



Australian Government

Department of Health and Aged Care

Unapproved Pharmacies fact sheet

An approved pharmacist must supply pharmaceutical benefits ‘at’ premises in respect of which the pharmacist is approved (commonly referred to as ‘approved premises’) under section 90 of the *National Health Act 1953* (the NH Act).

In addition, an approved pharmacist may also supply pharmaceutical benefits ‘from’ the approved premises, see subsection 90(5AA) and paragraph 99(3)(b) the NH Act. The Government’s policy position is that the term ‘from’ is intended to mean where the prescription is presented and dispensed at the approved premises and subsequently delivered to the patient, for example to the patient’s residence (including a residential aged care facility).

Any supply of pharmaceutical benefits ‘at’ or ‘from’ premises which are not approved is therefore considered to be a purported supply which is a breach of the pharmacist’s approval and the conditions of approval, determined by the Minister under paragraph 92A(1)(f) of the NH Act.

Depot arrangements

A ‘depot’ arrangement is where, in a rural or remote location that has no access to a pharmacy, a non-pharmacy acts as a collection point to receive prescriptions from patients and transfer those prescriptions to approved premises. The prescription is subsequently dispensed at the approved premises and then delivered to the patient’s residence or to the depot for collection by the patient. The Government’s position is that these arrangements are not contrary to the NH Act.

However, a depot cannot be a pharmacy, and so should not carry any prescription medication or be involved in the dispensing of medication supplied as a pharmaceutical benefit. The Government’s policy position is reflected in the updated *National Health (Pharmaceutical benefits) (Conditions for approved pharmacists) Determination 2017* effective 1 June 2023, that clarifies supply of pharmaceutical benefits must not occur at or from a pharmacy that is not approved.

If an approved pharmacist wishes to supply pharmaceutical benefits at alternative premises, following disaster or exceptional circumstances, the pharmacist must apply for and be granted permission by the Secretary, under section 91A of the NH Act, in respect of those other premises before they commence supply of and claiming for pharmaceutical benefits.

In addition, state and territory legislation may regulate how depot arrangements operate.

Compliance Activity

The Department of Health and Aged Care takes allegations of claiming for the supply of pharmaceutical benefits at or from pharmacies that are not approved very seriously and reviews any allegations made and conducts appropriate compliance activities. This may include referral to the Pharmaceutical Services Federal Committee of Inquiry (the Committee) for investigation. The Committee reports to the Minister for Health and Aged Care, who may reprimand the approved pharmacist in question, or suspend or revoke their approval.