



Australian Government
Department of Health

Our ref: DP 201

Pharmacy Owner

BYFORD WA 6122

Dear Pharmacy Owner

Request for Ministerial Discretion – BYFORD WA

I am writing to advise you that a request has been made by a pharmacist to the Minister for Health, the Hon Greg Hunt MP (the Minister), for the exercise of the Minister's discretionary power to approve that pharmacist to supply Pharmaceutical Benefits Scheme (PBS) medicines at Byford, WA, 6122 (the proposed premises).

The Minister has discretionary power to approve a pharmacist to supply PBS medicines where a previous application for the same premises failed to meet the requirements of the Pharmacy Location Rules (the Rules).

On 22 August 2018, the Minister decided to consider the pharmacist's request (i.e. stage 1).

Background

At the time the Australian Community Pharmacy Authority (the Authority) assessed the application against the requirements of the Rules, it was not satisfied that the application met the requirements of the particular Rule under which the application was made. Therefore, the Authority recommended to the delegate of the Secretary of the Department of Health (an officer in the Department of Human Services) that the application not be approved. The Secretary's delegate subsequently rejected the application.

Criteria

Where an application is rejected because it failed to satisfy the requirements of the Rules and upon request made by the pharmacist to the Minister, the Minister may approve a pharmacist if he is satisfied that:

- a) the decision to reject the previous application (under the Rules) will result in a community being left without reasonable access to PBS medicines supplied by an approved pharmacist; and
- b) it is in the public interest to approve the pharmacist.

Process

The exercise of the Minister's discretionary power is a two stage process, the first being that the Minister decides whether or not to consider the request. The final stage is when the Minister decides whether or not to approve the pharmacist. The request has proceeded to the final stage and the Minister for Health has until 21 November 2018 to decide whether to exercise the discretionary power and approve the pharmacist to supply PBS medicines at the proposed premises.

Opportunity to comment

As delegate of the Minister under paragraph 90D(1)(b) of the *National Health Act 1953*, I am writing to provide you with the opportunity to submit information, documentation or comments relevant to the request.

If you would like to make a submission, it should be limited to the two criteria outlined earlier in this letter. It is important to be aware that any submission you make that relates to another pharmacist or his/her business may be provided to that pharmacist.

Please send your submission to the Department of Health by **Friday, 14 September 2018**, via:

Email: 90Apharmacy@health.gov.au

Information

Further information regarding the Ministerial discretion process can be obtained from www.health.gov.au/acpa and select the Ministerial discretion link.

If you do provide comments, you will be informed of the Minister's decision, approximately 10-15 working days after the decision is made.

If you have any enquiries regarding this correspondence please call (02) 6289 2425, or e-mail 90Apharmacy@health.gov.au.

Yours sincerely



Anthony Millgate
Assistant Secretary
Compliance Systems Branch

30 August 2018