC**  **CHAIR MEMBER MEMBER**  BS Wolski Jennifer Taylor T Smart  ……………………………………………………………………………………………………..…  **REAR ADMIRAL BRETT WOLSKI JENNIFER TAYLOR Air Vice-Marshal TRACY SMART**  **AM AM**  **MEMBER MEMBER MEMBER**  EMBER |

1. **Name**

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

1. **Commencement**

This instrument commences on 1 January 2018.

1. **Authority**

This instrument is made under:

1. section 91 of the *Veterans’ Entitlements Act 1986* in respect of the variations to the *Repatriation Pharmaceutical Benefits Scheme* in Schedule 1; and
2. section 286 of the *Military Rehabilitation and Compensation Act 2004* in respect of the variations to the *MRCA Pharmaceutical Benefits Scheme* in Schedule 2.
3. **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**

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

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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**

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

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*omit*:

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*substitute*:

*National Health (Pharmaceutical Benefits) Regulations 2017*;

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

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*insert the following definition:*

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

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*omit:*

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*substitute*:

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

*omit:*

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

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

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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))**

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

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**[25] 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*).

**[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*).