



Australian Government
Department of Health

Our ref: DP 163

Pharmacy Owner
Priceline Pharmacy Maryborough
[REDACTED]
MARYBOROUGH VIC 3465

Dear Pharmacy Owner

Request for Ministerial Discretion – MARYBOROUGH, VIC

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 [REDACTED] Maryborough, (the proposed premises).

The Minister has a 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 20 June 2017, 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 has until 19 September 2017 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 **Wednesday, 12 July 2017**, 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 [REDACTED] or e-mail 90Apharmacy@health.gov.au.

Yours sincerely

[REDACTED]

Acting Assistant Secretary
Pharmaceutical Access Branch
Pharmaceutical Benefits Division

21 June 2017

Note - The Department of Health (the Department) on behalf of the Minister may collect personal information about you for the purpose of considering any comments you provide on whether the Minister should exercise the Minister's discretion under subsection 90A(2) of the *National Health Act 1953* to approve the supply of pharmaceutical benefits at the proposed premises. The Department may be required to disclose your submission under the *Freedom of Information Act 1982* or under other legislation. If the Minister's decision is subject to review by a Court, then your submission may be disclosed to the Court. The Department has an APP privacy policy which you can read at www.health.gov.au/internet/main/publishing.nsf/content/privacy-policy. You can obtain a copy of the APP privacy policy by contacting the Department using the contact details set out above. The APP privacy policy contains information about how you may access the personal information the Department holds about you and how you can seek correction of it and how you may complain about a breach of the Australian Privacy Principles. The Department is unlikely to disclose your personal information to overseas recipients.