



PB 134 of 2020

National Health (Pharmaceutical Benefits) Legislation Amendment (Commonwealth Price—Mark-ups) Determination 2020

I, Thea Connolly, as delegate of the Minister for Health, make the following determination.

Dated 23 December 2020

Thea Connolly
Assistant Secretary
Pricing and PBS Policy Branch
Technology Assessment and Access Division
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1 Name

- (1) This instrument is the *National Health (Pharmaceutical Benefits) Legislation Amendment (Commonwealth Price—Mark-ups) Determination 2020*.
- (2) This instrument may also be cited as PB 134 of 2020.

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. The whole of this instrument	1 January 2021.	1 January 2021

Note: This table relates only to the provisions of this instrument as originally made.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 99(4) of the *National Health Act 1953*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

National Health (Commonwealth Price - Pharmaceutical benefits supplied by private hospitals) Determination 2020 (PB 99 of 2020)

1 Section 3 (definition of *Approved Pharmacists Determination*)

Repeal the definition, substitute:

Approved Pharmacists Determination means the *Commonwealth price (Pharmaceutical benefits supplied by approved pharmacists) Determination 2020* (PB 66 of 2020).

2 Section 3 (definition of *dispensed price*)

Repeal the definition, substitute:

dispensed price:

- (a) for a ready-prepared pharmaceutical benefit—has the meaning given by section 9; and
- (b) for an extemporaneously-prepared pharmaceutical benefit—has the meaning given by subsection 16(1).

3 Sub-subparagraph 9(1)(a)(i)(B)

Omit “worked out under section 11A”, substitute “under section 10”.

4 Sub-subparagraph 9(1)(a)(i)(C)

Omit “12”, substitute “11”.

5 Subparagraph 9(1)(b)(i)

Omit “14”, substitute “13”.

6 Subparagraph 9(1)(b)(iv)

Omit “13”, substitute “12”.

7 Sub-subparagraph 9(1)(c)(i)(B)

Omit “worked out under section 11A”, substitute “under section 10”.

8 Sub-subparagraph 9(1)(c)(i)(C)

Omit “12”, substitute “11”.

9 Subparagraph 9(1)(c)(ii)

Omit “14”, substitute “13”.

10 Section 10

Repeal the section, substitute:

10 Storage and handling mark-up (same as wholesale mark-up for approved pharmacists)

For the purposes of sub-subparagraphs 9(1)(a)(i)(B) and (c)(i)(B) and paragraph (b) of step 1 in section 13, the storage and handling mark-up for a pack quantity of a ready-prepared pharmaceutical benefit is the same as the wholesale mark-up for the pack quantity of the benefit would have been under section 11 of the Approved Pharmacists Determination if the benefit had been supplied by an approved pharmacist.

11 Section 13 (method statement, step 1, paragraph (b))

Omit “worked out”.

National Health (Commonwealth Price—Pharmaceutical Benefits Supplied By Public Hospitals) Determination 2017 (PB 25 of 2017)**12 Subparagraphs 9(a)(ii) and (c)(ii)**

Omit “worked out”.

13 Section 11 (method statement, step 1)

Repeal the step, substitute:

Step 1. Ascertain the mark-up for the pack quantity under section 14.

14 Section 14

Repeal the section, substitute:

14 Dispensed price—mark-up (same as wholesale mark-up for approved pharmacists)

For the purposes of subparagraphs 9(a)(ii) and (c)(ii) and step 1 in section 11, the mark-up for a pack quantity of a ready-prepared pharmaceutical benefit is the same as the wholesale mark-up for the pack quantity of the benefit would have been under section 11 of the *Commonwealth price (Pharmaceutical benefits supplied by approved pharmacists) Determination 2020* (PB 66 of 2020) if the benefit had been supplied by an approved pharmacist.