National Health Act 1953

No. 95, 1953 as amended

Compilation start date:	13 March 2014
Includes amendments up to:	Act No. 6, 2014

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About this compilation

This compilation

This is a compilation of the *National Health Act 1953* as in force on 13 March 2014. It includes any commenced amendment affecting the legislation to that date.

This compilation was prepared on 18 March 2014.

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of each amended provision.

Uncommenced amendments

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in the endnotes.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If a provision of the compiled law is affected by a modification that is in force, details are included in the endnotes.

Provisions ceasing to have effect

If a provision of the compiled law has expired or otherwise ceased to have effect in accordance with a provision of the law, details are included in the endnotes.

Contents

An Act relating to the provision of pharmaceutical, sickness and hospital benefits, and of medical and dental services

Part I—Preliminary

1 Short title

This Act may be cited as the *National Health Act 1953*.

2 Commencement

(1) Parts I and II shall come into operation on the day on which this Act receives the Royal Assent.

(2) The remaining provisions of this Act shall come into operation on such dates as are respectively fixed by Proclamation.

4 Interpretation

(1) In this Act, unless the contrary intention appears:

Chief Executive Medicare has the same meaning as in the *Human Services (Medicare) Act 1973*.

Committee of Inquiry means a Committee of Inquiry established under Part VIII.

complying health insurance policy has the meaning given by section 63-10 of the *Private Health Insurance Act 2007*.

de facto partner of a person means:

(a) another person (whether of the same sex or a different sex) with whom the person has a relationship that is registered under a law of a State or Territory prescribed for the purposes of section 2E of the *Acts Interpretation Act 1901* as a kind of relationship prescribed for the purposes of that section; or

(b) another person (whether of the same sex or a different sex) who is living with the person on a genuine domestic basis although not legally married to the person.

designated vaccine has the meaning given by subsection 9B(2).

Finance Minister means the Minister administering the *Financial Management and Accountability Act 1997*.

friendly society means:

(a) a body that is a friendly society for the purposes of the *Life Insurance Act 1995*; or

(b) a body that is registered or incorporated as a friendly society under a law of a State or Territory; or

(c) a body that is permitted, by a law of a State or Territory, to assume or use the expression ***friendly society***; or

(d) a body that, immediately before the date that is the transfer date for the purposes of the *Financial Sector Reform (Amendments and Transitional Provisions) Act (No. 1) 1999*, was registered or incorporated as a friendly society under a law of a State or Territory.

hospital has the meaning given by subsection 121-5(5) of the *Private Health Insurance Act 2007*.

hospital-substitute treatment has the same meaning as in the *Private Health Insurance Act 2007*.

hospital treatment has the meaning given by section 121-5 of the *Private Health Insurance Act 2007*.

Human Services Minister means the Minister administering the *Human Services (Medicare) Act 1973*.

medicare program has the same meaning as in the *Human Services (Medicare) Act 1973*.

midwife means a person who is registered as a midwife, or authorised (however described) to practise midwifery, by or under a law of a State or an internal Territory that provides for the

registration of midwives, or the authorisation of persons to practise midwifery.

nurse practitioner means a person who is registered, or authorised (however described) to practise, as a nurse practitioner by or under a law of a State or an internal Territory that provides for the registration of nurse practitioners, or the authorisation of persons to practise as nurse practitioners.

pharmacist means a person registered as a pharmacist or pharmaceutical chemist under a law of a State or Territory providing for the registration of pharmacists or pharmaceutical chemists, and includes a friendly society or other body of persons (whether corporate or unincorporate) carrying on business as a pharmacist.

premises includes a part of premises.

private health insurer has the same meaning as in the *Private Health Insurance Act 2007*.

public hospital means a hospital in respect of which there is in force a statement under subsection 121-5(8) of the *Private Health Insurance Act 2007* that the hospital is a public hospital.

public hospital authority means the governing body of a public hospital.

rules, in relation to a private health insurer, has the same meaning as in the *Private Health Insurance Act 2007*.

Secretary means the Secretary of the Department.

spouse includes a de facto partner.

Territory means an internal Territory.

vaccine means a vaccine for the purpose of immunising persons.

Veterans' Affairs Department means the Department administered by the Veterans' Affairs Minister.

Veterans' Affairs Minister means the Minister administering the *Veterans' Entitlements Act 1986*.

(1A) In this Act, unless the contrary intention appears, a word or phrase defined for the purposes of the *Health Insurance Act 1973* has the meaning that it would have if used in that Act.

(2) A reference in this Act to a prescription for the supply of a pharmaceutical benefit is a reference to a prescription written in accordance with subsection 88(1), (1A), (1C), (1D) or (1E).

(3) A reference in this Act to the supply of pharmaceutical benefits at premises is a reference to the supply of pharmaceutical benefits to people who are at the premises when the supply is made.

6 Delegation

(1) The Minister may, either generally or as otherwise provided by the instrument of delegation, by writing signed by the Minister, delegate to a person (including the Secretary) all or any of the Minister's powers under this Act, the regulations or another legislative instrument under this Act, other than:

(a) this power of delegation; or

(ab) the Minister's powers under sections 90A and 90B; or

(b) the Minister's powers under section 95.

(2) A power so delegated under subsection (1), when exercised by the delegate, shall, for the purposes of this Act, the regulations or another legislative instrument under this Act, be deemed to have been exercised by the Minister.

(3) A delegate under subsection (1) is, in the exercise of a power so delegated, subject to the directions (if any) of the Minister.

(4) A delegation under subsection (1) does not prevent the exercise of a power by the Minister.

(5) The Secretary may, either generally or as otherwise provided by the instrument of delegation, by writing signed by the Secretary, delegate to a person all or any of the Secretary's powers under this

Act, the regulations or another legislative instrument under this Act other than:

(a) this power of delegation; or

(b) the Secretary's powers under section 95.

(6) A power so delegated under subsection (5), when exercised by the delegate, shall, for the purposes of this Act, the regulations or another legislative instrument under this Act, be deemed to have been exercised by the Secretary.

(7) A delegate under subsection (5) is, in the exercise of a power so delegated, subject to the directions (if any) of the Secretary.

(8) A delegation under subsection (5) does not prevent the exercise of a power by the Secretary.

6A External Territories

This Act extends to the Territory of Cocos (Keeling) Islands and to the Territory of Christmas Island.

7A Application of the *Criminal Code*

Chapter 2 (other than Part 2.5) of the *Criminal Code* applies to all offences against this Act.

Note: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

Part II—National health services

8 Interpretation

In this Part, ***Territory*** includes an external Territory to which this Act extends.

9 Provision of certain medical and dental services

(1) The Governor-General may provide, or arrange for the provision of:

(a) aerial medical and dental services;

(b) diagnostic and therapeutic services for medical practitioners and hospitals, and for patients of medical practitioners or hospitals;

(c) teaching, research and advisory services in relation to maternal and child health;

(d) teaching, research and advisory services for or in relation to the improvement of health or the prevention of disease; and

(e) anything incidental to a service referred to in paragraph (a), (b), (c) or (d).

(2) The Minister may disseminate information relating to health or the prevention of disease.

9A Provision of medical and surgical aids and appliances etc. by the Commonwealth

(1) The Minister may, on behalf of the Commonwealth, arrange for:

(a) the supply by the Commonwealth of such medical or surgical aids, equipment or appliances as are prescribed to persons who require them;

(b) the making of any modifications to a building, vehicle or equipment that are necessary for the treatment or rehabilitation of a sick or disabled person.

(2) Subject to the provisions of an arrangement made under subsection 9C(1), a hearing aid, or any other medical or surgical aid, equipment or appliance of a kind prescribed for the purposes of this subsection, that is supplied under this section remains the property of the Commonwealth notwithstanding any purported disposition or pledging of the aid, equipment or appliance by any person.

(3) The Minister may impose such conditions as the Minister thinks fit on the use or possession of aids, equipment or appliances supplied, or to be supplied, under subsection (1).

(4) The regulations may make provision with respect to the supply of aids, equipment or appliances, or the making of modifications, under subsection (1), including provision for offences with respect to the use or possession of aids, equipment or appliances so supplied.

9B Provision of vaccines

(1) The Minister may provide, or arrange for the provision of:
  (a) designated vaccines; and
  (b) goods or services that are associated with, or incidental to, the provision or administration of designated vaccines.

Designated vaccines

(2) The Minister may, by legislative instrument, determine that a specified vaccine is a ***designated vaccine*** for the purposes of this Act.

Note: For variation and revocation, see subsection 33(3) of the *Acts Interpretation Act 1901*.

(3) A vaccine may be specified by reference to any or all of the following:
  (a) brand;
  (b) formulation;
  (c) active ingredient;
  (d) strength;
  (e) number and timing of doses in a course of immunisation.

(4) Subsection (3) does not limit the ways in which a vaccine may be specified.

(5) In addition to specifying a vaccine, a determination under subsection (2) may specify the circumstances in which the vaccine may be provided.

(6) If any such circumstances are specified, subsection (1) only authorises the provision of the vaccine in those circumstances.

(7) A vaccine must not be specified in a determination under subsection (2) unless:

(a) the Pharmaceutical Benefits Advisory Committee has recommended to the Minister that the vaccine be a designated vaccine; or

(b) at any time during the 60-day period ending immediately before the commencement of this subsection, the vaccine was provided under repealed section 9B of this Act.

(8) Before:

(a) revoking a determination under subsection (2); or

(b) varying a determination under subsection (2) in such a way that a vaccine ceases to be a designated vaccine;

the Minister must obtain the written advice of the Pharmaceutical Benefits Advisory Committee in relation to the proposed revocation or variation.

(9) An advice under subsection (8) is to be tabled in each House of the Parliament with the revocation or variation to which the advice relates.

(10) This section does not limit the vaccine-related powers conferred on the Minister by the *Quarantine Act 1908*.

9BA The National HPV Vaccination Program Register

Establishment

(1) The Commonwealth must establish and keep a register known as the National HPV Vaccination Program Register.

Contents of the Register

(2) The Register may contain the following kinds of personal information:

(a) the name, address, date of birth and Medicare card number of any person to whom HPV vaccine has been administered;

(b) the indigenous status of such a person;

(c) the names and addresses of parents or guardians of such a person (if the person is a child or is incapable of managing the person's affairs);

(d) information about when and where HPV vaccine was administered to such a person;

(e) information about who administered HPV vaccine to such a person;

(f) information about HPV vaccine that was administered to such a person.

Purposes of the Register

(3) The purposes of the Register are to ensure the successful implementation of the National Human Papillomavirus (HPV) Vaccination Program, and in doing so facilitate:

(a) establishment and maintenance of an electronic database of records for monitoring vaccination of participants in the HPV Program; and

(b) monitoring of the effectiveness of HPV vaccine in preventing certain cervical cancers by allowing for future cross referencing of data against Pap Smear and other cervical cytology or cervical cancer registers maintained by States and Territories; and

(c) establishment of mechanisms to advise eligible persons, or the parents or guardians of children, if doses of HPV vaccine have been missed or if booster doses are required in the future; and

(d) maintenance of a record of the HPV vaccination status of eligible persons for the purposes of certifying the completion of the course of vaccination; and

(e) promotion of the health and well being of persons by providing information on new developments associated with the Program to vaccination providers, eligible persons and parents or guardians of children; and

(f) payment of general practitioners for entering information in the Register.

Opting out of the Register

(4) A person may, in writing, request the Commonwealth to remove from the Register personal information relating to:

(a) the person; or

(b) a child of whom the person is a parent or guardian.

The Commonwealth must comply with any such request as soon as practicable.

Effect of the Privacy Act 1988

(5) The use by the Commonwealth of personal information for the purposes of the Register is taken to be authorised by this Act for the purposes of paragraph 6.2(b) of Australian Privacy Principle 6.

(6) The disclosure by the Commonwealth of personal information for the purposes of the Register is taken to be authorised by this Act for the purposes of paragraph 6.2(b) of Australian Privacy Principle 6 if:

(a) the disclosure is made to a body that is:

(i) prescribed by the regulations; or

(ii) included in a class of bodies prescribed by the regulations; or

(iii) a prescribed body within the meaning of Part IVA of the *Health Insurance Act 1973*; or

(b) the disclosure is made to a vaccination provider for the purpose of administering HPV vaccine.

Definitions

(7) In this section:

eligible person means a person who is eligible to receive vaccination under the National Human Papillomavirus (HPV) Vaccination Program.

HPV vaccine means Human Papillomavirus vaccine that the Minister has determined under section 9B to be a designated vaccine.

parent: without limiting who is a parent of a child for the purposes of this section, someone is the ***parent*** of a child if:

(a) the child is the person's adoptive child or stepchild; or

(b) the child would be the person's stepchild except that the person is not legally married to the person's de facto partner; or

(c) the child is a child of the person within the meaning of the *Family Law Act 1975*.

personal information has the same meaning as in the *Privacy Act 1988*.

vaccination provider means:

(a) a general practitioner; or

(b) a nurse who is authorised by a State or Territory, or by an authority of a State or Territory, to administer HPV vaccine.

9C Arrangements with States for provision of surgical aids and appliances etc.

(1) The Minister may, on behalf of the Commonwealth, enter into an arrangement with a State, a Territory or a body corporate established for a public purpose under a law of a State or Territory for and in relation to:

(a) the supply of medical or surgical aids, equipment or appliances prescribed for the purposes of paragraph 9A(1)(a) to persons who require them; and

(b) the making of any modifications to a building, vehicle or equipment that are necessary for the treatment or rehabilitation of a sick or disabled person.

(2) Without limiting the generality of subsection (1), an arrangement entered into under that subsection with a State, a Territory or a body corporate may provide for:

(a) the payment by the Commonwealth of amounts to the State, Territory or body corporate, as the case may be, in connection with the carrying out of the arrangement; and

(b) the transfer to the State, Territory or body corporate, as the case may be, of medical or surgical aids, equipment or appliances owned by the Commonwealth.

(4) An arrangement entered into under subsection (1) may be expressed to have taken effect from a day earlier than the day on which the arrangement was entered into.

10 Arrangements with other Ministers

The Minister may make an arrangement with any other Minister for the performance by that other Minister of a service in connexion with a service, matter or thing for which provision is made by or under this Part.

11 Arrangements with States

(1) The Governor-General may enter into an arrangement with the Governor of a State or the Administrator of a Territory for the performance by that State or Territory of a service in connexion with a service, matter or thing for which provision is made by or under this Part.

(2) An arrangement entered into under this section may provide for payments by the Commonwealth to the State or Territory in respect of capital expenditure or maintenance expenditure incurred by the State or Territory at the request of the Commonwealth in connexion with the service performed by the State or Territory.

(3) Any arrangement entered into under this section which provides for payments by the Commonwealth to a State or Territory in respect of expenditure referred to in subsection (2) shall provide for information to be supplied to the Minister by such persons, at such times and in such manner and form as the Minister requires.

(4) An arrangement entered into under this section shall provide:

(a) that property the cost of which, or part of the cost of which, has been paid by the Commonwealth to the State or Territory under the arrangement shall not, except with the approval of the Minister, be used otherwise than for the purpose for which the property was acquired; and

(b) for the indemnification of the Commonwealth:

(i) in the event of the acquisition by the Commonwealth of property the cost of which has been paid by the Commonwealth to the State or Territory under the arrangement—against payment by way of compensation for the acquisition of that property; and

(ii) in the event of the acquisition by the Commonwealth of property the cost of which was paid in part by the Commonwealth to the State or Territory under the arrangement—against payment by way of compensation proportionate to the cost so paid.

Part III—Continence Aids Payment Scheme

12 Continence Aids Payment Scheme

(1) The Minister may, by legislative instrument, formulate a Continence Aids Payment Scheme, under which the Commonwealth makes payments as a contribution towards the cost of buying products that help manage incontinence.

(2) A person who satisfies the eligibility criteria that are stated in the legislative instrument is eligible to participate in the scheme.

(3) Without limiting subsection (1), the legislative instrument may provide for:

(a) applications by persons who want to participate in the scheme; and

(b) the conditions that must be complied with in order for a person to participate in the scheme; and

(c) the amount of the contribution that is payable in each financial year in relation to a person who is participating in the scheme; and

(d) investigations to be conducted in order to ensure that persons who are participating in the scheme are eligible to do so; and

(e) the functions and powers of the Chief Executive Medicare in relation to the scheme.

13 Secretary or Chief Executive Medicare may request information

(1) This section applies if the Secretary or Chief Executive Medicare (the ***official***) believes, on reasonable grounds, that a person is capable of giving information that is relevant to deciding:

(a) whether a contribution is payable to a person under the Continence Aids Payment Scheme; or

(b) the amount of a contribution that is payable to a person under the Continence Aids Payment Scheme.

(2) The official may request the person to give the information to the official.

(3) The request:
  (a) must be made in writing; and
  (b) must state what information must be given to the official; and
  (c) may require the information to be verified by statutory declaration; and
  (d) must specify a day on or before which the information must be given, which day must be at least 28 days after the day on which the request is made; and
  (e) must contain a statement to the effect that a failure to comply with the request is an offence.

(4) The person commits an offence if the person fails to comply with the request.

Penalty: 30 penalty units.

(5) However, an individual is excused from complying with the request if the giving of the information might tend to:
  (a) incriminate the individual; or
  (b) expose the individual to a penalty.

Note: A defendant bears an evidential burden in relation to the matter in subsection (5). See subsection 13.3(3) of the *Criminal Code*.

(6) An offence against subsection (4) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

14 Reviewing decision whether applicant is eligible for the scheme

(1) This section applies if the Chief Executive Medicare decides that a person who has applied to participate in the scheme is not eligible to participate in the scheme.

(2) The Chief Executive Medicare must give the person a signed notice that states:
  (a) the decision; and
  (b) the day when the decision has effect; and

(c) the reasons for the decision; and

(d) that, within 28 days after receiving the notice, the person may apply to the Chief Executive Medicare for a review of the decision; and

(e) how the person may apply for the review.

(3) A person who is aggrieved by the Chief Executive Medicare's decision may apply for a review of the decision in the way stated in the legislative instrument that sets out the scheme.

(4) If an application is made under subsection (3), the Chief Executive Medicare must review the decision and give the person a signed notice that states:

(a) the decision; and

(b) the day when the decision has effect; and

(c) if the decision is that the person is not eligible to participate in the scheme:

(i) the reasons for the decision; and

(ii) that, within 28 days after receiving the notice, the person may apply to the Administrative Appeals Tribunal for a review of the Chief Executive Medicare's decision.

(5) An application may be made to the Administrative Appeals Tribunal for the review of the Chief Executive Medicare's decision mentioned in subsection (4).

15 Reviewing decision whether participant is eligible for the scheme

(1) This section applies if the Chief Executive Medicare decides that a person who is participating in the scheme is not eligible to participate in the scheme.

(2) The Chief Executive Medicare must give the person a signed notice that states:

(a) the decision; and

(b) the day when the decision has effect; and

(c) the reasons for the decision; and

(d) that, within 28 days after receiving the notice, the person may apply to the Chief Executive Medicare for a review of the decision; and

(e) how the person may apply for the review.

(3) A person who is aggrieved by the Chief Executive Medicare's decision may apply for a review of the decision in the way stated in the legislative instrument that sets out the scheme.

(4) If an application is made under subsection (3), the Chief Executive Medicare must review the decision and give the person a signed notice that states:

(a) the decision; and

(b) the day when the decision has effect; and

(c) if the decision is that the person is not eligible to participate in the scheme:

(i) the reasons for the decision; and

(ii) that, within 28 days after receiving the notice, the person may apply to the Administrative Appeals Tribunal for a review of the Chief Executive Medicare's decision.

(5) An application may be made to the Administrative Appeals Tribunal for the review of the Chief Executive Medicare's decision mentioned in subsection (4).

Part VII—Pharmaceutical benefits

Division 1—Preliminary

83Z Repeal and saving

(1) The *Pharmaceutical Benefits Act 1947*, the *Pharmaceutical Benefits Act 1949*, the *Pharmaceutical Benefits Act (No. 2) 1949* and the *Pharmaceutical Benefits Act 1952* are repealed.

(2) The National Health (Medicines for Pensioners) Regulations made under the *National Health Service Act 1948–1949* are repealed.

(3) Notwithstanding the repeal effected by subsection (1):

(a) where immediately before the commencement of this Part, a person or body was under the *Pharmaceutical Benefits Act 1947–1952*:

(i) an approved pharmaceutical chemist approved in respect of one or more premises;

(ii) an approved medical practitioner approved in respect of an area; or

(iii) an approved hospital authority approved in respect of one or more hospitals;

that person or body shall be deemed to be an approved pharmacist in respect of those premises, an approved medical practitioner in respect of that area or an approved hospital authority in respect of that hospital or those hospitals under section 90, 92 or 94, as the case requires, and the provisions of this Act apply to and in relation to that person or body accordingly; and

(b) a special arrangement made in pursuance of section 15 of the *Pharmaceutical Benefits Act 1947–1952* which was in force immediately before the commencement of this Part shall continue in force as if made in pursuance of section 100.

(4) The reference in subparagraph (3)(a)(i) to an approved pharmaceutical chemist includes a reference to a person who:

(a) owned, or was about to own, a business for the supply of pharmaceutical benefits at or from particular premises; and
(b) was purportedly approved under the *Pharmaceutical Benefits Act 1947–1952* as an approved pharmaceutical chemist.

84 Interpretation

(1) In this Part, unless the contrary intention appears:

additional member means an additional member of the Tribunal.

agreed price means the amount in force under a price agreement.

applicable amount has the meaning given by subsection 84BA(4).

approved ex-manufacturer price of a listed brand of a pharmaceutical item means:
(a) if a price agreement is in force in relation to the brand of the pharmaceutical item—the amount in force under the agreement as the amount that is, for the purposes of this Part, taken to be the appropriate maximum price of the brand of the pharmaceutical item; or
(b) if a price determination is in force in relation to the brand of the pharmaceutical item—the amount in force under the determination as the amount that is, for the purposes of this Part, taken to be the appropriate maximum price of the brand of the pharmaceutical item.

approved hospital authority means a hospital authority for the time being approved, or deemed to be approved, under section 94.

approved medical practitioner means a medical practitioner for the time being approved, or deemed to be approved, under section 92.

approved pharmacist means a person for the time being approved under section 90 and includes:
(a) a person treated as having been so approved under any provision of a law of the Commonwealth other than section 91; and
(b) except so far as subsection 90(3) is concerned—a person treated as having been so approved under section 91.

approved supplier means an approved pharmacist, an approved medical practitioner or an approved hospital authority.

authorised midwife means an eligible midwife in relation to whom an approval is in force under section 84AAF, so far as the eligible midwife provides midwifery treatment in a collaborative arrangement or collaborative arrangements of a kind or kinds specified in a legislative instrument made by the Minister for the purposes of this definition, with one or more medical practitioners of a kind or kinds specified in the legislative instrument.

authorised nurse practitioner means an eligible nurse practitioner in relation to whom an approval is in force under section 84AAJ, so far as the eligible nurse practitioner provides nurse practitioner treatment in a collaborative arrangement or collaborative arrangements of a kind or kinds specified in a legislative instrument made by the Minister for the purposes of this definition, with one or more medical practitioners of a kind or kinds specified in the legislative instrument.

authorised optometrist means an optometrist in relation to whom an approval is in force under section 84AAB.

Authority means the Australian Community Pharmacy Authority established under section 99J.

brand of a pharmaceutical item means:

(a) the trade name under which the person who is or will be the responsible person supplies the pharmaceutical item; or

(b) if there is no trade name—the name of the person who is or will be the responsible person.

Chairperson means the Chairperson of the Tribunal.

child, in relation to a member of a friendly society, means:

(a) a child under the age of 16 years of that member; or

(b) a child of that member who:

(i) has attained the age of 16 years;

(ii) is receiving full-time education at a school, college or university;

(iii) is wholly or substantially dependent on that member or on the spouse of that member; and

(iv) is a person who is to be treated as a child of that member in accordance with the rules of the friendly society.

Note: See also subsection (3B).

claimed price means the amount specified in a determination in force under subsection 85B(3).

co-marketed brands has the meaning given by section 84AE.

combination item means a pharmaceutical item that has a drug that contains at least 2 other drugs or medicinal preparations, at least one of which is a listed drug.

combination item has a drug: see subsection 84ABA(2).

Commonwealth officer means:

(a) the Governor-General; or

Note: See also section 16A of the *Acts Interpretation Act 1901*.

(b) a Minister; or

(c) a member of the Parliament of the Commonwealth; or

(d) the Administrator, an Acting Administrator, or a Deputy Administrator, of Norfolk Island; or

(e) a person who is in the employment of the Commonwealth; or

(f) a person who holds or performs the duties of any office or position established by or under a law of the Commonwealth; or

(g) a member of the Australian Defence Force; or

(h) the Commissioner of the Australian Federal Police, a Deputy Commissioner of the Australian Federal Police, an AFP employee, a special member or a special protective service officer (all within the meaning of the *Australian Federal Police Act 1979*).

Commonwealth price means:

(a) in relation to a pharmaceutical benefit supplied by an approved pharmacist—the Commonwealth price for the

particular quantity or number of units of the pharmaceutical benefit worked out in accordance with a determination in force under subsection 98B(1); or

(b) in relation to a pharmaceutical benefit supplied by an approved medical practitioner—the Commonwealth price for the particular quantity or number of units of the pharmaceutical benefit worked out in accordance with a determination in force under subsection 98C(1); or

(c) in relation to a pharmaceutical benefit supplied by an approved hospital authority to a patient receiving treatment in or at a hospital in respect of which the authority is approved—the amount of the payment to which the authority is entitled under subsection 99(4) in respect of the supply of the particular quantity or number of units of the pharmaceutical benefit.

communicated, in relation to a prescription, means communicated directly or indirectly.

communicated prescription means a prescription that is communicated to an approved pharmacist in the circumstances and manner set out in regulations made for the purposes of paragraph 89(a).

concessional beneficiary means:

(a) a person who is the holder of a pensioner concession card, a seniors health card or a health care card under the *Social Security Act 1991*; or

(b) a person (other than the holder of the card) whose name is included in a card referred to in paragraph (a); or

(c) a person:

(i) who is an Australian resident within the meaning of the *Health Insurance Act 1973*; and

(ii) to whom, or in respect of whom, there is being paid a service pension under Part III, or income support supplement under Part IIIA, of the *Veterans' Entitlements Act 1986*; or

(d) a person who is:
  (i) an Australian resident within the meaning of the *Health Insurance Act 1973*; and
  (ii) eligible, under subsection 86(1), (2) or (3) of the *Veterans' Entitlements Act 1986*, to be provided with treatment under Part V of the last-mentioned Act; or

(da) a person who is:
  (i) an Australian resident within the meaning of the *Health Insurance Act 1973*; and
  (ii) entitled to treatment under section 284 of the *Military Rehabilitation and Compensation Act 2004*; or

(e) a person who is:
  (i) an Australian resident within the meaning of the *Health Insurance Act 1973*; and
  (ii) the holder of a seniors health card within the meaning of the *Veterans' Entitlements Act 1986*.

concessional benefit prescription means a prescription that, in accordance with section 84AA, is a prescription in respect of a concessional beneficiary or of a person who, in relation to the concessional beneficiary, is a dependant within the meaning of subsection (4) or (7).

concession card means a safety net concession card issued under section 84DA and includes an additional concession card, or a replacement concession card, issued under section 84H.

concession card prescription means a prescription that, in accordance with section 84AA, is a prescription for the supply of a pharmaceutical benefit to a person who is a holder of a concession card.

CTS claim means a claim made to the Chief Executive Medicare using the procedures of the Claims Transmission System provided for in section 99AAA of the *National Health Act 1953*.

dependant has the meaning given by subsections (4) and (7).

determined price means the amount specified in a determination in force under subsection 85B(2).

determined quantity of a listed brand of a pharmaceutical item: see subsection 84AK(3).

drug in a combination item means the drug referred to in paragraph 84AB(a) in the application of that paragraph to the pharmaceutical item that is the combination item.

drug in a pharmaceutical item means the drug referred to in paragraph 84AB(a) in the application of that paragraph to the pharmaceutical item.

drug is in Part A of F2 has the meaning given by section 84AD.

drug is in Part T of F2 has the meaning given by section 84AD.

drug is on F1 has the meaning given by section 84AC.

drug is on F2 has the meaning given by section 84AC.

early supply of a specified pharmaceutical benefit has the meaning given by subsection 84AAA(1).

eligible midwife has the meaning given by section 84AAE.

eligible nurse practitioner has the meaning given by section 84AAI.

entitlement card means a pharmaceutical benefits entitlement card issued under section 84E and includes an additional entitlement card, or a replacement entitlement card, issued under section 84H.

entitlement card prescription means a prescription that, in accordance with section 84AA, is a prescription for the supply of a pharmaceutical benefit to a person who is a holder of an entitlement card.

exempt item means a pharmaceutical item determined by the Minister under section 84AH to be an exempt item.

expiry date, in relation to a medicare number, means:

(a) if the number is recorded on a medicare card that specifies a particular date on which the card expires—that date; and

(b) if the number is recorded on a medicare card that does not specify a particular date on which the card expires but that has recorded on it the month at the end of which the card expires—the last day of that month; and

(c) if the number is not of a kind referred to in paragraph (a) or (b)—such date as the Minister specifies, in writing, in respect of the number.

friendly society body means a body (whether corporate or unincorporate) carrying on business for the benefit of members of a friendly society or friendly societies.

general benefit prescription means a prescription other than:

(b) a concessional benefit prescription; or

(c) an entitlement card prescription; or

(d) a concession card prescription.

general patient means a person who is an eligible person within the meaning of the *Health Insurance Act 1973*, but who is not a concessional beneficiary.

hospital means premises in which patients are received and lodged for the purpose of hospital treatment.

hospital authority means the governing body of a public hospital or the proprietor of a private hospital.

listed brand of a pharmaceutical item means a brand of the pharmaceutical item in relation to which a determination under subsection 85(6) is in force.

listed drug means a drug or medicinal preparation in relation to which a declaration under subsection 85(2) is in force.

medicare card means:

(a) a card issued by the Chief Executive Medicare and commonly known as a medicare card; or

(b) a card or written authorisation provided to a person that evidences a person's eligibility for pharmaceutical benefits under:

(i) the scheme known as the Repatriation Pharmaceutical Benefits Scheme established under the *Veterans' Entitlements Act 1986*; or

(ii) a scheme that applies under section 18 of the *Australian Participants in British Nuclear Tests (Treatment) Act 2006*; or

(c) any other card that is prescribed for the purposes of this definition.

medicare number means:

(a) in relation to a particular person covered by a medicare card—the particular combination of numbers, or letters and numbers, on the card that is applicable only to that person as a person covered by that card; and

(b) in relation to a person who the Chief Executive Medicare is satisfied is, or is entitled to be treated as, an eligible person within the meaning of the *Health Insurance Act 1973* but who is not covered by a medicare card—the particular combination of numbers, or letters and numbers, that would be applicable to that person if that person were covered by a medicare card.

member means a member of the Tribunal, and includes the Chairperson.

nurse practitioner treatment, in relation to a nurse practitioner, means treatment that the nurse practitioner is authorised (however described) to provide under a law of a State or an internal Territory.

optometrist means a person registered or licensed as an optometrist or optician under a law of a State or an internal Territory that provides for the registration or licensing of optometrists or opticians.

out-patient medication means a drug or medicinal preparation supplied through the out-patient department of a public hospital.

pack quantity of a listed brand of a pharmaceutical item: see subsection 84AK(2).

participating dental practitioner means a dental practitioner in relation to whom an approval is in force under section 84A.

PBS prescriber means:

(a) a medical practitioner; or

(b) a participating dental practitioner; or

(c) an authorised optometrist; or

(d) an authorised midwife; or

(e) an authorised nurse practitioner.

pharmaceutical benefit means the following:

(a) if a declaration under subsection 85(2) is in force in relation to a drug or medicinal preparation (the ***drug***) and paragraph (b), (c) and (d) do not apply—the drug;

(b) if a determination under subsection 85(3) is in force in relation to a form of the drug and paragraph (c) and (d) do not apply—the drug in that form;

(c) if a determination under subsection 85(5) is in force in relation to a manner of administration of that form of the drug and paragraph (d) does not apply—the drug in that form with that manner of administration;

(d) if a determination under subsection 85(6) is in force in relation to a brand of a pharmaceutical item that is the drug in that form with that manner of administration—that brand of the drug in that form with that manner of administration.

pharmaceutical benefit has a drug: see subsection 84ABA(3).

pharmaceutical item has the meaning given by section 84AB.

pharmaceutical item has a drug: see subsection 84ABA(1).

prescriber bag provisions means the following:

(a) section 93 (supplies by medical practitioners);

(b) section 93AA (supplies by authorised midwives);

(c) section 93AB (supplies by authorised nurse practitioners).

price agreement means an agreement under section 85AD.

price determination means a determination under subsection 85B(2).

pricing quantity of a listed brand of a pharmaceutical item: see subsection 84AK(1).

proportional ex-manufacturer price of a listed brand of a pharmaceutical item: see section 85D.

record form means a pharmaceutical benefits prescription record form, or an out-patient medication prescription record form, issued under section 84D.

refund agreement means an agreement or arrangement under which a payment may be made by or at the direction of a person to another person in the event of the other person being charged an amount in respect of the supply of a pharmaceutical benefit.

relevant entitlement period means:

(a) in the application of this Part before 1 January 1992:
  (i) in relation to a pensioner—the period commencing on 1 November 1990 and ending on 31 December 1991; or
  (ii) in relation to any other person—the year commencing on 1 January 1990 or 1 January 1991; or
(b) in the application of this Part on or after 1 January 1992:
  (i) the year commencing on 1 January 1992; or
  (ii) a succeeding year.

relevant price: see subsection 99ACF(5).

repatriation pharmaceutical benefit means a pharmaceutical benefit within the meaning of section 91 of the *Veterans' Entitlements Act 1986* or subsection 4(1) of the *Australian Participants in British Nuclear Tests (Treatment) Act 2006*.

responsible person for a brand of a pharmaceutical item means the person determined by the Minister under section 84AF to be the responsible person for the brand of the pharmaceutical item.

Schedule equivalent has the meaning given by section 84AJ.

special number, in relation to a particular person who is included within a class of persons identified by the Minister in a determination under subsection 86E(1)—the particular combination of numbers, or letters and numbers, allocated in accordance with a procedure set out in that determination, that is applicable to that person as a person included in that class.

special patient contribution has the meaning given by subsection 85B(5).

State or Territory officer means:

(a) the Governor of a State; or

Note: See also section 16B of the *Acts Interpretation Act 1901*.

(b) the Administrator, an Acting Administrator, or a Deputy Administrator, of the Northern Territory; or

(c) a Minister of a State, a Minister for the Australian Capital Territory or a Minister of the Northern Territory; or

(d) a member of the Parliament of a State, a member of the Legislative Assembly for the Australian Capital Territory or a member of the Legislative Assembly of the Northern Territory; or

(e) a person who is in the employment of a State or Territory; or

(f) a person who holds or performs the duties of any office or position established by or under a law of a State or Territory; or

(g) a member of the police force or police service of a State or Territory.

subject to a 12.5% price reduction: see subsection 99ACA(2).

subject to a 16% price reduction: see subsection 99ACA(2A).

subject to an outstanding staged reduction: see subsection 99ACA(1).

therapeutic group means a therapeutic group determined by the Minister under section 84AG.

Tribunal means the Pharmaceutical Benefits Remuneration Tribunal established by section 98A.

(1A) Where a refund agreement was entered into before 24 April 1964, and, on or after that date:

(a) the agreement was or is renewed on or before the date on which it would, but for that renewal, have expired;

(b) the period of operation of the agreement was or is extended on or before the date on which it would, but for that extension, have expired; or

(c) the rights and obligations under the agreement of the party by or at whose direction payments may be made under the agreement were or are transferred to another person;

the renewal, extension or transfer shall, for the purposes of this Act, be deemed not to have been or to be an entering into a new agreement.

(1B) If:

(a) a prescription directs a repeated supply of a pharmaceutical benefit (the ***specified benefit***); and

(b) another pharmaceutical benefit (the ***supplied benefit***) is supplied, on the repeated supply, in accordance with subsection 103(2A);

then, for the purposes of determining whether a repeated supply of the specified benefit has occurred, the supplied benefit is taken to be the repeated supply, upon the prescription, of the specified benefit.

(2) In this Part, a reference to the supply, obtaining or receipt of a pharmaceutical benefit shall, unless the contrary intention appears, be read as a reference to the supply, obtaining or receipt of that pharmaceutical benefit under this Part.

(2A) A reference in this Part to a prescription for the supply of a pharmaceutical benefit to a person who is a holder of a concession card or an entitlement card is a reference to a prescription for the supply of a pharmaceutical benefit to a person who is, at the time when the prescription is written or communicated, or becomes, after the prescription is written or communicated and before the benefit is supplied upon the prescription, a holder of a concession card or an entitlement card.

(3) If the Minister so determines, the Minister of State of a State administering the laws of that State relating to public hospitals shall, for the purposes of this Part, be deemed to be the governing body of the public hospitals in that State.

(3A) A reference in this Part to the governing body, in relation to a public hospital in the Territory of Cocos (Keeling) Islands or the Territory of Christmas Island, shall be read as a reference to the Administrator of the relevant Territory.

(3B) A reference in the definition of ***child*** in subsection (1) to a child of a member includes a reference to:

(a) an adoptive child or a stepchild of the person; and

(b) someone who would be the stepchild of the person except that the person is not legally married to the person's de facto partner; and

(c) someone who is a child of the person within the meaning of the *Family Law Act 1975*.

(4) A ***dependant***, in relation to a person to whom paragraph (c) or (d) of the definition of ***concessional beneficiary*** applies, is a person who is an Australian resident within the meaning of the *Health Insurance Act 1973* and:

(a) the spouse of the person; or

(b) a child under the age of 16 years who is in the custody, care and control of the person or the spouse of the person; or

(c) a person who:

(i) has attained the age of 16 years but is under the age of 25 years; and

(ii) is receiving full time education at a school, college or university; and

(iii) is not being paid a disability support pension under the *Social Security Act 1991*; and

(iv) is wholly or substantially dependent on the person or on the spouse of the person.

(7) For the purposes of this Part, if:

(a) paragraph (e) of the definition of ***concessional beneficiary*** applies to a person (the ***seniors health card holder***); and

(b) no other paragraph of the definition of ***concessional beneficiary*** applies to the seniors health card holder;

a person who, apart from this subsection, would be a dependant of the seniors health card holder is taken not to be a dependant of the seniors health card holder.

Note: A person who is the holder of a seniors health card within the meaning of the *Veterans' Entitlements Act 1986* is a person to whom paragraph (e) of the definition of ***concessional beneficiary*** applies.

(8) A reference in this Part to the provision to a person or body of a medicare number as a number applicable to a particular individual is a reference to:

(a) the production to that person or body of a medicare card having on it a medicare number as a number applicable to that particular individual; or

(b) the provision to that person or body of any other information, whether documentary or oral, that indicates a medicare number as a number applicable to that particular individual.

(9) A reference in this Part to the provision to a person or body of the expiry date in relation to a medicare number provided as a number applicable to a particular individual is a reference to:

(a) the production to the person or body of a medicare card that indicates the expiry date in relation to that medicare number; or

(b) the provision to the person or body of any other information, whether documentary or oral, that indicates the expiry date in relation to that medicare number.

(10) A reference in this Part to a medicare number, or a special number, ultimately supplied to the Chief Executive Medicare in relation to a prescription, is a reference to:

(a) if the number is not inserted in a CTS claim relating to that prescription—the number in the form in which it appears on the prescription (or in the case of a communicated prescription, the written version of the prescription), at the time when the prescription is sent to the Chief Executive Medicare by an approved supplier with a claim for payment; or

(b) if that number is inserted in a CTS claim relating to the prescription—the number so inserted.

84AAA Early supply of a specified pharmaceutical benefit

(1) A supply of a pharmaceutical benefit to a person (whether or not that supply is a supply of a kind described in paragraph 84C(4A)(a)) is an ***early supply of a specified pharmaceutical benefit*** if:

(a) the supply of the pharmaceutical benefit is made within 20 days after the day of a previous supply to the person of:

(i) the pharmaceutical benefit; or

(ii) another pharmaceutical benefit that has the same pharmaceutical item as the pharmaceutical benefit; or

(iii) another pharmaceutical benefit that is Schedule equivalent to the pharmaceutical benefit;

whether or not the previous supply was a supply of a kind described in paragraph 84C(4A)(a); and

(b) the pharmaceutical item in the pharmaceutical benefit is specified in an instrument under subsection (2); and

(c) the supply does not result from a prescription originating from a hospital.

Note: For ***hospital*** see subsection 4(1).

(2) The Minister may, by legislative instrument, specify pharmaceutical items for the purposes of paragraph (1)(b).

Note: For specification by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.

(3) A pharmaceutical item may be specified in an instrument under subsection (2) by reference to:

(a) the circumstances in which a pharmaceutical benefit that has the pharmaceutical item is supplied; or

(b) any other circumstances in relation to a pharmaceutical benefit that has the pharmaceutical item.

84AA Concessional benefit prescriptions, concession card prescriptions and entitlement card prescriptions

(1) A prescription that is written by a PBS prescriber in accordance with the Act and the regulations shall not be taken, for the purposes of this Part, to be a prescription in respect of a concessional beneficiary or a person who, in relation to a concessional beneficiary, is a dependant of the beneficiary within the meaning of subsection 84(4) or (7) unless there is written or marked on the prescription, or there purports to be written or marked on the prescription, in such manner as is prescribed by regulations made for the purposes of this subsection, such information relating to the status of the person to whom the prescription relates as such a concessional beneficiary or dependant as is prescribed by those last-mentioned regulations in relation to persons having that status.

(1A) A prescription that is written by a PBS prescriber in accordance with this Act and the regulations shall not be taken, for the purposes of this Part, to be a prescription for the supply of a pharmaceutical benefit to a person who is a holder of a concession card or an entitlement card unless there is written or marked on the prescription, or there purports to be written or marked on the prescription, in such a manner as is prescribed by regulations made for the purposes of this subsection, such information relating to the status of the person to whom the prescription relates as a holder of a concession card or an entitlement card as is prescribed by those last-mentioned regulations.

(2) A prescription that is communicated to an approved pharmacist in pursuance of paragraph 89(a) in such circumstances as are prescribed for the purposes of that paragraph shall not be taken, for the purposes of this Part, to be a prescription in respect of a concessional beneficiary or a person who, in relation to a concessional beneficiary, is a dependant of the beneficiary within the meaning of subsection 84(4) or (7) unless, before supply of the pharmaceutical benefit upon that prescription, there is communicated, or there is purportedly communicated, to the pharmacist, in such manner as is prescribed by regulations made for the purposes of this subsection, such information relating to the status of the person to whom the prescription relates as such a

concessional beneficiary or dependant as is prescribed by those last-mentioned regulations in relation to persons having that status.

(3) A prescription that is communicated to an approved pharmacist in pursuance of paragraph 89(a) in such circumstances as are prescribed for the purposes of that paragraph shall not be taken, for the purposes of this Part, to be a prescription for the supply of a pharmaceutical benefit to a person who is a holder of a concession card or an entitlement card unless, before supply of the benefit upon that prescription, there is communicated, or there is purportedly communicated, to the pharmacist, in such manner as is prescribed by regulations made for the purposes of this subsection, such information relating to the status of the person to whom the prescription relates as a holder of a concession card or an entitlement card as is prescribed by those last-mentioned regulations.

(4) Nothing in subsection (1), (1A), (2) or (3) shall be read as derogating from subsection 87(3A).

84A Participating dental practitioners

(1) A dental practitioner may give to the Secretary a notification, in writing, that the dental practitioner wishes to become a participating dental practitioner for the purposes of this Part.

(2) Where the Secretary receives a notification under subsection (1), the Secretary shall, by writing signed by the Secretary, approve the dental practitioner concerned as a participating dental practitioner for the purposes of this Part.

(3) The Secretary shall notify the dental practitioner concerned of the dental practitioner's approval under this section.

84AAB Authorised optometrists

(1) An optometrist may apply to the Secretary, in writing, to be an authorised optometrist for the purposes of this Part.

(2) The Secretary may approve the application if satisfied that the optometrist meets the criteria determined under paragraph (3)(a).

The approval is subject to any conditions determined under paragraph (3)(b).

(3) The Minister may, by legislative instrument, determine either or both of the following:

(a) criteria by which applications are to be considered under this section;

(b) conditions to which approvals under this section are subject.

(4) The Secretary must, as soon as is practicable, approve or reject an application under subsection (1) and notify the applicant in writing of the decision.

Note: Section 27A of the *Administrative Appeals Tribunal Act 1975* requires the person to be notified of the person's review rights.

84AAC Secretary may suspend or revoke approval of authorised optometrist

(1) The Secretary may suspend or revoke an approval under section 84AAB if satisfied that the optometrist to whom the approval relates:

(a) does not, at the time of the suspension or revocation, meet the criteria that would apply if the optometrist were to apply under subsection 84AAB(1) to be an authorised optometrist at that time; or

(b) has breached a condition to which the approval is subject under paragraph 84AAB(3)(b); or

(c) has breached a condition to which an approval would be subject under paragraph 84AAB(3)(b) if the person were to apply under subsection 84AAB(1) to be an authorised optometrist at that time.

(2) Before deciding to suspend or revoke the approval, the Secretary must notify the optometrist that suspension or revocation is being considered. The notice must:

(a) be in writing; and

(b) include the Secretary's reasons for considering the suspension or revocation; and

(c) invite the optometrist to make written submission to the Secretary within the period of 28 days (the ***submission period***) after being given the notice.

(3) In deciding whether to suspend or revoke the approval, the Secretary must consider any written submissions made by the optometrist during the submission period.

(4) The Secretary must give to the optometrist written notice of the decision. If the decision is to suspend an approval, the notice must specify the period for which the approval is suspended.

Note: Section 27A of the *Administrative Appeals Tribunal Act 1975* requires the person to be notified of the person's review rights.

(5) If the Secretary does not give the optometrist written notice of the decision within the period of 60 days after the end of the submission period, the Secretary is taken to have decided not to suspend or revoke the approval.

(6) If the Secretary suspends the approval, the Secretary may, by written notice at any time, further suspend or revoke the approval under subsection (1) or remove the suspension.

84AAD Review of decisions relating to authorised optometrists

(1) If the Secretary:

(a) decides not to approve an optometrist under section 84AAB; or

(b) suspends or revokes the approval of an optometrist under section 84AAC;

the optometrist may apply, in writing, to the Secretary for reconsideration by the Secretary of the decision.

(2) On receiving an application under subsection (1) relating to a decision not to approve an optometrist under section 84AAB, the Secretary must reconsider the decision and:

(a) affirm the decision; or

(b) approve the optometrist.

An approval under paragraph (b) is taken, for the purposes of this Act, to be an approval under section 84AAB.

(3) On receiving an application under subsection (1) relating to a suspension or revocation of the approval of an optometrist under section 84AAC, the Secretary must reconsider the decision and:

(a) affirm the suspension or revocation; or

(b) reinstate the approval of the optometrist.

A reinstatement under paragraph (b) has effect as if the approval had never been revoked.

(4) The Secretary must give to the applicant written notice of the Secretary's decision under subsection (2) or (3).

Note: Sections 105AC of this Act and 27A of the *Administrative Appeals Tribunal Act 1975* require the person to be notified of the person's review rights.

(5) In this section:

decision has the same meaning as in the *Administrative Appeals Tribunal Act 1975*.

84AAE Meaning of *eligible midwife*

(1) For the purposes of this Part, a person is an ***eligible midwife*** if the person:

(a) is a midwife; and

(b) meets the requirements set out in a determination made under subsection (3).

(2) However, if there is no determination in force under subsection (3), a person cannot be an ***eligible midwife*** for the purposes of this Part.

(3) The Minister may, by legislative instrument, determine one or more requirements that a specified person must meet in order to be an ***eligible midwife*** for the purposes of this Part.

(4) The requirements that may be determined under subsection (3), include (but are not limited to) one or more of the following:

(a) a requirement to hold particular qualifications in midwifery;

(b) a requirement to have particular experience in midwifery;

(c) a requirement to be credentialled by a particular body.

84AAF Authorised midwives

(1) An eligible midwife may apply to the Secretary, in writing, to be an authorised midwife for the purposes of this Part.

(2) The Secretary may approve the application if satisfied that the eligible midwife meets the criteria determined under paragraph (3)(a). The approval is subject to any conditions determined under paragraph (3)(b).

(3) The Minister may, by legislative instrument, determine either or both of the following:
   (a) criteria by which applications are to be considered under this section;
   (b) conditions to which approvals under this section are subject.

(4) The Secretary must, as soon as is practicable, approve or reject an application under subsection (1) and notify the applicant in writing of the decision.

Note: Section 27A of the *Administrative Appeals Tribunal Act 1975* requires the person to be notified of the person's review rights.

84AAG Secretary may suspend or revoke approval of authorised midwife

(1) The Secretary may suspend or revoke an approval under section 84AAF if satisfied that the person to whom the approval relates:
   (a) is not, at the time of the suspension or revocation, an eligible midwife; or
   (b) does not, at the time of the suspension or revocation, meet the criteria that would apply if the person were to apply under subsection 84AAF(1) to be an authorised midwife at that time; or
   (c) has breached a condition to which the approval is subject under paragraph 84AAF(3)(b); or
   (d) has breached a condition to which an approval would be subject under paragraph 84AAF(3)(b) if the person were to apply under subsection 84AAF(1) to be an authorised midwife at that time.

(2) Before deciding to suspend or revoke the approval, the Secretary must notify the person that suspension or revocation is being considered. The notice must:
   (a) be in writing; and
   (b) include the Secretary's reasons for considering the suspension or revocation; and
   (c) invite the person to make written submissions to the Secretary within the period of 28 days (the ***submission period***) after being given the notice.

(3) In deciding whether to suspend or revoke the approval, the Secretary must consider any written submissions made by the person during the submission period.

(4) The Secretary must give to the person written notice of the decision. If the decision is to suspend an approval, the notice must specify the period for which the approval is suspended.

   Note: Section 27A of the *Administrative Appeals Tribunal Act 1975* requires the person to be notified of the person's review rights.

(5) If the Secretary does not give the person written notice of the decision within the period of 60 days after the end of the submission period, the Secretary is taken to have decided not to suspend or revoke the approval.

(6) If the Secretary suspends the approval, the Secretary may, by written notice at any time, further suspend or revoke the approval under subsection (1) or remove the suspension.

84AAH Review of decisions relating to authorised midwives

(1) If the Secretary:
   (a) decides not to approve an eligible midwife under section 84AAF; or
   (b) suspends or revokes an approval under section 84AAG;

the person to whom the approval relates may apply, in writing, to the Secretary for reconsideration by the Secretary of the decision.

(2) On receiving an application under subsection (1) relating to a decision not to approve an eligible midwife under section 84AAF, the Secretary must reconsider the decision and:

(a) affirm the decision; or

(b) approve the eligible midwife.

An approval under paragraph (b) is taken, for the purposes of this Act, to be an approval under section 84AAF.

(3) On receiving an application under subsection (1) relating to a suspension or revocation of an approval under section 84AAG, the Secretary must reconsider the decision and:

(a) affirm the suspension or revocation; or

(b) reinstate the approval.

A reinstatement under paragraph (b) has effect as if the approval had never been revoked.

(4) The Secretary must give to the applicant written notice of the Secretary's decision under subsection (2) or (3).

Note: Sections 105AC of this Act and 27A of the *Administrative Appeals Tribunal Act 1975* require the person to be notified of the person's review rights.

(5) In this section:

decision has the same meaning as in the *Administrative Appeals Tribunal Act 1975*.

84AAI Meaning of *eligible nurse practitioner*

(1) For the purposes of this Part, a person is an ***eligible nurse practitioner*** if the person:

(a) is a nurse practitioner; and

(b) meets the requirements (if any) set out in a determination made under subsection (2).

(2) The Minister may, by legislative instrument, determine one or more requirements that a specified person must meet in order to be an ***eligible nurse practitioner*** for the purposes of this Part.

84AAJ Authorised nurse practitioners

(1) An eligible nurse practitioner may apply to the Secretary, in writing, to be an authorised nurse practitioner for the purposes of this Part.

(2) The Secretary may approve the application if satisfied that the eligible nurse practitioner meets the criteria determined under paragraph (3)(a). The approval is subject to any conditions determined under paragraph (3)(b).

(3) The Minister may, by legislative instrument, determine either or both of the following:
   (a) criteria by which applications are to be considered under this section;
   (b) conditions to which approvals under this section are subject.

(4) The Secretary must, as soon as is practicable, approve or reject an application under subsection (1) and notify the applicant in writing of the decision.

Note: Section 27A of the *Administrative Appeals Tribunal Act 1975* requires the person to be notified of the person's review rights.

84AAK Secretary may suspend or revoke approval of authorised nurse practitioner

(1) The Secretary may suspend or revoke an approval under section 84AAJ if satisfied that the person to whom the approval relates:
   (a) is not, at the time of the suspension or revocation, an eligible nurse practitioner; or
   (b) does not, at the time of the suspension or revocation, meet the criteria that would apply if the person were to apply under subsection 84AAJ(1) to be an authorised nurse practitioner at that time; or
   (c) has breached a condition to which the approval is subject under paragraph 84AAJ(3)(b); or
   (d) has breached a condition to which an approval would be subject under paragraph 84AAJ(3)(b) if the person were to

apply under subsection 84AAJ(1) to be an authorised nurse practitioner at that time.

(2) Before deciding to suspend or revoke the approval, the Secretary must notify the person that suspension or revocation is being considered. The notice must:
   (a) be in writing; and
   (b) include the Secretary's reasons for considering the suspension or revocation; and
   (c) invite the person to make written submissions to the Secretary within the period of 28 days (the ***submission period***) after being given the notice.

(3) In deciding whether to suspend or revoke the approval, the Secretary must consider any written submissions made by the person during the submission period.

(4) The Secretary must give to the person written notice of the decision. If the decision is to suspend an approval, the notice must specify the period for which the approval is suspended.

Note: Section 27A of the *Administrative Appeals Tribunal Act 1975* requires the person to be notified of the person's review rights.

(5) If the Secretary does not give the person written notice of the decision within the period of 60 days after the end of the submission period, the Secretary is taken to have decided not to suspend or revoke the approval.

(6) If the Secretary suspends the approval, the Secretary may, by written notice at any time, further suspend or revoke the approval under subsection (1) or remove the suspension.

84AAL Review of decisions relating to authorised nurse practitioners

(1) If the Secretary:
   (a) decides not to approve an eligible nurse practitioner under section 84AAJ; or
   (b) suspends or revokes an approval under section 84AAK;

the person to whom the approval relates may apply, in writing, to the Secretary for reconsideration by the Secretary of the decision.

(2) On receiving an application under subsection (1) relating to a decision not to approve an eligible nurse practitioner under section 84AAJ, the Secretary must reconsider the decision and:

(a) affirm the decision; or

(b) approve the eligible nurse practitioner.

An approval under paragraph (b) is taken, for the purposes of this Act, to be an approval under section 84AAJ.

(3) On receiving an application under subsection (1) relating to a suspension or revocation of an approval under section 84AAK, the Secretary must reconsider the decision and:

(a) affirm the suspension or revocation; or

(b) reinstate the approval.

A reinstatement under paragraph (b) has effect as if the approval had never been revoked.

(4) The Secretary must give to the applicant written notice of the Secretary's decision under subsection (2) or (3).

Note: Sections 105AC of this Act and 27A of the *Administrative Appeals Tribunal Act 1975* require the person to be notified of the person's review rights.

(5) In this section:

decision has the same meaning as in the *Administrative Appeals Tribunal Act 1975*.

84AB Pharmaceutical items

If:

(a) a declaration under subsection 85(2) is in force in relation to a drug or medicinal preparation (the ***drug***); and

(b) a determination under subsection 85(3) is in force in relation to a form of the drug; and

(c) a determination under subsection 85(5) is in force in relation to a manner of administration of that form of the drug;

then the drug in that form with that manner of administration is a ***pharmaceutical item***.

84ABA References to pharmaceutical items, combination items or pharmaceutical benefits having a drug

(1) A reference in this Part to a pharmaceutical item having a drug is a reference to the pharmaceutical item having the drug or medicinal preparation referred to in paragraph 84AB(a) in the application of that paragraph to the pharmaceutical item.

(2) A reference in this Part to a combination item having a drug is a reference to the combination item having the drug or medicinal preparation referred to in paragraph 84AB(a) in the application of that paragraph to the pharmaceutical item that is the combination item.

(3) A reference in this Part to a pharmaceutical benefit having a drug is a reference to the pharmaceutical benefit having the drug or medicinal preparation referred to in paragraph (a) of the definition of ***pharmaceutical benefit*** in subsection 84(1) in relation to the pharmaceutical benefit.

84AC When listed drug is on F1 or F2

F1

(1) A ***drug is on F1*** if there is a determination in force under section 85AB or 99AEJ that the drug is on F1.

(2) A ***drug is on F1*** if:
  (a) the regulations prescribe that the drug is on F1; and
  (b) there is not a determination under section 85AB in force that the drug is on F2.

F2

(3) A ***drug is on F2*** if there is a determination in force under section 85AB that the drug is on F2.

(4) A ***drug is on F2*** if the regulations prescribe that the drug is on F2.

Regulations

(5) On the day on which this section commences, the regulations may prescribe that a drug or medicinal preparation that is a listed drug on that day is on F1 or F2.

84AD When listed drug is in Part A or Part T of F2

Part A

(1) A ***drug is in Part A of F2*** if there is a determination in force under section 85AC that the drug is in Part A of F2.

(2) A ***drug is in Part A of F2*** if the regulations prescribe that the drug is in Part A of F2.

Part T

(3) A ***drug is in Part T of F2*** if there is a determination in force under section 85AC that the drug is in Part T of F2.

(4) A ***drug is in Part T of F2*** if the regulations prescribe that the drug is in Part T of F2.

Regulations

(5) Regulations made under subsection 84AC(5) that prescribe that a drug is on F2 may also prescribe that the drug is in Part A or Part T of F2.

(6) Regulations made for subsection (2) or (4) cease to be in force on 1 December 2010.

(7) Regulations made for subsection (5), to the extent that they prescribe that a drug is in Part A or Part T of F2, cease to be in force on 1 December 2010.

Note: Subsection (7) does not affect the regulations to the extent that they prescribe that a drug is on F1 or F2.

84AE Co-marketed brands

When co-marketed brands are to be treated as one brand

(1) For the purposes of section 85AB, 2 or more brands of a pharmaceutical item that are co-marketed brands of the pharmaceutical item are to be treated as if they were only one brand of the pharmaceutical item.

Meaning of co-marketed brands

(2) 2 or more brands of a pharmaceutical item are ***co-marketed brands*** of the pharmaceutical item if:

(a) a determination is in force under subsection (3) that the brands are co-marketed brands of the pharmaceutical item; or

(b) both of the following apply:

(i) the regulations prescribe under subsection (4) that the brands are co-marketed brands of the pharmaceutical item;

(ii) there is no determination in force under subsection (3B) that the brands cease to be co-marketed brands of the pharmaceutical item.

Ministerial determination

(3) The Minister may, by legislative instrument, determine that 2 or more brands (the ***co-marketed brands***) of a pharmaceutical item (the ***co-marketed item***) are co-marketed brands of the co-marketed item if the following paragraphs are satisfied:

(a) within 4 months of the first of the co-marketed brands of the co-marketed item being included on the Australian Register of Therapeutic Goods, applications are made to include the other co-marketed brands of the co-marketed item on the Register;

(b) the first determination that is made under subsection 85(6) in relation to a brand of the co-marketed item is made only in relation to the co-marketed brands of the co-marketed item;

(c) each of the co-marketed brands is a listed brand of the co-marketed item;

(d) no other brand is a listed brand of the co-marketed item;

(e) if there is another pharmaceutical item that has the same drug as the co-marketed item:

(i) each of the co-marketed brands is a listed brand of that pharmaceutical item; and

(ii) no other brand is a listed brand of that pharmaceutical item.

(3A) The Minister may, by legislative instrument, vary or revoke a determination under subsection (3) so that all brands (the ***co-marketed brands***) that are co-marketed brands of a pharmaceutical item (the ***co-marketed item***) cease to be co-marketed brands of the co-marketed item if:

(a) any of the co-marketed brands is not a listed brand of the co-marketed item; or

(b) another brand is a listed brand of the co-marketed item; or

(c) if there is another pharmaceutical item that has the same drug as the co-marketed item:

(i) any of the co-marketed brands is not a listed brand of that pharmaceutical item; or

(ii) another brand is a listed brand of that pharmaceutical item.

(3B) The Minister may, by legislative instrument, determine that all brands (the ***co-marketed brands***) that are prescribed by the regulations as being co-marketed brands of a pharmaceutical item (the ***co-marketed item***) cease to be co-marketed brands of the co-marketed item if:

(a) any of the co-marketed brands is not a listed brand of the co-marketed item; or

(b) another brand is a listed brand of the co-marketed item; or

(c) if there is another pharmaceutical item that has the same drug as the co-marketed item:

(i) any of the co-marketed brands is not a listed brand of that pharmaceutical item; or

(ii) another brand is a listed brand of that pharmaceutical item.

Regulations

(4) For the purposes of paragraph (2)(b), on the day on which this section commences, the regulations may prescribe that 2 or more brands that are listed brands of a pharmaceutical item on that day are co-marketed brands of the pharmaceutical item.

84AF Responsible person for a brand of a pharmaceutical item

(1) The Minister may, by legislative instrument, determine that a person is the responsible person for a brand of a pharmaceutical item if:

(a) the person notified the Minister that the person is or will be the supplier of the brand of the pharmaceutical item to:

(i) wholesalers; or

(ii) in the case of a supply where wholesalers are not involved—approved pharmacists directly; and

(b) the brand of the pharmaceutical item is a listed brand; and

(c) there is no determination in force under this section that another person is the responsible person for:

(i) the brand of the pharmaceutical item; or

(ii) the brand of any other pharmaceutical item.

(2) The notification referred to in paragraph (1)(a) may be made before or after the commencement of this section.

84AG Therapeutic groups

Determinations

(1) The Minister may, by legislative instrument, determine:

(a) one or more therapeutic groups; and

(b) that 2 or more listed drugs are in the same therapeutic group.

(1A) If the Minister proposes to make a determination under paragraph (1)(a), the Minister must obtain the advice in writing of the Pharmaceutical Benefits Advisory Committee in relation to the proposed determination.

(2) A determination for the purposes of paragraph (1)(b) may specify the circumstances in which a listed drug is, or is not, in a therapeutic group.

(3) In making a determination for the purposes of paragraph (1)(b), the Minister may have regard to advice (if any) given (whether before or after the commencement of this section) to the Minister by the Pharmaceutical Benefits Advisory Committee to the effect that a drug or medicinal preparation should, or should not, be treated as interchangeable on an individual patient basis with another drug or medicinal preparation.

(4) If:

(a) section 99ADH has applied to a brand of a pharmaceutical item; and

(b) the Minister has determined, under paragraph (1)(b), that the drug in the pharmaceutical item is in a therapeutic group;

the Minister must, by legislative instrument, vary the determination to remove the drug from that group with effect on the day that section 99ADH applied to the brand of the pharmaceutical item.

(5) Without limiting the powers of the Minister under subsection (1), the Minister may, by legislative instrument, vary a determination to remove a drug from a therapeutic group that contains only 2 drugs. In that case, the group will contain only that remaining drug.

Regulations

(6) On the day on which this section commences, the regulations may prescribe one or more therapeutic groups.

84AH Exempt items

The Minister may, by legislative instrument, determine that a pharmaceutical item (the ***relevant item***) is an ***exempt item*** if:

(a) there is only one listed brand of the relevant item; and

(b) there are no listed brands of other pharmaceutical items that are bioequivalent or biosimilar to the listed brand of the relevant item; and

(c) the relevant item and at least one listed brand of another pharmaceutical item have the same drug; and

(d) the Minister is satisfied, having regard to advice (if any) given to the Minister by the Pharmaceutical Benefits Advisory Committee (whether before or after the commencement of this section), that:

(i) the listed drug in the relevant item represents suitable therapy for a particular patient population; and

(ii) the relevant item is suitable for use by a particular subgroup of that population because of either or both of the form and manner of administration of the drug in the item; and

(iii) no other pharmaceutical item that has that drug is suitable for use by that subgroup because of either or both of the form and manner of administration of the drug in that other item.

84AI Rounding amounts

If an amount worked out under this Part is not a number of whole cents, round the amount to the nearest cent (rounding 0.5 cents upwards).

84AJ When pharmaceutical benefits are Schedule equivalent

A pharmaceutical benefit (the ***first benefit***) is ***Schedule equivalent*** to another pharmaceutical benefit (the ***second benefit***) if the Schedule of Pharmaceutical Benefits referred to in paragraph 103(2A)(b) states that the first benefit and the second benefit are equivalent.

84AK Quantities of pharmaceutical items

Pricing quantity

(1) The ***pricing quantity*** of a listed brand of a pharmaceutical item is the lowest of any pack quantity of any listed brand of the pharmaceutical item.

Pack quantity

(2) The Minister may, by legislative instrument, determine for a listed brand of a pharmaceutical item that one or more quantities or numbers of units of the pharmaceutical item is a ***pack quantity*** of the brand of the pharmaceutical item.

Determined quantity

(3) The Minister may, by legislative instrument, determine for a listed brand of a pharmaceutical item that one or more quantities or numbers of units of the pharmaceutical item is a ***determined quantity*** of the brand of the pharmaceutical item.

Division 1A—Safety net concession cards and pharmaceutical benefits entitlement cards

84B Family relationships

(1) For the purposes of this Division, the following are the members of a person's family:
  (a) the person's spouse;
  (b) any dependent child of the person or the person's spouse.

(2) For the purposes of this section, a person who is, at any time during a relevant entitlement period, a dependent child of another person shall be taken to be a dependent child of that other person throughout the remainder of that period.

(3) For the purposes of this section, a person shall not be taken to have the custody of a child unless the person, whether alone or jointly with another person, has the right to have, and to make decisions concerning, the daily care and control of the child.

(4) In this section:

child means a person who:
  (a) is under the age of 16 years; or
  (b) is a student child.

dependent child, in relation to a person, means:
  (a) a child under the age of 16 years who is:
    (i) in the custody, care and control of the person; or
    (ii) where no other person has the custody, care and control of the child—is wholly or substantially in the care and control of the person; or
  (b) a student child who is wholly or substantially dependent on the person.

spouse, in relation to a person, means:
  (a) a person who is legally married to, and is not living, on a permanent basis, separately and apart from, that person; and

(b) a de facto partner of the person within the meaning of paragraph (a) of the definition of ***de facto partner*** in subsection 4(1), who is not living, on a permanent basis, separately and apart from the person;

(c) a de facto partner of the person within the meaning of paragraph (b) of the definition of ***de facto partner*** in subsection 4(1).

student child means a person who:

(a) has attained the age of 16 years but has not attained the age of 25 years; and

(b) is receiving full-time education at a school, college or university.

(5) For the purposes of the definition of ***spouse*** in subsection (4):

(a) a person who is the spouse of another person (the ***person's partner***) under paragraph (a) or (b) of the definition is not taken to be living separately and apart from the person's partner on a permanent basis, if the person is living apart from the person's partner only because of the illness or infirmity of either or both of them; and

(b) a person who is the spouse of another person (the ***person's partner***) under paragraph (c) of the definition is not taken to have ceased to live with the person's partner on a de facto basis, if the person is living apart from the person's partner only because of the illness or infirmity of either or both of them.

84BA Supplies of out-patient medication

(1) The purpose of this section is to make provision so that account may be taken of payments made by a person to a public hospital authority for supplies of out-patient medication when it is being ascertained, for the purposes of this Part, whether the person is eligible to be issued with a concession card or an entitlement card.

(2) Before the beginning of a relevant entitlement period, the Minister must determine in writing the amounts that, for the purposes of this Part, will be taken to have been paid to a public hospital for

supplies of out-patient medication made, against payment, by the hospital during the relevant entitlement period.

(3) In making a determination, the Minister may determine:

(a) different amounts in respect of a supply of out-patient medication, having regard to the State or Territory in which the hospital supplying the medication is situated; and

(b) different amounts in respect of:

(i) supplies made to concessional beneficiaries and persons who, in relation to concessional beneficiaries, are dependants within the meaning of subsection 84(4) or (7); and

(ii) supplies made to holders of a concession card; and

(iii) supplies made to general patients other than holders of a concession card.

(4) In this Part:

applicable amount, in relation to a supply of out-patient medication made by a public hospital to a person during a relevant entitlement period, means the amount that, under the determination applicable for that period, is to be taken to have been paid to the hospital for the supply of medication.

84C Eligibility for concession and entitlement cards

(1AA) A person who is both a general patient and an eligible person at any time during a relevant entitlement period is eligible to be issued with a concession card if:

(a) the total of the amounts charged (otherwise than under subsection 87(2A)) to the person for supplies of pharmaceutical benefits (including supplies taken, because of subsection 99(2A) to be supplies otherwise than under this Part) and repatriation pharmaceutical benefits made to the person during the period and of the applicable amounts in relation to the supplies of out-patient medication made to the person during the period; or

(b) the total of the amounts charged (otherwise than under subsection 87(2A)) to the person and to the person's family

for supplies for pharmaceutical benefits (including supplies taken, because of subsection 99(2A) to be supplies otherwise than under this Part) and repatriation pharmaceutical benefits made to the person and the person's family during the period and of the applicable amounts in relation to the supplies of out-patient medication made to the person and to the person's family during the period;

is the amount of the general patient safety net (within the meaning of section 99F) or an amount that, together with the amount that the person may be charged under paragraph 87(2)(b), (c) or (e) (whichever is applicable) for the supply of a pharmaceutical benefit, would not be less than the amount of the general patient safety net.

Note: The figures expressed in this subsection in dollars are periodically adjusted under section 99G.

(1C) A person who is a concessional beneficiary during a relevant entitlement period commencing on or after 1 January 1992 is eligible to be issued with an entitlement card in respect of that period if either of the following paragraphs applies:

(a) the total of:

(i) the amounts charged (otherwise than under subsection 87(2A)) for supplies of pharmaceutical benefits and repatriation pharmaceutical benefits made to the person during that period when the person was a concessional beneficiary; and

(ia) the applicable amounts in relation to the supplies of out-patient medication made to the person during that period when the person was a concessional beneficiary; and

(ii) where the person has, during that period, been a general patient—the transferred value of amounts (if any) charged for supplies of pharmaceutical benefits and repatriation pharmaceutical benefits made to the person, and of applicable amounts in relation to the supplies (if any) of out-patient medication made to the person, during that period when the person was a general patient;

is the amount of the concessional beneficiary safety net (within the meaning of section 99F) or an amount that, together with the amount chargeable under paragraph 87(2)(a) for the supply of a pharmaceutical benefit would be not less than the amount of the concessional beneficiary safety net;

(b) the total of:

(i) the aggregate of amounts charged (otherwise than under subsection 87(2A)) for supplies of pharmaceutical benefits and repatriation pharmaceutical benefits made to the person and the person's family during that period when the person was a concessional beneficiary; and

(ia) the applicable amounts in relation to the supplies of out-patient medication made to the person and the person's family during that period when the person was a concessional beneficiary; and

(ii) where the person has, during that period, been a general patient—the transferred value of amounts (if any) charged for supplies of pharmaceutical benefits and repatriation pharmaceutical benefits made to the person and the person's family, and of applicable amounts in relation to the supplies (if any) of out-patient medication made to the person and the person's family, during that period when the person was a general patient;

is the amount of the concessional beneficiary safety net (within the meaning of section 99F) or an amount that, together with the amount chargeable under paragraph 87(2)(a) for the supply of a pharmaceutical benefit would be not less than the amount of the concessional beneficiary safety net.

(2) For the purposes of this section, a pharmaceutical benefit supply or a supply of out-patient medication is taken to have been made, during a relevant entitlement period, to a person's family if and only if the supply was made, during that period, to:

(a) a person who was, at the time when the person applied for the issue of a concessional card or an entitlement card in respect of that period, a member of the person's family; or

(b) a person who was, at the time of supply, a member of the person's family.

(3) Where:

(a) a prescription is for the supply of a pharmaceutical benefit or a repatriation pharmaceutical benefit to a person (in this subsection referred to as the ***patient***); and

(b) upon the prescription, a pharmaceutical benefit or repatriation pharmaceutical benefit (the ***benefit***) is given to another person, as agent for the patient, for supply to the patient;

the benefit shall, for the purposes of this section, be taken to have been supplied to the patient upon the prescription.

(4) The supply or repeated supply of a pharmaceutical benefit to a person shall not be taken into account for the purposes of this section unless:

(a) the pharmaceutical benefit is supplied:

(i) by an approved pharmacist, at or from premises in respect of which the pharmacist is for the time being approved, on presentation of a prescription written by a PBS prescriber in accordance with this Act and the regulations, or, in such circumstances as are prescribed for the purposes of paragraph 89(a), on communication to the pharmacist, in the manner prescribed for the purposes of that paragraph, of a prescription of a PBS prescriber; or

(ii) in accordance with section 92 or 94;

Note: Sometimes a supply can still be taken into account if the pharmacist is approved later. See subsection 99(3B).

(b) at the time of supply, the person:

(iii) was not a holder of an entitlement card;

(c) in a case where the supply is made upon a general benefit prescription, the Commonwealth price for the pharmaceutical benefit exceeds $28.60 and an approved pharmacist or approved medical practitioner is not entitled to be paid by the Commonwealth under subsection 99(2AA) an amount that is equal to the special patient contribution for a brand of a pharmaceutical item that is the pharmaceutical benefit—the

amount received in respect of the supply is equal to or exceeds the aggregate of $28.60 and the special patient contribution (if any) for the brand of the pharmaceutical item;

(d) in a case where the supply is made upon a concessional benefit prescription, the Commonwealth price for the pharmaceutical benefit exceeds $4.60 and an approved pharmacist or approved medical practitioner is not entitled to be paid by the Commonwealth under subsection 99(2AA) an amount that is equal to the special patient contribution for a brand of a pharmaceutical item that is the pharmaceutical benefit—the amount received in respect of the supply is equal to or exceeds the aggregate of $4.60 and the special patient contribution (if any) for the brand of the pharmaceutical item; and

(e) in a case where the supply is deemed, by virtue of subsection 99(2A), (2AB) or (2B), to be a supply otherwise than under this Part:

(i) the amount demanded or received in respect of the supply does not exceed the aggregate of:

(A) the price worked out in accordance with a determination in force under subsection (7) for the pharmaceutical benefit;

(B) any charge demanded or received by reason only that the supply was made at a time outside normal trading hours; and

(C) any charge demanded or received in accordance with regulations made for the purposes of paragraph 87(4)(b).

Note: The figures expressed in this subsection in dollars are periodically adjusted under section 99G.

(4AA) The supply or repeated supply of a pharmaceutical benefit or repatriation pharmaceutical benefit to a person must not be taken into account for the purposes of this section if:

(a) it is an early supply of a specified pharmaceutical benefit; and

(b) it is not a supply of out-patient medication.

(4A) The supply or repeated supply of a repatriation pharmaceutical benefit to a person is not to be taken into account for the purposes of this section unless:

(a) the repatriation pharmaceutical benefit is supplied:

(i) under the scheme established under section 91 of the *Veterans' Entitlements Act 1986*; or

(ii) in accordance with a determination under paragraph 286(1)(c) of the *Military Rehabilitation and Compensation Act 2004*; or

(iii) under a scheme that applies under section 18 of the *Australian Participants in British Nuclear Tests (Treatment) Act 2006*; and

(b) at the time of supply the person was not a holder of an entitlement card.

(4B) A supply of out-patient medication to a person is not to be taken into account for the purposes of this section if, at the time of the supply, the person is the holder of an entitlement card.

(7) The Minister may determine, by legislative instrument, the manner in which the price for particular quantities or numbers of units of all or any pharmaceutical benefits and repatriation pharmaceutical benefits is to be ascertained for the purpose of this section.

(8) A manner determined under subsection (7) shall:

(a) in the case of a pharmaceutical benefit that is a listed brand of a pharmaceutical item—take as a basis the approved ex-manufacturer price or a proportional ex-manufacturer price of the brand of the pharmaceutical item that was in force on the first day of the month of the year in which the supply occurs; and

(b) in the case of other pharmaceutical benefits and repatriation pharmaceutical benefits—take as a basis the basic wholesale price of each ingredient that is applicable on the day on which the supply occurs; and

(c) provide for the addition of such fees and other amounts as are determined by the Tribunal for the purposes of paragraph 98B(2)(c); and

(d) provide for the addition of such other fees and other amounts as are determined by the Minister.

(9) The Minister shall not determine an amount for the purpose of paragraph (8)(d) unless the Pharmacy Guild of Australia has agreed in writing to the making of that determination.

(11) In this section, unless the contrary intention appears:

basic wholesale price has the same meaning as in section 98B.

pharmaceutical benefit supply means a supply or a repeated supply of a pharmaceutical benefit or repatriation pharmaceutical benefit.

84CA Modification of amounts paid

For the purposes of subsection 84C(1C), the transferred value of amounts charged for, or applicable in relation to, supplies is worked out by multiplying $4.60 by the number of supplies.

Note: The figure expressed in this section in dollars is periodically adjusted under section 99G.

84D Pharmaceutical benefits prescription record forms etc.

(1) Upon application, the Secretary shall issue to a person a pharmaceutical benefits prescription record form in accordance with subsections (3) and (4).

(1A) Upon application, the Secretary must issue to a person an out-patient medication prescription record form in accordance with subsections (3) and (4).

(2) An approved pharmacist, approved medical practitioner or approved hospital authority may issue to a person a pharmaceutical benefits prescription record form in accordance with subsections (3) and (4).

(2A) A public hospital authority may issue to a person an out-patient medication prescription record form in accordance with subsections (3) and (4).

(3) A pharmaceutical benefits prescription record form and an out-patient medication prescription record form must:

(a) be in accordance with the form approved by the Secretary; and

(b) include the prescribed particulars of the person to whom the form is issued.

(4) A pharmaceutical benefits prescription record form or an out-patient medication prescription record form issued to a person may include the prescribed particulars of any person who is a member of the person's family and:

(c) is not a holder of an entitlement card.

(5) Where a pharmaceutical benefits prescription record form or an out-patient medication prescription record form is issued to a person, the person and each member of the person's family whose particulars are included in the form in accordance with subsection (4) shall be taken, for the purposes of this section, to be a holder of the form.

(6) Where:

(a) an approved pharmacist, approved medical practitioner or approved hospital authority supplies a pharmaceutical benefit or repatriation pharmaceutical benefit to a holder of a pharmaceutical benefits prescription record form;

(b) the form is presented at the time of supply; and

(c) the supply is:

(i) a supply of a pharmaceutical benefit to be taken into account under subsection 84C(4) for the purposes of section 84C; or

(ii) a supply of a repatriation pharmaceutical benefit to be taken into account, under subsection 84C(4A), for the purposes of section 84C;

the pharmacist, medical practitioner or authority shall record the supply of that pharmaceutical benefit on the form.

(7) A record made for the purposes of subsection (6) shall include:

(a) the prescribed particulars of the prescription upon which the pharmaceutical benefit or repatriation pharmaceutical benefit is supplied;
(b) the date on which the pharmaceutical benefit or repatriation pharmaceutical benefit is supplied; and
(c) such other particulars in relation to the supply of the pharmaceutical benefit or repatriation pharmaceutical benefit as are prescribed;

and shall be signed by:

(d) in a case where the record is made by an approved pharmacist—the pharmacist;
(e) in a case where the record is made by an approved medical practitioner—the medical practitioner; or
(f) in a case where the record is made by an approved hospital authority—the medical practitioner or pharmacist by or under whose supervision the pharmaceutical benefit or repatriation pharmaceutical benefit is dispensed.

(8) An approved pharmacist may authorise a person to record, on behalf of the pharmacist, the supply of pharmaceutical benefits and repatriation pharmaceutical benefits for the purposes of subsection (6).

(9) A reference in subsection (7) to an approved pharmacist includes a reference to a person authorised by a pharmacist under subsection (8) to record, on behalf of the pharmacist, the supply of pharmaceutical benefits and repatriation pharmaceutical benefits.

(10) Where:

(a) an out-patient medication is supplied to the holder of an out-patient medication prescription record form; and
(b) the form is presented at the time of supply; and
(c) the supply is not excluded under subsection 84C(4B) from being taken into account for the purposes of section 84C;

the medical practitioner or pharmacist by whom, or under whose supervision, the medication is dispensed, or any person authorised under subsection (12) to do so, must record the supply of the medication on the form.

(11) A record made for the purposes of subsection (10) must include:

(a) the prescribed particulars of the prescription upon which the medication is supplied; and

(b) the date on which the medication is supplied; and

(c) any other particulars of the supply that are prescribed;

and must be signed by the person making the record.

(12) The public hospital authority of a public hospital may authorise in writing a person employed at the hospital to record, for the purposes of subsection (10), the supply of an out-patient medication dispensed by, or under the supervision of, a medical practitioner or pharmacist.

84DA Issue of safety net concession card

(1) Where:

(a) a person applies, either personally or through the person's agent, to the Secretary for a safety net concession card in respect of a relevant entitlement period; and

(b) the Secretary is satisfied that the person is eligible to be issued with such a card in respect of that period;

the Secretary must issue a safety net concession card to the person in respect of that period.

(2) Where:

(a) a person applies, either personally or through the person's agent, to an approved pharmacist, approved medical practitioner, approved hospital authority or public hospital authority for a safety net concession card in respect of a relevant entitlement period; and

(b) the pharmacist, medical practitioner or authority is satisfied that the person is eligible to be issued with such a card in respect of that period;

the pharmacist, medical practitioner or authority may issue a safety net concession card to the person in respect of that period.

(3) An application under subsection (1) or (2) must:

(a) be in the form approved by the Secretary; and

(b) contain such particulars, and be accompanied by such documents, as are prescribed; and

(c) be signed by the person making the application or by the person's agent.

(4) Where an application is made to a person for the issue of a safety net concession card, the person to whom the application is made must, in determining whether to issue a card, have regard to:

(a) the matters contained in the application;

(b) any record form or other document that accompanies the application; and

(c) such other matters as the person considers relevant.

(5) Where:

(a) a person applies, either personally or through the person's agent, to an approved pharmacist, approved medical practitioner, approved hospital authority or public hospital authority for a safety net concession card in respect of a relevant entitlement period; and

(b) the pharmacist, medical practitioner or authority issues such a card to the person in respect of that period;

the pharmacist, medical practitioner or authority must submit the application, and all documents that accompanied the application, to the Secretary by lodging them at a prescribed office within one month (or such longer period as is prescribed) after the day on which the card is issued.

84E Issue of pharmaceutical benefits entitlement card

(1) Where:

(a) a person applies, either personally or through the person's agent, to the Secretary for a pharmaceutical benefits entitlement card in respect of a relevant entitlement period; and

(b) the Secretary is satisfied that the person is eligible to be issued with a pharmaceutical benefits entitlement card in respect of that period;

the Secretary shall issue a pharmaceutical benefits entitlement card to the person in respect of that period.

(2) Where:

(a) a person applies, either personally or through the person's agent, to an approved pharmacist, approved medical practitioner, approved hospital authority or public hospital authority for a pharmaceutical benefits entitlement card in respect of a relevant entitlement period; and

(b) the pharmacist, medical practitioner or authority is satisfied that the person is eligible to be issued with a pharmaceutical benefits entitlement card in respect of that period;

the pharmacist, medical practitioner or authority may issue a pharmaceutical benefits entitlement card to the person in respect of that period.

(3) An application under subsection (1) or (2) shall:

(a) be in accordance with the form approved by the Secretary;

(b) contain such particulars, and be accompanied by such documents, as are prescribed; and

(c) be signed by the person making the application or by the person's agent.

(4) Where an application is made to a person for the issue of an entitlement card, the person to whom the application is made shall, in determining whether to issue an entitlement card, have regard to:

(a) the matters contained in the application;

(b) any record form or other document that accompanies the application; and

(c) such other matters as the person considers relevant.

(5) Where:

(a) a person applies, either personally or through the person's agent, to an approved pharmacist, approved medical practitioner, approved hospital authority or public hospital authority for a pharmaceutical benefits entitlement card in respect of a relevant entitlement period; and

(b) the pharmacist, medical practitioner or authority issues a pharmaceutical benefits entitlement card to the person in respect of that period;

the pharmacist, medical practitioner or authority shall submit the application, and all relevant documents that accompanied or

supported the application, to the Secretary by lodging them at a prescribed office within one month (or such longer period as is prescribed) after the day on which the entitlement card is issued.

(7) In subsection (5), ***relevant document*** means a document accompanying an application under subsection (1) or (2).

84F Form of cards

(1) A concession card must be in the form approved by the Secretary for that card.

(1A) An entitlement card must be in the form approved by the Secretary for that card.

(2) Without limiting the generality of subsections (1) and (1A), a concession card and an entitlement card shall include particulars of:

(a) the relevant entitlement period in respect of which the card is issued; and

(b) the person to whom the card is issued and each person who is, at the time when the card is issued, a member of the person's family.

(3) The omission from a concession card or an entitlement card of particulars of a person who is, at the time when the card is issued, a member of the family of the person to whom the card is issued does not affect the validity of the card.

84G Persons covered by card

Subject to subsection 84H(3), where a concession card or an entitlement card is issued to a person, the person and each person who is, at the time when the card is issued, a member of the person's family shall be taken, for the purposes of this Act, to be a holder of the card.

84H Additional and replacement cards

(1) Where a concession card or an entitlement card has been issued, an additional concession card or an additional entitlement card (as the

case may be) may, in accordance with the regulations, be issued to a person who is a holder of the card.

(2) Without limiting the generality of subsection (1), regulations made for the purposes of that subsection may provide for the issue of an additional card to a person:

(a) who is or was a holder of a concession card or an entitlement card that has been lost, stolen, damaged or destroyed; or

(b) who is a holder of a concession card or an entitlement card but whose particulars are not included on the card.

(3) Where:

(a) a person (in this subsection called the ***original card holder***) has been issued with a concession card, or an entitlement card, in respect of a relevant entitlement period; and

(b) a person (in this subsection referred to as the ***new family member***) becomes, after the issue of the card and during that period, a member of the original card holder's family;

a replacement concession card or a replacement entitlement card (as the case may be) may, in accordance with the regulations, be issued to the original card holder, being a card that includes particulars of the holders of the original card and of the new family member and, where such a replacement card is issued, each holder of the original card and the new family member shall be taken, from the time when the replacement card is issued, to be a holder of the replacement card.

(4) Regulations made for the purposes of subsection (1) or (3) may provide for application to be made to the Administrative Appeals Tribunal for review of a decision of a person refusing to issue an additional card or a replacement card.

84HA Fee to approved pharmacist etc. for issuing card

(1) An approved pharmacist, approved medical practitioner or approved hospital authority who issues a safety net concession card, a pharmaceutical benefits entitlement card or an additional or replacement card in relation to any of those cards is entitled to be paid by the Commonwealth, in respect of the issue of the card, the fee determined by the Minister, for the purposes of this section, for

the issue of cards generally or for the issue of cards of that kind, as the case requires.

(2) The Minister shall not determine a fee for the purposes of this section unless the Pharmacy Guild of Australia has agreed in writing to the making of that determination.

(3) A determination under subsection (1) shall:
  (a) be made by notice in writing published in the *Gazette*; and
  (b) come into operation on such day as is specified in the determination.

84J Period of effect of card

A concession card or an entitlement card issued in respect of a relevant entitlement period commences to have effect on the day on which it is issued and ceases to have effect at the end of that period.

84K Return of card

Where a concession card or an entitlement card is issued to a person who is not eligible to be issued with the card, the Secretary may, by notice in writing to a holder of the card, require the holder to deliver the card, within such period (not being a period of less than 7 days) as is specified in the notice, to:
  (a) the Secretary; or
  (b) such other person as is specified in the notice;
for cancellation and the holder shall comply with the notice.

84L Offences

(1) An approved pharmacist, approved medical practitioner, approved hospital authority or public hospital authority shall not issue a concession card or an entitlement card to a person who is not eligible to be issued with such a card.

Penalty: $5,000 or imprisonment for 2 years, or both.

(2) An approved pharmacist, approved medical practitioner, approved hospital authority or public hospital authority shall not include in a concession card or an entitlement card, as the name of a member of a person's family, the name of a person who is not a member of the person's family.

Penalty: $5,000 or imprisonment for 2 years, or both.

(3) A person shall not fail to comply with a notice given to the person under section 84K.

Penalty: $2,000 or imprisonment for 12 months, or both.

(4) A person shall not fail to comply with subsection 84DA(5) or 84E(5).

Penalty for contravention of this subsection: $2,000 or imprisonment for 12 months, or both.

(5) Subsections (3) and (4) do not apply if the person has a reasonable excuse.

Note: The defendant bears an evidential burden in relation to the matter in subsection (5). See subsection 13.3(3) of the *Criminal Code*.

Division 2—Supply of pharmaceutical benefits

85 Pharmaceutical benefits

Pharmaceutical benefits

(1) Benefits shall be provided by the Commonwealth, in accordance with this Part, in respect of pharmaceutical benefits.

Note 1: While most pharmaceutical benefits are generally available for supply under this Part, some pharmaceutical benefits (see sections 85AAA and 85AA) can only be supplied under this Part under the prescriber bag provisions or in accordance with special arrangements under section 100.

Note 2: Special arrangements under section 100 can modify the effect of this Part in relation to the supply of pharmaceutical benefits that are covered by the arrangements (see subsection 100(3)).

Drugs etc.

(2) The drugs and medicinal preparations in relation to which this Part applies are:

(a) drugs and medicinal preparations that are:

(i) declared by the Minister, by legislative instrument, to be drugs and medicinal preparations to which this Part applies; or

(ii) included in a class of drugs and medicinal preparations declared by the Minister, by legislative instrument, to be a class of drugs and medicinal preparations to which this Part applies; and

(b) medicinal preparations composed of:

(i) one or more of the drugs and medicinal preparations referred to in paragraph (a), being a drug or medicinal preparation that is, or drugs and medicinal preparations that are, included in a class of drugs and medicinal preparations declared by the Minister, by legislative instrument, to be a class of drugs and medicinal preparations to which this paragraph applies; and

(ii) one or more of such additives as are declared by the Minister, by legislative instrument, to be additives to which this paragraph applies.

Note 1: The Minister cannot make a declaration under this subsection in relation to a drug or medicinal preparation unless the Pharmaceutical Benefits Advisory Committee has recommended that the drug or medicinal preparation be declared (see subsections 101(4) and (4A)).

Note 2: If the Minister makes a declaration in relation to a drug or medicinal preparation under this subsection, the Minister cannot vary or revoke that declaration so as to delist the drug or medicinal preparation without first obtaining the Pharmaceutical Benefits Advisory Committee's advice (see subsection 101(4AAB)).

Drugs etc. that can only be supplied under the prescriber bag provisions

(2AA) If:

(a) the Minister makes a declaration under subsection (2) in relation to a drug or medicinal preparation (the ***drug***); and

(b) the Pharmaceutical Benefits Advisory Committee has recommended under subsection 101(4AACA) that the drug be supplied only under one or more of the prescriber bag provisions;

then the Minister must, by legislative instrument, declare that the drug can only be supplied under that provision or those provisions.

Note: If the Minister makes a declaration in relation to a drug or medicinal preparation under this subsection, the Minister cannot vary or revoke that declaration without first satisfying the conditions set out in subsection 101(4AACC).

Drugs etc. that can only be supplied under special arrangements

(2A) If:

(a) the Minister makes a declaration under subsection (2) in relation to a drug or medicinal preparation (the ***drug***); and

(b) the Pharmaceutical Benefits Advisory Committee has recommended under subsection 101(4AAD) that the drug be made available only under special arrangements under section 100;

then the Minister must, by legislative instrument, declare that the drug can only be supplied under such special arrangements.

Note: If the Minister makes a declaration in relation to a drug or medicinal preparation under this subsection, the Minister cannot vary or revoke that declaration without first satisfying the conditions set out in subsection 101(4AAF).

Forms

(3) The Minister may, by legislative instrument, determine, by reference to strength, type of unit, size of unit or otherwise, the form or forms of a listed drug.

(4) A form of a listed drug as determined by the Minister under subsection (3) may be such as to require the addition of a substance or substances to the drug so that it will be suitable for administration in a particular manner or at a particular strength.

Manners of administration

(5) The Minister may, by legislative instrument, determine the manner of administration of a form of a listed drug, being a form of the drug in relation to which a determination under subsection (3) is in force.

Brands

(6) The Minister may, by legislative instrument, determine a brand of a pharmaceutical item.

Prescriptions of pharmaceutical benefits in certain circumstances

(7) The Minister may, by legislative instrument, determine:
(a) that a particular pharmaceutical benefit is to be a relevant pharmaceutical benefit for the purposes of section 88A; and
(b) the circumstances in which a prescription for the supply of the pharmaceutical benefit may be written.

Pharmaceutical benefits that can only be supplied under the prescriber bag provisions

(7A) The Minister may, by legislative instrument, determine that a particular pharmaceutical benefit can only be supplied under one or more of the prescriber bag provisions.

Pharmaceutical benefits that can only be supplied under special arrangements

(8) The Minister may, by legislative instrument, determine that:
  (a) a particular pharmaceutical benefit (other than a pharmaceutical benefit that has a drug covered by subsection (2A)) can only be supplied under special arrangements under section 100; or
  (b) one or more of the circumstances in which a prescription for the supply of a pharmaceutical benefit may be written under paragraph (7)(b) are circumstances in which the benefit can only be supplied under special arrangements under section 100.

85AAA Pharmaceutical benefits that can only be supplied under the prescriber bag provisions

(1) If the Minister makes a declaration under subsection 85(2AA) in relation to a drug or medicinal preparation (the ***drug***) declaring that the drug can only be supplied under one or more of the prescriber bag provisions, then every pharmaceutical benefit that has that drug can only be supplied under this Part under that provision or those provisions.

(2) If the Minister makes a determination under subsection 85(7A) that a particular pharmaceutical benefit can only be supplied under one or more of the prescriber bag provisions, then that pharmaceutical benefit can only be supplied under this Part under that provision or those provisions.

(3) Despite subsections (1) and (2), if:
  (a) the Minister makes a declaration under subsection 85(2AA) declaring that a drug or medicinal preparation (the ***drug***) can

only be supplied under one or more (but not all) of the prescriber bag provisions (the ***drug prescriber bag provision***); and

(b) the Minister makes a determination under subsection 85(7A) determining that a pharmaceutical benefit that has the drug can only be supplied under a different prescriber bag provision or different prescriber bag provisions (the ***pharmaceutical benefit prescriber bag provision***);

then the pharmaceutical benefit can only be supplied under this Part under the drug prescriber bag provision and the pharmaceutical benefit prescriber bag provision.

85AA Pharmaceutical benefits that can only be supplied under special arrangements

(1) If the Minister makes a declaration under subsection 85(2A) in relation to a drug or medicinal preparation (the ***drug***), then every pharmaceutical benefit that has that drug can only be supplied under this Part in accordance with special arrangements under section 100.

(2) If the Minister makes a determination under paragraph 85(8)(a) in relation to a pharmaceutical benefit, then that pharmaceutical benefit can only be supplied under this Part in accordance with special arrangements under section 100.

(3) If the Minister makes a determination under paragraph 85(8)(b) about the circumstances in which a pharmaceutical benefit can only be supplied under special arrangements under section 100, then, in those circumstances, the pharmaceutical benefit can only be supplied under this Part in accordance with those arrangements.

85A Determinations of forms of pharmaceutical benefits or pharmaceutical items with respect to classes of persons

(1) The Minister may determine, by reference to strength, type of unit, size of unit or otherwise, the form or forms of a pharmaceutical benefit or pharmaceutical item that is or are allowable for the purposes of this Part for prescription by persons included in a class of persons specified in the determination.

(2) The Minister may, with respect to the writing of prescriptions by persons included in a specified class of persons for the supply of a pharmaceutical benefit:

(a) determine the maximum quantity or number of units of:

(i) if the pharmaceutical benefit has a pharmaceutical item—the pharmaceutical item; or

(ii) in any other case—the pharmaceutical benefit;

that may, in one prescription, be directed to be supplied on any one occasion, either for all purposes or for particular purposes; and

(b) determine the maximum number of occasions on which the supply of the pharmaceutical benefit may, in one prescription, be directed to be repeated, either for all purposes or for particular purposes; and

(c) determine the manner of administration that may, in a prescription, be directed to be used in relation to the pharmaceutical benefit.

(2A) The Minister may determine that particular conditions must be satisfied when writing a prescription to which a determination under paragraph (2)(a) or (b) applies.

(3) The regulations may make provision authorizing the variation of the application, in relation to persons included in a class of persons, of a determination under paragraph (2)(a) or (b) and, where such a variation is made, the determination shall be deemed to have effect as varied.

(3A) The Minister may determine rules that must be applied when deciding whether to authorise a variation under regulations made for the purposes of subsection (3).

(4) A determination made under subsection (1), (2), (2A) or (3A) is a legislative instrument.

85AB Minister may determine that a listed drug is on F1 or F2

(1) Subject to subsection (5), the Minister may, by legislative instrument, determine that a listed drug is on F1 or F2.

(2) The Minister may only determine that the drug is on F1 if the drug satisfies all the criteria for F1.

Note: For other circumstances in which the Minister may determine that a listed drug is on F1, see section 99AEJ.

(3) The Minister may only determine that the drug is on F2 if the drug does not satisfy one or more of the criteria for F1.

(4) The ***criteria for F1*** are as follows:

(a) there are no brands of pharmaceutical items that:

(i) have the drug; and

(ii) are bioequivalent or biosimilar; and

(iii) are listed brands of the pharmaceutical items on any day in the relevant period;

(b) there are no brands of pharmaceutical items that:

(i) have another listed drug that is in the same therapeutic group as the drug; and

(ii) are bioequivalent or biosimilar; and

(iii) are listed brands of the pharmaceutical items on any day in the relevant period;

(c) the drug was not on F2 on the day before the determination under subsection (1) comes into force.

(5) This section does not apply to the drug if:

(a) the drug is in a combination item; and

(b) there are no brands of combination items that:

(i) have the drug; and

(ii) are bioequivalent or biosimilar; and

(iii) are listed brands of the combination items on any day in the relevant period.

(6) In this section:

relevant period means the period that consists of:

(a) the day before the day the determination under subsection (1) comes into force; and

(b) the day the determination under subsection (1) comes into force.

85AC Minister may determine that a listed drug is in Part A or Part T of F2

(1) If, under section 85AB, the Minister determines that a drug is on F2, the Minister may, by legislative instrument, determine that the drug is in Part A or Part T of F2.

(2) The Minister may only determine that the drug is in Part A if the drug satisfies neither of the criteria for Part T.

(3) The Minister may only determine that the drug is in Part T if the drug satisfies either or both of the criteria for Part T.

(4) The ***criteria for Part T*** are as follows:

(a) the drug is in the same therapeutic group as a drug that is in Part T;

(b) the drug was in Part T on the day before the determination under subsection (1) comes into force.

(5) A determination under this section ceases to be in force on 1 December 2010.

85AD Price agreements

(1) The Minister and the responsible person for a listed brand of a pharmaceutical item may, from time to time, agree, by reference to the pricing quantity of the brand of the pharmaceutical item, an amount that is, for the purposes of this Part, taken to be the appropriate maximum price of the brand of the pharmaceutical item.

Note: Section 85C and Division 3A limit the Minister's power to agree to amounts for the purposes of subsection (1).

(2) It does not matter that at the time the agreement is made:

(a) the person is not yet the responsible person; or

(b) the item is not yet a pharmaceutical item; or

(c) the quantity or number of units of the item is not yet a pricing quantity; or

(d) the brand is not yet a listed brand.

However, those matters must be satisfied at the time the amount referred to in subsection (1) comes into force.

(3) The agreement must be in writing.

85B Price determinations and special patient contributions

Application

(1) This section applies to a listed brand of a pharmaceutical item.

Price determination

(2) If the Minister and the responsible person have been unable to make a price agreement for the brand of the pharmaceutical item, then the Minister may, by legislative instrument, determine, by reference to the pricing quantity of the listed brand of a pharmaceutical item, an amount that is, for the purposes of this Part, taken to be the appropriate maximum price of the brand of the pharmaceutical item.

Note: Section 85C and Division 3A limit the Minister's power to determine amounts under subsection (2).

Claimed price determination

(3) The Minister may, by legislative instrument, determine, by reference to a pack quantity of the listed brand of the pharmaceutical item, an amount that is, for the purposes of this Part, taken to be the price of the brand of the pharmaceutical item claimed by the responsible person for that quantity.

Special patient contribution

(4) If the Minister makes a determination under subsection (3), then the Minister may, by legislative instrument, determine the circumstances in which the Commonwealth is to pay the special patient contribution for the brand of the pharmaceutical item.

(5) The ***special patient contribution*** for a quantity or number of units of a listed brand of a pharmaceutical item is the amount that is the difference between:

(a) the price that would have been the Commonwealth price for that quantity or number of units of the brand of the pharmaceutical item if that Commonwealth price had been based on the claimed price for that quantity or number of units; and
(b) the Commonwealth price for that quantity or number of units of the brand of the pharmaceutical item.

85C Each brand of a pharmaceutical item is to have the same approved ex-manufacturer price

If there are 2 or more listed brands of a pharmaceutical item, then the Minister must ensure, when agreeing an amount under subsection 85AD(1) or determining an amount under subsection 85B(2), that the approved ex-manufacturer price of each listed brand of the pharmaceutical item is the same.

85D Proportional ex-manufacturer price

The ***proportional ex-manufacturer price*** for a pack quantity (other than the pricing quantity) of a listed brand of a pharmaceutical item on a day is the amount worked out as follows:

$$\frac{\text{AEMP}}{\text{PQ}} \times \text{PkQ}$$

where:

AEMP means the approved ex-manufacturer price of the brand of the pharmaceutical item in force on that day.

PkQ means the pack quantity of the brand of the pharmaceutical item on that day.

PQ means the pricing quantity of the brand of the pharmaceutical item on that day.

86 Entitlement to receive pharmaceutical benefits

(1) Subject to this Part, a person who:

(a) is, or is to be treated as, an eligible person within the meaning of the *Health Insurance Act 1973*; and

(b) is receiving:

(i) medical treatment by a medical practitioner; or

(ii) dental treatment by a participating dental practitioner; or

(iii) optometrical treatment by an authorised optometrist; or

(iv) midwifery treatment by an authorised midwife; or

(v) nurse practitioner treatment by an authorised nurse practitioner;

is entitled to receive pharmaceutical benefits under this Part without the payment or furnishing of money or other consideration other than a charge made in accordance with section 87.

Residency

(2) For the purposes of paragraph (1)(a), while a person is working outside Australia as a Commonwealth officer, he or she is taken to reside in Australia.

(3) For the purposes of paragraph (1)(a), while a person is working outside Australia as a State or Territory officer, he or she is taken to reside in Australia.

(4) For the purposes of paragraph (1)(a), while the spouse, or a dependent child, of a person covered by subsection (2) or (3) is outside Australia accompanying that person, the spouse or child is taken to reside in Australia.

Note: Paragraph (1)(a) refers to a person being an eligible person within the meaning of the *Health Insurance Act 1973*. Under that Act an Australian resident is an eligible person. A person must reside in Australia to be an Australian resident.

Definitions

(5) In this section:

dependent child has the same meaning as in section 84B.

spouse has the same meaning as in section 84B.

86A Pharmaceutical benefits not to be supplied in respect of persons reasonably believed not to be in Australia

(1) An approved supplier must not supply a pharmaceutical benefit in respect of a person if the approved supplier has reason to believe that the person is not in Australia at the time of the supply.

Commonwealth, State or Territory officers working outside Australia

(2) However, subsection (1) does not apply to the supply of a pharmaceutical benefit in respect of:

(a) a person working outside Australia as a Commonwealth officer; or

(b) a person working outside Australia as a State or Territory officer; or

(c) the spouse, or a dependent child, of a person covered by paragraph (a) or (b) if the spouse or child is outside Australia accompanying that person.

Definitions

(3) In this section:

dependent child has the same meaning as in section 84B.

spouse has the same meaning as in section 84B.

86B Approved supplier may request provision of medicare number

Approved supplier may request provision of medicare number

(1) If:

(a) an approved supplier is presented with a prescription for the supply of a pharmaceutical benefit to a person; and

(b) the person presenting the prescription claims to be, or to be the agent of, the person to whom the prescription relates; and

(c) the person presenting the prescription does not request that the drug or medicinal preparation to which the prescription relates not be supplied as a pharmaceutical benefit;

the approved supplier may request the person presenting the prescription to provide to the approved supplier a medicare number applicable to the person to whom the prescription relates and the expiry date in relation to the number.

Inclusion of medicare number in a prescription does not prevent later request

(2) The approved supplier may make the request under subsection (1) whether or not:

(a) the prescription already contains a medicare number as a number applicable to the person to whom the prescription relates; or

(b) the approved supplier's records already contain such a number (whether with or without the expiry date in relation to that number) recorded and retained in accordance with section 86D.

Approved supplier's powers if medicare number is provided

(3) If a medicare number is provided to the approved supplier as a number applicable to the person following a request under subsection (1), or is included as such a number in the approved supplier's records in accordance with section 86D, the approved supplier may:

(a) if the prescription has already been endorsed with a medicare number as such a number, check the number so provided or included against the endorsed number and:

(i) confirm that they are the same; or

(ii) if they are not the same and the approved supplier considers the number so provided or included more reliable than the endorsed number—alter the endorsed number to the number so provided or included or insert the number so provided or included in the CTS claim relating to the prescription, noting the discrepancy; or

(iii) if they are not the same and the approved supplier considers the endorsed number more reliable than the number so provided or included—disregard the number so provided or included and, if making a CTS claim,

insert the endorsed number in the CTS claim relating to that prescription; and

(b) if the prescription has not already been endorsed with a medicare number as such a number:

(i) endorse the prescription with the medicare number so provided or included as a number applicable to the person; or

(ii) insert the number so provided or included in the CTS claim relating to that prescription; and

(c) if the approved supplier has also been provided with, or has, in the approved supplier's records, the expiry date in relation to the medicare number ultimately supplied to the Chief Executive Medicare—confirm that the supply of a pharmaceutical benefit authorised by the prescription is not being sought after the expiry date.

Approved supplier's powers in respect of prescription (other than communicated prescription) covering person included in class determined under subsection 86E(1)

(4) If:

(a) the prescription for the supply of a pharmaceutical benefit that is presented to the approved supplier does not contain a medicare number as a number applicable to the person to whom the prescription relates; and

(b) despite a request under subsection (1), a medicare number is not provided to the approved supplier as such a number; and

(c) a medicare number is not retained in the approved supplier's records in accordance with section 86D as such a number; and

(d) the approved supplier is satisfied that the person to whom the prescription relates is included within a class of persons identified by the Minister under subsection 86E(1);

the approved supplier may:

(e) endorse on the prescription the special number applicable to the person as a member of that class; or

(f) insert that number in the CTS claim relating to that prescription.

Approved supplier's powers in respect of written version of communicated prescription not containing medicare number

(5) If:

(a) a prescription for the supply of a pharmaceutical benefit is not presented to an approved supplier as described in subsection (1) but is communicated to the approved supplier in circumstances set out in regulations made for the purposes of paragraph 89(a); and

(b) the approved supplier later receives a written version of the prescription that does not contain a medicare number as a number applicable to the person to whom the prescription relates;

the approved supplier may, after the written version of the prescription is received, endorse on the written version, or insert in the CTS claim relating to the prescription:

(c) if a medicare number is already retained in the approved supplier's records in accordance with section 86D as a number applicable to the person to whom the prescription relates—that medicare number; or

(d) if a medicare number is not so retained as a number applicable to the person to whom the prescription relates—the special number applicable to the person under subsection 86E(1) as a person in respect of whom a prescription has been so communicated.

86C On and after 1 January 2001 approved supplier must request provision of medicare number in certain circumstances

Approved supplier must request provision of medicare numbers in certain circumstances

(1) If:

(a) an approved supplier is presented, on or after 1 January 2001, with a prescription for the supply of a pharmaceutical benefit to a person; and

(b) the pharmaceutical benefit is one in respect of the supply of which the approved supplier would, but for the operation of

subsection 99(7), be entitled to receive a payment under subsection 99(2) or (4); and

(c) the person presenting the prescription claims to be, or to be the agent of, the person to whom the prescription relates; and

(d) the person presenting the prescription does not request that the drug or medicinal preparation to which the prescription relates not be supplied as a pharmaceutical benefit;

the approved supplier must, if:

(e) the prescription does not contain a medicare number as a number applicable to the person to whom the prescription relates; and

(f) the approved supplier's records do not already contain a medicare number as such a number (whether with or without the expiry date in relation to that number) recorded and retained in accordance with section 86D;

request the person presenting the prescription to provide to the approved supplier a medicare number applicable to the person to whom the prescription relates and the expiry date in relation to that number.

Inclusion of medicare number in a prescription does not prevent later request

(2) Even if:

(a) the prescription presented to the approved supplier already contains a medicare number as a number applicable to the person to whom the prescription relates; or

(b) the approved supplier's records already contain a medicare number as such a number (whether with or without the expiry date in relation to that number) recorded and retained in accordance with section 86D;

the approved supplier may request the person presenting the prescription to provide to the approved supplier a medicare number applicable to the person to whom the prescription relates and the expiry date in relation to that number.

Approved supplier's obligations in relation to medicare number provided

(3) If:

(a) a medicare number is provided to the approved supplier as a number applicable to the person to whom the prescription relates following a request under subsection (1) or is included as such a number in the approved supplier's records in accordance with section 86D; and

(b) the prescription has not already been endorsed with a medicare number as a number applicable to the person to whom the prescription relates;

the approved supplier must:

(c) endorse the prescription with the medicare number so provided or included; or

(d) insert the number so provided or included in the CTS claim relating to the prescription.

If medicare number is provided, approved supplier may check prescription endorsed by practitioner

(4) If:

(a) a medicare number applicable to the person to whom the prescription relates is provided to the approved supplier following a request under subsection (2) or is included in the approved supplier's records in accordance with section 86D; and

(b) the prescription has already been endorsed with a medicare number as a number applicable to the person to whom the prescription relates;

the approved supplier may check the number so provided or included against the endorsed number and:

(c) confirm that they are the same; or

(d) if they are not the same and the approved supplier considers the number so provided or included more reliable than the endorsed number:

(i) alter the endorsed number to the number so provided or included; or

(ii) insert the number so provided or included in the CTS claim relating to the prescription, noting the discrepancy; or

(e) if they are not the same and the approved supplier considers the endorsed number more reliable than the number so provided or included—disregard the number so provided or included and, if making a CTS claim, insert the endorsed number in the CTS claim relating to that prescription.

Approved supplier may check to ensure that supply not being sought after relevant expiry date

(5) If the approved supplier has also been provided with, or has in the approved supplier's records, the expiry date in relation to the medicare number ultimately supplied to the Chief Executive Medicare, the approved supplier may confirm that the supply of the pharmaceutical benefit authorised by the prescription is not being sought after the expiry date.

Requirement in respect of prescription (other than communicated prescription) covering person included in class determined under subsection 86E(1)

(6) If:

(a) the prescription for the supply of a pharmaceutical benefit that is presented to the approved supplier does not contain a medicare number as a number applicable to the person to whom the prescription relates; and

(b) despite a request under subsection (1), a medicare number is not provided to the approved supplier as such a number; and

(c) a medicare number is not retained in the approved supplier's records in accordance with section 86D as such a number; and

(d) the approved supplier is satisfied that the person to whom the prescription relates is included within a class of persons identified by the Minister in a determination under subsection 86E(1);

the approved supplier must:

(e) endorse on the prescription the special number applicable to the person as a member of that class; or

(f) insert that special number in the CTS claim relating to the prescription.

Requirement in respect of written version of communicated prescription not containing medicare number

(7) If:

(a) a prescription for the supply of a pharmaceutical benefit is not presented to an approved supplier as described in subsection (1) but is communicated to the approved supplier in circumstances set out in regulations made for the purposes of paragraph 89(a); and

(b) the pharmaceutical benefit is one in respect of the supply of which the approved supplier would, but for the operation of subsection 99(7), be entitled to receive a payment under subsection 99(2) or (4); and

(c) the approved supplier later receives a written version of the prescription that does not contain a medicare number as a number applicable to the person to whom the prescription relates;

the approved supplier must, after the written version of the prescription is received, endorse on the written version, or insert in the CTS claim relating to the prescription:

(d) if a medicare number is already retained in the approved supplier's records in accordance with section 86D as a number applicable to the person to whom the prescription relates—that medicare number; or

(e) if a medicare number is not so retained as a number applicable to the person to whom the prescription relates—the special number applicable to the person under subsection 86E(1) as a person in respect of whom a prescription has been so communicated.

Note 1: Subsection 99(7) sets out the consequences of a failure ultimately to supply a medicare number or special number to the Chief Executive Medicare or, in the case of a medicare number that is so supplied, of a discrepancy with a medicare number held in the records of the Chief Executive Medicare.

Note 2: If, because a medicare number is not provided and a special number is not applicable, a person pays the full amount to an approved supplier for the supply of a pharmaceutical benefit, the person may be entitled to an appropriate refund from the Commonwealth (see subsection 87A(2)).

86D Power of approved suppliers to record and retain medicare numbers and expiry dates

Approved supplier may record and retain medicare numbers and expiry dates supplied by or on behalf of patients

(1) If:

(a) an approved supplier is provided with a medicare number as a number applicable to a person (whether with or without the expiry date in relation to that number) either:

(i) as a result of a request under section 86B or 86C; or

(ii) to facilitate the supply of pharmaceutical benefits at a later time or times; and

(b) the approved supplier is satisfied that the person providing the number, or number and date, is:

(i) the person in respect of whom the number was provided; or

(ii) the legal guardian of that person; or

(iii) another person who, in accordance with a written determination made by the Minister for the purposes of this subsection, is capable of giving an authorisation under this subsection;

the approved supplier may, with the authorisation of the person providing the number, or number and date, undertake the permitted recording and retention activities in relation to that number, or number and date.

Supplier may record and retain medicare numbers and expiry dates supplied by PBS prescribers in respect of communicated prescriptions

(2) If:

(a) a prescription for the supply of a pharmaceutical benefit is communicated to an approved supplier in circumstances set out in regulations made for the purposes of paragraph 89(a); and

(b) at the time the prescription is communicated, the PBS prescriber communicating the prescription informs the approved supplier of a medicare number as a number applicable to the person to whom the prescription relates (whether with or without the expiry date in relation to that number);

the approved supplier may undertake the permitted recording and retention activities in relation to that number, or number and date.

Note: An approved supplier can only be informed of a medicare number under this section with the authority of the person whose number it is, or of another person on that person's behalf (see subsection 88(3B)).

Persons not obliged to authorise recording and retention of particulars

(3) Nothing in this section implies that a person is under any obligation to authorise an approved supplier to undertake the permitted recording and retention activities in respect of a medicare number, or of a medicare number and the expiry date in relation to such a number, provided as a result of a request under section 86B or 86C.

Approved supplier responsible for storage and security

(4) An approved supplier who, under this section, records and retains medicare numbers, or medicare numbers and expiry dates in relation to those numbers, in the approved supplier's records must ensure:

(a) that the record of those numbers, or numbers and dates, is protected, by such security safeguards as it is reasonable in the circumstances to take, against loss, against unauthorised

access, use, modification or disclosure, and against other misuse; and

(b) if it is necessary for access to the record of those numbers, or numbers and dates, to be given to a person in connection with the provision of services to the approved supplier—that everything reasonably within the power of the approved supplier is done to prevent unauthorised use or disclosure of information contained in that record.

Determinations are disallowable instruments

(5) Ministerial determinations for the purposes of subsection (1) are disallowable instruments within the meaning of section 46A of the *Acts Interpretation Act 1901*.

Permitted recording and retention activities

(6) In this section:

permitted recording and retention activities, in relation to a medicare number provided to an approved supplier under subsection (1) or (2) as a number applicable to a person (whether with or without an expiry date in relation to that number), are:

(a) to record and retain that number, or that number and date, in the approved supplier's records in relation to that person; or

(b) if the approved supplier has already recorded and retained either or both of those particulars in relation to that person by virtue of a previous operation of this section—to check the accuracy and completeness of the recorded particulars in respect of that person and, if the recorded particulars are inaccurate or incomplete, to modify those particulars appropriately.

86E Minister may determine certain persons to be special evidentiary categories

Determination of classes of persons whose entitlement to pharmaceutical benefits can be evidenced otherwise than by provision of medicare numbers

(1) The Minister may, by written instrument, determine that certain classes of persons are classes of persons in respect of whom an entitlement to pharmaceutical benefits can be evidenced otherwise than by provision of a medicare number.

Classes that may be the subject of a determination

(2) Without limiting the classes that may be so determined, those classes may include the following:
   (a) persons who are not legally competent;
   (b) persons requiring drugs or medicinal preparations in an emergency;
   (c) foreign persons:
      (i) who are entitled to be treated as eligible persons within the meaning of the *Health Insurance Act 1973* under section 7 of that Act; and
      (ii) who are able to produce evidence, of a kind specified in the determination, to prove that entitlement;
   (d) persons in respect of whom a prescription is communicated in circumstances set out in regulations made for the purposes of paragraph 89(a).

Determinations may set out particulars of which suppliers must be satisfied

(3) In a determination under subsection (1), the Minister may set out:
   (a) the particular matters in respect of which an approved supplier must be satisfied before being satisfied that a person is included within a particular class determined under that subsection; and
   (b) the procedure to be followed by the approved supplier in establishing such matters.

Determinations under subsection (1) must establish procedure for allocation of special numbers

(4) The Minister must include, in each determination under subsection (1) that identifies a class of persons, a procedure for allocating a particular combination of numbers, or letters and numbers, that is to be the special number applicable to a person included within that class as a member of that class.

Determinations are disallowable instruments

(5) Ministerial determinations under subsection (1) are disallowable instruments within the meaning of section 46A of the *Acts Interpretation Act 1901*.

87 Limited charges for pharmaceutical benefits

(1) Subject to this section, an approved pharmacist, a medical practitioner or an approved hospital authority shall not demand or receive a payment (other than a payment from the Commonwealth) or other valuable consideration in respect of the supply of a pharmaceutical benefit.

(2) Subject to subsection (2A), an approved pharmacist or an approved medical practitioner acting in accordance with his or her approval may, in respect of each supply (including each repeated supply) by the approved pharmacist or approved medical practitioner, as the case may be, of a pharmaceutical benefit:

(a) upon:

(i) a concessional benefit prescription; or

(ii) an entitlement card prescription where the supply is an early supply of a specified pharmaceutical benefit; or

(iii) a concession card prescription (other than where the supply is an early supply of a specified pharmaceutical benefit);

charge the person to whom the pharmaceutical benefit is supplied $4.60; or

(b) upon a general benefit prescription if, during the relevant entitlement period in which the supply is made, the person supplied has previously been charged, for supplies of

pharmaceutical benefits, an amount that is not less than the amount of the general patient safety net (within the meaning of section 99F)—charge the person $4.60; or

(c) upon a general benefit prescription if, during the relevant entitlement period in which the supply is made, the person supplied, together with the members of his or her family (within the meaning of Division 1A), has previously been charged, for supplies of pharmaceutical benefits, an amount that is not less than the amount of the general patient safety net (within the meaning of section 99F)—charge the person $4.60; or

(e) upon a general benefit prescription (other than one relating to a supply to which paragraph (b) or (c) applies), or a concession card prescription (where the supply is an early supply of a specified pharmaceutical benefit)—charge the person to whom the pharmaceutical benefit is supplied $28.60.

Note: The figures expressed in this subsection in dollars are periodically adjusted under section 99G.

(2AAA) Paragraphs (2)(b) and (c) do not apply to an early supply of a specified pharmaceutical benefit.

(2AA) For the purposes of paragraphs 2(b) and (c), a person is taken to have been charged the price worked out in accordance with a determination in force under subsection 84C(7) for each supply, during the relevant entitlement period, of a pharmaceutical benefit that is taken, because of subsection 99(2A), to be a supply otherwise than under this Part.

(2AB) In determining, for the purposes of paragraph (2)(b) or (c), an amount that has previously been charged for supplies of pharmaceutical benefits:

(a) supplies taken, because of subsection 99(2A), to be supplies otherwise than under this Part are taken to be supplies of pharmaceutical benefits; and

(b) supplies of repatriation pharmaceutical benefits are taken to be supplies of pharmaceutical benefits; and

(c) any additional amounts charged under subsection (2A) are to be disregarded; and

(d) the amount that would, apart from paragraph (2)(b) or (c) (as the case requires), be chargeable in respect of the particular supply in question is to be included; and

(e) any amount charged in respect of an early supply of a specified pharmaceutical benefit (other than a supply of out-patient medication) is to be disregarded.

(2A) In addition to any amount that may be charged in accordance with subsection (2), an approved pharmacist or an approved medical practitioner acting in accordance with his or her approval may, in respect of each supply (including each repeated supply) of a pharmaceutical benefit that is a listed brand of a pharmaceutical item and in relation to which a determination under subsection 85B(3) is in force, charge the person to whom it is supplied an amount equal to the special patient contribution for the brand of the pharmaceutical item, unless the approved pharmacist or approved medical practitioner is entitled to be paid by the Commonwealth that special patient contribution under subsection 99(2AA).

(3) Where an approved pharmacist or an approved medical practitioner supplies a pharmaceutical benefit in accordance with a direction included in a prescription in pursuance of subsection 88(6) or (6A), the amount chargeable in accordance with subsection (2), of this section is, in lieu of whichever of the amounts referred to in subsection (2), of this section is applicable, an amount equal to the product of that applicable amount and the minimum number of occasions of supply that would have had to be directed if the medical practitioner, authorised midwife or authorised nurse practitioner had prescribed the same total quantity or number of units of the pharmaceutical benefit by way of repeated supplies.

(3A) An approved pharmacist, approved medical practitioner or approved hospital authority shall not supply a pharmaceutical benefit to a person on terms that are appropriate for the supply of the benefit to:

(ba) a holder of a concession card; or

(c) a holder of an entitlement card; or

(d) a concessional beneficiary; or

(e) a person who is a dependant of a concessional beneficiary within the meaning of subsection 84(4) or (7); or

(f) a general patient;

unless the pharmacist, medical practitioner or authority is satisfied that the person is entitled to receive the benefit on those terms.

(3B) Without limiting the generality of subsection (3A), an approved pharmacist, approved medical practitioner or approved hospital authority may refuse to supply a pharmaceutical benefit to a person on terms that are appropriate for the supply of the benefit to:

(ba) a holder of a concession card; or

(c) a holder of an entitlement card; or

(d) a concessional beneficiary; or

(e) a person who is a dependant of a concessional beneficiary within the meaning of subsection 84(4) or (7); or

(f) a general patient;

unless the person produces evidence (whether by way of the production of a card or evidence of identity or otherwise) to the pharmacist, medical practitioner or authority that the person is entitled to receive the benefit on those terms.

(4) The regulations may provide for the making of a charge, not exceeding an amount ascertained in accordance with the regulations:

(b) by an approved pharmacist or an approved medical practitioner in respect of the supply of a pharmaceutical benefit by delivery at or to a place other than premises in respect of which the approved pharmacist is approved, or premises at which the approved medical practitioner carries on practice, as the case may be.

(5) Subsection (1) does not prevent an approved hospital authority from charging, in respect of the supply of pharmaceutical benefits to a patient receiving treatment in or at a hospital, amounts not exceeding the sum of the charges that the patient could have been required to pay in accordance with subsections (2) and (2A), if the patient had obtained the pharmaceutical benefits from an approved pharmacist upon a prescription or prescriptions directing the supply

of the maximum quantity or number of units applicable under a determination of the Minister under subsection 85A(2).

(5A) Subsection (5) does not apply to a supply if:

(a) the patient is the holder of an entitlement card; and

(b) the supply is not an early supply of a specified pharmaceutical benefit.

(6) The reference in subsection (1) to a payment or other valuable consideration in respect of the supply of a pharmaceutical benefit does not include a reference to a charge demanded or received by reason only that the supply is made at a time outside normal trading hours.

87A Entitlement to refund in certain circumstances

(1) If:

(a) an approved supplier did not supply a pharmaceutical benefit to a person on terms that are appropriate for the supply of a benefit to:

(i) the holder of a concession card or entitlement card; or

(ii) a concessional beneficiary; or

(iii) a person who is a dependant of a concessional beneficiary within the meaning of subsection 84(4) or (7);

because the supplier was not satisfied that the person was entitled to receive the benefit on those terms; and

(b) the Secretary is satisfied that the person was entitled at the time to receive the benefit on those terms;

the person is entitled to be paid by the Commonwealth an amount equal to the difference between:

(c) the amount payable for the supply of the benefit on those terms; and

(d) an amount equal to:

(i) if, because of subsection 99(2A), (2AB) or (2B), the supply of the benefit is taken to be a supply otherwise than under this Part—the Commonwealth price for the supply of the benefit; or

(ii) in any other case—the amount that the person was charged under section 87.

(2) A person is entitled to be paid by the Commonwealth an amount equal to the difference between the amount payable for the supply of a pharmaceutical benefit on terms that are appropriate for the supply of the benefit to a general patient and an amount equal to the Commonwealth price for the supply of the benefit if:

(a) an approved supplier did not supply the benefit to the person on those terms because the supplier was not satisfied that the person was entitled to receive the benefit on those terms; and

(b) the Secretary is satisfied that the person was entitled at the time to receive the benefit on those terms.

(3) Subsection (4) applies if:

(a) under this Act an approved supplier charged a person an amount in respect of a supply of a pharmaceutical benefit; and

(b) at the time of the supply, the person was eligible to be issued with a concession card or an entitlement card but was not the holder of such a card.

(4) If the Secretary is satisfied:

(a) that the failure to issue a concession card or entitlement card was not caused by some wilful action of the person; and

(b) that in the circumstances the person should be treated as if:

(i) the person had been at the time when the pharmaceutical benefit was supplied the holder of a concession card or entitlement card; and

(ii) the prescription upon which the pharmaceutical benefit had been supplied were a concession card prescription or entitlement card prescription (as the case may be);

the person is entitled to be paid by the Commonwealth an amount equal to any amount paid by the person that would not have been payable if the pharmaceutical benefit had been supplied on a concession card prescription or an entitlement card prescription (as the case may be).

88 Prescribing of pharmaceutical benefits

(1) Subject to this Part, a medical practitioner is authorized to write a prescription for the supply of a pharmaceutical benefit.

(1A) Subject to this Part, a participating dental practitioner is authorized to write a prescription for the supply of any pharmaceutical benefit determined from time to time by the Minister, for the purposes of this subsection, by legislative instrument.

(1C) Subject to this Part, an authorised optometrist is authorised to write a prescription on or after 1 January 2008 for the supply of any pharmaceutical benefit determined from time to time by the Minister for the purposes of this subsection, by legislative instrument.

(1D) Subject to this Part, an authorised midwife is authorised to write a prescription on or after 1 November 2010 for the supply of any pharmaceutical benefit determined from time to time by the Minister for the purposes of this subsection, by legislative instrument.

(1E) Subject to this Part, an authorised nurse practitioner is authorised to write a prescription on or after 1 November 2010 for the supply of any pharmaceutical benefit determined from time to time by the Minister for the purposes of this subsection, by legislative instrument.

(1F) When writing a prescription under subsection (1), (1A), (1C), (1D) or (1E) for the supply of a pharmaceutical benefit that has a pharmaceutical item, the PBS prescriber, in identifying the pharmaceutical benefit that he or she is directing to be supplied, need not specify:

(a) a listed brand of the pharmaceutical item in the pharmaceutical benefit; or

(b) the manner of administration of the pharmaceutical item in the pharmaceutical benefit.

(2) A PBS prescriber shall not, by writing a prescription or otherwise, authorize the supply of a pharmaceutical benefit, being a narcotic

drug, for the purpose of the administration of that benefit to himself or herself.

(3) A prescription for the supply of a pharmaceutical benefit must not be written:

(a) by a medical practitioner otherwise than in relation to the medical treatment of a person requiring that pharmaceutical benefit; or

(b) by a participating dental practitioner otherwise than in relation to the dental treatment of a person requiring that pharmaceutical benefit; or

(c) by an authorised optometrist otherwise than in relation to the optometrical treatment of a person requiring that pharmaceutical benefit; or

(d) by an authorised midwife otherwise than in relation to the midwifery treatment of a person requiring that pharmaceutical benefit; or

(e) by an authorised nurse practitioner otherwise than in relation to the nurse practitioner treatment by the authorised nurse practitioner of a person requiring that pharmaceutical benefit.

(3A) A PBS prescriber, when writing or communicating a prescription for the supply of a pharmaceutical benefit to a person, may:

(a) request the provision of a medicare number applicable to the person and of the expiry date in relation to that number; and

(b) if a medicare number (whether with or without the expiry date in relation to that number):

(i) is so provided as a number applicable to the person; or

(ii) is retained as such a number in the PBS prescriber's records in accordance with section 88AA;

endorse the medicare number on a prescription written for that person (including, in the case of a communicated prescription, a subsequent written version of that communicated prescription).

(3B) A PBS prescriber must not inform an approved supplier of a medicare number, or a medicare number and an expiry date in relation to that number, in the circumstances described in subsection 86D(2), unless:

(a) the person in respect of whom the number was provided; or

(b) the legal guardian of that person; or

(c) another person identified in a determination made by the Minister under section 86D or 88AA as capable of authorising the recording and retention of such number or number and date;

authorises the PBS prescriber to inform the approved supplier of that number, or number and date.

(3C) Nothing in this section implies that a person is under any obligation:

(a) to provide a medicare number, or a medicare number and the expiry date in relation to that number, to a PBS prescriber; or

(b) to authorise such a PBS prescriber to inform an approved supplier of such a number, or number and date, in the circumstances described in subsection 86D(2).

(4) Where a determination of the Minister under subsection 85A(1) is applicable to a PBS prescriber, the PBS prescriber shall not write a prescription for the supply of a pharmaceutical benefit except in accordance with that determination or any other determination that is applicable to him or her.

(5) Subject to subsection (6), a PBS prescriber is not authorized, in a prescription for the supply of a pharmaceutical benefit, to direct that:

(a) there be supplied on one occasion a quantity or number of units of:

(i) if the pharmaceutical benefit has a pharmaceutical item—the pharmaceutical item; or

(ii) in any other case—the pharmaceutical benefit;

in excess of the maximum quantity or number of units (if any) applicable under a determination of the Minister under subsection 85A(2); or

(b) the pharmaceutical benefit is to be administered in a manner other than the manner (if any) applicable under a determination of the Minister under subsection 85A(2).

(6) Where a medical practitioner may, in accordance with this Part, direct a repeated supply of a pharmaceutical benefit, the medical practitioner may, in such circumstances and subject to such conditions as are prescribed, instead of directing a repeated supply, direct in the prescription the supply on one occasion of a quantity or number of units of the pharmaceutical benefit not exceeding the total quantity or number of units of:

(a) if the pharmaceutical benefit has a pharmaceutical item—the pharmaceutical item; or

(b) in any other case—the pharmaceutical benefit;

not exceeding the total quantity or number of units that could be prescribed if the medical practitioner directed a repeated supply.

(6A) If a person who is an authorised midwife or authorised nurse practitioner may, in accordance with this Part, direct a repeated supply of a pharmaceutical benefit, the person may, instead of directing a repeated supply, direct in the prescription the supply on one occasion of a quantity or number of units of the pharmaceutical benefit not exceeding the total quantity or number of units of:

(a) if the pharmaceutical benefit has a pharmaceutical item—the pharmaceutical item; or

(b) in any other case—the pharmaceutical benefit;

not exceeding the total quantity or number of units that could be prescribed if the person directed a repeated supply.

(6B) However, the person may only make a direction under subsection (6A) if:

(a) the regulations prescribe either or both of the following:

(i) circumstances in which the person may make such a direction;

(ii) conditions on the making of such a direction; and

(b) the direction is made in those circumstances and in accordance with those conditions.

(7) Except in accordance with a determination of the Minister under subsection 85A(2), a PBS prescriber is not authorized, in a prescription for the supply of a pharmaceutical benefit, to direct

that the supply of the pharmaceutical benefit be repeated on one or more occasions.

(8) If, in one prescription:

(a) the supply of a pharmaceutical benefit (the ***first benefit***) and another pharmaceutical benefit (the ***second benefit***) is directed; and

(b) the second benefit is:

(i) Schedule equivalent to the first benefit; or

(ii) if the first benefit is a listed brand of a pharmaceutical item—another listed brand of the pharmaceutical item;

then the prescription is taken to direct the repeated supply of the first benefit.

88AA Power of PBS prescribers to record and retain medicare numbers and expiry dates

(1) If:

(a) a PBS prescriber is provided with a medicare number as a number applicable to a person (whether with or without the expiry date in relation to that number) either:

(i) as a result of a request under subsection 88(3A); or

(ii) to facilitate the writing of a prescription for the supply of pharmaceutical benefits at a later time or times; and

(b) the PBS prescriber is satisfied that the person providing the number, or number and date, is:

(i) the person in respect of whom the number was provided; or

(ii) the legal guardian of that person; or

(iii) another person who, in accordance with a written determination made by the Minister for the purposes of this subsection, is capable of giving an authorisation under this subsection;

the PBS prescriber may, with the authorisation of the person providing the number, or number and date:

(c) record and retain that number, or number and date, in the PBS prescriber's records; or

(d) if the PBS prescriber has already recorded and retained either or both of those particulars by virtue of a previous operation of this section—check the accuracy and completeness of the recorded particulars and, if the recorded particulars are inaccurate or incomplete, appropriately modify those particulars.

(2) Nothing in subsection (1) implies that a person is under any obligation to authorise the recording and retention, in a PBS prescriber's records, of a medicare number, or of the expiry date in relation to such a number, provided as a result of a request under subsection 88(3A).

PBS prescriber responsible for storage and security

(3) A PBS prescriber who, under this section, records and retains medicare numbers, or medicare numbers and expiry dates in relation to those numbers, in the PBS prescriber's records must ensure:

(a) that the record of those numbers, or numbers and dates, is protected, by such security safeguards as it is reasonable in the circumstances to take, against loss, against unauthorised access, use, modification or disclosure, and against other misuse; and

(b) that if it is necessary for access to the record of those numbers, or numbers and dates, to be given to a person in connection with the provision of services to the PBS prescriber, everything reasonably within the power of the PBS prescriber is done to prevent unauthorised use or disclosure of information contained in that record.

(4) Ministerial determinations for the purposes of subsection (1) are disallowable instruments within the meaning of section 46A of the *Acts Interpretation Act 1901*.

88A Prescription of certain pharmaceutical benefits authorised only in certain circumstances

Where a pharmaceutical benefit is determined, under subsection 85(7), to be a relevant pharmaceutical benefit for the

purposes of this section, the writing of a prescription for the supply of the benefit is authorised under this Part only in circumstances specified in the determination under subsection 85(7).

89 Pharmaceutical benefits to be supplied only on prescription etc.

A person is not entitled to receive a pharmaceutical benefit unless it is supplied:

(a) by an approved pharmacist, at or from premises in respect of which the pharmacist is for the time being approved, on presentation of a prescription written by a PBS prescriber in accordance with this Act and the regulations, or, in such circumstances as are prescribed, on communication to that pharmacist, in the prescribed manner, of a prescription of a PBS prescriber; or

Note: Sometimes the person will still be entitled to receive the pharmaceutical benefit if the pharmacist is approved later. See subsection 99(3B).

(b) in accordance with the provisions of section 89A, section 92, section 93, section 93AA, section 93AB, section 93A or section 94.

89A When pharmaceutical benefits may be supplied by approved pharmacists without prescription

(1) An approved pharmacist may, at or from premises in respect of which the pharmacist is for the time being approved, supply a pharmaceutical benefit without a prescription for that supply if:

(a) the pharmaceutical benefit is covered by an instrument made under subsection (3); and

(b) the supply is made in accordance with conditions that are specified in an instrument made under subsection (3).

(2) If an approved pharmacist makes a supply in accordance with subsection (1), then this Act (other than paragraph 89(a)) applies in relation to the supply as if:

(a) a person had presented the pharmacist with a prescription that:

(i) had been written by a PBS prescriber in accordance with this Act and the regulations; and

(ii) did not contain a medicare number; and

(b) a reference in this Part to a prescription for the supply of a pharmaceutical benefit to a person who is a holder of a concession card or an entitlement card included a reference to a supply made in accordance with subsection (1) to a person who is a holder of a concession card or an entitlement card on the day of the supply; and

(c) the following provisions were omitted:

(i) subsection 84(2A) and paragraph 84(10)(a);

(ii) section 84AA;

(iii) subparagraph 86B(3)(b)(i) and paragraph 86B(4)(e);

(iv) paragraphs 86C(3)(c) and (6)(e);

(v) paragraph 92A(1)(ca); and

(d) the words ", in accordance with section 84AA," in the definitions of ***concessional benefit prescription***, ***concession card prescription*** and ***entitlement card prescription*** in subsection 84(1) were omitted.

(3) The Minister may, by legislative instrument, determine:

(a) the pharmaceutical benefits that may be supplied by an approved pharmacist without a prescription; and

(b) the conditions that must be satisfied when making a supply of those pharmaceutical benefits.

(4) The Minister must publish statistics annually for each pharmaceutical item supplied under subsection (1).

(5) The Minister must:

(a) cause a written report to be prepared of a review of this section no more than two years from the commencement of the section; and

(b) cause a copy of the report to be laid before each House of the Parliament within six months of the commencement of the review.

90 Approved pharmacists

(1) Subject to this section, the Secretary may, upon application by a pharmacist for approval to supply pharmaceutical benefits at particular premises, approve that pharmacist for the purpose of supplying pharmaceutical benefits at those premises.

(2) Where a pharmacist desires to supply pharmaceutical benefits at more than 1 premises, a separate application shall be made in respect of each of the premises and, where approval is granted in respect of 2 or more premises, a separate approval shall be granted in respect of each of the premises.

(3) Subject to this section, where an approved pharmacist desires to supply pharmaceutical benefits at premises other than premises in respect of which approval has been granted, the Secretary may on application by the approved pharmacist, grant approval in respect of those other premises.

(3A) Subject to subsections (3AA) and (3AE), an application under this section must be referred to the Authority.

(3AA) Subsection (3A) does not apply to an application for an approval arising out of a change in the ownership of a pharmacy situated at particular premises if the change results or resulted from:

(a) the sale of the pharmacy; or

(b) the acquisition, following the death of a person who was the owner or one of the owners of the pharmacy, of that person's interest in the business of the pharmacy; or

(c) a change in the constitution of a partnership that owned the pharmacy;

if the pharmacy is to continue to operate at the same premises.

(3AB) In subsections (3AA) and (3AE):

pharmacy means a business in the course of the carrying on of which pharmaceutical benefits are supplied.

(3AC) For the purposes of paragraph (3AA)(b), if a person who is the owner or one of the owners of the business of a pharmacy dies,

another person will be taken to have acquired the interest of the deceased person only after:

(a) a grant of probate of the will, or letters of administration of the estate, of the owner who has died, by a court of a State or Territory having jurisdiction in relation to the owner; and

(b) the transfer to that other person of that interest.

(3AD) Despite the grant of that probate or those letters of administration being taken to have had effect from the date of death of the owner, any permission to supply pharmaceutical benefits at particular premises that is granted under section 91 in respect of:

(a) a period preceding that grant of probate or those letters of administration; or

(b) a period following that grant of probate or those letters of administration and preceding the subsequent transfer of the business;

is unaffected.

(3AE) Subsection (3A) does not apply to an application for an approval if:

(a) the application arises out of an expansion or contraction of particular premises (the ***original premises***) at which a pharmacy is situated; and

(b) the expanded or contracted premises occupy any of the space occupied by the original premises.

(3AF) However, the Secretary may, at his or her discretion, refer to the Authority an application referred to in subsection (3AE).

(3B) An approval may be granted under this section in respect of an application that has been referred to the Authority under subsection (3A) or (3AF) only if the Authority has recommended the grant of the approval, but the Secretary may refuse to grant an approval even if the grant has been recommended by the Authority.

(3C) Unless sooner repealed, subsections (3A), (3AA), (3AB), (3AC), (3AD), (3AE), (3AF) and (3B) cease to have effect at the end of 30 June 2015.

(3D) The Secretary must not grant approval under this section to a pharmacist in respect of particular premises if the Secretary is

satisfied that on or after the day the approval would otherwise be granted:

(a) the pharmacist would be unable to supply pharmaceutical benefits at the premises; or

(b) the premises would not be accessible by members of the public for the purpose of receiving pharmaceutical benefits at times that, in the opinion of the Secretary, are reasonable.

(4) Nothing in this section authorizes the Secretary to grant approval to a pharmacist in respect of premises at which that pharmacist is not permitted, under the law of the State or Territory in which the premises are situated, to carry on business.

(5) Where the Secretary makes a decision granting or rejecting an application made by a pharmacist under this section, the Secretary shall cause to be served on the pharmacist, notice in writing of that decision.

Note: In certain circumstances, the Minister may substitute for a decision of the Secretary rejecting an application for approval, a decision granting the approval (see section 90A).

(5AA) If, under this section, a pharmacist is granted approval to supply pharmaceutical benefits at particular premises, the pharmacist may also supply pharmaceutical benefits from those premises.

(5A) A pharmacist who:

(a) before 18 December 1990, was granted an approval to supply pharmaceutical benefits at or from particular premises; and

(b) supplied pharmaceutical benefits on or before 18 December 1990 from other premises without the Secretary having granted approval under subsection (3) in respect of those other premises;

is to be taken to have been granted in respect of those other premises, or whichever of those premises was the premises from which the pharmacist last supplied pharmaceutical benefits before 18 December 1990, an approval under subsection (3).

(5B) The reference in paragraph (5A)(b) to supplying pharmaceutical benefits includes a reference to supplying drugs and medicinal

preparations for which payment was made as if they were pharmaceutical benefits.

(5C) Subsection (5A) does not apply if:

(a) the approval referred to in paragraph (5A)(a) was not in force immediately before the commencement of section 20 of the *Health and Community Services Legislation Amendment Bill (No. 2) 1993*; or

(b) the pharmacist is not permitted, under the law of the State or Territory in which the premises referred to in paragraph (5A)(b) are situated, to carry on business at those premises.

(6) For the purposes of this section, a reference to a pharmacist is taken to include a reference to a person who owns, or is about to own, a business for the supply of pharmaceutical benefits at particular premises.

(7) Subsection (6) does not permit an application to be made under subsection (1) by a beneficiary of a deceased approved pharmacist who is not himself or herself a pharmacist before the interest in the business of the deceased pharmacist is transferred to the beneficiary in the course of the administration of the estate of the deceased pharmacist.

(8) Nothing in this section prevents the approval of more than one pharmacist for the purpose of supplying pharmaceutical benefits at particular premises.

90A Minister may substitute decision approving pharmacist

(1) This section applies in relation to a decision of the Secretary under section 90 rejecting an application by a pharmacist for approval to supply pharmaceutical benefits at particular premises, if:

(a) the application was made on or after 1 July 2006; and

(b) the decision was made on the basis that the application did not comply with the requirements of the relevant rules determined by the Minister under section 99L.

(2) The Minister may substitute for the Secretary's decision a decision approving the pharmacist for the purpose of supplying pharmaceutical benefits at the particular premises if the Minister is satisfied that:

(a) the Secretary's decision will result in a community being left without reasonable access to pharmaceutical benefits supplied by an approved pharmacist; and

(b) it is in the public interest to approve the pharmacist.

(3) For the purposes of subsection (2):

community means a group of people that, in the opinion of the Minister, constitutes a community.

reasonable access, in relation to pharmaceutical benefits supplied by an approved pharmacist, means access that, in the opinion of the Minister, is reasonable.

(4) The power under subsection (2) may only be exercised:

(a) on request by the pharmacist made under section 90B; and

(b) by the Minister personally.

(5) Subject to subsection 90B(5), the Minister does not have a duty to consider whether to exercise the power under subsection (2) in respect of the Secretary's decision.

(6) The power under subsection (2) does not authorise the Minister to approve a pharmacist for the purpose of supplying pharmaceutical benefits at particular premises at which the pharmacist is not permitted, under the law of the State or Territory in which the premises are situated, to carry on business.

(7) A decision by the Minister not to exercise the power under subsection (2) in respect of the Secretary's decision does not prevent the pharmacist from making an application to the Administrative Appeals Tribunal under subsection 105AB(7) for review of the Secretary's decision.

(8) For the purposes of this section (other than subsection (7)):

(a) a reference to a decision of the Secretary includes a reference to a decision of the Secretary that has been affirmed by a

decision of the Administrative Appeals Tribunal or an order of a federal court; and

(b) a reference to a decision of the Administrative Appeals Tribunal includes a reference to a decision of the Administrative Appeals Tribunal that has been affirmed by an order of a federal court.

90B Request to Minister to approve pharmacist

(1) If section 90A applies to a decision of the Secretary under section 90 rejecting an application by a pharmacist, the pharmacist may, in writing, request the Minister to exercise the Minister's power under subsection 90A(2) in respect of the Secretary's decision.

(2) The Minister may determine the form in which a request under subsection (1) must be made and, if the Minister does so, such a request must be made in that form.

(3) A request under subsection (1) must be made:

(a) within 30 days after the pharmacist is notified of the Secretary's decision; or

(b) if the pharmacist has applied to the Administrative Appeals Tribunal for review of the Secretary's decision—within 30 days after:

(i) the pharmacist is given a copy of the Administrative Appeals Tribunal's decision affirming the Secretary's decision; or

(ii) the application has been discontinued, withdrawn or dismissed; or

(c) if the pharmacist has sought an order from a federal court in respect of the Secretary's decision or a decision of the Administrative Appeals Tribunal affirming the Secretary's decision—within 30 days after:

(i) the court has made an order affirming the Secretary's decision or the Administrative Appeals Tribunal's decision, as the case requires; or

(ii) the court proceeding has been discontinued, withdrawn or dismissed.

(4) The Minister must, within 3 months after receiving a request under subsection (1), personally decide whether to consider the request. If the Minister has not made a decision within this period, the Minister is taken to have decided not to consider the request.

(5) If the Minister decides to consider a request under subsection (1), the Minister must, within 3 months after making that decision, personally decide whether to exercise the power under subsection 90A(2) in respect of the Secretary's decision. If the Minister has not made a decision within this period, the Minister is taken to have decided not to exercise the power under subsection 90A(2) in respect of the Secretary's decision.

(6) The Secretary must, by notice in writing, advise the pharmacist of:
  (a) the decision made, or taken to have been made, by the Minister under subsection (4); and
  (b) if applicable, the decision made, or taken to have been made, by the Minister under subsection (5).

90C Circumstances in which request may not be made

(1) A request must not be made under subsection 90B(1) in relation to a decision of the Secretary to which section 90A applies if:
  (a) the Secretary's decision is the subject of a proceeding before the Administrative Appeals Tribunal or a federal court; and
  (b) the proceeding has not been discontinued, withdrawn or dismissed, or otherwise finally determined.

(2) A request under subsection 90B(1) is taken to have been withdrawn if, before the Minister has made a decision in relation to the request under subsection 90B(4) or (if applicable) subsection 90B(5), the Secretary's decision becomes the subject of a proceeding before the Administrative Appeals Tribunal or a federal court.

90D Provision of further information

(1) For the purpose of deciding whether to consider a request made by a pharmacist under subsection 90B(1) or whether to exercise the power under subsection 90A(2) in relation to such a request:

(a) the Minister may, by notice in writing given to the pharmacist, require the pharmacist to provide such further information, or produce such further documents, to the Minister as the Minister specifies, within the period specified in the notice; and

(b) the Minister may give a notice in writing to any other person:

(i) advising the person of the request; and

(ii) inviting the person to provide comments on, or information or documents relevant to, the request within the period specified in the notice.

(2) If:

(a) the Minister gives a notice to a pharmacist under paragraph (1)(a); and

(b) the pharmacist does not provide the information specified in the notice or produce the documents specified in the notice within the period specified in the notice;

the Minister may treat the request as having been withdrawn.

(3) If the Minister gives a notice to a person under paragraph (1)(b), the Minister:

(a) is only required to consider comments, information or documents provided by the person during the period specified in the notice; and

(b) if the person does not provide any comments, information or documents within that period—is not required to take any further action to obtain such comments, information or documents.

90E Effect of decision by Minister to approve pharmacist

If the Minister decides to substitute for a decision of the Secretary to which section 90A applies a decision approving a pharmacist for the purpose of supplying pharmaceutical benefits at particular premises:

(a) the pharmacist is to be treated for all purposes of this Act as if the pharmacist is approved under section 90 in respect of those premises; and

(b) references in this Act to an approval granted under section 90 include references to an approval treated as having been granted under section 90 by paragraph (a) of this section; and

(c) the conditions to which an approval granted under section 90 is subject (including any condition that is imposed by means of a determination under paragraph 92A(1)(f)) apply also to an approval that is treated as having been granted under section 90 by paragraph (a) of this section; and

(d) the rights conferred and obligations imposed on an approved pharmacist apply to the pharmacist in his or her activities as an approved pharmacist.

91 Application to supply pharmaceutical benefits following the death of approved pharmacist

(1) If:

(a) a person is an approved pharmacist in respect of a pharmacy at particular premises; and

(b) the approved pharmacist dies at any time on or after the commencement of this section; and

(c) another person claims to be:

(i) the executor, or one of the executors, of the will of the deceased pharmacist in respect of which probate has been granted; or

(ii) the executor, or one of the executors, of the will of the deceased pharmacist although probate has not yet been granted; or

(iii) a person, or one of the persons, to whom the administration of the estate of the deceased pharmacist has been granted; or

(iv) a person, or one of the persons, intending to apply for administration of the estate of the deceased pharmacist; and

(d) that other person applies to the Secretary for permission to supply pharmaceutical benefits at those premises;

the Secretary may, if the Secretary reasonably believes that the applicant is, or on the grant of probate of the will or letters of administration of the estate is likely to be, such an executor or

administrator, grant the applicant permission to supply such pharmaceutical benefits at those premises.

(2) An application under subsection (1) in relation to the supply of pharmaceutical benefits at particular premises:

(a) must be made in writing in a form approved by the Secretary; and

(b) must be made as soon as reasonably practicable after the death of the pharmacist who previously supplied such pharmaceutical benefits at those premises; and

(c) must be accompanied by documentary evidence relating to:

(i) the identity of the applicant; and

(ii) the nature of the applicant's claim to be a person referred to in a subparagraph of paragraph 91(1)(c);

of a kind determined in writing by the Secretary for the purposes of this paragraph.

(3) A determination made for the purposes of paragraph (2)(c) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

(4) For the purpose of considering an application under this section, the Secretary may, by notice in writing given to the applicant, require the applicant to provide such further information, or produce such further documents, to the Secretary as the Secretary specifies, within such period as the Secretary specifies.

(5) If the Secretary requires the provision of information or the production of documents within a specified period and the information or documents are not provided or produced within that period, the Secretary may treat the application as having been withdrawn.

(6) When the Secretary makes a decision to grant or refuse an application under this section, the Secretary must cause notice in writing of that decision to be given to the applicant. If the Secretary decides to refuse an application, the notice must include reasons for the refusal.

(7) If the Secretary grants an applicant permission to supply pharmaceutical benefits at premises the subject of the application:

(a) the person granted that permission is to be treated for all purposes of this Act as if the person is, and, since the referral day in relation to the permission, had been, approved under section 90 as an approved pharmacist in relation to the pharmacy at those premises; and

(b) any supply of pharmaceutical benefits at or from those premises by a pharmacist who is not an approved pharmacist after the referral day in relation to the permission and before the grant of that permission is to be treated as if it had been a supply of those pharmaceutical benefits by the person to whom the permission is granted; and

(c) references in this Act to an approval granted under section 90 include references to an approval treated as having been granted under section 90 by paragraph (a); and

(d) the conditions to which an approval granted under section 90 is subject (including any condition that is imposed by means of the Minister's determination under paragraph 92A(1)(f)) apply also to an approval that is treated as having been granted under section 90 by paragraph (a); and

(e) the rights conferred and obligations imposed on an approved pharmacist apply to that person in his or her activities as such an approved pharmacist.

(8) For the purposes of subsection (7), the ***referral day***, in relation to a permission granted under this section, is:

(a) unless paragraph (b) applies—the day following the date of death of the deceased pharmacist to whom the application for permission related; or

(b) if there has been a prior permission granted under this section in relation to the premises to which the permission relates—the day following the date the prior permission was revoked.

(9) A permission granted to a person under subsection (1) in relation to particular premises continues, unless it is sooner revoked, until that person or another person is approved by the Secretary under section 90 in respect of those premises.

(10) Nothing in this section authorises the Secretary to grant a permission under subsection (1) to a person to supply pharmaceutical benefits at particular premises at which the person is not permitted, under the law of the State or Territory in which the premises are situated, to carry on business.

(11) If:

(a) probate of the will, or administration of the estate, of a deceased approved pharmacist is granted; and

(b) the person granted a permission under subsection (1) in relation to the supply of pharmaceutical benefits at premises where that pharmacist carried on business is not, or is not included among persons who are, granted that probate or administration;

he or she must, as soon as he or she becomes aware of that fact, notify the Secretary in writing of that fact.

(12) If the Secretary becomes aware, either as a result of a notification under subsection (11) or otherwise, that:

(a) probate of the will, or administration of the estate, of a deceased approved pharmacist is granted; and

(b) the person granted a permission under subsection (1) is not, or is not included among persons who are, granted that probate or administration;

the Secretary must, by notice in writing given to the person granted that permission, revoke the permission.

(13) If a partnership agreement provides for the disposal of the pharmacy business of a deceased approved pharmacist to any surviving partner or partners, nothing in this section is to be taken to override the operation of the terms of that agreement.

92 Approved medical practitioners

(1) Where there is no pharmacist approved in respect of premises from which, in the opinion of the Secretary, a convenient and efficient pharmaceutical service may be supplied in a particular area and a medical practitioner is practising in that area, the Secretary may approve the medical practitioner for the purpose of supplying pharmaceutical benefits to persons in that area.

(1A) Where the Secretary makes a decision under subsection (1) approving or refusing to approve a medical practitioner, the Secretary shall cause to be served on the medical practitioner, notice in writing of that decision.

(2) Pharmaceutical benefits supplied by a medical practitioner so approved shall be supplied in accordance with such conditions as are prescribed.

92A Approvals to be subject to conditions

(1) The approval of a person as an approved pharmacist, or the approval of a medical practitioner, for the purposes of this Part (including an approval granted before the commencement of this section and an approval of a person or body referred to in section 83Z) is, by force of this section, subject to the following conditions:

(a) a condition that the approved pharmacist or approved medical practitioner will not, by advertisement, notice or otherwise, state or indicate that he or she is willing to supply all or any pharmaceutical benefits to all or any persons without charge or for a charge other than the charge that he or she may make without contravening section 87;

(b) a condition that, where the approved pharmacist or approved medical practitioner makes, by advertisement, notice or otherwise, a statement with respect to the charge for which he or she is willing to supply, or with respect to his or her willingness to supply without charge, drugs or medicinal preparations generally or a class of drugs or medicinal preparations, he or she will indicate in the statement whether or not the statement relates to the supply of pharmaceutical benefits;

(c) a condition that the approved pharmacist or approved medical practitioner will not follow a practice of supplying all or any pharmaceutical benefits to all or any persons without charge or for a charge other than the charge that he or she may make without contravening section 87;

(ca) a condition that where:

(i) the approved pharmacist supplies a pharmaceutical benefit upon a prescription that, in accordance with subsection 84AA(2) or (3), is a concessional benefit prescription, a concession card prescription or an entitlement card prescription; and

(ii) that prescription is subsequently reduced to a document in writing (in this paragraph referred to as the ***relevant document***) and given to the approved pharmacist in pursuance of regulations in force for the purposes of this Part;

the approved pharmacist shall write or mark on the relevant document the information communicated, or purportedly communicated, to him or her under subsection 84AA(2) or (3) in such manner as would, if the relevant document were a written prescription, cause that prescription to be, in accordance with subsection 84AA(1) or (1A), a concessional benefit prescription, a concession card prescription or an entitlement card prescription, as the case requires;

(d) a condition that the approved pharmacist or approved medical practitioner will not enter into a refund agreement or become an agent of a party to a refund agreement for the purposes of the refund agreement;

(e) a condition that the approved pharmacist, being a friendly society or a friendly society body, will keep a record, in a form approved by the Secretary, of the names and addresses, being addresses last known to the pharmacist, of all members:

(i) where the pharmacist is a friendly society—of the friendly society; or

(ii) where the pharmacist is a friendly society body—of the friendly society, or of any of the friendly societies, for the benefit of the members of which the pharmacist is carrying on business;

who were, immediately before 24 April 1964, and have continued to be, parties to agreements or arrangements under which contributions were and are payable by those members or on their behalf to friendly societies, or to friendly society

bodies, for the purpose of obtaining benefits in respect of medicines;

(f) any other condition (including, but not limited to, a condition relating to premises) determined by the Minister.

(1A) A determination under paragraph (1)(f) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

(2) The conditions specified in paragraphs 92A(1)(a), (b) and (c) do not apply in relation to:

(a) the supply, or a statement relating to the supply, of pharmaceutical benefits upon entitlement card prescriptions;

(b) the supply, or a statement relating to the supply, of pharmaceutical benefits by a friendly society or by a friendly society body to members:

(i) in the case of a friendly society—of the friendly society; or

(ii) in the case of a friendly society body—of the friendly society, or of any of the friendly societies, for the benefit of the members of which the friendly society body is carrying on business;

who were, immediately before 24 April 1964, and have continued to be, parties to agreements or arrangements under which contributions were and are payable by those members or on their behalf to friendly societies, or to friendly society bodies, for the purpose of obtaining benefits in respect of medicines; or

(c) the supply, or a statement relating to the supply, of pharmaceutical benefits by a friendly society or by a friendly society body to the spouses, or to the children, of members referred to in paragraph (b).

(3) For the purposes of section 95, any conduct of an approved pharmacist or an approved medical practitioner that is a contravention of the conditions specified in this section shall be deemed to be conduct that is an abuse of his or her approval.

(4) For all purposes in connection with the writing or marking on a document by an approved pharmacist of information of the kind

referred to in paragraph (1)(ca), the communication, or purported communication, of the information referred to in subsection 84AA(2) or (3), as the case requires, shall be taken to afford full and sufficient grounds for the writing or marking of that information by the pharmacist on that document.

92B Persons not to enter into certain refund agreements

(1) Except as provided in subsection (2), a person who is an insurer must not enter into a contract of insurance that comprises or contains a refund agreement.

Penalty: 20 penalty units

(2) This section does not prevent a private health insurer from entering into a complying health insurance policy under which the insurer covers the cost of pharmaceutical benefits dispensed to a person as part of an episode of hospital treatment or hospital-substitute treatment covered by the policy.

93 Prescriber bag supplies—medical practitioners

(1) Except as prescribed, a medical practitioner is authorized to supply such pharmaceutical benefits as the Minister, by legislative instrument, determines to persons who are entitled under this Part to receive those pharmaceutical benefits.

(2) For the purpose of this section, the Minister may, by legislative instrument, determine the maximum quantity or number of units of a pharmaceutical benefit which may be obtained by a medical practitioner during a specified period and a medical practitioner shall obtain the pharmaceutical benefit as prescribed.

(3) Payment by the Commonwealth in respect of the supply of pharmaceutical benefits under this section shall be made as prescribed.

93AA Prescriber bag supplies—authorised midwives

(1) Except as prescribed by the regulations, an authorised midwife is authorised to supply such pharmaceutical benefits as the Minister,

by legislative instrument, determines to persons who are entitled under this Part to receive those pharmaceutical benefits.

(2) For the purposes of this section, the Minister may, by legislative instrument, determine the maximum quantity or number of units of a pharmaceutical benefit which may be obtained by an authorised midwife during a specified period.

(3) The regulations may make provision for or in relation to the obtaining of pharmaceutical benefits by an authorised midwife for the purposes of this section.

(4) The regulations may make provision for or in relation to payments by the Commonwealth in respect of the supply of pharmaceutical benefits under this section.

93AB Prescriber bag supplies—authorised nurse practitioners

(1) Except as prescribed by the regulations, an authorised nurse practitioner is authorised to supply such pharmaceutical benefits as the Minister, by legislative instrument, determines to persons who are entitled under this Part to receive those pharmaceutical benefits.

(2) For the purposes of this section, the Minister may, by legislative instrument, determine the maximum quantity or number of units of a pharmaceutical benefit which may be obtained by an authorised nurse practitioner during a specified period.

(3) The regulations may make provision for or in relation to the obtaining of pharmaceutical benefits by an authorised nurse practitioner for the purposes of this section.

(4) The regulations may make provision for or in relation to payments by the Commonwealth in respect of the supply of pharmaceutical benefits under this section.

93A Supply of certain pharmaceutical benefits to patients in private hospitals or aged care facilities

(1) In this section:

prescribed institution means:

(a) a private hospital; or

(b) a residential care service within the meaning of the *Aged Care Act 1997*.

(2) For the purposes of this section, the Minister may determine:

(a) the pharmaceutical benefits or classes of pharmaceutical benefits that may be supplied under this section to patients receiving treatment in prescribed institutions; and

(b) the conditions under which such pharmaceutical benefits may be supplied to, and held by, prescribed institutions.

Note: Subsection 33(3A) of the *Acts Interpretation Act 1901* applies to a determination under subsection (2). This means that, for example, a determination could determine conditions for private hospitals that are different from conditions that are determined for residential care services.

(3) A copy of each determination made by the Minister under subsection (2) is to be published in the *Gazette*.

(4) An approved supplier may supply to a prescribed institution, in accordance with determinations made under paragraph (2)(b), pharmaceutical benefits that are covered by a determination made under paragraph (2)(a).

(5) A medical practitioner may authorise a prescribed institution to supply pharmaceutical benefits covered by a determination made under paragraph (2)(a) to patients receiving treatment in the institution.

(6) Payment by the Commonwealth in respect of the supply of pharmaceutical benefits under this section is to be made as prescribed.

94 Approved hospital authorities

(1) Upon application by a hospital authority, the Minister may, in the Minister's discretion but subject to subsection (5), approve a hospital authority for the purpose of its supplying pharmaceutical benefits to patients receiving treatment in or at the hospital of which it is the governing body or proprietor.

(2) The approval of a hospital authority under subsection (1) may be expressed to be subject to such terms and conditions as the Minister determines.

(3) Where a hospital authority desires to supply pharmaceutical benefits to patients receiving treatment in or at several hospitals:

(a) a separate application shall, unless the Minister otherwise allows, be made in respect of each hospital; and

(b) separate approval may be granted in respect of each hospital.

(4) Where an approved hospital authority desires to supply pharmaceutical benefits to patients receiving treatment in or at a hospital other than a hospital in respect of which approval has been granted, the Minister may, on application by the approved hospital authority, grant approval in respect of that other hospital.

(4A) Where the Minister makes a decision granting or rejecting an application made by a hospital authority under this section, the Minister shall cause to be served on the hospital authority, notice in writing of that decision.

(5) A hospital authority shall not be approved under this section in respect of a hospital unless the dispensing of drugs and medicinal preparations at that hospital is performed by or under the direct supervision of a medical practitioner or pharmacist.

(5A) The Minister may, in the Minister's discretion, at any time, by notice in writing, vary, or suspend or revoke, an approval in force under this section (including an approval granted before the commencement of this subsection).

(5B) A suspension under subsection (5A) has effect for such period as the Minister determines and specifies in the notice of suspension.

95 Suspension or revocation of approval

(1) The Minister may, after investigation and report by the appropriate Committee of Inquiry, by notice in writing:

(a) reprimand an approved pharmacist; or

(b) suspend or revoke the approval of the pharmacist under section 90;

and may, at any time, by notice in writing, remove that suspension or restore that approval.

(3) A suspension under subsection (1) has effect for such period as the Minister determines and specifies in the notice of suspension.

(4) If the Secretary considers that it is necessary in the public interest so to do pending investigation and report by the appropriate Committee of Inquiry, the Secretary may suspend an approval referred to in subsection (1) and the Secretary may at any time remove the suspension.

(5) Where the approval of a pharmacist is suspended under subsection (4), the Secretary shall forthwith refer the matter to the appropriate Committee of Inquiry for investigation and report to the Minister.

(6) A suspension by the Secretary under subsection (4) has effect only until the Minister has dealt with the matter in accordance with subsection (7).

(7) On receipt of a report from a Committee of Inquiry on a matter referred to it in accordance with subsection (5), the Minister may, by notice in writing, further suspend the approval for such period as the Minister specifies in the notice, revoke the approval or remove the suspension.

(8) The Minister shall not suspend, further suspend or revoke an approval under the preceding provisions of this section unless, having regard to the evidence before the Committee of Inquiry and the report of the Committee, the Minister is satisfied that the pharmacist has, in relation to or arising out of the approval, been guilty of conduct which is an abuse of that approval or is an abuse or contravention of this Act or the regulations or shows the pharmacist, as the case may be to be unfit to continue to enjoy the approval.

(9) The suspension or revocation of the approval of a pharmacist under this section may be in respect of all of the premises in respect of which the approval was granted or may be in respect of particular premises.

(10) For the purposes of this section, a reference to a pharmacist is taken to include a person to whom subsection 90(6) applies.

98 Cancellation by Secretary of approval of pharmacists etc.

(1) Whenever:

(a) an approved pharmacist requests that his or her approval under section 90 in respect of all or any of the premises in respect of which he or she is approved be cancelled;

(aa) a participating dental practitioner requests that his or her approval as a participating dental practitioner under section 84A be cancelled; or

(b) an approved medical practitioner requests that his or her approval in respect of an area under section 92 be cancelled; or

(c) an authorised optometrist requests that his or her approval as an authorised optometrist under section 84AAB be cancelled; or

(d) an authorised midwife requests that his or her approval as an authorised midwife under section 84AAF be cancelled; or

(e) an authorised nurse practitioner requests that his or her approval as an authorised nurse practitioner under section 84AAJ be cancelled;

the Secretary shall cancel that approval.

(2) Where:

(a) an approved pharmacist gives the Secretary notice in writing that the pharmacist has ceased to carry on business as a pharmacist at premises in respect of which the pharmacist is approved; or

(b) an approved medical practitioner gives the Secretary notice in writing that the medical practitioner has ceased to practise in the area in respect of which the medical practitioner is approved;

the Secretary may (at his or her discretion) cancel the approval.

(3) If the Secretary is satisfied that:

(a) an approved pharmacist is not carrying on business as a pharmacist at premises in respect of which the pharmacist is approved; or

(b) the premises are not accessible by members of the public for the purpose of receiving pharmaceutical benefits at times that, in the opinion of the Secretary, are reasonable;

then the Secretary may (at his or her discretion), by notice in writing to the pharmacist, cancel the approval of the pharmacist under section 90.

(3A) Where the Secretary is satisfied that an approved medical practitioner is not practising in the area in respect of which the medical practitioner is approved, the Secretary may (at his or her discretion), by notice in writing to the medical practitioner, cancel the approval of the medical practitioner under section 92.

(4) If a person becomes an approved pharmacist in respect of premises in an area in respect of which a medical practitioner is approved under section 92, the Secretary shall cancel the approval of the medical practitioner in respect of that area or of that part of the area in relation to which that section no longer applies.

(4A) If a pharmacist:

(a) before 18 December 1990, was granted an approval to supply pharmaceutical benefits at or from particular premises; and

(b) because of the operation of subsection 90(5A), is taken to have been granted such an approval in respect of other premises;

the Secretary is taken, immediately after the commencement of section 20 of the *Health and Community Services Legislation Amendment Act (No. 2) 1993*, to have cancelled the approval in respect of the premises referred to in paragraph (a).

(5) A reference in this section to an approved pharmacist carrying on business as a pharmacist at premises is a reference, in the case of an approved pharmacist to whom subsection 90(6) applies, to an approved pharmacist carrying on a business for the supply of pharmaceutical benefits at the premises.

(6) For the purposes of this section, an approved pharmacist is taken not to be carrying on business as a pharmacist if the approved pharmacist is not supplying pharmaceutical benefits in the course of carrying on the business.

98AA Cancellation by Minister of approval of hospital

(1) Whenever an approved hospital authority requests that its approval under section 94 in respect of all or any of the hospitals in respect of which it is approved be cancelled, the Minister shall cancel that approval.

(2) Where an approved hospital authority gives the Minister notice in writing that the authority has ceased to conduct a hospital in respect of which it is approved, the Minister may (at his or her discretion) cancel the approval.

(3) Where the Minister is satisfied that an approved hospital authority is not conducting a hospital in respect of which it is approved, the Minister may (at his or her discretion), by notice in writing to the authority, cancel the approval of the authority under section 94.

98AB Notification by Department of alterations to pharmaceutical benefits scheme

The Secretary must cause to be made publicly available on the Department's website information on the outcomes of the changes to the pharmaceutical benefits scheme resulting from the introduction of the *National Health Amendment (Pharmaceutical Benefits Scheme) Act 2007*.

98AC Information about supplies

(1) An approved supplier that supplies a pharmaceutical benefit (including a supply taken, because of subsection 99(2A), to be a supply otherwise than under this Part):

(a) must give to the Secretary, in relation to the supply of that benefit, the information specified in rules made by the Minister under paragraph (4)(a); and

(b) must give the information in accordance with the rules made by the Minister under paragraph (4)(b).

(2) Subsection (1) does not apply if the approved supplier makes, or proposes to make, a claim for payment in relation to the supply of the pharmaceutical benefit under section 99AAA.

(3) Subject to the rules made by the Minister under paragraph (4)(b), subsections 99AAA(4) and (5) and section 99AAB (about the procedures for giving information) apply in relation to the giving of information under this section in the same way as they apply in relation to the giving of information under section 99AAA.

(4) The Minister must, by legislative instrument, make:
(a) rules specifying the information to be given to the Secretary by approved suppliers in relation to the supply by them of pharmaceutical benefits; and
(b) rules defining the procedures to be followed by approved suppliers in giving information to the Secretary in relation to the supply by them of pharmaceutical benefits.

(5) In making rules for the purposes of paragraph (4)(b), the Minister may define different procedures:
(a) for the giving of information by electronic means; and
(b) for the giving of information otherwise than by electronic means.

(6) Rules made under this section may be set out in the same document as rules made under subsection 99AAA(8).

Division 3—Payment for supply of pharmaceutical benefits

98A Establishment of Pharmaceutical Benefits Remuneration Tribunal

(1) For the purposes of this Part, there is hereby established a Tribunal to be known as the Pharmaceutical Benefits Remuneration Tribunal.

(2) The Tribunal shall consist of:
  (a) a Chairperson appointed by the Governor-General; and
  (b) 4 additional members appointed by the Minister.

(2A) The Minister:
  (a) must appoint as an additional member at least one person who has been, but is no longer, engaged either directly or indirectly in community pharmacy; and
  (b) is to make that appointment only after he or she has consulted with the Pharmacy Guild of Australia.

(3) An appointment under subsection (2) shall be on a part-time basis.

(4) A person is not eligible to be appointed as Chairperson unless the person is a Deputy President of the Fair Work Commission.

98B Functions of Tribunal

(1) The functions of the Tribunal are:
  (a) to determine the manner in which the Commonwealth price for particular quantities or numbers of units of all or any pharmaceutical benefits is to be worked out for the purpose of payments to approved pharmacists in respect to the supply by them of pharmaceutical benefits; and
  (c) if an agreement referred to in section 98BAA provides for the Tribunal to perform functions under the agreement—those functions.

(2) A manner determined under paragraph (1)(a) shall:

(a) in the case of a pharmaceutical benefit that is a listed brand of a pharmaceutical item—take as a basis the approved ex-manufacturer price or a proportional ex-manufacturer price of the brand of the pharmaceutical item that was in force on the first day of the month of the year in which the supply occurs; and

(b) in the case of other pharmaceutical benefits—take as a basis the basic wholesale price of each ingredient that is applicable on the day on which the supply occurs; and

(c) provide for the addition of such fees and other amounts as are determined by the Tribunal.

(3) In subsection (2):

basic wholesale price in relation to an ingredient in a pharmaceutical benefit, means the amount that The Pharmacy Guild of Australia and the Minister agree from time to time is to be taken to be, for the purposes of this Part, the appropriate price for sales of that ingredient to approved pharmacists.

(4) The Tribunal may approve criteria that it considers to be appropriate for use in determining the nature or magnitude of fees or other amounts referred to in paragraph (2)(c), and may, at any time, vary or revoke such criteria.

(5) In determining fees or other amounts referred to in paragraph (2)(c), and in approving criteria under subsection (4), the Tribunal must have regard to national minimum wage orders of the Fair Work Commission, and, in particular, any statements by the Commission about the effect of wage increases on productivity, inflation and levels of employment.

98BA Inquiries by Tribunal

(1) The Tribunal shall, as soon as practicable after the commencement of this section, and at such subsequent intervals as are determined by the Chairperson, hold an inquiry to ascertain whether the Commonwealth price of all or any pharmaceutical benefits should be varied.

(2) The holding of an inquiry under subsection (1) shall be by means of proceedings before the Tribunal.

(3) A person interested in the subject matter of an inquiry under subsection (1) may seek the leave of the Tribunal to appear, or be represented, in the proceedings before the Tribunal for the purpose of making a submission, or presenting evidence or other material, to the Tribunal.

(4) The Tribunal shall ensure that its findings resulting from its second or any subsequent inquiry, and the reasons for them, are issued not later than 12 months after the date on which the Tribunal issued its findings resulting from its first inquiry or from the last inquiry held by it, as the case may be.

98BAA Tribunal must give effect to certain agreements

(1) Despite anything else contained in this Part, where the Minister (acting on the Commonwealth's behalf) and the Pharmacy Guild of Australia or another pharmacists' organisation that represents a majority of approved pharmacists have entered into an agreement in relation to the manner in which the Commonwealth price of all or any pharmaceutical benefits is to be ascertained for the purpose of payments to approved pharmacists in respect of the supply by them of pharmaceutical benefits, the Tribunal, in making a determination under subsection 98B(1) while the agreement is in force, must give effect to the terms of that agreement.

(2) Where:

(a) at the time an agreement referred to in subsection (1) is entered into, an inquiry under section 98BA is being held or such an inquiry has been completed but the Tribunal has not issued a statement under subsection 98BD(1); or

(b) such an agreement was in force immediately before the commencement of this section and at that time such an inquiry was being held or such an inquiry had been completed but the Tribunal had not issued a statement under subsection 98BD(1);

the Tribunal must terminate the inquiry or, in a case where the inquiry has been completed but a statement has not been so issued, take no further action for the purposes of that inquiry.

(3) Section 98BA does not apply while there is in force an agreement referred to in subsection (1) except so far as otherwise provided in that agreement.

98BB Constitution of Tribunal

(1) For all purposes, including the purposes of any proceeding before the Tribunal, the Tribunal is to be constituted by the Chairperson and at least 2 additional members.

(1A) The Chairperson may give directions as to the constitution of the Tribunal for the purposes of any inquiry.

(2) In this section:

additional member includes an acting additional member; and

Chairperson includes an acting Chairperson.

98BC Procedure of Tribunal

(1) Subject to this Part, in any proceeding before the Tribunal:

(a) the procedure of the Tribunal is within the discretion of the Tribunal;

(b) the Tribunal is not bound to act in a formal manner and is not bound by any rules of evidence but may inform itself of any matter in such manner as it thinks just; and

(c) the Tribunal shall act according to equity, good conscience and the substantial merits of the case, without regard to technicalities and legal forms.

(2) Subject to subsection (3), a proceeding before the Tribunal shall be conducted in public.

(3) If the Tribunal is satisfied, upon the application of a party to a proceeding before the Tribunal, that, by reason of the confidential nature of a submission, or other evidence or material, submitted to

the Tribunal in the proceeding, or for any other reason, it is undesirable to conduct the proceeding or a part of the proceeding in public, the Tribunal may direct that the proceeding or the part of the proceeding, as the case may be, be conducted in private.

(4) A direction by the Tribunal under subsection (3) may:
  (a) specify persons for the purpose of permitting them, but no other persons, to be present when the proceeding, or the part of the proceeding, concerned is conducted in private; or
  (b) specify persons for the purpose of prohibiting them from being present when the proceeding, or the part of the proceeding, concerned is conducted in private.

(5) The Chairperson is to preside in any proceeding before the Tribunal and all questions to be decided by the Tribunal are to be decided by a majority of votes of the members and, for that purpose, the Chairperson has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

98BD Findings etc. of Tribunal to be made public

(1) After the completion of an inquiry under section 98BA, the Tribunal shall issue, in a proceeding conducted in public, a statement, in writing, of its findings and the reasons for them.

(2) Where the Tribunal:
  (a) determines fees or other amounts referred to in paragraph 98B(2)(c); or
  (b) makes a decision approving criteria under subsection 98B(4) or varying or revoking such criteria;

the Tribunal shall issue, in a proceeding conducted in public, a statement, in writing, setting out the terms of that determination or decision and the reasons for making it.

(3) Where the Tribunal issues a statement under subsection (1) or (2), the Tribunal shall:
  (a) submit to the Minister a report setting out the terms of the statement so issued; and
  (b) cause to be published in the *Gazette* a notice setting out the terms of the statement so issued.

98BE Date of operation of determination of the Tribunal

A determination of the Tribunal under subsection 98B(1) shall come into operation on a date specified in the determination, not being a date earlier than the date on which a statement setting out the terms of the determination is issued by the Tribunal in accordance with section 98BD.

98C Determinations by Minister

(1) The Minister may, from time to time, determine:

(a) the manner in which the Commonwealth price for particular quantities or numbers of units of all or any pharmaceutical benefits is to be ascertained for the purpose of payments to approved medical practitioners in respect of the supply of pharmaceutical benefits, including any fees or other amounts that are to be taken into account in determining that price; and

(b) the conditions subject to which payments will be made by the Commonwealth in respect of the supply of pharmaceutical benefits by approved pharmacists and approved medical practitioners.

(2) The Minister may, before making a determination with respect to the conditions referred to in paragraph (1)(b), request the Tribunal to make a report with respect to the matters in respect of which the determination is to be made and, where such a request is made, the Tribunal shall comply with the request.

98D Form, and date of operation, of determinations under section 98C

A determination under section 98C shall:

(a) be in writing; and

(b) come into operation, or be deemed to have come into operation, on such date, being a date not earlier than 1 July 1976, as is specified in the determination.

98E Secrecy

(1) The Chairperson may, if he or she thinks it desirable to do so, give a direction in writing that any document, or evidence or other material, presented to the Tribunal in a proceeding before the Tribunal shall be treated as confidential.

(2) Where a direction is given under subsection (1) in relation to any document or evidence or other material:

(a) a person who, by virtue of the person's office or employment under or for the purposes of this Act, has acquired any information obtained from that document or evidence or other material shall not, either directly or indirectly, except in the performance of a duty or the exercise of a function under or in connection with this Act, make a record of, or divulge or communicate to any person, that information; and

(b) a person who, by virtue of the person's office or employment under or for the purposes of this Act, has access to that document or a record of that evidence or other material shall not be required to produce in a court, or to permit a court to have access to, that document or record, except when it is necessary to do so for the purposes of, or of a prosecution under or arising out of, this Act.

99 Payment for supply of benefits

(2) An approved pharmacist or approved medical practitioner who has supplied a pharmaceutical benefit is, subject to section 99AAA and to the conditions determined under section 98C and applicable at the time of the supply, entitled to be paid by the Commonwealth:

(a) where the prescription for the supply of the pharmaceutical benefit was an entitlement card prescription, and the supply was not an early supply of a specified pharmaceutical benefit—an amount equal to the Commonwealth price of the pharmaceutical benefit as at the time of the supply; and

(b) in any other case—the amount (if any) by which the Commonwealth price of the pharmaceutical benefit, as at the time of the supply, exceeded the amount that the pharmacist

or approved medical practitioner was entitled to charge under subsection 87(2) or (3).

(2AA) If:

(a) an approved pharmacist or approved medical practitioner is entitled to be paid an amount by the Commonwealth under subsection (2) in relation to the supply of a pharmaceutical benefit; and

(b) a determination under subsection 85B(4) is in force in relation to a listed brand of a pharmaceutical item that is the pharmaceutical benefit; and

(c) the brand of the pharmaceutical item was supplied in the circumstances specified in that determination;

then, subject to section 99AAA and the conditions determined under section 98C and applicable at the time of the supply, the approved pharmacist or approved medical practitioner is entitled to be paid by the Commonwealth an amount that is equal to the amount of the special patient contribution for the brand of the pharmaceutical item.

(2A) Where a pharmaceutical benefit is supplied upon a general benefit prescription (other than in a case to which subsection (2AB) applies), or a supply of a pharmaceutical benefit is an early supply of a specified pharmaceutical benefit upon a concession card prescription, and:

(a) the pharmaceutical benefit is supplied by an approved pharmacist or an approved medical practitioner otherwise than as referred to in paragraph (b) and the Commonwealth price of the pharmaceutical benefit does not, at the time of the supply, exceed $28.60; or

(aa) the pharmaceutical benefit is supplied by an approved hospital authority and the amount that would have been the Commonwealth price of the pharmaceutical benefit if it had been supplied by an approved pharmacist does not, at the time of the supply, exceed $28.60; or

(b) the pharmaceutical benefit is supplied by an approved pharmacist or an approved medical practitioner in accordance with a direction included in a prescription in pursuance of subsection 88(6) or (6A) and the Commonwealth price of the

maximum quantity or number of units of the pharmaceutical benefit that could, but for that subsection, have been directed to be supplied on any one occasion does not, at the time of the supply, exceed $28.60;

the supply and receipt of that pharmaceutical benefit shall, for all purposes of this Part (other than for the purposes of Division 1A), be deemed to be a supply and receipt otherwise than under this Part.

Note: The figures expressed in this subsection in dollars are periodically adjusted under section 99G.

(2AB) Where a pharmaceutical benefit is supplied upon a general benefit prescription to a person referred to in paragraph 87(2)(b) or (c) and:

(a) the pharmaceutical benefit is supplied by an approved pharmacist or an approved medical practitioner otherwise than as referred to in paragraph (c) and the Commonwealth price of the pharmaceutical benefit does not, at the time of the supply, exceed $4.60; or

(b) the pharmaceutical benefit is supplied by an approved hospital authority and the amount that would have been the Commonwealth price of the pharmaceutical benefit if it had been supplied by an approved pharmacist does not, at the time of the supply, exceed $4.60; or

(c) the pharmaceutical benefit is supplied by an approved pharmacist or an approved medical practitioner in accordance with a direction included in a prescription under subsection 88(6) or (6A) and the Commonwealth price of the maximum quantity or number of units of:

(i) if the pharmaceutical benefit has a pharmaceutical item—the pharmaceutical item; or

(ii) in any other case—the pharmaceutical benefit;

that could, apart from that subsection, have been directed to be supplied on any one occasion does not, at the time of the supply, exceed $4.60;

the supply and receipt of that pharmaceutical benefit is, for all purposes of this Part (other than the purposes of Division 1A), taken to be a supply and receipt otherwise than under this Part.

Note: The figures expressed in this subsection in dollars are periodically adjusted under section 99G.

(2B) Where a pharmaceutical benefit is supplied upon a concessional benefit prescription and:

(a) the pharmaceutical benefit is supplied by an approved pharmacist or an approved medical practitioner otherwise than as referred to in paragraph (c) and the Commonwealth price of the pharmaceutical benefit does not, at the time of the supply, exceed $4.60; or

(b) the pharmaceutical benefit is supplied by an approved hospital authority and the amount that would have been the Commonwealth price of the pharmaceutical benefit if it had been supplied by an approved pharmacist does not, at the time of the supply, exceed $4.60; or

(c) the pharmaceutical benefit is supplied by an approved pharmacist or an approved medical practitioner in accordance with a direction included in a prescription in pursuance of subsection 88(6) or (6A) and the Commonwealth price of the maximum quantity or number of units of:

(i) if the pharmaceutical benefit has a pharmaceutical item—the pharmaceutical item; or

(ii) in any other case—the pharmaceutical benefit;

that could, apart from that subsection, have been directed to be supplied on any one occasion does not, at the time of the supply, exceed $4.60;

the supply and receipt of that pharmaceutical benefit shall, for all purposes of this Part (other than for the purposes of Division 1A), be deemed to be a supply and receipt otherwise than under this Part.

Note: The figures expressed in this subsection in dollars are periodically adjusted under section 99G.

(3) Nothing in this section shall be deemed to authorize payment in respect of the supply of a drug or medicinal preparation:

(a) to a person who is not entitled under this Part to receive that drug or medicinal preparation as a pharmaceutical benefit;

(b) by an approved pharmacist at or from premises in respect of which he or she is not approved or otherwise than in accordance with the terms of his or her approval; or

(c) by an approved medical practitioner outside the area in respect of which he or she is approved or otherwise than in accordance with the terms of his or her approval.

(3A) Despite paragraph (3)(b), if:

(a) a pharmacist is an approved pharmacist in respect of particular premises; and

(b) the pharmacist supplies a pharmaceutical benefit (the ***pre-approval benefit***) at or from other premises before obtaining approval under section 90 in respect of those other premises; and

(c) the pharmacist later obtains approval (the ***later approval***) under that section to supply pharmaceutical benefits at those other premises;

then, because of the later approval:

(d) the pharmacist is entitled to a payment of 90% of the amount that the pharmacist would have been entitled to be paid in respect of the supply of the pre-approval benefit had the later approval been in force at the time of its supply; and

(e) if the amount already received by the pharmacist in respect of the pre-approval benefit exceeds the amount that the pharmacist is entitled to under paragraph (d), the amount of the excess is to be set off against future entitlements under this section.

(3B) The pre-approval benefit is taken to have been supplied in accordance with subparagraph 84C(4)(a)(i) and paragraph 89(a) if, under subsection (3A) of this section, the pharmacist is entitled to an amount in respect of the supply.

(4) An approved hospital authority is, subject to this Part, entitled to payment from the Commonwealth, at such rates and subject to such conditions as the Minister determines, in respect of the supply of particular quantities or numbers of units of pharmaceutical benefits to patients receiving treatment in or at a hospital in respect of which the approved hospital authority is approved.

(5) A payment to which an approved hospital authority in a State is entitled under this section may be paid to that State, or to an authority of that State, on behalf of the approved hospital authority.

(6) After the commencement of this section a payment in pursuance of subsections (4) and (5) may be made as if those subsections had come into operation on the date upon which an agreement between the Commonwealth and the State under section 5 of the *Hospital Benefits Act 1951* came into force.

(7) Subject to subsection (8), an approved supplier is not entitled:

(a) if the supplier is an approved pharmacist or an approved medical practitioner—despite subsection 99(2); and

(b) if the supplier is an approved hospital authority—despite subsection 99(4);

to be paid by the Commonwealth for the supply of a pharmaceutical benefit to a person on a prescription presented to the approved supplier on or after 1 July 2001 or such later date as is prescribed for the purposes of this subsection unless:

(c) there is ultimately supplied to the Chief Executive Medicare a medicare number, or a special number, as a number applicable to the person to whom the prescription relates; and

(d) if the number so supplied is such a medicare number—that medicare number corresponds with a medicare number that is held in the records of the Chief Executive Medicare as a number applicable to that person.

(8) The Minister may, by written determination, identify circumstances in which subsection (7) does not prevent an approved supplier being paid by the Commonwealth for the supply of a pharmaceutical benefit in respect of a person to whom a prescription relates although a medicare number ultimately supplied to the Chief Executive Medicare in relation to the prescription does not correspond with a medicare number that is held in the records of the Chief Executive Medicare as a number applicable to that person.

(9) Ministerial determinations for the purposes of subsection (8) are disallowable instruments within the meaning of section 46A of the *Acts Interpretation Act 1901*.

99AAA Claim for payment relating to supply of benefits

(1) In this section:

Claims Transmission System means the procedures defined in the rules made by the Minister under paragraph (8)(c).

manual system means the procedures defined in the rules made by the Minister under paragraph (8)(d).

(2) An approved supplier who wants to receive payment from the Commonwealth in relation to the supply of a pharmaceutical benefit must make a claim for payment to the Secretary in accordance with the rules made by the Minister under paragraph (8)(a).

(3) An approved supplier who makes, or proposes to make, a claim for payment in relation to the supply of a pharmaceutical benefit must give to the Secretary, in relation to the supply of that benefit, the information specified in the rules made by the Minister under paragraph (8)(b).

(4) Except as provided by section 99AAB, an approved supplier must use the Claims Transmission System to give information to the Secretary in relation to the supply of pharmaceutical benefits.

(5) If an approved supplier does not use the Claims Transmission System to provide information to the Secretary in relation to the supply of pharmaceutical benefits, the approved supplier must use the manual system to provide that information to the Secretary.

(6) The Secretary must process and determine claims made under subsection (2), and make any payments relating to those claims, in accordance with the rules made by the Minister under paragraph (8)(e).

(7) Where the Secretary decides not to approve a claim made by an approved supplier under subsection (2), the Secretary must, in writing, inform the approved supplier of the decision and give reasons for the decision.

(8) The Minister must, by legislative instrument, make:

(a) rules defining the procedures to be followed by approved suppliers in making claims for payment in relation to the supply of pharmaceutical benefits; and

(b) rules specifying the information to be given to the Secretary by approved suppliers in relation to the supply by them of pharmaceutical benefits; and

(c) rules defining the procedures to be followed by approved suppliers in providing information by electronic means to the Secretary in relation to the supply by them of pharmaceutical benefits; and

(d) rules defining the procedures to be followed by approved suppliers in providing information otherwise than by electronic means to the Secretary in relation to the supply by them of pharmaceutical benefits; and

(e) rules defining the procedures to be followed by the Secretary in:

(i) processing and determining claims by approved suppliers for payment relating to the supply of pharmaceutical benefits; and

(ii) making the payments.

(10) In making rules for the purposes of paragraph (8)(a), the Minister may define different procedures:

(a) for the making of claims for payment supported by information provided by electronic means; and

(b) for the making of claims for payment supported by information provided otherwise than by electronic means.

99AAB Certain suppliers exempted from requirement to use the Claims Transmission System

(1) An approved supplier specified in subsection (2) is not required to comply with subsection 99AAA(4) but the approved supplier may do so if the approved supplier so wishes.

(2) For the purposes of subsection (1), the following approved suppliers are specified:

(a) an approved medical practitioner;

(e) an approved supplier in respect of whom a declaration under section 99AAC is in force.

99AAC Declaration by Secretary exempting approved supplier from using Claims Transmission System

(1) The Secretary may, subject to the guidelines determined by the Minister under subsection (2), declare in writing that an approved supplier is exempted from the operation of subsection 99AAA(4).

(2) The Minister must determine, in writing, guidelines in accordance with which the Secretary is to exercise his or her functions under subsection (1).

(3) A determination under subsection (2) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

(4) Where the Secretary decides:

(a) not to make a declaration under subsection (1) in respect of an approved supplier; or

(b) to revoke such a declaration;

the Secretary must, in writing, inform the approved supplier of the decision and give reasons for the decision.

99AA Unauthorised payments etc.

(1) Where:

(a) a pharmaceutical benefit has been supplied to a person (in this subsection referred to as the ***patient***) by an approved pharmacist, approved medical practitioner or approved hospital authority;

(b) the pharmacist, medical practitioner or authority is paid an amount (in this subsection referred to as the ***relevant amount***) by the Commonwealth in respect of the supply of the benefit to the patient; and

(c) the patient obtained the benefit on terms that were appropriate for the supply of the benefit to:

(i) a holder of a concession card; or

(iii) a holder of an entitlement card; or

(iv) a concessional beneficiary; or

(v) a person who was a dependant of a concessional beneficiary within the meaning of subsection 84(4) or (7);

knowing, or in circumstances such that he or she ought reasonably to have known, that he or she was not entitled to receive the benefit on those terms;

the Secretary may, by notice in writing to the patient, require the patient to pay to the Commonwealth an amount equal to the relevant amount.

(2) Where:

(a) a pharmaceutical benefit is supplied to a person by an approved pharmacist, approved medical practitioner or approved hospital authority;

(b) the pharmacist, medical practitioner or authority is paid an amount (in this subsection referred to as the ***relevant amount***) by the Commonwealth in respect of the supply of the benefit to that person; and

(c) the pharmacist, medical practitioner or authority obtained the relevant amount knowing, or in circumstances such that he or she ought reasonably to have known, that it was not payable;

the Secretary may, by notice in writing to the pharmacist, medical practitioner or authority, require the pharmacist, medical practitioner or authority to pay to the Commonwealth an amount equal to the relevant amount.

(3) Where:

(a) the conditions referred to in paragraphs (1)(a), (b) and (c) or (2)(a), (b) and (c) are satisfied in relation to an amount paid by the Commonwealth; and

(b) the Secretary gives a person notice under subsection (1) or (2) as the case may be, requiring the person to pay to the Commonwealth an amount equal to the amount referred to in paragraph (a) of this subsection;

the Commonwealth may recover the amount referred to in the notice as a debt due to the Commonwealth by action in a court of competent jurisdiction.

(4) Where a person is liable to pay an amount to the Commonwealth under this section, an amount not exceeding that amount may be deducted from any other amount that is payable to the person under this Part and, where an amount is so deducted, the other amount shall, notwithstanding the deduction, be deemed to have been paid in full to the person.

99AB Advances

(1) An advance, on account of an amount that may become payable to a person under section 99 in relation to the supply of a pharmaceutical benefit, may be made to the person on such terms and conditions (if any) as are approved by the Secretary in writing.

(2) If a person receives, by way of advances on account of an amount that may become payable to the person under section 99 in relation to the supply of a pharmaceutical benefit, an amount that exceeds the amount that becomes payable to the person under section 99 in relation to the supply of the pharmaceutical benefit, the person is liable to repay to the Commonwealth the amount of the excess.

(3) If:

(a) a person receives an amount by way of advances on account of an amount that may become payable to the person under section 99 in relation to the supply of a pharmaceutical benefit; and

(b) no amount becomes payable to the person under section 99 in relation to the supply of the pharmaceutical benefit;

the person is liable to repay to the Commonwealth the amount so received.

(4) Where a person is liable to repay an amount to the Commonwealth under this section, the Commonwealth may recover the amount as a debt due to the Commonwealth by action in a court of competent jurisdiction.

(5) Where a person is liable to repay an amount to the Commonwealth under this section, an amount not exceeding that amount may be deducted from any other amount that is payable to the person under this Part and, where an amount is so deducted, the other amount

shall, notwithstanding the deduction, be deemed to have been paid in full to the person.

Division 3A—Price reductions

Subdivision A—Preliminary

99AC What this Division is about

This Division is about price reductions for listed brands of pharmaceutical items.

Subdivision B requires there to be at least a 16% price reduction in the price of a new brand of a pharmaceutical item (other than a combination item) when it lists. The listing of the new brand of the pharmaceutical item also provides a trigger for price reductions to occur under Subdivision D (see section 99ACH) for:

(a) other existing brands of the pharmaceutical item; and

(b) existing brands of pharmaceutical items that have the same drug and manner of administration; and

(c) existing brands of pharmaceutical items that have a drug in the same therapeutic group and the same manner of administration.

Subdivision C sets out the circumstances in which price reductions are required for combination items.

Subdivision CA sets out the circumstances in which price reductions are required for new brands of pharmaceutical items that have the same drug as an existing brand of a pharmaceutical item that is subject to an outstanding staged reduction under section 99ACK. The listing of the new brand or brands also provides a trigger for price reductions to occur under Subdivision D (see sections 99ACM and 99ACN) for existing brands of pharmaceutical items that have that drug.

Subdivision D provides for other price reductions for pharmaceutical items (including for combination items in some cases). These price reductions:

(a) are triggered when Subdivision B applies to require a 16% price reduction to a new brand of a pharmaceutical item; or

(b) are triggered when Subdivision CA applies to a new brand of a pharmaceutical item that has the same drug as an existing brand of a pharmaceutical item that is subject to an outstanding staged reduction; or

(c) arise if the pharmaceutical item has a drug on F2 on a particular day.

99ACA Definitions etc.

(1) In this Division:

component drug, in relation to a drug in a combination item, means a drug or medicinal preparation that is contained in that drug.

listed component drug means a component drug in relation to which a declaration under subsection 85(2) is in force.

relevant price: see subsection 99ACF(5).

subject to an outstanding staged reduction: a brand of a pharmaceutical item is ***subject to an outstanding staged reduction*** on a day if:

(a) on any day before that day, section 99ACK had applied to the brand of the pharmaceutical item; and

(b) on the day before that day, the agreed price, or the determined price and claimed price, of the brand of the pharmaceutical item had not been reduced, because of the application of section 99ACF in relation to section 99ACK or 99ACM, by 25% of the relevant price of the brand of the pharmaceutical item.

(2) A listed component drug contained in a drug in a combination item has been ***subject to a 12.5% price reduction*** if:

(a) any of the following has applied before 1 February 2011 to a brand of a pharmaceutical item that has the listed component drug and has the same manner of administration as the combination item:

(i) section 99ACB;

(ii) subsection 99ACF(1) or (2) because of item 1 of the table in section 99ACF; or

(b) a pharmaceutical item that has the listed component drug and has the same manner of administration as the combination item is in a class of pharmaceutical items to which a 12.5% administrative price reduction has applied.

(2A) A listed component drug contained in a drug in a combination item has been ***subject to a 16% price reduction*** if:

(a) any of the following has applied to a brand of a pharmaceutical item that has the listed component drug and has the same manner of administration as the combination item:

(i) section 99ACB;

(ii) subsection 99ACF(1) or (2) because of item 1 of the table in section 99ACF; or

(b) a pharmaceutical item that has the listed component drug and has the same manner of administration as the combination item is in a class of pharmaceutical items to which a 16% administrative price reduction has applied.

(3) The Minister may, by legislative instrument, determine that a 12.5% administrative price reduction has applied to a class of pharmaceutical items.

Subdivision B—16% price reductions for new brands of pharmaceutical items that are not combination items

99ACB 16% price reduction for new brands of pharmaceutical items that are not combination items

When section applies to new brands

(1) Subject to subsections (2) and (3), this section applies to a brand (the ***new brand***) of a pharmaceutical item (the ***trigger item***) that is not a combination item if:

(a) a determination under subsection 85(6) comes into force in relation to the new brand of the trigger item on a day (the ***determination day***); and

(b) on the day before the determination day, the new brand of the trigger item was not a listed brand of the trigger item; and

(c) on the day before the determination day:

(i) a brand (the ***existing brand***) of a pharmaceutical item (the ***existing item***) was a listed brand of the existing item; and

(ii) the new brand of the trigger item is bioequivalent or biosimilar to the existing brand of the existing item; and

(iii) the trigger item and existing item have the same drug and manner of administration.

Note: For the purposes of paragraph (c), the new brand and the existing brand may be the same brand, or the trigger item and the existing item may be the same pharmaceutical item.

Circumstances in which section does not apply

(2) This section does not apply in relation to the new brand of the trigger item if:

(a) the trigger item is in a class of pharmaceutical items to which a 12.5% or 16% administrative price reduction has applied; or

(b) another pharmaceutical item that has the same drug and manner of administration as the new brand of the trigger item

is in a class of pharmaceutical items to which a 12.5% or 16% administrative price reduction has applied; or

(c) if the drug that is in the trigger item is in a therapeutic group—a pharmaceutical item that:

(i) has another drug that is in that group; and

(ii) has the same manner of administration as the new brand of the trigger item;

is in a class of pharmaceutical items to which a 12.5% or 16% administrative price reduction has applied.

(3) This section does not apply in relation to the new brand of the trigger item if:

(a) any of the following has applied:

(i) subsection (1);

(ii) subsection 99ACF(1) or (2) because of item 1 of the table in section 99ACF;

in relation to:

(b) the new brand, or another listed brand, of the trigger item; or

(c) a listed brand of another pharmaceutical item that has the same drug and manner of administration as the new brand of the trigger item; or

(d) if the drug that is in the trigger item is in a therapeutic group—a listed brand of a pharmaceutical item that:

(i) has another drug that is in that group; and

(ii) has the same manner of administration as the new brand of the trigger item.

Note: For the purposes of subparagraph (a)(i), subsection (1) is taken not to have applied in relation to a brand of a pharmaceutical item in some cases: see section 99AEI.

16% price reduction

(4) The Minister:

(a) may, under section 85AD, make a price agreement for the new brand of the trigger item; and

(b) must not make a determination under section 85B in relation to the new brand of the trigger item.

(5) Subject to subsection (6), the agreed price for the new brand of the trigger item that comes into force on the determination day must not exceed the approved ex-manufacturer price, on the day before the determination day, of the existing brand of the existing item, reduced by 16%.

Apportioning if pricing quantity changes

(6) If the pricing quantity of the existing brand of the existing item on the day before the determination day is different from the pricing quantity of the existing brand of the existing item on the determination day, then, for the purposes of subsection (5), the approved ex-manufacturer price of the existing brand of the existing item on the day before the determination day is taken to be the amount worked out as follows:

$$\frac{\text{AEMP1}}{\text{PQ1}} \times \text{PQ2}$$

where:

AEMP1 means the amount that was the approved ex-manufacturer price of the existing brand of the existing item on the day before the determination day.

PQ1 means the pricing quantity of the existing brand of the existing item on the day before the determination day.

PQ2 means the pricing quantity of the existing brand of the existing item on the determination day.

Section does not limit Minister's powers

(7) This section does not limit the Minister's powers, after the determination day, to make:

(a) further price agreements; or

(b) determinations under section 85B;

for the new brand of the trigger item.

Subdivision C—Price reductions for combination items

99ACC Price reductions for single brands of combination items

When section applies

(1) This section applies if:

(a) subsection 85AB(5) applies to the drug in a combination item; and

(b) there is only one listed brand (the ***single brand***) of the combination item; and

(c) an agreed price (the ***existing agreed price***) is in force for the single brand of the combination item; and

(d) after the day on which the existing agreed price came into force for the single brand of the combination item:

(i) if the drug in the combination item contains only one listed component drug—that listed component drug becomes subject to a statutory price reduction on a day (the ***reduction day***); or

(ii) if the drug in the combination item contains 2 or more listed component drugs—one of the listed component drugs becomes subject to a statutory price reduction on a day (the ***reduction day***); or

(iii) if the drug in the combination item contains 2 or more listed component drugs—2 or more of the listed component drugs become subject to a statutory price reduction on the same day (the ***reduction day***); and

(e) on the reduction day, or on the day before that day, no listed brand of another combination item that has a drug that contains the same component drugs as the combination item:

(i) is bioequivalent or biosimilar to the single brand of the combination item; and

(ii) has the same manner of administration as the single brand of the combination item.

Price reduction

(2) The existing agreed price ceases to have effect at the end of the day before the reduction day.

(3) The Minister may, under a price agreement, agree on a new price for the single brand of the combination item that comes into force on the reduction day.

Note: The new price for the single brand of the combination item may be the same as the existing agreed price.

(4) If the Pharmaceutical Benefits Advisory Committee gives advice to the Minister under subsection 101(4AC) in relation to the combination item, then, in working out the new price of the single brand of the combination item, the Minister may have regard to that advice in considering the extent (if any) to which to reduce the existing agreed price.

(4A) If:

(a) subsection (4) applies; and

(b) the Minister decides to reduce the existing agreed price;

then, in agreeing the new price of the single brand of the combination item, the Minister:

(c) may have regard to the advice referred to in subsection (4) in relation to the combination item; and

(d) must take into account, in relation to the listed component drug, or each listed component drug, that became subject to statutory price reduction:

(i) the approved ex-manufacturer price, on the reduction day, of each brand of a pharmaceutical item that has the drug that is the listed component drug; and

(ii) the quantity of the listed component drug contained in the combination item.

(4B) If subsection (4) does not apply, then, in agreeing the new price of the single brand of the combination item, the Minister must take into account, in relation to the listed component drug, or each listed component drug, that became subject to statutory price reduction:

(a) the approved ex-manufacturer price, on the reduction day, of each brand of a pharmaceutical item that has the drug that is the listed component drug; and

(b) the quantity of the listed component drug contained in the combination item.

Section does not limit Minister's powers

(5) This section does not limit the Minister's powers, after the reduction day, to make further price agreements in relation to the single brand of the combination item.

Subject to statutory price reduction

(6) A listed component drug contained in a drug in a combination item becomes ***subject to statutory price reduction*** if:

(a) section 99ACB, subsection 99ACF(1) or (2) (because of item 1 in the table in section 99ACF) or section 99ADH has applied to a listed brand of a pharmaceutical item that:

(i) has the listed component drug; and

(ii) has the same manner of administration as the combination item; or

(b) subsection 99ACF(1) or (2) (because of any of the items (other than item 1) in the table in section 99ACF) has applied to a listed brand of a pharmaceutical item that has the listed component drug.

99ACD 16% price reduction for new brands of combination items

When section applies to new brands

(1) Subject to subsections (1A) and (2), this section applies to a brand (the ***new brand***) of a pharmaceutical item (the ***trigger combination item***) that is a combination item if:

(a) a determination under subsection 85(6) comes into force in relation to the new brand of the trigger combination item on a day (the ***determination day***); and

(b) on the day before the determination day, the new brand of the trigger combination item was not a listed brand of the trigger combination item; and

(c) on the day before the determination day:

(i) a brand (the ***existing brand***) of a pharmaceutical item (the ***existing item***) was a listed brand of the existing item; and

(ii) the new brand of the trigger combination item is bioequivalent or biosimilar to the existing brand of the existing item; and

(iii) the drug in the trigger combination item and existing item contain the same component drugs; and

(iv) the trigger combination item and the existing item have the same manner of administration.

Note: For the purposes of paragraph (c), the new brand and the existing brand may be the same brand, or the trigger combination item and the existing item may be the same pharmaceutical item.

Circumstances in which section does not apply to new brands

(1A) This section does not apply in relation to the new brand of the trigger combination item if:

(a) the trigger combination item is in a class of pharmaceutical items to which a 12.5% or 16% administrative price reduction has applied; or

(b) another combination item that has the same drug and manner of administration as the new brand of the trigger combination item is in a class of pharmaceutical items to which a 12.5% or 16% administrative price reduction has applied; or

(c) if the drug in the trigger combination item is in a therapeutic group—a combination item that:

(i) has another drug that is in that group; and

(ii) has the same manner of administration as the new brand of the trigger combination item;

is in a class of pharmaceutical items to which a 12.5% or 16% administrative price reduction has applied.

(2) This section does not apply in relation to the new brand of the trigger combination item if subsection (1) or section 99ACE has applied in relation to:

(a) the new brand, or another listed brand, of the trigger combination item; or

(b) a brand of another combination item that:

(i) has a drug that contains the same component drugs as the new brand of the trigger combination item; and

(ii) has the same manner of administration as the new brand of the trigger combination item; or

(c) if the drug in the trigger combination item is in a therapeutic group—a combination item that:

(i) has another drug that is in that group; and

(ii) has the same manner of administration as the new brand of the trigger combination item.

Note: For the purposes of this subsection, subsection (1) is taken not to have applied in relation to a brand of a pharmaceutical item in some cases: see section 99AEI.

16% price reduction

(4) The Minister:

(a) may, under a price agreement, agree an agreed price for the new brand of the trigger combination item that comes into force on the determination day; and

(b) must not make a determination under section 85B for the new brand of the trigger combination item.

(5) Subject to subsections (6), (6A), (6B) and (7), the agreed price of the new brand of the trigger combination item must not exceed the approved ex-manufacturer price, on the day before the determination day, of the existing brand of the existing item, reduced by 16%.

Adjustment for prior price reductions to component drugs

(6) If, on a day before the determination day:

(a) one or more of the listed component drugs (the ***component***) contained in the drug in the existing item had been subject to

one of the following (the ***prior price reduction of the component***):

(i) a 12.5% price reduction;

(ii) a 16% price reduction; and

(b) because of the prior price reduction of the component, the approved ex-manufacturer price of the existing brand of the existing item was reduced;

then the reduction referred to in subsection (5) is to be adjusted to reflect:

(c) the percentage (the ***flowed-on percentage***) of the prior price reduction of the component that was taken into account in working out the amount of the reduction to the approved ex-manufacturer price of the existing brand of the existing item; and

(d) the quantity of the component contained in the drug in the existing item.

(6A) For the purposes of subsection (6), if:

(a) the prior price reduction of the component was a 12.5% price reduction; and

(b) the flowed-on percentage was 100%;

then the reduction referred to in subsection (5) is to be adjusted so that there is no further reduction in relation to the component.

(6B) For the purposes of subsection (6), if:

(a) the prior price reduction of the component was a 12.5% price reduction; and

(b) the flowed-on percentage was less than 100%;

then the reduction referred to in subsection (5) is to be adjusted so that the percentage worked out as follows is taken into account in relation to the component:

$$12.5\% - \left(\text{Flowed-on percentage} \times 12.5\% \right)$$

Apportioning if pricing quantity changes

(7) If the pricing quantity of the existing brand of the existing item on the day before the determination day is different from the pricing

quantity of the existing brand of the existing item on the determination day, then, for the purposes of subsection (5), the approved ex-manufacturer price of the existing brand of the existing item on the day before the determination day is taken to be the amount worked out as follows:

$$\frac{\text{AEMP1}}{\text{PQ1}} \times \text{PQ2}$$

where:

AEMP1 means the amount that was the approved ex-manufacturer price of the existing brand of the existing item on the day before the determination day.

PQ1 means the pricing quantity of the existing brand of the existing item on the day before the determination day.

PQ2 means the pricing quantity of the existing brand of the existing item on the determination day.

Section does not limit Minister's powers

(8) This section does not limit the Minister's powers, after the determination day, to make:

(a) further price agreements; or

(b) determinations under section 85B;

for the new brand of the trigger combination item.

99ACE Flow-on of 16% price reduction to related brands of combination items

When section applies

(1) This section applies if:

(a) section 99ACD has applied to a brand (the ***new brand***) of a combination item (the ***new combination item***); and

(b) the new agreed price for the new brand of the combination item comes into force on a day (the ***reduction day***); and

(c) on that day, a price agreement or a determination under section 85B is in force in relation to any of the following listed brands (the ***related brand***) of a combination item (the ***related item***):

(i) another listed brand of the new combination item;

(ii) a brand of another combination item that has a drug that contains the same component drugs as the new brand of the new combination item and that has the same manner of administration as the new brand of the new combination item;

(iii) if the drug in the new combination item is in a therapeutic group—a combination item that has another drug that is in that group and has the same manner of administration as the new brand of the new combination item; and

(d) the related item is not an exempt item.

Note: For the purposes of paragraph (c), the new brand and the related brand may be the same brand, or the new combination item and the related item may be the same pharmaceutical item.

16% price reduction

(2) The approved ex-manufacturer price of the related brand of the related item ceases to be in force at the end of the day before the reduction day. Each claimed price (if any) for the related brand of the related item ceases to be in force at the end of the day before the reduction day.

(3) If a price agreement was in force on the day before the reduction day for the related brand of the related item, the Minister may:

(a) in a price agreement, specify an agreed price for the related brand of the related item that:

(i) comes into force on the reduction day; and

(ii) subject to subsections (4B), (5), (5A) and (5B), does not exceed the approved ex-manufacturer price in force, on the day before that day, for the related brand of the related item, reduced by 16%; or

(b) in a price determination, specify a determined price for the related brand of the related item that:

(i) comes into force on the reduction day; and

(ii) subject to subsections (4B), (5), (5A) and (5B), does not exceed the approved ex-manufacturer price in force, on the day before that day, for the related brand of the related item, reduced by 16%.

(4) If a price determination was in force for the related brand of the related item on the day before the reduction day, the Minister may:

(a) in a price determination, specify a determined price for the related brand of the related item that:

(i) comes into force on the reduction day; and

(ii) subject to subsections (4B), (5), (5A) and (5B), does not exceed the approved ex-manufacturer price in force, on the day before that day, for the related brand of the related item, reduced by 16%; or

(b) in a price agreement, specify an agreed price for the related brand of the related item that:

(i) comes into force on the reduction day; and

(ii) subject to subsections (4B), (5), (5A) and (5B), does not exceed the approved ex-manufacturer price in force, on the day before that day, for the related brand of the related item, reduced by 16%.

(4A) If a determination under subsection 85B(3) was in force for a particular pack quantity of the related brand of the related item on the day before the reduction day, the Minister may, in a determination under subsection 85B(3), specify a claimed price for that pack quantity of the related brand of the related item that:

(a) comes into force on the reduction day; and

(b) subject to subsections (5), (5A) and (5B), does not exceed the claimed price in force for that pack quantity of the related brand of the related item on the day before that day, reduced by 16%.

Apportioning if pricing quantity changes

(4B) If the pricing quantity of the related brand of the related item on the day before the reduction day is different from the pricing quantity of the related brand of the related item on the reduction

day, then, for the purposes of subparagraphs (3)(a)(ii), (3)(b)(ii), (4)(a)(ii) and (4)(b)(ii), the approved ex-manufacturer price of the related brand of the related item on the day before the reduction day is taken to be the amount worked out as follows:

$$\frac{\text{AEMP1}}{\text{PQ1}} \times \text{PQ2}$$

where:

AEMP1 means the amount that was the approved ex-manufacturer price of the related brand of the related item on the day before the reduction day.

PQ1 means the pricing quantity of the related brand of the related item on the day before the reduction day.

PQ2 means the pricing quantity of the related brand of the related item on the reduction day.

Adjustment for prior price reductions to component drugs

(5) If, on a day before the reduction day:

(a) one or more of the listed component drugs (the ***component***) contained in the related item had been subject to one of the following (the ***prior price reduction of the component***):

(i) a 12.5% price reduction;

(ii) a 16% price reduction; and

(b) because of the prior price reduction of the component, the approved ex-manufacturer price of the related brand of the related item was reduced;

then the reduction referred to in subsection (3) or (4) is to be adjusted to reflect:

(c) the percentage (the ***flowed-on percentage***) of the prior price reduction of the component that was taken into account in working out the amount of the reduction to the approved ex-manufacturer price of the related brand of the related item; and

(d) the quantity of the component contained in the drug in the related item.

(5A) For the purposes of subsection (5), if:

(a) the prior price reduction of the component was a 12.5% price reduction; and

(b) the flowed-on percentage was 100%;

then the reduction referred to in subsection (3) or (4) is to be adjusted so that there is no further reduction in relation to the component.

(5B) For the purposes of subsection (5), if:

(a) the prior price reduction of the component was a 12.5% price reduction; and

(b) the flowed-on percentage was less than 100%;

then the reduction referred to in subsection (3) or (4) is to be adjusted so that the percentage worked out as follows is taken into account in relation to the component:

$$12.5\% - \left(\text{Flowed-on percentage} \times 12.5\%\right)$$

Section does not limit Minister's powers

(6) This section does not limit the Minister's powers, after the reduction day, to make:

(a) further price agreements; or

(b) further determinations under section 85B;

for the related brand of the related item.

Subdivision CA—New brands of pharmaceutical items having drugs with outstanding staged reductions

99ACEA Price reduction for new brand of pharmaceutical item having drug with outstanding staged reductions—new brand bioequivalent or biosimilar to existing listed brand

When this section applies

(1) Subject to subsection (2), this section applies to a brand (the ***new brand***) of a pharmaceutical item (the ***trigger item***) on a day (the ***reduction day***) if:

(a) on the reduction day, a determination under subsection 85(6) comes into force in relation to the new brand of the trigger item; and

(b) on the day before the reduction day:

(i) the new brand of the trigger item was not a listed brand of the trigger item; and

(ii) a brand (the ***existing brand***) of a pharmaceutical item (the ***existing item***) was a listed brand of the existing item; and

(c) the new brand of the trigger item is bioequivalent or biosimilar to the existing brand of the existing item; and

(d) the trigger item and existing item have the same drug and manner of administration; and

(e) on the reduction day, either or both of the following are subject to an outstanding staged reduction:

(i) the existing brand of the existing item;

(ii) a brand (the ***related brand***) of a pharmaceutical item (the ***related item***) that has the same drug as the existing item and the trigger item.

Note 1: For the purposes of this subsection, the new brand and the existing brand may be the same brand, or the trigger item and the existing item may be the same pharmaceutical item.

Note 2: For the purposes of this subsection, the new brand and the related brand may be the same brand, or the trigger item and the related item may be the same pharmaceutical item.

Note 3: For the purposes of this subsection, the existing brand and related brand may be the same brand, or the existing item and related item may be the same pharmaceutical item.

When this section does not apply

(2) This section does not apply if, before the reduction day, this section applied to:

(a) the new brand, or another listed brand, of the trigger item; or

(b) a listed brand of another pharmaceutical item that has the same drug as the new brand of the trigger item.

Note: Subsection (1) is taken not to have applied in relation to a brand of a pharmaceutical item in some cases: see section 99AEI.

Price reduction

(3) The Minister:

(a) may, under section 85AD, make a price agreement for the new brand of the trigger item; and

(b) must not make a determination under section 85B in relation to the new brand of the trigger item.

(4) Subject to subsection (5), the agreed price of the new brand of the trigger item that comes into force on the reduction day must not exceed the approved ex-manufacturer price, on the day before the reduction day, of the existing brand of the existing item, reduced by the same amount that the approved ex-manufacturer price of the existing brand of the existing item is reduced by on the reduction day under item 6 or 7 of the table in section 99ACF.

Apportioning if pricing quantity changes

(5) If the pricing quantity of the existing brand of the existing item on the day before the reduction day is different from the pricing quantity of the existing brand of the existing item on the reduction day, then, for the purposes of subsection (4), the approved ex-manufacturer price of the existing brand of the existing item on the day before the reduction day is taken to be the amount worked out as follows:

$$\frac{\text{AEMP1}}{\text{PQ1}} \times \text{PQ2}$$

where:

AEMP1 means the amount that was the approved ex-manufacturer price of the existing brand of the existing item on the day before the reduction day.

PQ1 means the pricing quantity of the existing brand of the existing item on the day before the reduction day.

PQ2 means the pricing quantity of the existing brand of the existing item on the reduction day.

This section does not limit Minister's powers

(6) This section does not limit the Minister's powers, after the reduction day, to make:

(a) further price agreements; or

(b) determinations under section 85B;

for the new brand of the trigger item.

99ACEB New brands of pharmaceutical items having drug with outstanding staged reductions—new brands not bioequivalent or biosimilar to existing listed brand

When this section applies

(1) Subject to subsection (2), if:

(a) on a day (the ***reduction day***), a determination under subsection 85(6) comes into force in relation to 2 or more brands (the ***new brands***) of pharmaceutical items (the ***trigger items***); and

(b) the new brands of the trigger items:

(i) are bioequivalent or biosimilar; and

(ii) have the same drug and manner of administration; and

(c) on the day before the reduction day, the new brands of the trigger items were not listed brands of the trigger items; and

(d) on the day before the reduction day, there was not a listed brand of a pharmaceutical item that:

(i) is bioequivalent or biosimilar to the new brands of the trigger items; and

(ii) has the same drug and manner of administration as the new brands of the trigger items; and

(e) on the reduction day, a listed brand (the ***existing brand***) of a pharmaceutical item (the ***existing item***):

(i) has the same drug as the trigger items; and

(ii) is subject to an outstanding staged reduction;

then this section applies to the new brands of the trigger items.

Note 1: For the purposes of this subsection, the new brands may be the same brand, or the trigger items may be the same pharmaceutical item.

Note 2: For the purposes of this subsection, any of the new brands and the existing brand may be the same brand, or any of the trigger items and the existing item may be the same pharmaceutical item.

When this section does not apply

(2) This section does not apply if, before the reduction day, this section applied to:

(a) the new brands, or another listed brand, of the trigger items; or

(b) a listed brand of another pharmaceutical item that has the same drug as the new brands of the trigger items.

Note: Subsection (1) is taken not to have applied in relation to a brand of a pharmaceutical item in some cases: see section 99AEI.

Price reduction

(3) The Minister:

(a) may, under section 85AD, make a price agreement for the new brands of the trigger items; and

(b) must not make a determination under section 85B in relation to the new brands of the trigger items.

This section does not limit Minister's powers

(4) This section does not limit the Minister's powers, after the reduction day, to make:

(a) further price agreements; or

(b) determinations under section 85B;

for the new brands of the trigger items.

Subdivision D—Other statutory price reductions

99ACF Statutory price reductions

Reduction equal to percentage or amount

(1) Subject to section 99ACG, if:

(a) a section referred to in column 2 of the table in this subsection applies to a listed brand of a pharmaceutical item on a day specified in the section (the ***reduction day***); and

(b) subsection (2) does not apply to the listed brand of the pharmaceutical item on the reduction day; and

(c) on the day before the reduction day, an approved ex-manufacturer price was, or one or more claimed prices were, in force for the listed brand of the pharmaceutical item;

then, subject to subsection (2A), the approved ex-manufacturer price is, and (if applicable) each of the claimed prices are, taken to be reduced, on the reduction day, by the percentage or amount specified in column 3 of the table for the section referred to in column 2.

Statutory price reductions table

Item	Section	Percentage or amount for section
1	99ACH	16%
2	99ACI	2%
2A	99ACIA	2%
3	99ACJ	25%
4	99ACK	the amount that equals the staged percentage, on the reduction day, of the relevant price for the brand of the pharmaceutical item
5	99ACL	the reduction percentage specified in subsection 99ACL(2)
6	99ACM	the amount that equals the outstanding staged percentage, on the reduction day, of the relevant price for the brand of the pharmaceutical item
7	99ACN	the reduction percentage specified in subsection 99ACN(2)
8	99ACO	5%
9	99ACP	the reduction amount specified in subsection 99ACP(2)
10	99ACQ	the reduction percentage specified in subsection 99ACQ(2)

Note: Subsection (1) does not apply if there is no determination under subsection 85(6) in respect of the pharmaceutical item in force on the specified day (whether or not the determination was revoked following a request by the responsible person for the pharmaceutical item).

Reduction more than percentage or amount

(2) This subsection applies if:

(a) a section referred to in column 2 of the table in subsection (1) applies to a listed brand of a pharmaceutical item on a reduction day; and

(b) subject to subsection (2A), on the reduction day the approved ex-manufacturer price of the listed brand of the pharmaceutical item does not exceed the approved ex-manufacturer price of the brand of the pharmaceutical item in force on the day before the reduction day, reduced by more than:

(i) the percentage specified in column 3 of the table for the section referred to in column 2; or

(ii) if there is a staged percentage for the listed brand of the pharmaceutical item for the reduction day—the amount specified in column 3 of the table for the section referred to in column 2; and

(c) if, on the day before the reduction day and on the reduction day, a determination under subsection 85B(3) was in force in relation to a particular pack quantity of the listed brand of the pharmaceutical item—the claimed price for that pack quantity of the brand of the pharmaceutical item does not exceed the claimed price for the same pack quantity of the brand of the pharmaceutical item in force on the day before the reduction day, reduced by more than the percentage or amount specified in column 3 of the table for the section referred to in column 2.

Apportioning if pricing quantity changes

(2A) If the pricing quantity of the listed brand of the pharmaceutical item on the day before the reduction day is different from the pricing quantity of the listed brand of the pharmaceutical item on

the reduction day, then, for the purposes of subsection (1) and paragraph (2)(b), the approved ex-manufacturer price of the listed brand of the pharmaceutical item on the day before the reduction day is taken to be the amount worked out as follows:

$$\frac{\text{AEMP1}}{\text{PQ1}} \times \text{PQ2}$$

where:

AEMP1 means the amount that was the approved ex-manufacturer price of the listed brand of the pharmaceutical item on the day before the reduction day.

PQ1 means the pricing quantity of the listed brand of the pharmaceutical item on the day before the reduction day.

PQ2 means the pricing quantity of the listed brand of the pharmaceutical item on the reduction day.

Sequence of application of 2 or more price reductions

(3) If 2 or more items of the table in subsection (1) apply to a listed brand of a pharmaceutical item on the same day:
   (a) apply the items in the order they appear in the table; and
   (b) apply the second and later items as if the approved ex-manufacturer price, and (if applicable) each claimed price, (as the case requires) were those prices as affected by the operation of the item or items that have already been applied.

Section does not limit Minister's powers

(4) This section does not limit the Minister's powers, after the reduction day, to make:
   (a) further price agreements; or
   (b) further determinations under section 85B;

for the listed brand of the pharmaceutical item.

(5) In this section:

outstanding staged percentage for a listed brand of a pharmaceutical item on a reduction day, means 25% less each staged percentage that has applied under item 4 of the table in subsection (1) to the brand of the pharmaceutical item on a day before the reduction day.

relevant price of a listed brand of a pharmaceutical item means:

(a) for the agreed price or determined price—the amount that was the agreed price or determined price in force in relation to the brand of the pharmaceutical item on 31 July 2008; and

(b) for the claimed price—the amount that was the claimed price in force in relation to the brand of the pharmaceutical item on the day before the reduction day.

staged percentage on a reduction day for a listed brand of a pharmaceutical item, means the percentage that is prescribed for the purposes of paragraph 99ACK(3)(b) for the reduction day.

99ACG Other price reductions do not apply if 12.5% or 16% statutory price reduction or price disclosure reduction applies

2% reduction on 1 August 2008, 2009 or 2010 does not apply if a 12.5% reduction has applied

(1) If:

(a) any of the following applies to a listed brand of a pharmaceutical item on 1 April or 1 August in a year:

(i) section 99ACB;

(ii) section 99ACD or 99ACE;

(iii) subsection 99ACF(1) or (2) because of item 1 of the table in section 99ACF; and

(b) apart from this subsection, item 2 of the table would apply in relation to the brand of the pharmaceutical item, or another listed brand of the pharmaceutical item, on 1 August in that year;

item 2 of the table does not apply on 1 August in that year in relation to the brand of the pharmaceutical item or the other brand of the pharmaceutical item.

2% reduction on 1 February 2011 does not apply if a 12.5% reduction has applied

(1A) If:

(a) on 1 December 2010, a 12.5% administrative price reduction or any of the following applies to a listed brand of a pharmaceutical item:

(i) section 99ACB;

(ii) section 99ACD or 99ACE;

(iii) subsection 99ACF(1) or (2) because of item 1 of the table in section 99ACF; and

(b) apart from this subsection, item 2A of the table would apply in relation to the brand of the pharmaceutical item, or another listed brand of the pharmaceutical item, on 1 February 2011;

then item 2A of the table does not apply on 1 February 2011 in relation to the brand of the pharmaceutical item or the other brand of the pharmaceutical item.

Other price reductions do not apply if a price disclosure reduction has applied

(2) If:

(a) section 99ADH has applied to a listed brand of a pharmaceutical item (the ***first item***) on a day; and

(b) apart from this subsection, any of the following provisions would apply on or after that day to a listed brand of a pharmaceutical item that has the same drug and manner of administration as the first item:

(i) section 99ACB;

(ii) section 99ACD or 99ACE;

(iii) subsection 99ACF(1) or (2) because of any item (other than item 4, 5, 6 or 7) of the table in section 99ACF;

then none of the provisions mentioned in paragraph (b) apply, on or after that day, to:

(c) the first item; or

(d) a listed brand of the pharmaceutical item that has the same drug and manner of administration as the first item.

99ACH 16% statutory price reduction flow-on to related brands

(1) If:

(a) section 99ACB has applied to the agreed price for a brand (the ***new brand***) of a pharmaceutical item (the ***new item***); and

(b) that price comes into force on a day (the ***reduction day***); and

(c) on the reduction day, a price agreement or a determination under section 85B is in force in relation to any of the listed brands (the ***related brand***) of a pharmaceutical item (the ***related item***) mentioned in subsection (2); and

(d) the related item is not a combination item; and

(e) the related item is not an exempt item;

then this section applies to the related brand of the related item on the reduction day.

(2) For the purposes of paragraph (1)(c), a related brand of a related item is any of the following:

(a) another listed brand of the new item;

(b) a listed brand of another pharmaceutical item that has the same drug and manner of administration as the new item;

(c) if the drug in the new item is in a therapeutic group—a listed brand of a pharmaceutical item that:

(i) has another drug that is in that group; and

(ii) has the same manner of administration as the new brand of the trigger item.

Note: For the purposes of subsection (2), the new brand and the related brand may be the same brand, and the new item and the related item may be the same pharmaceutical item.

99ACI 2% statutory price reduction on 1 August 2008, 2009 and 2010

(1) If:

(a) on the day before a 2% price reduction day, a price agreement or a determination under section 85B is in force in relation to a listed brand of a pharmaceutical item; and

(b) the drug in the pharmaceutical item is in Part A of F2 on the 2% price reduction day; and

(c) the pharmaceutical item is not an exempt item on the 2% price reduction day;

this section applies to the listed brand of the pharmaceutical item on the 2% price reduction day.

Note: Section 99ACG may affect the operation of this section.

(2) In this section, each of the following is a ***2% price reduction day***:

(a) 1 August 2008;

(b) 1 August 2009;

(c) 1 August 2010.

99ACIA 2% statutory price reduction on 1 February 2011

If:

(a) on 31 January 2011, a price agreement or a determination under section 85B is in force in relation to a listed brand of a pharmaceutical item; and

(b) on 11 October 2010, the drug in the pharmaceutical item was in Part A of F2; and

(c) on 1 February 2011, the pharmaceutical item is not an exempt item;

then this section applies to the listed brand of the pharmaceutical item on 1 February 2011.

99ACJ 25% statutory price reduction on single day

(1) If:

(a) on 31 July 2008, a price agreement or a determination under section 85B is in force in relation to a listed brand of a pharmaceutical item that is not a prescribed brand of that item; and

(b) the drug in the pharmaceutical item is in Part T of F2 on 1 August 2008; and

(c) the pharmaceutical item is not an exempt item on 1 August 2008;

this section applies to the listed brand of the pharmaceutical item on 1 August 2008.

(2) In this section:

prescribed brand means a brand of a pharmaceutical item prescribed for the purposes of subsection 99ACK(2).

99ACK 25% statutory price reduction staged over 2 or more days

(1) Subject to subsection (1A), this section applies to a listed brand of a pharmaceutical item on a reduction day if:

(a) on the day before that day, a price agreement or a determination under section 85B is in force in relation to the brand of the pharmaceutical item; and

(b) the drug in the pharmaceutical item is in Part T of F2 on 1 August 2008; and

(c) the pharmaceutical item is not an exempt item on the reduction day.

(1A) This section does not apply to a brand of a pharmaceutical item on a reduction day if, on that day, section 99ACM applies or had previously applied to the brand of the pharmaceutical item.

(2) The regulations may prescribe, for the purposes of this Division, a listed brand of a pharmaceutical item.

(3) For each brand of a pharmaceutical item prescribed under subsection (2), the regulations may prescribe:

(a) 2 or more reduction days; and

(b) for a reduction day:

(i) a percentage of the determined price, or agreed price, in force in relation to the brand of the pharmaceutical item on 31 July 2008; and

(ii) if, on the day before the reduction day concerned and on the reduction day concerned, a determination under subsection 85B(3) was in force in relation to a particular pack quantity of the brand of the pharmaceutical item—a percentage of the claimed price in force in relation to that pack quantity of the brand of the pharmaceutical item on the day before the reduction day concerned.

(4) The percentages prescribed for each brand of the pharmaceutical item must not total more than 25%.

99ACL Staged price reduction: staged reductions under section 99ACK causing statutory price reductions for other brands of pharmaceutical items having the drug

(1) This section applies to a listed brand (the ***existing brand***) of a pharmaceutical item (the ***existing item***) on a day (the ***reduction day***) if, on the reduction day:

(a) the existing brand of the existing item is not subject to an outstanding staged reduction; and

(b) a listed brand (the ***staged brand***) of a pharmaceutical item (the ***staged item***) is subject to an outstanding staged reduction; and

(c) section 99ACK applies to the staged brand of the staged item; and

(d) the existing item and the staged item have the same drug.

Note: For the purposes of paragraphs (b) and (d), the existing brand and the staged brand may be the same brand, or the existing item and the staged item may be the same pharmaceutical item.

(2) For the purposes of item 5 of the table in section 99ACF, the ***reduction percentage*** for the existing brand of the existing item is the percentage that is worked out as follows:

Method statement

Step 1. See column 3 of item 4 of the table in section 99ACF to work out the amount (the ***staged brand's reduction amount***) by which the agreed price or determined price of the staged brand of the staged item is reduced on the reduction day.

Step 2. Work out what percentage the staged brand's reduction amount represents of the agreed price or determined price of the staged brand of the staged item on the day before the reduction day.

The ***reduction percentage*** is the percentage worked out at step 2.

99ACM Staged price reduction: new brand listing bringing forward outstanding staged reductions

This section applies to a listed brand (the ***staged brand***) of a pharmaceutical item (the ***staged item***) on a day (the ***reduction day***) if, on the reduction day:

(a) the staged brand of the staged item is subject to an outstanding staged reduction; and

(b) section 99ACEA or 99ACEB applies to a brand (the ***new brand***) of a pharmaceutical item (the ***trigger item***); and

(c) the staged item and the trigger item have the same drug.

Note: For the purposes of paragraphs (b) and (c), the staged brand and the new brand may be the same brand, or the staged item and the trigger item may be the same pharmaceutical item.

99ACN Staged price reduction: bringing forward outstanding staged reductions causing statutory price reduction for other brands of pharmaceutical items having the drug

(1) This section applies to a listed brand (the ***existing brand***) of a pharmaceutical item (the ***existing item***) on a day (the ***reduction day***) if, on the reduction day:

(a) the existing brand of the existing item is not subject to an outstanding staged reduction; and

(b) section 99ACM applies to a listed brand (the ***staged brand***) of a pharmaceutical item (the ***staged item***) on the reduction day; and

(c) the existing item and the staged item have the same drug.

Note: For the purposes of paragraphs (b) and (c), the existing brand and the staged brand may be the same brand, or the existing item and the staged item may be the same pharmaceutical item.

(2) For the purposes of item 7 of the table in section 99ACF, the ***reduction percentage*** for the existing brand of the existing item is the percentage that is worked out as follows:

Method statement

Step 1. See column 3 of item 6 of the table in section 99ACF to work out the amount (the ***staged brand's reduction amount***) by which the agreed price or determined price of the staged brand of the staged item is reduced on the reduction day.

Step 2. Work out what percentage the staged brand's reduction amount represents of the agreed price or determined price of the staged brand of the staged item on the day before the reduction day.

The ***reduction percentage*** is the percentage worked out at step 2.

99ACO 5% statutory price reduction for brands of pharmaceutical items having a drug that is not subject to outstanding staged reductions

If:

(a) on 31 January 2011, a price agreement or a determination under section 85B is in force in relation to a listed brand (the ***relevant brand***) of a pharmaceutical item (the ***relevant item***); and

(b) on 11 October 2010, the drug in the relevant item was in Part T of F2; and

(c) on 1 February 2011, the relevant item is not an exempt item; and

(d) on 1 February 2011, the relevant brand of the relevant item is not subject to an outstanding staged reduction; and

(e) on 1 February 2011, there is not another listed brand of a pharmaceutical item that:

(i) is subject to an outstanding staged reduction; and

(ii) has the same drug as the relevant item;

then this section applies to the relevant brand of the relevant item on 1 February 2011.

99ACP 5% statutory price reduction for brands of pharmaceutical items subject to outstanding staged reductions

(1) If:

(a) on 31 January 2011, a price agreement or a determination under section 85B is in force in relation to a listed brand (the ***relevant brand***) of a pharmaceutical item (the ***relevant item***); and

(b) on 11 October 2010, the drug in the relevant item was in Part T of F2; and

(c) on 1 February 2011, the relevant item is not an exempt item; and

(d) on 1 February 2011, the relevant brand of the relevant item is subject to an outstanding staged reduction;

then this section applies to the relevant brand of the relevant item on 1 February 2011.

(2) For the purposes of item 9 of the table in section 99ACF, the ***reduction amount*** for the relevant brand of the relevant item is the amount that is worked out as follows:

Method statement

Step 1. Work out the relevant price of the relevant brand of the relevant item.

Step 2. Work out the amount (the ***comparison amount***) that equals 25% of the relevant price.

Step 3. Subtract the comparison amount from the relevant price.

The ***reduction amount*** is 5% of the amount worked out at step 3.

99ACQ 5% statutory price reduction for brands of pharmaceutical items having a drug that is subject to outstanding staged reductions

(1) If:

(a) on 31 January 2011, a price agreement or a determination under section 85B is in force in relation to a listed brand (the ***relevant brand***) of a pharmaceutical item (the ***relevant item***); and

(b) on 11 October 2010, the drug in the relevant item was in Part T of F2; and

(c) on 1 February 2011, the relevant item is not an exempt item; and

(d) on 1 February 2011, the relevant brand of the relevant item is not subject to an outstanding staged reduction; and

(e) on 1 February 2011:

(i) another listed brand (the ***staged brand***) of a pharmaceutical item (the ***staged item***) is subject to an outstanding staged reduction; and

(ii) the relevant item and the staged item have the same drug;

then this section applies to the relevant brand of the relevant item on 1 February 2011.

(2) For the purposes of item 10 of the table in section 99ACF, the ***reduction percentage*** for the relevant brand of the relevant item is the percentage that is worked out as follows:

Method statement

Step 1. See column 3 of item 9 of the table in section 99ACF to work out the amount (the ***staged brand's reduction amount***) by which the agreed price or determined price of the staged brand of the staged item is reduced on the reduction day.

Step 2. Work out what percentage the staged brand's reduction amount represents of the agreed price or determined price of the staged brand of the staged item on the day before the reduction day.

The ***reduction percentage*** is the percentage worked out at step 2.

Division 3B—Price disclosure

Subdivision A—Preliminary

99AD What this Division is about

This Division requires the responsible person for certain brands of pharmaceutical items to comply with the price disclosure requirements for each supply of those brands of pharmaceutical items.

- Subdivision B has the price disclosure requirements. It provides for regulations to set out the kind of information that is required to be provided for the brand of the pharmaceutical item, the form and manner in which that information is to be provided and when that information is to be provided.
- The price disclosure requirements generally apply in relation to brands of pharmaceutical items that have a drug on F2.
- Subdivision D provides for the consequences of failing to comply with the price disclosure requirements.

In addition, this Division reduces the approved ex-manufacturer price of the brand of the pharmaceutical item in specified circumstances (see Subdivision E). This reduction happens as a result of the price being adjusted based on information collected about brands of pharmaceutical items.

99ADA Division does not apply to exempt items

This Division does not apply to brands of exempt items.

99ADB Definitions etc.

(1) In this Division:

adjusted approved ex-manufacturer price of a brand of a pharmaceutical item is the amount equal to the amount of the weighted average disclosed price of the brand of the pharmaceutical item.

applicable approved ex-manufacturer price: see subsection (3A).

price disclosure requirements has the meaning given by section 99ADC.

relevant day means the day after the end of the period in respect of which the weighted average disclosed price of the brand of the pharmaceutical item is determined.

unadjusted price reduction for a brand of a pharmaceutical item is the difference between:

(a) the applicable approved ex-manufacturer price of the brand of the pharmaceutical item; and

(b) the weighted average disclosed price of the brand of the pharmaceutical item;

expressed as a percentage of that applicable approved ex-manufacturer price.

weighted average disclosed price of a brand of a pharmaceutical item is the weighted average disclosed price of the brand of the pharmaceutical item determined by the Minister under subsection (4).

Applicable approved ex-manufacturer price

(3A) The ***applicable approved ex-manufacturer price*** of a brand of a pharmaceutical item is the approved ex-manufacturer price of the brand on the relevant day.

(3B) For the purposes of subsection (3A), if:

(a) apart from this subsection, the brand of the pharmaceutical item would not have an approved ex-manufacturer price on the relevant day; and

(b) the brand of the pharmaceutical item has an approved ex-manufacturer price before the first reduction day that:

(i) is determined under paragraph 99ADH(1)(aa) in relation to the brand of the pharmaceutical item; and

(ii) occurs after the relevant day;

then:

(c) the regulations may prescribe the approved ex-manufacturer price, or a method or formula for working out the approved ex-manufacturer price, of the brand of the pharmaceutical item on the relevant day; and

(d) if the regulations do so, the amount so worked out is taken to be the approved ex-manufacturer price of the brand of the pharmaceutical item on the relevant day.

Weighted average disclosed price

(4) The Minister may, by legislative instrument, determine the weighted average disclosed price of a brand of a pharmaceutical item in accordance with the regulations.

(6) Without limiting subsection (4), the regulations may prescribe a method or formula for determining the weighted average disclosed price of a brand of a pharmaceutical item. The method or formula prescribed may take into account information (if any) that has been provided in compliance with the price disclosure requirements, and any other information, about:

(a) the brand of the pharmaceutical item; and

(b) other brands of the pharmaceutical item; and

(c) all brands (including the brand) of all pharmaceutical items that have the same drug and manner of administration as the pharmaceutical item.

(7) A determination made under subsection (4) in relation to a brand of a pharmaceutical item may include the adjusted approved ex-manufacturer price of the brand of the pharmaceutical item.

Subdivision B—Price disclosure requirements

99ADC The price disclosure requirements

(1) The ***price disclosure requirements*** for a supply of a brand of a pharmaceutical item are:

(a) to provide information prescribed by the regulations in relation to the supply of the brand of the pharmaceutical item by the responsible person to a person or entity prescribed by the regulations; and

(b) to provide that information in the manner and form prescribed by the regulations; and

(c) to provide that information at the times prescribed by the regulations.

(2) Without limiting subsection (1), the regulations may prescribe information relating to:

(a) the price of the brand of the pharmaceutical item supplied, which may be by reference to the quantity or number of units of the pharmaceutical item supplied; and

(b) the volume of the supply; and

(c) the person to whom the supply was made; and

(d) when the supply was made; and

(e) the type and value of any benefit (whether monetary or otherwise) provided to persons by the responsible person in relation to the supply, whether or not the benefit also relates to another supply of a product (the ***related product***) that is:

(i) the brand of the pharmaceutical item; or

(ii) any other pharmaceutical item available in the brand or any other brand; or

(iii) any other product; and

(f) if the benefit referred to in paragraph (e) also relates to a supply of the related product—information relating to the supply of the related product (including the price and volume of the supply); and

(g) any other matter that is relevant in determining the weighted average disclosed price of the brand of the pharmaceutical item.

99ADD When the price disclosure requirements apply

The responsible person for a listed brand of a pharmaceutical item that has a drug on F2 is required to comply with the price disclosure requirements for each supply of the brand of the pharmaceutical item.

Subdivision D—Consequences for failing to comply with the price disclosure requirements

99ADF Offence for failing to comply with the price disclosure requirements

(1) A person commits an offence if:

(a) the person is required to comply with the price disclosure requirements for a supply of a brand of a pharmaceutical item; and

(b) the person fails to comply with those requirements for the supply of the brand of the pharmaceutical item.

Penalty: 60 penalty units.

(2) Subsection 4K(2) of the *Crimes Act 1914*, which creates daily or continuing offences, does not apply to an offence against subsection (1).

99ADG Other consequences for failing to comply with the price disclosure requirements

(1) This section applies if:

(a) a responsible person is required to comply with the price disclosure requirements for a supply of a brand (the ***disclosure brand***) of a pharmaceutical item (the ***disclosure item***); and

(b) the responsible person does not comply with those requirements for the supply of the disclosure brand of the disclosure item.

(2) Without limiting any power the Minister may otherwise have under this Part, the Minister may do any or all of the following:

(a) by legislative instrument, revoke or vary a determination under subsection 85(6) in relation to the disclosure brand of the disclosure item;

(b) by legislative instrument, revoke or vary a determination under subsection 85(6) in relation to any brand of any pharmaceutical item of the responsible person;

(c) refuse to make a determination under subsection 85(6) in relation to any brand of any pharmaceutical item of the responsible person;

(d) if the only listed brand of a pharmaceutical item would be a brand of the pharmaceutical item of the responsible person—refuse to make:

(i) a declaration under subsection 85(2) in relation to the drug in the pharmaceutical item; or

(ii) a determination under subsection 85(3) in relation to the form of the pharmaceutical item; or

(iii) a determination under subsection 85(5) in relation to the manner of administration of the pharmaceutical item.

Note: For the purposes of paragraphs (b), (c) and (d), a brand mentioned in those paragraphs may be the disclosure brand, or a pharmaceutical item mentioned in those paragraphs may be the disclosure item.

(3) Without limiting the powers of the Minister under subsection (2), in exercising a power under that subsection, the Minister may have regard to:

(a) the number of times the responsible person did not comply with the price disclosure requirements for:

(i) the disclosure brand of the disclosure item; and

(ii) if, in addition to the disclosure brand of the disclosure item, the person was also required to comply with the price disclosure requirements for a brand of a pharmaceutical item—the brand of the pharmaceutical item; and

(b) the period in which the non-compliances occurred; and

(c) the duration of each non-compliance; and

(d) the reasons for the non-compliances; and

(e) whether those reasons are, in the Minister's opinion, reasonable; and

(f) any other matter the Minister thinks is relevant.

Note: For the purposes of subparagraph (a)(ii), a brand mentioned in that subparagraph may be the disclosure brand, or a pharmaceutical item mentioned in that subparagraph may be the disclosure item.

(4) The refusals referred to in paragraphs (2)(c) and (d) are not legislative instruments.

Subdivision E—Price reduction

99ADH Price reduction based on information provided under the price disclosure requirements

When this section applies

(1) This section applies if:

(a) under section 99ADB, the Minister determines the weighted average disclosed price of a brand of a pharmaceutical item; and

(aa) the Minister, by legislative instrument, determines a day (the ***reduction day***) for the purposes of this section in relation to the brand of the pharmaceutical item; and

(b) a price agreement or price determination is in force in relation to the brand of the pharmaceutical item on the reduction day; and

(c) the unadjusted price reduction for the brand of the pharmaceutical item is at least 10%.

(2) For the purposes of paragraph (1)(aa), the reduction day must be:

(a) 1 April or 1 October in any year; or

(b) another prescribed day.

Price reduction

(3) If, on the reduction day, the approved ex-manufacturer price of the brand of the pharmaceutical item would, apart from this section, be higher than the adjusted approved ex-manufacturer price of the brand of the pharmaceutical item, then, on the reduction day, the amount of the approved ex-manufacturer price is taken to be reduced to the amount of the adjusted approved ex-manufacturer

price for the purposes of the price agreement or price determination.

Note: If the pricing quantity of the brand of the pharmaceutical item on the relevant day is different from the pricing quantity on the reduction day, then, for the purposes of subsection (3), the adjusted approved ex-manufacturer price of the brand of the pharmaceutical item is worked out under subsection (4A).

Claimed price reduction

(4) If, on the reduction day:

(a) a determination under subsection 85B(3) is in force in relation to a particular pack quantity of the brand of the pharmaceutical item; and

(b) the approved ex-manufacturer price of the brand of the pharmaceutical item is reduced because of subsection (3);

then, on the reduction day the claimed price for that pack quantity of the brand of the pharmaceutical item is taken to be reduced by the percentage worked out as follows:

$$\frac{\text{AEMP} - \text{AAEMP}}{\text{AEMP}} \times 100$$

where:

AAEMP means the adjusted approved ex-manufacturer price of the brand of the pharmaceutical item.

AEMP means the amount that would have been the approved ex-manufacturer price of the brand of the pharmaceutical item on the reduction day if the reduction under subsection (3) had not occurred.

Note: If the pricing quantity of the brand of the pharmaceutical item on the relevant day is different from the pricing quantity on the reduction day, then, for the purposes of subsection (4), the adjusted approved ex-manufacturer price of the brand of the pharmaceutical item is worked out under subsection (4A).

Apportioning if pricing quantity changes

(4A) If the pricing quantity of the brand of the pharmaceutical item on the relevant day is different from the pricing quantity of the brand of the pharmaceutical item on the reduction day, then, for the purposes of subsections (3) and (4), the adjusted approved ex-manufacturer price of the brand of the pharmaceutical item is taken to be the amount worked out as follows:

$$\frac{\text{WADP}}{\text{PQ1}} \times \text{PQ2}$$

where:

PQ1 means the pricing quantity of the brand of the pharmaceutical item on the relevant day.

PQ2 means the pricing quantity of the brand of the pharmaceutical item on the reduction day.

WADP means the amount equal to the amount of the weighted average disclosed price of the brand of the pharmaceutical item.

Section not to limit Minister's powers

(5) This section does not limit the Minister's powers, after the reduction day, to make:

(a) other price agreements; or

(b) further determinations under section 85B;

for the brand of the pharmaceutical item.

99ADHA Price reduction for brands listing after end of data collection period

When this section applies

(1) This section applies if:

(a) a determination under subsection 85(6) is in force on the reduction day in relation to a brand (the ***new brand***) of a pharmaceutical item (the ***existing item***); and

(b) the determination came into force:

(i) after the last day of the period in respect of which the weighted average disclosed price is determined for another brand (the ***existing brand***) of the existing item; and

(ii) before the reduction day; and

(c) the approved ex-manufacturer price of the existing brand of the existing item is reduced on the reduction day under subsection 99ADH(3).

Price reduction

(2) On the reduction day, the approved ex-manufacturer price of the new brand of the existing item is taken to be reduced to the same amount as the approved ex-manufacturer price of the existing brand of the existing item on that day.

Claimed price reduction

(3) If, on the reduction day:

(a) a determination under subsection 85B(3) is in force in relation to a particular pack quantity of the new brand of the existing item; and

(b) the approved ex-manufacturer price of the new brand of the existing item is reduced because of subsection (2);

then, on the reduction day the claimed price for that pack quantity of the new brand of the existing item is taken to be reduced by the percentage worked out as follows:

$$\frac{\text{AEMP1} - \text{AEMP2}}{\text{AEMP1}} \times 100$$

where:

AEMP1 means the amount that would have been the approved ex-manufacturer price of the new brand of the existing item on the reduction day if the reduction under subsection (2) had not occurred.

AEMP2 means the approved ex-manufacturer price of the new brand of the existing item on the reduction day.

Division 3C—Guarantee of supply

Subdivision A—Preliminary

99AE What this Division is about

This Division is about guaranteeing the supply of certain brands of pharmaceutical items.

Subdivision B requires the responsible person for certain brands of pharmaceutical items to supply those brands of pharmaceutical items during a specified period.

Subdivision C sets out which brands of pharmaceutical items are required to be supplied, and the period in which they are required to be supplied.

Subdivision D provides for when the responsible person is considered to have failed to supply, or been unable to supply, the brand of the pharmaceutical item.

Subdivision E requires the responsible person to notify the Minister if the person will fail or be unable to supply, or has failed or been unable to supply, the brand of the pharmaceutical item.

Subdivision F sets out the possible consequences for the responsible person if the person fails, or is unable, to supply the brand of the pharmaceutical item.

Subdivision G sets out the possible consequences for other brands of pharmaceutical items that were affected by the brand of the pharmaceutical item, if the brand of the pharmaceutical item is delisted under Subdivision F.

99AEA Definitions

In this Division:

fails to supply has the meaning given by section 99AEE.

guaranteed brand of a guaranteed item has the meaning given by sections 99AEC and 99AED.

guaranteed period, for a guaranteed brand of a guaranteed item, has the meaning given by:

(a) if the guaranteed brand of the guaranteed item is a brand of a pharmaceutical item to which subsection 99AEC(2) applies—subsection 99AEC(3); or

(b) if the guaranteed brand of the guaranteed item is a brand of a pharmaceutical item to which subsection 99AED(2) applies—subsection 99AED(3).

unable to supply has the meaning given by section 99AEF.

Subdivision B—Guarantee of supply

99AEB Guarantee of supply

The responsible person for a guaranteed brand of a guaranteed item must supply the guaranteed brand of the guaranteed item during the guaranteed period for the guaranteed brand of the guaranteed item.

Note 1: For the circumstances when a responsible person fails to supply, or is unable to supply, in the guaranteed period, see sections 99AEE and 99AEF.

Note 2: For the consequences for the responsible person for failing to supply, or being unable to supply, in the guaranteed period, see Subdivision F.

Subdivision C—Brands that are guaranteed brands

99AEC Guaranteed brand: new brand

(1) A brand of a pharmaceutical item is a ***guaranteed brand of a guaranteed item*** for the purposes of this Division (other than section 99AED) if subsection (2) applies to the brand of the pharmaceutical item.

(2) This subsection applies to a brand (the ***guaranteed brand***) of a pharmaceutical item (the ***guaranteed item***) if:

(a) a determination under subsection 85(6) comes into force in relation to the guaranteed brand of the guaranteed item on a day (the ***determination day***); and

(b) on the day before the determination day, the guaranteed brand was not a listed brand of the guaranteed item; and

(c) on the determination day, or on the day before that day:

(i) a brand (the ***existing brand***) of a pharmaceutical item (the ***existing item***) is a listed brand of the existing item; and

(ii) the guaranteed brand of the guaranteed item is bioequivalent or biosimilar to the existing brand of the existing item; and

(iii) the guaranteed item and the existing item have the same drug and manner of administration.

Note: For the purposes of paragraph (c), the guaranteed brand and the existing brand may be the same brand, or the guaranteed item and the existing item may be the same pharmaceutical item.

Guaranteed period

(3) The ***guaranteed period*** for the guaranteed brand of the guaranteed item is the period that commences on the determination day and ends on the earliest of the following days:

(a) the last day of the 24 month period beginning on the determination day;

(b) if, after the determination day:

(i) a determination under subsection 85(6) comes into force on a day (the ***later determination day***) in relation to a brand (the ***later brand***) of a pharmaceutical item (the ***later item***); and

(ii) the later brand of the later item is bioequivalent or biosimilar to the guaranteed brand of the guaranteed item; and

(iii) on the day before the later determination day, the later brand was not a listed brand of the later item;

the later determination day;

(c) if, after the determination day, subsection 99AED(2) applies to:

(i) a brand of the guaranteed item; or

(ii) a brand of a pharmaceutical item that is bioequivalent or biosimilar to the guaranteed brand of the guaranteed item;

the new price day referred to in paragraph 99AED(2)(d);

(d) the day that is the first whole day on which the guaranteed brand is not a listed brand of the guaranteed item.

Note 1: For the purposes of paragraph (b), the later brand and the guaranteed brand may be the same brand, or the later item and the guaranteed item may be the same item.

Note 2: For the purposes of paragraph (c), the brand mentioned in that paragraph and the guaranteed brand may be the same brand, or the pharmaceutical item mentioned in that paragraph and the guaranteed item may be the same pharmaceutical item.

99AED Guaranteed brand: first brand to offer a lower price

(1) A brand of a pharmaceutical item is a ***guaranteed brand of a guaranteed item*** for the purposes of this Division (other than section 99AEC) if subsection (2) applies to the brand of the pharmaceutical item.

(2) This subsection applies to a brand (the ***guaranteed brand***) of a pharmaceutical item (the ***guaranteed item***) if:

(a) the drug in the guaranteed item is on F2; and

(b) the guaranteed brand is a listed brand of the guaranteed item; and

(c) the Minister and the responsible person for the guaranteed brand of the guaranteed item agree, in a price agreement, an agreed price (the ***new price***) of the guaranteed brand of the guaranteed item; and

(d) on the day (the ***new price day***) the new price comes into force, the new price is less than what the approved ex-manufacturer price of the guaranteed brand of the guaranteed item would have been on that day if the new price had not come into force; and

(e) the responsible person was the first responsible person for a brand of the guaranteed item to offer the Minister the new price.

Guaranteed period

(3) The ***guaranteed period*** for the guaranteed brand of the guaranteed item is the period that commences on the new price day and ends on the earliest of the following days:

(a) the last day of the 24 month period beginning on the new price day;

(b) if, after the new price day:

(i) a determination under subsection 85(6) comes into force on a day (the ***later determination day***) in relation to a brand (the ***later brand***) of a pharmaceutical item (the ***later item***); and

(ii) the later brand of the later item is bioequivalent or biosimilar to the guaranteed brand of the guaranteed item; and

(iii) on the day before the later determination day, the later brand was not a listed brand of the later item;

the later determination day;

(c) if, after the new price day, subsection (2) applies, in another application of that subsection, to:

(i) a brand of the guaranteed item; or

(ii) a brand of a pharmaceutical item that is bioequivalent or biosimilar to the guaranteed brand of the guaranteed item;

the day the new price referred to in that subsection under the other application comes into force;

(d) the day that is the first whole day on which the guaranteed brand is not a listed brand of the guaranteed item.

Note 1: For the purposes of paragraph (b), the later brand and the guaranteed brand may be the same brand, or the later item and the guaranteed item may be the same item.

Note 2: For the purposes of paragraph (c), the brand mentioned in that paragraph and the guaranteed brand may be the same brand, or the pharmaceutical item mentioned in that paragraph and the guaranteed item may be the same pharmaceutical item.

Subdivision D—Meaning of fails to supply and unable to supply

99AEE Meaning of *fails to supply*

(1) A responsible person for a guaranteed brand of a guaranteed item ***fails to supply*** the guaranteed brand of the guaranteed item if:

(a) a wholesaler or an approved pharmacist requests the responsible person to supply the wholesaler or pharmacist with an amount of the guaranteed brand of the guaranteed item; and

(b) the responsible person fails to supply that amount to the wholesaler or pharmacist within:

(i) a reasonable period; or

(ii) if the regulations prescribe a period—that period;

after receiving the request.

(2) The responsible person fails to supply the guaranteed brand of the guaranteed item on the day after the end of that period.

99AEF Meaning of *unable to supply*

A responsible person for a guaranteed brand of the guaranteed item is ***unable to supply*** the guaranteed brand of the guaranteed item on a day if the responsible person would be unable to supply any amount of the guaranteed brand of the guaranteed item within a reasonable period of being requested by a wholesaler or an approved pharmacist, on that day, to supply the guaranteed brand of the guaranteed item.

Subdivision E—Requirement to notify Minister of failure or inability to supply etc.

99AEG Requirement to notify Minister of failure to supply etc.

Notification of belief that responsible person will fail to supply or be unable to supply

(1) If, during the guaranteed period for a guaranteed brand of a guaranteed item, the responsible person for the guaranteed brand of

the guaranteed item forms the belief that the person will fail to supply, or will be unable to supply, the guaranteed brand of the guaranteed item in the period, then, as soon as practicable after the person forms the belief, the person must notify the Minister, in writing, of that belief.

Notification of failure to supply or inability to supply

(2) If, during the guaranteed period for a guaranteed brand of a guaranteed item, the responsible person for the guaranteed brand of the guaranteed item fails to supply, or is unable to supply, the guaranteed brand of the guaranteed item, then, as soon as practicable after the failure or inability occurs, the person must notify the Minister, in writing, of that failure or inability unless the person notified the Minister about that supply under subsection (1).

Offence

(3) A person commits an offence if:
  (a) the person is required to notify the Minister under subsection (1) or (2); and
  (b) the person fails to do so.

Penalty: 60 penalty units.

(4) Subsection 4K(2) of the *Crimes Act 1914*, which creates daily or continuing offences, does not apply to an offence against subsection (3).

Subdivision F—Consequences for guaranteed brands of failure or inability to supply

99AEH Minister's powers if responsible person fails to supply, or is unable to supply, guaranteed brand

(1) This section applies if, during the guaranteed period for a guaranteed brand of a guaranteed item, the responsible person for the guaranteed brand of the guaranteed item fails to supply, or is unable to supply, the guaranteed brand of the guaranteed item on one or more occasions.

(2) Without limiting any power the Minister may otherwise have under this Part, the Minister may do any or all of the following:

(a) by legislative instrument, revoke or vary a determination under subsection 85(6) in relation to the guaranteed brand of the guaranteed item;

(b) by legislative instrument, revoke or vary a determination under subsection 85(6) in relation to any brand of any pharmaceutical item of the responsible person;

(c) refuse to make a determination under subsection 85(6) in relation to any brand of any pharmaceutical item of the responsible person;

(d) if the only listed brand of a pharmaceutical item would be a brand of the pharmaceutical item of the responsible person—refuse to make:

(i) a declaration under subsection 85(2) in relation to the drug in the pharmaceutical item; or

(ii) a determination under subsection 85(3) in relation to the form of the pharmaceutical item; or

(iii) a determination under subsection 85(5) in relation to the manner of administration of the pharmaceutical item.

Note: For the purposes of paragraphs (b), (c) and (d), a brand mentioned in those paragraphs may be the guaranteed brand, or a pharmaceutical item mentioned in those paragraphs may be the guaranteed item.

(3) Without limiting the powers of the Minister under subsection (2), in exercising a power under that subsection, the Minister may have regard to:

(a) the number of times the responsible person failed to supply, or was unable to supply:

(i) the guaranteed brand of the guaranteed item; and

(ii) if, in addition to the guaranteed brand of the guaranteed item, the person was also required to supply other guaranteed brands of guaranteed items—those other guaranteed brands of guaranteed items; and

(b) the period in which those failures or inabilities occurred; and

(c) the duration of those failures or inabilities; and

(d) the reasons for those failures or inabilities; and

(e) whether those reasons are, in the Minister's opinion, reasonable; and

(f) any other matter the Minister thinks is relevant.

(4) The refusals referred to in paragraphs (2)(c) and (d) are not legislative instruments.

Subdivision G—Consequences for other brands

99AEI Minister may increase approved ex-manufacturer price if guaranteed brand delisted

(1) This section applies if, under section 99AEH, the Minister revokes or varies a determination under subsection 85(6) in relation to a brand (the ***delisted brand***) of a pharmaceutical item (the ***existing item***).

(2) Without limiting any power the Minister may otherwise have under this Part, the Minister may:

(a) under section 85AD, make or vary a price agreement to increase the agreed price; or

(b) under subsection 85B(2), make or vary a determination to increase the determined price; or

(ba) under subsection 85B(3), make or vary a determination to increase one or more claimed prices;

for a brand of a pharmaceutical item that has an approved ex-manufacturer price that was reduced because the delisted brand of the existing item was:

(c) the new brand of the trigger item referred to in section 99ACB; or

(d) the new brand of the trigger combination item referred to in section 99ACD; or

(da) the new brand of the trigger item referred to in section 99ACEA; or

(db) one of the new brands of the triggers items referred to in section 99ACEB; or

(e) the guaranteed brand of the guaranteed item under subsection 99AED(2).

(3) If the Minister exercises the power referred to in subsection (2), then the Minister may, by legislative instrument, determine that:

(a) if subsection 99ACB(1) applied to the delisted brand of the existing item—for the purposes of subsection 99ACB(3), subsection 99ACB(1) is taken not to have applied to the delisted brand of the existing item; or

(b) if subsection 99ACD(1) applied to the delisted brand of the existing item—for the purposes of subsection 99ACD(2), subsection 99ACD(1) is taken not to have applied to the delisted brand of the existing item; or

(c) if subsection 99ACEA(1) applied to the delisted brand of the existing item—for the purposes of subsection 99ACEA(2), subsection 99ACEA(1) is taken not to have applied to the delisted brand of the existing item; or

(d) if subsection 99ACEB(1) applied to the delisted brand of the existing item—for the purposes of subsection 99ACEB(2), subsection 99ACEB(1) is taken not to have applied to the delisted brand of the existing item.

(4) If the Minister makes a determination under subsection (3), the determination has effect on the day specified in the determination, being a day on or after the determination comes into force.

99AEJ Minister may determine drug is on F1 if guaranteed brand delisted

The Minister may, by legislative instrument, determine that a listed drug is on F1 if:

(a) under section 99AEH, the Minister revokes or varies a determination under subsection 85(6) in relation to a brand (the ***delisted brand***) of a pharmaceutical item (the ***existing item***); and

(b) before the revocation or variation came into force, subsection 99AEC(2) applied to the delisted brand of the existing item; and

(c) after the revocation or variation comes into force, there is only one listed brand of a pharmaceutical item (the ***remaining item***) that is bioequivalent or biosimilar to the delisted brand of the existing item; and

(d) apart from paragraph 85AB(4)(c), the drug in the remaining item satisfies the criteria for F1 referred to in subsection 85AB(4); and

(e) the drug in the remaining item was on F1 on the day before subsection 99AEC(2) began to apply to the delisted brand of the existing item.

99AEK Minister may revoke or vary formulary determination if guaranteed brand delisted

Without limiting the power of the Minister under section 85AB, the Minister may, by legislative instrument, revoke or vary a determination under section 85AB if:

(a) under section 99AEH, the Minister revokes or varies a determination under subsection 85(6) in relation to a brand (the ***delisted brand***) of a pharmaceutical item (the ***existing item***); and

(b) before the revocation or variation came into force, subsection 99AEC(2) applied to the delisted brand of the existing item; and

(c) after the revocation or variation comes into force, there is only one listed brand of a pharmaceutical item (the ***remaining item***) that is bioequivalent or biosimilar to the delisted brand of the existing item; and

(d) the remaining item is a combination item; and

(e) the drug in the remaining item was not on F1 or F2 on the day before subsection 99AEC(2) began to apply to the delisted brand of the existing item.

Division 4—Provisions relating to members of the Pharmaceutical Benefits Remuneration Tribunal

99A Terms and conditions of appointment

(1) Subject to this Part, a member holds office for such period (not exceeding 3 years) as is, and on such terms and conditions as are, specified in the instrument of his or her appointment, but is eligible for re-appointment.

(2) If the holder of the office of Chairperson ceases to be a Deputy President of the Fair Work Commission he or she ceases to hold the office of Chairperson.

99B Remuneration and allowances

(1) The Chairperson shall not be paid remuneration or allowances in his or her capacity as Chairperson but, for the purposes of the payment of travelling expenses to him or her, his or her duties as Deputy President of the Fair Work Commission shall be deemed to include his or her duties as Chairperson of the Tribunal.

(2) An additional member shall be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration by that Tribunal is in operation, the additional member shall be paid such remuneration as is prescribed.

(3) An additional member shall be paid such allowances as are prescribed.

(4) Subsections (2) and (3) have effect subject to the *Remuneration Tribunal Act 1973*.

99C Resignation and removal from office

(1) A member may resign office by writing signed by the member and delivered:

(a) in the case of the Chairperson—to the Governor-General; or

(b) in any other case—to the Minister.

(2) The Governor-General may remove the Chairperson from office for misbehaviour or physical or mental incapacity.

(3) The Minister may remove an additional member from office for misbehaviour or physical or mental incapacity.

(4) If an additional member becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, the Minister shall remove the member from office.

99D Acting Chairperson

(1) The Governor-General may appoint a person who holds office as a Deputy President of the Fair Work Commission to act as Chairperson of the Tribunal:

(a) during a vacancy in the office of Chairperson; or

(b) during any period, or during all periods, when the Chairperson is unavailable to perform the duties of Chairperson.

Note: For rules that apply to acting appointments, see section 33A of the *Acts Interpretation Act 1901*.

(4) Where the Tribunal as constituted for the purpose of a proceeding includes a person acting or purporting to be appointed under this section, or a person so acting or purporting to be appointed has done any act, the validity of any decision of, or of any direction given or other act done by, the Tribunal as so constituted, or of the act done by the person so acting or purporting to be appointed, shall not be called in question in any proceeding on the ground that the occasion for the person to act or for the appointment of the person had not arisen or that the occasion for the person's appointment had passed or the person's appointment had ceased to have effect.

(7) Where, by virtue of an appointment under subsection (1), a person is acting as Chairperson during the unavailability of the Chairperson, the Governor-General may, by reason of the pending consideration of a matter by the Tribunal or other special

circumstances, direct that the person so acting shall continue so to act until otherwise directed by the Governor-General notwithstanding that the Chairperson has ceased to be unavailable.

(8) Where a person is acting as Chairperson by virtue of a direction under subsection (7), the Chairperson shall take no part in the operations of the Tribunal.

(9) A person shall not continue to act as Chairperson by virtue of a direction under subsection (7) for a period of more than 12 months.

(10) The appointment of a person under subsection (1) and a direction in relation to a person under subsection (7) cease to have effect if the person ceases to hold office as a Deputy President of the Fair Work Commission.

99E Acting additional member

(1) The Minister may appoint a person to act as an additional member of the Tribunal:

(a) during a vacancy in an office of an additional member; or

(b) during any period, or during all periods, when an additional member is unavailable to perform his or her duties.

Note: For rules that apply to acting appointments, see section 33A of the *Acts Interpretation Act 1901*.

(4) Where the Tribunal as constituted for the purpose of a proceeding includes a person acting or purporting to be appointed under this section, or a person so acting or purporting to be appointed has done any act, the validity of any decision of, or of any direction given or other act done by, the Tribunal as so constituted, or of the act done by the person so acting or purporting to be appointed, shall not be called in question in any proceeding on the ground that the occasion for the person to act or for the appointment of the person had not arisen or that the occasion for the person's appointment had passed or the person's appointment had ceased to have effect.

Division 4A—Indexation

99F Definitions

In this Division, unless the contrary intention appears:

concessional beneficiary charge means each amount of $4.60 referred to in paragraph 84C(4)(d), section 84CA, paragraph 87(2)(a) or subsection 99(2B).

concessional beneficiary safety net means the amount worked out by multiplying the concessional beneficiary charge by 60.

general patient charge means each amount of $28.60 referred to in paragraph 84C(4)(c) or 87(2)(e) or subsection 99(2A).

general patient reduced charge means each amount of $4.60 referred to in paragraph 87(2)(b), or (c) or subsection 99(2AB).

general patient safety net means the amount that was the general patient safety net immediately before 31 December 2009.

index number, in relation to a quarter, means the All Groups Consumer Price Index number that is the weighted average of the 8 capital cities and is published by the Australian Statistician in respect of that quarter.

99G Indexation

(1) An amount referred to in an item in the CPI Indexation Table below is to be indexed under this section in each year after 2005 on the indexation day in that item, using the reference quarter in that item and rounding to the nearest multiple of 10 cents. However, if the amount is not a multiple of 10 cents but it is a multiple of 5 cents, the amount is to be increased by 5 cents.

CPI INDEXATION TABLE			
Item	**Amount**	**Indexation day**	**Reference quarter**
1.	General patient charge	1 January	September
2.	General patient reduced charge	1 January	September
3.	Concessional beneficiary charge	1 January	September
4.	General patient safety net	1 January	September

(2) Where an amount is to be indexed on an indexation day, this Act has effect as if the indexed amount were substituted for that amount on that day.

Note: The Department can tell you what the current indexed amounts are.

(3) Subject to this section, the indexed amount for an amount to be indexed is worked out using the formula:

$$\text{Current figure} \times \text{Indexation factor}$$

where:

Current figure, as at a particular time in relation to an amount to be indexed, means:

(a) if the amount has not yet been indexed under this section before that time—the amount; and

(b) if the amount has been indexed under this section before that time—the amount most recently substituted for the amount under this section before that time.

Indexation factor means the figure worked out under subsection (4).

(4) Subject to subsections (5) and (6), the indexation factor for an amount to be indexed on an indexation day is worked out using the formula:

$$\frac{\text{Most recent index number}}{\text{Previous index number}}$$

where:

Most recent index number means the index number for the most recent reference quarter for the amount ending before the indexation day.

Previous index number means the index number for the reference quarter for the amount immediately preceding the most recent reference quarter for the amount ending before the indexation day.

(5) Subject to subsections (6) and (7), an indexation factor is to be worked out to 3 decimal places.

(6) If an indexation factor worked out under subsection (5) would, if it were worked out to 4 decimal places, end in a number that is greater than 4, the indexation factor is to be increased by 0.001.

(7) If an indexation factor worked out under subsections (4), (5) and (6) would be less than 1, the indexation factor is to be increased to 1.

(8) Subject to subsection (9), if at any time (whether before or after the commencement of this section), the Australian Statistician publishes an index number for a quarter in substitution for an index number previously published by the Statistician for that quarter, the publication of the later index number is to be disregarded for the purposes of this section.

(9) If at any time (whether before or after the commencement of this section) the Australian Statistician changes the reference base for the Consumer Price Index, regard is to be had, for the purposes of applying this section after the change takes place, only to index numbers published in terms of the new reference base.

Division 4B—Australian Community Pharmacy Authority

99H Interpretation

In this Division:

Chairperson means the Chairperson of the Authority.

member means a member of the Authority.

99J Establishment of Authority

(1) An Authority is established.

(2) The name of the Authority is the ***Australian Community Pharmacy Authority***.

99K Functions

(1) The functions of the Authority are:
  (a) to consider applications under section 90; and
  (b) to make, in respect of an application under section 90:
    (i) a recommendation whether or not the applicant should be approved under that section in respect of particular premises; and
    (ii) if an approval is recommended—recommendations as to the conditions (if any) to which the approval should be subject; and

(2) In making a recommendation under subsection (1), the Authority must comply with the relevant rules determined by the Minister under section 99L.

(3) All recommendations of the Authority under subsection (1) are to be made to the Secretary.

99L Determination of rules by Minister

(1) The Minister must, by writing, determine the rules subject to which the Authority is to make recommendations under subsection 99K(1).

(2) A determination under subsection (1) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

99M Powers

The Authority has power to do all things necessary or convenient to be done for, or in connection with, the performance of its functions.

99N Membership

(1) The Authority consists of the following part-time members:
   (a) a Chairperson;
   (b) 2 pharmacists who are to be chosen from 4 pharmacists nominated by the Pharmacy Guild of Australia;
   (c) one pharmacist who is to be chosen from 2 pharmacists nominated by the Pharmaceutical Society of Australia;
   (d) an officer of the Department;
   (e) a person who, in the Minister's opinion, is an appropriate person to represent the interests of consumers.

(2) The member referred to in paragraph (1)(d) is to be appointed by the Secretary.

(3) The other members are to be appointed by the Minister.

(4) The member referred to in paragraph (1)(d) holds office, subject to this Division, during the pleasure of the Secretary.

(5) Each member referred to in paragraph (1)(a), (b), (c) or (e) holds office, subject to this Division, for the period of 2 years from the date of his or her appointment, but is eligible for re-appointment.

99P Terms and conditions not provided for by this Act

A member holds office on such terms and conditions (if any), in respect of matters not provided for by this Act, as are determined in writing by the Minister.

99Q Defective appointment not invalid

The appointment of a person as a member is not invalid because of a defect or irregularity in connection with the appointment.

99R Remuneration and allowances

(1) A member is to be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration by the Tribunal is in operation, a member is to be paid such remuneration as is prescribed.

(2) A member is to be paid such allowances as are prescribed.

(3) Subsections (1) and (2) have effect subject to the *Remuneration Tribunal Act 1973*.

(4) In this section:

member means a member other than the member referred to in paragraph 99N(1)(d).

99S Leave of absence

The Minister may grant to a member appointed by the Minister leave of absence on such terms and conditions as to remuneration or otherwise as the Minister determines.

99T Disclosure of interests

(1) A member who has a direct or indirect pecuniary interest in a matter being considered by the Authority must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Authority.

(2) A disclosure under subsection (1) must be recorded in the minutes of the meeting of the Authority and the member may not, unless the Minister otherwise determines:

(a) be present during any deliberation of the Authority with respect to that matter; or

(b) take any part in any decision of the Authority with respect to that matter.

99U Resignation

A member may resign by writing signed and delivered:

(a) if the member was appointed by the Secretary—to the Secretary; or

(b) otherwise—to the Minister.

99V Termination of appointment

(1) The Minister may terminate the appointment of a member for misbehaviour or physical or mental incapacity.

(2) If a member:

(a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with creditors or makes an assignment of remuneration for the benefit of those creditors;

(b) fails, without reasonable excuse, to comply with an obligation imposed by section 99T; or

(c) is absent, except on leave of absence granted under section 99S, from 3 consecutive meetings of the Authority;

the Minister may terminate the appointment of the member.

(3) In this section:

member means a member appointed by the Minister.

99W Meetings

(1) The Chairperson may convene such meetings of the Authority as the Chairperson considers necessary for the efficient performance of the Authority's functions.

(2) Meetings are to be held at such places as the Chairperson determines.

(3) The Chairperson presides at all meetings at which he or she is present.

(4) Where the Chairperson is not present at a meeting, the members present must appoint one of their number to preside at the meeting.

(5) Subject to this Act, the person presiding at a meeting may give directions regarding the procedure to be followed at or in connection with that meeting.

(6) At a meeting:
  (a) 3 members constitute a quorum; and
  (b) all questions are to be decided by a majority of votes of the members present and voting; and
  (c) the person presiding has a deliberative vote and, if necessary, also has a casting vote.

(7) The Authority must keep records of its meetings.

99X Committees

(1) The Authority:
  (a) may, with the approval in writing of the Minister, establish committees to assist it in performing its functions; and
  (b) must, if the Minister so requires in writing, establish a committee to assist it in advising the Minister on a particular matter referred to it by the Minister.

(2) A committee consists of the persons (whether or not members of the Authority) appointed by the Minister to be its members.

(3) An appointment under subsection (2) is on a part-time basis.

(4) For the purposes of section 99R, the members of a committee who are not members of the Authority are taken to be members of the Authority.

99Y Cessation of operation

Unless sooner repealed, this Division ceases to have effect at the end of 30 June 2015.

Division 4C—Cost recovery

Subdivision A—Preliminary

99YB What this Division is about

This Division enables fees to be charged for certain services provided by the Commonwealth in order to recover the cost to the Commonwealth of providing those services. Those services relate to the exercise of certain powers of the Minister under this Act.

Subdivision B provides for regulations to set out the fees that are payable for those services, as well as other matters relating to the payment of those fees and the provision of those services (including some consequences of failing to pay a fee).

Subdivision C sets out another possible consequence of failing to pay a fee by providing for the Minister to refuse to exercise certain powers until the fee is paid.

Subdivision D provides that the Minister must cause a review to be undertaken of the impact of cost-recovery measures provided for under this Division and any regulations made under this Division, and must table an annual report on related processes.

Subdivision B—Payment of fees etc. for certain services

99YBA Payment of fees etc. for certain services

(1) The regulations may make provision in relation to services provided by the Commonwealth in relation to the exercise of a power by the Minister under any of the following:
  (a) section 9B;
  (b) a provision in Part VII (other than a provision in that Part prescribed by the regulations).

(2) Without limiting subsection (1), the regulations may make provision in relation to the following:
   (a) the making of applications for those services;
   (b) prescribing fees for those services;
   (c) the time that prescribed fees are due and payable (including extending the time for payment of the fees);
   (d) the manner of payment of prescribed fees (including payment by instalments);
   (e) the payment of penalties in respect of late payment of prescribed fees;
   (f) exemptions from prescribed fees;
   (g) the waiver, remission or refund of prescribed fees;
   (h) the refusal to provide those services until a prescribed fee is paid;
   (i) the review of decisions made under the regulations.

(3) A prescribed fee must not be such as to amount to taxation.

(4) A prescribed fee is payable to the Commonwealth.

(5) A prescribed fee that is due and payable may be recovered by the Commonwealth as a debt due to the Commonwealth.

Subdivision C—Consequences if fees not paid

99YBB Minister may refuse to exercise certain powers if prescribed fees not paid

(1) If:
   (a) a person applies for a service referred to in subsection 99YBA(1) in relation to the exercise of a power by the Minister; and
   (b) either:
      (i) a fee prescribed under paragraph 99YBA(2)(b) is payable by the person for the service; or
      (ii) a fee prescribed under paragraph 99YBA(2)(b) is payable by the person for another service referred to in subsection 99YBA(1) that the person has applied for;

then, without limiting any power the Minister may otherwise have under section 9B or this Part, the Minister may refuse to exercise the power until the prescribed fee is paid.

(2) A refusal referred to in subsection (1) is not a legislative instrument.

Subdivision D—Review of cost-recovery measures

99YBC Review of impact of cost-recovery measures

Review

(1) The Minister must cause an independent review of the impact of cost-recovery measures provided for under this Division and any regulations made under this Division to be undertaken as soon as possible after the second anniversary of the commencement of this Division and completed within 4 months of that anniversary.

(2) The review must report on:

(a) the average number of times a submission is presented before gaining approval and the reasons provided for requiring applicants to resubmit;

(b) the average fee for submissions by type of submission (major/minor/generic according to the Department's classifications);

(c) the number of applications where the population is likely to be small and utilisation of the drug, medicinal preparation or vaccine is likely to be highly targeted;

(d) the number of reviews requested by applicants;

(e) the number of fee waivers given to applicants and the reasons why waivers were given;

(f) the length of time taken for submissions to be approved;

(g) the number of applications that fail to gain a listing, the reasons why and the types of drugs concerned;

(h) any increase in operating costs of the Pharmaceutical Benefits Advisory Committee;

(i) any increase in the cost of pharmaceutical benefits scheme medications to patients;

(j) any other matters considered relevant.

(3) The review must be conducted by a panel which must comprise not less than five persons, including:

(a) a medical professional nominated by the Minister;

(b) a nominee of the Consumers Health Forum of Australia;

(c) three other persons nominated by the Minister, each of whom must have relevant professional qualifications and must not be employed within the pharmaceuticals industry.

(4) The panel must give the Minister a written report of the review, and the Minister must cause a copy of the report to be tabled in each House of the Parliament within 15 sitting days of receiving the report.

Annual report on processes

(5) The Secretary must, as soon as practicable after 30 June in each year, prepare and give to the Minister a report on processes leading up to the Pharmaceutical Benefits Advisory Committee consideration, including:

(a) the extent and timeliness with which responsible persons are provided copies of documents relevant to their submission to the Pharmaceutical Benefits Advisory Committee;

(b) the extent to which responsible persons exercise their right to comment on these documents, including appearing at hearings before the Pharmaceutical Benefits Advisory Committee;

(c) the number of responsible persons seeking a review of a Pharmaceutical Benefits Advisory Committee recommendation.

(6) The Minister must cause a copy of each report prepared under subsection (5) to be tabled in each House of the Parliament within 15 sitting days of receiving the report.

Division 4D—Export restriction

99ZH Definitions

(1) In this Division, unless the contrary intention appears:

CEO of Customs means the Chief Executive Officer of Customs.

Commonwealth benefit means benefit paid or payable by the Commonwealth to an approved supplier of substances to which this Part applies.

consign for export, in relation to an article containing drug like substances, means the initial act of placement of that article by one person in the physical possession of another person with the intention that the other person will, either directly or indirectly, arrange for the export of that article from Australia to a place outside Australia.

Customs declaration, in relation to an article that is consigned for export and that contains drug like substances, means:

(a) an export entry within the meaning of the *Customs Act 1901*; or

(b) a declaration that is attached to the article in accordance with the requirements of section 99ZK.

Customs documentation purposes means the purposes of enabling Customs to deal with any complaint made, or proceeding taken, against Customs officers in respect of their activities under this Division.

Customs officer means an officer of Customs within the meaning of subsection 4(1) of the *Customs Act 1901*.

drug like substance means a substance:

(a) that is in the form of a tablet, capsule, or other similar preparation apparently suitable for taking by mouth; or

(b) that is apparently suitable for introduction into the nose or throat as an aerosol; or

(c) that is contained in an ampoule or vial apparently suitable for injection; or

(d) that is a cream, suppository, pessary, foam or other preparation apparently suitable for insertion in the rectum or vagina; or

(e) that is contained in a patch or other vehicle apparently suitable for the introduction of a medication through the skin;

and includes the packaging (if any) in which the substance, or the ampoule, vial, patch or other vehicle containing the substance, is contained.

exporter, in relation to drug like substances, means a person who:

(a) leaves Australia or attempts to leave Australia, carrying such substances; or

(b) consigns an article containing such substances for exportation.

PBS monitoring purposes means monitoring by the Chief Executive Medicare of the operation of the pharmaceutical benefits scheme.

PBS regulatory purposes means:

(a) the purpose of enabling the Chief Executive Medicare to perform his or her functions in relation to drug like substances detained under this Division; and

(b) PBS monitoring purposes.

pharmaceutical benefits scheme means the scheme for the supply of pharmaceutical benefits established under this Part.

prescription drug means a substance for the supply of which the prescription of a medical or dental practitioner is required:

(a) if the State or Territory in which the substance was supplied is known—under the law of that State or Territory relating to drugs or poisons; or

(b) in any other case—under the law of any State, of the Australian Capital Territory, or of the Northern Territory, relating to drugs or poisons.

prohibited export means a thing the exportation of which from Australia is prohibited under the *Customs Act 1901* or under any other law of the Commonwealth.

(2) In this Division, a reference to the making of a copy of a document means, in relation to a document that is in electronic form, the making of a hard copy of the text of the original document.

99ZI Restrictions on carriage or consignment of drug like substances

(1) A person must not leave Australia carrying drug like substances unless they:

(a) are not prescription drugs; or

(b) are prescription drugs but no Commonwealth benefit has been paid or is payable in respect of those drugs; or

(c) are prescription drugs but for the personal use of the person, of another person travelling in the company of the person or of a person covered by paragraph 86A(2)(a), (b) or (c).

(2) A person must not consign for export an article that contains drug like substances unless the substances:

(a) are not prescription drugs; or

(b) are prescription drugs but no Commonwealth benefit has been paid or is payable in respect of those drugs; or

(c) are prescription drugs but for the personal use of the person, of another person accompanying the person or of a person covered by paragraph 86A(2)(a), (b) or (c).

(3) For the purposes of subsection (1), a person who attempts to leave Australia is taken to be carrying drug like substances if the substances are in baggage to which the person's documents for travel relate, whether or not that baggage is under the person's immediate physical control.

(4) The restriction imposed by subsections (1) and (2) on the carriage or consignment of drug like substances are in addition to, and not in derogation from, any other prohibition or restriction imposed on such activities, in relation to those substances, under any other law of the Commonwealth or any law of a State or Territory.

(5) The reference in subsection (3) to a person's documents for travel that relate to the person's baggage includes a reference to any document relating to the person's travel that contains information for use by the person in reclaiming that baggage.

99ZJ Detention of certain drug like substances being carried out of Australia and retention of related documents

(1) If:

(a) a person is attempting to leave Australia; and

(b) a Customs officer finds that the person is carrying drug like substances in the person's baggage; and

(c) the person cannot satisfy the officer of a matter referred to in paragraph 99ZI(1)(a), (b) or (c) in relation to the substances;

the officer may, in accordance with guidelines issued under section 99ZS, detain the substances for transfer to the Chief Executive Medicare for PBS regulatory purposes.

(2) If the drug like substances are claimed by the exporter not to be prescription drugs, the exporter may satisfy a Customs officer of that claim by providing to the officer:

(a) a signed declaration by the exporter to that effect; or

(b) any other evidence sufficient to satisfy the officer to that effect.

(3) If the drug like substances are claimed by the exporter to be prescription drugs, the exporter may satisfy a Customs officer that no Commonwealth benefit has been paid or is payable in respect of the substances by providing to the officer:

(a) an approved supplier's letter to that effect; or

(b) a signed declaration by the exporter to that effect; or

(c) any other evidence sufficient to satisfy the officer to that effect.

(4) If the drug like substances are claimed by the exporter to be prescription drugs, the exporter may satisfy a Customs officer that they are for the personal use of the exporter (the ***applicable person***), of another person (the ***applicable person***) accompanying

the exporter or of a person (the ***applicable person***) covered by paragraph 86A(2)(a), (b) or (c), by providing to the officer:

(a) a medical or dental practitioner's letter to that effect; or

(aa) an optometrist's letter signed on or after 1 January 2008 to that effect; or

(ab) a letter from an authorised midwife or an authorised nurse practitioner signed on or after 1 November 2010 to that effect; or

(b) a signed declaration by the exporter:

(i) stating that the substances are for the personal use of the applicable person; and

(ii) setting out the name and address of the medical or dental practitioner, or the optometrist, authorised midwife or authorised nurse practitioner, who prescribed the substances; and

(iii) setting out the name and address of the approved supplier of the substances; and

(iv) stating the quantity of the substances intended for export; and

(v) setting out the daily dosage of the substances for the applicable person and the time the applicable person is expected to be outside Australia; or

(c) any other evidence sufficient to satisfy the officer that the substances are for the personal use of the applicable person.

(4A) For the purposes of subparagraph (4)(b)(ii), the substances must have been prescribed:

(a) for substances prescribed by an optometrist—on or after 1 January 2008; or

(b) for substances prescribed by an authorised midwife or an authorised nurse practitioner—on or after 1 November 2010.

(5) Nothing in subsection (2), (3) or (4) is intended to imply that the tendering to a Customs officer of a document of the kind described in paragraph (2)(a), (3)(a) or (b) or (4)(a), (aa), (ab) or (b) will necessarily be sufficient to satisfy the officer as required by that subsection.

(6) If drug like substances are detained by a Customs officer under subsection (1), the officer must:

(a) if a signed declaration is given to the officer under subsection (2), (3) or (4):

(i) make 2 copies of the declaration; and

(ii) retain the original declaration for transfer to the Chief Executive Medicare for PBS regulatory purposes; and

(iii) retain one copy of the declaration for Customs documentation purposes; and

(iv) return the other copy of the declaration to the exporter; and

(b) if any other document is given to the officer under that subsection:

(i) make 2 copies of that document; and

(ii) retain one copy for transfer to the Chief Executive Medicare for PBS regulatory purposes; and

(iii) retain the other copy for Customs documentation purposes; and

(iv) return the original document to the exporter.

(7) Subject to subsection (8), if a drug like substance is not detained by a Customs officer under subsection (1), the officer must return to the exporter any document, including any signed declaration, given to the officer.

(8) If, on examination of a document, if any, given to a Customs officer under subsection (2), (3) or (4), the officer decides not to detain the drug like substances, but, having regard to:

(a) the quantity of the substances; or

(b) the manner of packaging or carrying of the substances; or

(c) any other circumstances relating to the carriage of the substances;

the officer considers it appropriate to retain information relating to the substances for transfer to the Chief Executive Medicare for PBS monitoring purposes, the officer must:

(d) if a signed declaration is given to the officer under that subsection:

(i) make 2 copies of the declaration; and

(ii) retain the original declaration for transfer to the Chief Executive Medicare for those monitoring purposes; and

(iii) retain one copy of the declaration for Customs documentation purposes; and

(iv) return the other copy of the declaration to the exporter; and

(e) if any other document is given to the officer under that subsection:

(i) make 2 copies of that document; and

(ii) retain one copy for transfer to the Chief Executive Medicare for those monitoring purposes; and

(iii) retain the other copy for Customs documentation purposes; and

(iv) return the original document to the exporter.

Note: The manner of dealing with documents, and copies of documents, retained under subsection (6) or (8) is dealt with in section 99ZN.

99ZK Detention of certain drug like substances consigned for export and retention of related documents

(1) If:

(a) a person consigns an article for export; and

(b) a Customs officer finds drug like substances in the article; and

(c) the article:

(i) is not covered by a Customs declaration that discloses the substances; or

(ii) is covered by a Customs declaration disclosing the substances but the declaration is not sufficient to satisfy the officer of a matter referred to in paragraph 99ZI(2)(a), (b) or (c) in relation to the substances;

the officer may, in accordance with guidelines issued under section 99ZS, detain the substances for transfer to the Chief Executive Medicare for PBS regulatory purposes.

(2) If a person consigns an article containing drug like substances for export and the person is not required, under subsection 113(1) of

the *Customs Act 1901*, to enter the goods for export, the exporter must attach to the article in which the substances are consigned a signed declaration stating:

(a) his or her name and address; and

(b) any one of the following:

(i) that the substances are not prescription drugs;

(ii) that they are prescription drugs but no Commonwealth benefit has been paid or is payable in respect of them;

(iii) that they are prescription drugs but for the personal use, outside Australia, of the exporter, of a person who travels from Australia in the company of the exporter or of a person covered by paragraph 86A(2)(a), (b) or (c).

(3) To satisfy a Customs officer of a matter referred to in paragraph (2)(b), the exporter may:

(a) in the case of a statement under subparagraph (2)(b)(i)—include in the article any documentary evidence in support of that statement; or

(b) in the case of a statement under subparagraph (2)(b)(ii)—include in the article an approved supplier's letter or other evidence to support that statement; or

(c) in the case of a statement under subparagraph (2)(b)(iii)—include in the article:

(i) a medical practitioner's letter; or

(ii) a dental practitioner's letter; or

(iii) an optometrist's letter signed on or after 1 January 2008; or

(iiia) a letter from an authorised midwife or an authorised nurse practitioner signed on or after 1 November 2010; or

(iv) any other documentary evidence to support that statement.

(4) Nothing in subsection (3) is intended to imply that the inclusion within the article of a document of the kind described in paragraph (3)(a), (b) or (c) will necessarily be sufficient to satisfy the officer as required by that subsection.

(5) If drug like substances contained within an article consigned for export are detained by a Customs officer under subsection (1), the officer must:

(a) make a copy of the Customs declaration relating to that article; and

(b) retain that copy for transfer to the Chief Executive Medicare for PBS regulatory purposes; and

(c) retain the original declaration for Customs documentation purposes; and

(d) if the article is found to contain a document in support of a statement relating to the substances in the Customs declaration:

(i) make 2 copies of the document; and

(ii) retain one copy for transfer to the Chief Executive Medicare for PBS regulatory purposes; and

(iii) retain the other copy for Customs documentation purposes; and

(iv) return the original document to the article.

(6) If, on examination of a declaration referred to in subsection (2) or any other document referred to in subsection (3), the Customs officer decides not to detain the drug like substances, but having regard to:

(a) the quantity of the substances; or

(b) the manner of packaging the substances; or

(c) any other circumstances in which the substances are being exported;

the officer considers it appropriate to retain information relating to the substances for transfer to the Chief Executive Medicare for PBS monitoring purposes, the officer must:

(d) make a copy of the Customs declaration relating to that article; and

(e) retain the copy for transfer to the Chief Executive Medicare for those monitoring purposes; and

(f) retain the original declaration for Customs documentation purposes; and

(g) if the article is found to contain a document in support of a statement relating to the substances in the Customs declaration:

(i) make 2 copies of the document; and

(ii) retain one copy for transfer to the Chief Executive Medicare for those monitoring purposes; and

(iii) retain the other copy for Customs documentation purposes; and

(iv) return the original document to the article.

Note: The manner of dealing with documents, and copies of documents, retained under subsection (5) or (6) is dealt with in section 99ZN.

99ZL Examination and inspection powers

(1) A Customs officer may, in an examination place and with such assistance and using such force as is reasonable and necessary in the circumstances, examine, and inspect the contents of:

(a) any item of baggage, in that place, that is carried, or taken to be carried, by an exporter; or

(b) any article, in that place, that is consigned for export;

in order to determine, for the purposes of section 99ZJ or 99ZK:

(c) whether or not the baggage or article contains drug like substances; or

(d) if the presence of drug like substances in the baggage or article has been disclosed by the exporter—whether or not the drug like substances in the baggage or article are as so disclosed.

(2) A Customs officer must, in exercising the powers of examination and inspection referred to in subsection (1), act in accordance with guidelines issued under section 99ZS.

(3) In this section:

examination place means:

(a) a port, airport, wharf or boarding station appointed under section 15 of the *Customs Act 1901*; or

(b) a place that is the subject of a permission under section 58 of that Act; or

(c) an international mail centre approved for the purposes of subsection 77F(1) of that Act; or

(d) a place appointed under section 77G of that Act.

99ZM Customs may detain some drug like substances and not others

The power in section 99ZJ or 99ZK to detain drug like substances contained in an item of baggage, or in an article consigned for export, includes a power to detain some such substances while not detaining others, including others of the same kind as the substances that are detained.

99ZN Customs treatment of detained substances and retained documents

(1) Drug like substances detained under section 99ZJ or 99ZK must, pending their transfer to the Chief Executive Medicare, be taken to a place of security specified by the CEO of Customs.

(2) If a Customs officer detains drug like substances under section 99ZJ or 99ZK, the officer must:

(a) give to the exporter a notice of such detention in accordance with subsections (4) and (5); and

(b) give to the Chief Executive Medicare a copy of that notice; and

(c) in accordance with the guidelines issued under section 99ZS, transfer to the Chief Executive Medicare, for PBS regulatory purposes:

(i) the substances so detained; and

(ii) any documents that relate to the substances and that were retained by the officer under subsection 99ZJ(6) or 99ZK(5) for such transfer; and

(d) in accordance with the guidelines issued under section 99ZS, transfer to a place of security specified by the CEO of Customs, for Customs documentation purposes, any documents relating to the substances that were retained by the officer under subsection 99ZJ(6) or 99ZK(5) for such purposes.

(3) If a Customs officer does not detain drug like substances under section 99ZJ or 99ZK but retains information relating to the substances under that section, the officer must, in accordance with the guidelines issued under section 99ZS:

(a) transfer to the Chief Executive Medicare, for PBS regulatory purposes, any documents that relate to the substances and that were retained by the officer under subsection 99ZJ(8) or 99ZK(6) for such transfer, accompanied by a brief statement of the circumstances in which the substances were being exported; and

(b) transfer to such place of security as the CEO of Customs directs, for Customs documentation purposes, any documents relating to the substances that were retained by the officer under subsection 99ZJ(8) or 99ZK(6) for such purposes, accompanied by a copy of the statement referred to in paragraph (a).

(4) For the purposes of this Division, a notice of detention of drug like substances is taken to have been duly given to the exporter if the notice is:

(a) given to the exporter, if the exporter is present at the time of the detention; or

(b) if the exporter is not present but a postal address of the exporter is known—sent by post to the last known such address; or

(c) if the postal address of the exporter of a consignment is not known but the address of the consignee is known—sent by post to the address of the consignee; or

(d) in any other situation—published in the *Gazette*.

(5) The notice of detention of drug like substances must:

(a) set out a description of the substances detained; and

(b) provide a brief statement of the reasons for detention; and

(c) inform the exporter that the Chief Executive Medicare will examine the substances, and:

(i) if the Chief Executive Medicare is satisfied that they are not prescription drugs and not prohibited exports—return the substances to the exporter or reconsign them for export, as the case requires; and

(ii) if the Chief Executive Medicare is satisfied that they are prohibited exports—pass the substances to the agency nominated in the guidelines issued under section 99ZS to deal with prohibited exports of that kind; and

(iii) if the Chief Executive Medicare is satisfied that they are prescription drugs but not prohibited exports—notify the exporter in writing to that effect and invite the exporter to apply in writing to the Chief Executive Medicare, within 60 days after the notification, for their return on the basis that paragraph 99ZI(1)(b) or (c) or (2)(b) or (c) applies in relation to the substances; and

(d) inform the exporter that, if the exporter is notified by the Chief Executive Medicare in accordance with subparagraph (c)(iii) but no application for the return of the substances is received within 60 days after the notification, then, in accordance with subsection 99ZO(5), the Chief Executive Medicare will be taken to have seized the substances and the substances will have been taken to have been condemned as forfeited to the Commonwealth; and

(e) inform the exporter that, if the exporter is notified by the Chief Executive Medicare in accordance with subparagraph (c)(iii) and an application for the return of the substances is made within 60 days after the notification, the Chief Executive Medicare will consider the application and, within 120 days after the notification, will either:

(i) return the substances to the exporter or reconsign them for export; or

(ii) seize the substances and then seek an order of a magistrates court for their condemnation as forfeited to the Commonwealth; and

(f) inform the exporter of the possible implications of a criminal prosecution of the exporter in relation to the substances.

(6) If a copy of a document or statement is transferred by a Customs officer under subsection (3) to a place of security, Customs must ensure:

(a) that the copy is not used for any other purposes than the purposes for which it was retained; and

(b) that, at the end of 12 months, or on completion of any complaint or proceeding initiated against Customs officers, whichever last occurs, the copy is destroyed.

99ZO Treatment by the Chief Executive Medicare of detained substances and retained documents

(1) As soon as practicable after the Chief Executive Medicare takes possession of detained substances, they must, pending their return, reconsignment or disposal, be taken to a place of security specified by the Chief Executive Medicare.

(2) If the Chief Executive Medicare establishes, on examining detained substances, that they are not prescription drugs and not prohibited exports, the Chief Executive Medicare must, as soon as practicable:

(a) return the substances and any documents relating to the substances to the exporter; or

(b) reconsign the substances, and those related documents, for export;

as the case requires.

(3) If the Chief Executive Medicare establishes, on examining detained substances, that they are prohibited exports, the Chief Executive Medicare must forthwith pass the substances, and any documents relating to the substances, to the agency nominated in the guidelines issued under section 99ZS to deal with prohibited exports of that kind.

(4) If the Chief Executive Medicare establishes, on examining detained substances, that they are prescription drugs but not prohibited exports, the Chief Executive Medicare must:

(a) notify the exporter, in writing, to that effect; and

(b) invite the exporter to apply in writing to the Chief Executive Medicare, within 60 days after the notification, for the return of the substances on the basis that paragraph 99ZI(1)(b) or (c) or (2)(b) or (c) applies in relation to them.

(5) If the exporter does not make an application for their return within that period, then, at the end of that period and subject to subsection (6):

(a) the Chief Executive Medicare is taken to have seized the substances; and

(b) the substances are taken to have been condemned as forfeited to the Commonwealth.

(6) If, before the day when substances would be taken to have been condemned as forfeited to the Commonwealth under subsection (5), proceedings for an offence involving those substances have been commenced, the substances are not to be taken to have been so condemned.

(7) If:

(a) the Chief Executive Medicare establishes, on examining detained substances, that they are prescription drugs but not prohibited exports; and

(b) within 60 days after notification to that effect was given to the exporter, an application is made for the return of the substances;

the Chief Executive Medicare must consider the application and, not later than 120 days after the notification was so given:

(c) if the Chief Executive Medicare decides that he or she is satisfied that paragraph 99ZI(1)(b) or (c) or (2)(b) or (c) applies to the substances—must return the substances to the exporter or reconsign them for export; and

(d) if the Chief Executive Medicare decides that he or she is not so satisfied—must seize the substances as forfeited to the Commonwealth.

(8) Despite the fact that substances are seized under subsection (7) as forfeited to the Commonwealth, the Chief Executive Medicare must, subject to subsection (9) and to any other law of the Commonwealth requiring their retention, destruction or disposal, return the substances to the exporter or reconsign them for export unless:

(a) not later than 60 days after the seizure, proceedings are commenced in a magistrates court for the condemnation of the substances as forfeited goods; and

(b) on completion of the proceedings, that court makes an order that the substances are condemned as forfeited to the Commonwealth.

(9) A court must not make an order for condemnation of substances under subsection (8) if proceedings for an offence involving the substances have been commenced.

(10) In any proceeding for the condemnation of substances as forfeited to the Commonwealth, a certificate by the Chief Executive Medicare to the effect that the substances are prescription drugs within the meaning of this Division is prima facie evidence of that matter.

99ZP Right of compensation in certain circumstances for substances destroyed

(1) Despite the destruction of drug like substances that are taken to be condemned as forfeited to the Commonwealth under subsection 99ZO(5) because no application for their return was made, a person may apply to a court of competent jurisdiction under this section for compensation in respect of those substances.

(2) A right to compensation exists if:

(a) the substances are not prohibited exports; and

(b) the substances were not used or otherwise involved in the commission of an offence; and

(c) the person establishes, to the satisfaction of the court:

(i) that he or she would have had an entitlement to the return of the substances; and

(ii) that there were circumstances providing a reasonable cause for the failure to apply for that return within 60 days after the notice was given to the exporter.

(3) If a right to compensation exists under subsection (2), the court must order the payment by the Commonwealth to the person of an

amount equal to the market value of the substances at the time of their destruction.

99ZQ Disposal of forfeited substances

(1) If drug like substances:

(a) are taken to have been seized and condemned as forfeited to the Commonwealth under subsection 99ZO(5); or

(b) are actually seized under subsection 99ZO(7) and condemned as forfeited to the Commonwealth under subsection 99ZO(8);

the title to the substances vests in the Commonwealth to the exclusion of all other interests and cannot be called into question.

(2) Substances to which subsection (1) applies must be destroyed in accordance with the guidelines issued under section 99ZS.

99ZR Liability for acts done in good faith

(1) Subject to subsection (2), neither the Commonwealth, the Chief Executive Medicare nor any person performing duty as a Customs officer or as a Departmental employee (within the meaning of the *Human Services (Medicare) Act 1973*) is liable for any act done in good faith by such a Customs officer, by the Chief Executive Medicare, or by such an employee in the performance of functions or duties, or the exercise of powers, under this Division.

(2) If drug like substances that the Chief Executive Medicare would, but for the operation of this subsection, be obliged under subsection 99ZO(2) or (7) to return or reconsign:

(a) have ceased to be usable because of effluxion of time or otherwise; or

(b) have been lost;

the Chief Executive Medicare is not required to return or reconsign the substances but, if the exporter seeks compensation under this subsection, must pay the exporter such amount as is agreed between the exporter and the Chief Executive Medicare, or, failing agreement, as is determined by a court of competent jurisdiction, to cover the cost to the exporter:

(c) of replacing the substances; and

(d) if the substances would, but for their detention, have been carried or sent by the exporter to a place outside Australia and the exporter continues to require that the substances are sent to that place—of sending the substances to that place.

99ZS Guidelines for detention of, dealing with, and disposal of, substances

(1) The CEO of Customs may, by notice in writing, issue guidelines for the performance of functions and duties, and for the exercise of powers, by Customs officers, in relation to matters arising under this Division including, in particular, matters relating to:

(a) the examination and inspection of items of baggage, and articles consigned for export, in the circumstances, and for the purposes, set out in subsection 99ZL(1); and

(b) the detention of some or all of the drug like substances found in the exercise of those powers of examination and inspection; and

(c) the transfer of detained drug like substances to the Chief Executive Medicare; and

(d) copying, retaining, transferring and otherwise dealing with, documents (including Customs declarations) provided in respect of drug like substances or in respect of items of baggage, or articles consigned for export, that are found to contain such substances.

(2) The Chief Executive Medicare may, by notice in writing, issue guidelines for the performance of functions and duties, and for the exercise of powers, by the Chief Executive Medicare, or by Departmental employees (within the meaning of the *Human Services (Medicare) Act 1973*), in relation to matters arising under this Division including, in particular, matters relating to:

(a) dealing with drug like substances transferred to the Chief Executive Medicare by Customs officers; and

(b) dealing with claims for the return of such substances; and

(c) if it is required to dispose of such substances—the manner of their disposal; and

(d) if such substances are found on examination to be prohibited exports—the transfer of those substances, and any documents

relating to them, to the agency nominated in the guidelines to deal with prohibited exports of that kind.

(3) At any time, the CEO of Customs or the Chief Executive Medicare may, by written notice, issue further guidelines that vary or revoke the existing guidelines.

(4) Guidelines are disallowable instruments for the purposes of section 46A of the *Acts Interpretation Act 1901*.

(5) Despite section 46A and paragraph 48(1)(b) of the *Acts Interpretation Act 1901*, guidelines take effect from:
  (a) the first day on which they are no longer liable to be disallowed; or
  (b) if the guidelines provide for their commencement after that day—in accordance with that provision.

99ZT Forfeiture of substances detained under section 99ZJ or 99ZK

All drug like substances that are transferred to the Chief Executive Medicare under section 99ZJ or 99ZK following their detention are forfeited to the Commonwealth unless:
  (a) the substances are not prescription drugs; or
  (b) the substances are prescription drugs and the exporter establishes:
    (i) that no Commonwealth benefit has been paid or is payable; or
    (ii) that the substances are for the personal use of the exporter, of a person accompanying the exporter or of a person covered by paragraph 86A(2)(a), (b) or (c).

Division 5—General

100 Special arrangements

(1) The Minister may make special arrangements for, or in relation to, providing that an adequate supply of pharmaceutical benefits will be available to persons:

(a) who are living in isolated areas; or

(b) who are receiving treatment in circumstances in which pharmaceutical benefits (other than those to which subsection (1A) applies) are inadequate for that treatment; or

(c) if the pharmaceutical benefits covered by the arrangements can be more conveniently or efficiently supplied under the arrangements.

(1A) This subsection applies to:

(a) pharmaceutical benefits to which subsection 85AA(1) or (2) applies; and

(b) pharmaceutical benefits supplied in the circumstances referred to in subsection 85AA(3).

(2) The Minister may vary or revoke a special arrangement made under subsection (1).

(3) This Part, and regulations or other instruments made for the purposes of this Part, have effect subject to a special arrangement made under subsection (1).

Note: For example, for a drug declared under subsection 85(2), it does not matter if a special arrangement for its supply is inconsistent with a determination made under subsection 85(3) or section 85A for the drug.

100A Establishment and membership of the Pharmaceutical Benefits Advisory Committee

(1) There is to be a Committee called the Pharmaceutical Benefits Advisory Committee.

(2) The Committee is to consist of the Chairperson and at least 11, but not more than 17, other members.

(3) Members forming at least 2/3 of the total membership of the Committee are to be selected from the following:

(a) consumers;

(b) health economists;

(c) practising community pharmacists;

(d) general practitioners;

(e) clinical pharmacologists;

(f) specialists;

with at least one member selected from each of the interests or professions mentioned in paragraphs (a) to (f).

(4) The remaining members (if any) of the Committee are to be persons whom the Minister is satisfied have qualifications or experience:

(a) in a field relevant to the functions of the Committee; and

(b) that would enable them to contribute meaningfully to the deliberations of the Committee.

(5) The Chairperson is a member of the Committee.

(5A) The Chairperson holds office on a full-time basis.

(6) The members of the Committee (other than the Chairperson) hold office on a part-time basis.

100B Appointment etc. of members of the Pharmaceutical Benefits Advisory Committee

(1) The members of the Pharmaceutical Benefits Advisory Committee are to be appointed by the Minister by written instrument.

(1A) A person appointed under subsection 100A(3) must be appointed from nominations made by the following bodies:

(a) in respect of paragraph 100A(3)(a)—consumer organisations;

(b) in respect of paragraph 100A(3)(b)—professional associations of health economists;

(c) in respect of paragraph 100A(3)(c)—professional associations of pharmacists;

(d) in respect of paragraph 100A(3)(d)—professional associations of medical practitioners;

(e) in respect of paragraph 100A(3)(e)—professional associations of clinical pharmacologists;

(f) in respect of paragraph 100A(3)(f)—professional associations of specialists;

prescribed by the regulations for the purposes of this subsection.

(1B) The regulations may prescribe matters relating to nominations, including (but not limited to) the number of nominations to be considered by the Minister before making an appointment.

(2) A member of the Committee is eligible for reappointment.

(3) The performance of the functions and the exercise of the powers of the Committee are not affected merely because the number of members of the Committee falls below 12 for a period of not more than 6 months.

(4) The names and qualifications of the members of the Committee must be published in the *Gazette.*

100C Termination of appointment

A member of the Pharmaceutical Benefits Advisory Committee holds office during the Minister's pleasure.

100D Remuneration

(1) A member of the Pharmaceutical Benefits Advisory Committee is to be paid the remuneration that is determined by the Remuneration Tribunal. If no determination of that remuneration by the Tribunal is in operation, the member is to be paid the remuneration that is prescribed.

(2) A member is to be paid the allowances that are prescribed.

(3) This section has effect subject to the *Remuneration Tribunal Act 1973*.

101 Functions of Pharmaceutical Benefits Advisory Committee

Functions relating to drugs and medicinal preparations

(3) The Pharmaceutical Benefits Advisory Committee shall make recommendations to the Minister from time to time as to the drugs and medicinal preparations which it considers should be made available as pharmaceutical benefits under this Part and shall advise the Minister upon any other matter concerning the operation of this Part referred to it by the Minister.

(3AA) The Pharmaceutical Benefits Advisory Committee must make recommendations to the Minister from time to time about what should be specified in a determination under subsection 84AAA(2).

(3AB) Subsection (3AA) does not limit subsection (3).

(3A) For the purpose of deciding whether to recommend to the Minister that a drug or medicinal preparation, or a class of drugs and medicinal preparations, be made available as pharmaceutical benefits under this Part, the Committee shall give consideration to the effectiveness and cost of therapy involving the use of the drug, preparation or class, including by comparing the effectiveness and cost of that therapy with that of alternative therapies, whether or not involving the use of other drugs or preparations.

(3B) Without limiting the generality of subsection (3A), where therapy involving the use of a particular drug or medicinal preparation, or a class of drugs and medicinal preparations, is substantially more costly than an alternative therapy or alternative therapies, whether or not involving the use of other drugs or preparations, the Committee:

(a) shall not recommend to the Minister that the drug, preparation or class be made available as pharmaceutical benefits under this Part unless the Committee is satisfied that the first-mentioned therapy, for some patients, provides a significant improvement in efficacy or reduction of toxicity over the alternative therapy or therapies; and

(b) if the Committee does recommend to the Minister that the drug, preparation or class be made available as

pharmaceutical benefits under this Part, the Committee shall include in its recommendation a statement that the Committee is satisfied as mentioned in paragraph (a).

(3BA) If the Committee is of the opinion that a drug or medicinal preparation should be made available as a pharmaceutical benefit under this Part, the Committee must, in its recommendation under subsection (3), specify whether the drug or medicinal preparation and another drug or medicinal preparation should be treated as interchangeable on an individual patient basis.

(3C) Where the Committee is of the opinion that a drug or medicinal preparation, or a class of drugs and medicinal preparations, should be made available as pharmaceutical benefits under this Part, but only in certain circumstances, the Committee shall, in its recommendation under subsection (3), specify those circumstances.

Functions relating to declarations under subsection 85(2)

(4) A drug or medicinal preparation shall not be declared, pursuant to paragraph 85(2)(a), to be a drug or medicinal preparation in relation to which this Part applies unless:

(a) the drug or medicinal preparation was, immediately before the commencement of this subsection, a pharmaceutical benefit; or

(b) the Committee has recommended to the Minister that it be so declared.

(4A) A class of drugs or medicinal preparations, or of drugs and medicinal preparations, shall not be declared, pursuant to paragraph 85(2)(a), to be a class of drugs or medicinal preparations, or of drugs and medicinal preparations, in relation to which this Part applies unless:

(a) each member of that class was, immediately before the commencement of this subsection, a pharmaceutical benefit; or

(b) the Committee has recommended to the Minister that the class be so declared.

(4AAA) The Minister may, by legislative instrument, revoke or vary a declaration under subsection 85(2) in relation to a drug or medicinal preparation.

(4AAB) If:

(a) under subsection (4AAA), the Minister proposes to revoke or vary a declaration under subsection 85(2) in relation to a drug or medicinal preparation; and

(b) on and after the day the revocation or variation comes into force, the drug or medicinal preparation would cease to be a listed drug;

then, before making the revocation or variation, the Minister must obtain the advice in writing of the Pharmaceutical Benefits Advisory Committee in relation to the proposed revocation or variation.

(4AAC) An advice under subsection (4AAB) must be laid before each House of the Parliament with the declaration under subsection (4AAA) to which the advice relates.

Functions relating to declarations under subsection 85(2AA)

(4AACA) The Pharmaceutical Benefits Advisory Committee must make recommendations to the Minister from time to time as to the drugs and medicinal preparations which it considers should only be supplied under one or more of the prescriber bag provisions.

(4AACB) The Minister may, by legislative instrument, revoke or vary a declaration under subsection 85(2AA) in relation to a drug or medicinal preparation.

(4AACC) If:

(a) under subsection (4AACB), the Minister proposes to revoke or vary a declaration under subsection 85(2AA) declaring that a drug or medicinal preparation (the ***drug***) can only be supplied under one or more of the prescriber bag provisions; and

(b) on and after the day the revocation or variation comes into force, the drug could be supplied under this Part otherwise than under one or more of the prescriber bag provisions;

then the Minister can only make the revocation or variation if:

(c) the Minister also revokes or varies the declaration under subsection 85(2), in accordance with subsections (4AAA), (4AAB) and (4AAC) of this section, so that the drug ceases to be a listed drug on and after the day the revocation or variation of the subsection 85(2) declaration comes into force; or

(d) the Pharmaceutical Benefits Advisory Committee recommends against the Minister taking the action in paragraph (c).

Functions relating to declarations under subsection 85(2A)

(4AAD) The Pharmaceutical Benefits Advisory Committee must make recommendations to the Minister from time to time as to the drugs and medicinal preparations which it considers should be made available only under special arrangements under section 100.

(4AAE) The Minister may, by legislative instrument, revoke or vary a declaration under subsection 85(2A) in relation to a drug or medicinal preparation.

(4AAF) If:

(a) under subsection (4AAE), the Minister proposes to revoke or vary a declaration under subsection 85(2A) in relation to a drug or medicinal preparation (the ***drug***); and

(b) on and after the day the revocation or variation comes into force, the drug could be supplied under this Part otherwise than under special arrangements under section 100;

then the Minister can only make the revocation or variation if:

(c) the Minister also revokes or varies the declaration under subsection 85(2), in accordance with subsections (4AAA), (4AAB) and (4AAC) of this section, so that the drug ceases to be a listed drug on and after the day the revocation or variation of the subsection 85(2) declaration comes into force; or

(d) the Pharmaceutical Benefits Advisory Committee recommends against the Minister taking the action in paragraph (c).

Function relating to Minister's determination of therapeutic groups

(4AA) If the Committee is of the opinion that the Minister should, or should not, determine a therapeutic group, the Committee must advise the Minister accordingly.

Function relating to Minister's determination about exempt items

(4AB) If the Committee is of the opinion that the following circumstances exist in relation to a pharmaceutical item:

(a) the listed drug in the pharmaceutical item represents suitable therapy for a particular patient population;

(b) the pharmaceutical item is suitable for use by a particular subgroup of that population because of either or both of the form and manner of administration of the drug in the item;

(c) no other pharmaceutical item that has that drug is suitable for use by that subgroup because of either or both of the form and manner of administration of the drug in that other item;

the Committee must advise the Minister that those circumstances exist in relation to the pharmaceutical item.

Function relating to Minister's decisions about prices of combination items

(4AC) If the Committee is satisfied that therapy involving a combination item provides, for some patients:

(a) a significant improvement in patient compliance with the therapy; or

(b) a significant improvement in efficacy or reduction in toxicity;

over alternative therapies, then the Committee must advise the Minister accordingly.

Functions relating to vaccines

(4B) The Pharmaceutical Benefits Advisory Committee must:

(a) make recommendations to the Minister from time to time about the vaccines it considers should be designated vaccines (see section 9B); and

(b) advise the Minister about any other matter concerning the operation of section 9B referred to it by the Minister.

(4C) For the purpose of deciding whether to recommend to the Minister that a vaccine be a designated vaccine, the Committee must give consideration to the effectiveness and cost of immunisation involving the use of the vaccine, including by comparing the effectiveness and cost of immunisation involving the use of the vaccine with the effectiveness and cost of alternative options, whether or not involving the use of other vaccines.

(4D) If immunisation involving the use of a particular vaccine (the ***first vaccine***) is substantially more costly than an alternative vaccine:

(a) the Committee must not recommend to the Minister that the first vaccine be a designated vaccine unless the Committee is satisfied that the first vaccine, for some individuals, provides a significant improvement in efficacy or reduction of toxicity over the alternative vaccine; and

(b) if the Committee recommends to the Minister that the first vaccine be a designated vaccine—the Committee must include in its recommendation a statement that the Committee is satisfied as mentioned in paragraph (a).

(4E) Subsection (4D) does not limit subsection (4C).

(4F) If the Committee is of the opinion that a vaccine should be a designated vaccine, but should only be provided under subsection 9B(1) in certain circumstances, the Committee must, in its recommendation under subsection (4B), specify those circumstances.

Procedure

(5) The regulations may make provision for and in relation to the procedure of the Committee.

101A Sub-committees of the Pharmaceutical Benefits Advisory Committee

(1) The Pharmaceutical Benefits Advisory Committee:

(a) may establish such sub-committees as it thinks fit to assist it in performing its functions; and

(b) shall, if the Minister so requires in writing, establish a sub-committee to assist the Committee in advising the Minister on a particular matter referred to it by the Minister under subsection 101(3) or (4B).

(2) A sub-committee shall consist of the following persons (whether or not members of the Committee):

(a) persons appointed by the Committee as members of the sub-committee;

(b) persons nominated by the Minister as members of the sub-committee.

(3) A person shall not be appointed by the Committee, or nominated by the Minister, as a member of a sub-committee unless the person has special qualifications or experience in relation to the matter referred to the sub-committee.

(4) For the purposes of section 140, a sub-committee shall be taken to be a committee established under this Act.

102 Testing of drugs

The Secretary may make such arrangements as the Secretary considers necessary for the testing or analysis of pharmaceutical benefits or of drugs which may be used as pharmaceutical benefits.

103 Offences

(1) An approved pharmacist shall not give, promise or offer a gift, rebate or reward as an inducement to a person to present, or in consideration of a person's presenting, a prescription for the supply of a pharmaceutical benefit.

Penalty: $1,000.

(2) Except as prescribed, a pharmacist to whom a prescription is presented shall not:

(a) supply, in purported pursuance of this Part, anything other than the pharmaceutical benefit that is directed to be supplied in the prescription; or

(b) in exchange for the prescription make a payment in money or give any other consideration to the person presenting the prescription.

Penalty: $2,000 or imprisonment for 12 months, or both.

(2A) Paragraph (2)(a) does not prohibit a pharmacist from supplying, instead of the pharmaceutical benefit that is directed to be supplied in a prescription (the ***specified benefit***), another pharmaceutical benefit (the ***substitute benefit***) if:

(a) the person who prescribed the specified benefit did not indicate on the prescription that only that benefit was to be supplied; and

(b) the Schedule of Pharmaceutical Benefits issued by the Department states that the specified benefit and the substitute benefit are equivalent; and

(c) the substitute benefit is a listed brand of a pharmaceutical item; and

(d) the supply of the substitute benefit is not prohibited by a law of the State or Territory in which the substitute benefit is supplied.

(3) An approved pharmacist, approved medical practitioner or approved hospital authority shall not permit a person other than a medical practitioner or pharmacist to dispense a pharmaceutical benefit except under the direct supervision of a medical practitioner or pharmacist.

Penalty: $2,000 or imprisonment for 12 months, or both.

(4) A person for whom a prescription for the supply of a pharmaceutical benefit is written or to whom a pharmaceutical benefit is supplied shall not use, dispose of or otherwise deal with the pharmaceutical benefit supplied in a way other than that for which the prescription was written or the pharmaceutical benefit supplied.

Penalty: $5,000 or imprisonment for 2 years, or both.

(4AA) A person must not have in his or her possession, or consign for export, a quantity of a pharmaceutical benefit or pharmaceutical item that exceeds the designated quantity of that pharmaceutical benefit or pharmaceutical item unless:

(a) that first-mentioned quantity was supplied to the person (whether on prescription or otherwise) by an approved supplier for the medical, dental, optometrical or midwifery treatment, or the nurse practitioner treatment by an authorised nurse practitioner, of the person or of a person covered by paragraph 86A(2)(a), (b) or (c); or

(b) the person has some other reasonable excuse for possessing or consigning for export that first-mentioned quantity.

Penalty: Imprisonment for 2 years.

(4AB) In a prosecution for an offence against subsection (4AA), the defendant bears the evidential burden of proving the exception set out in paragraph (a) or (b) of that subsection.

(4AC) For the purposes of subsection (4AA), the designated quantity of a pharmaceutical benefit or pharmaceutical item is the quantity of that pharmaceutical benefit or pharmaceutical item worked out using the formula:

$$MQ \times \left(RA + 1 \right) \times 2$$

where:

MQ is the quantity or number of units of that pharmaceutical benefit or pharmaceutical item that is determined by the Minister, under paragraph 85A(2)(a), to be the maximum quantity, or the maximum number of units, of that pharmaceutical benefit or pharmaceutical item that may, in one prescription, be directed to be supplied on any one occasion.

RA is the number (if any) that is determined by the Minister, under paragraph 85A(2)(b), to be the maximum number of occasions on which the supply of the pharmaceutical benefit, or a

pharmaceutical benefit that has the pharmaceutical item, may, in one prescription, be directed to be repeated.

(4AD) In proceedings for an offence against subsection (4AA), a certificate by the Chief Executive Medicare to the effect that:

(a) a substance specified in the certificate is a particular pharmaceutical benefit or pharmaceutical item; and

(b) the quantity of the substance to which the offence relates exceeds the designated quantity in relation to a pharmaceutical benefit or pharmaceutical item of that kind;

is prima facie evidence of those matters.

(4AE) A person is not liable to be convicted of an offence against subsection (4) and subsection (4AA) in respect of the same action.

(4A) A person shall not, in purported compliance with the requirements of regulations made by virtue of subsection 84AA(1) or (1A), include, or cause or permit to be included, on a prescription written by a PBS prescriber any information connected with the status of the person to whom the prescription relates that is, to his or her knowledge, false or misleading in a material particular.

Penalty: $5,000 or imprisonment for 2 years, or both.

(4B) A person shall not, in purported compliance with the requirements of regulations made under subsection 84AA(2) or (3), in so far as those regulations relate to a prescription communicated to an approved pharmacist, communicate to that pharmacist any information connected with the status of the person to whom the prescription relates that is, to his or her knowledge, false or misleading in a material particular.

Penalty: $5,000 or imprisonment for 2 years, or both.

(5) A person shall not:

(b) obtain a pharmaceutical benefit to which the person is not entitled;

(ba) obtain the issue of a concession card or entitlement card to which the person is not entitled;

(d) not being a PBS prescriber, write a prescription for the purposes of this Part;

(f) supply as a pharmaceutical benefit a substance that does not conform to the standards of composition or purity prescribed in the regulations or that has as an ingredient a substance that does not conform to those standards;

(g) by means of impersonation, a false or misleading statement or a fraudulent device, obtain, or by any of those means aid or abet another person to obtain, a pharmaceutical benefit or a payment in respect of the supply of a pharmaceutical benefit; or

(h) contravene or fail to comply with a provision of this Part which is applicable to the person.

Penalty for contravention of this subsection: $5,000 or imprisonment for 2 years, or both.

104A Pharmacists to furnish statement of stocks

(1) The Secretary may require an approved pharmacist to furnish to the Secretary, within a time specified by the Secretary and in accordance with a form supplied by the Secretary and with any directions contained in the form, a statement, signed by or on behalf of the approved pharmacist, setting out particulars of stocks of drugs or medicinal preparations in the approved pharmacist's possession or under the approved pharmacist's control immediately before the date on which the statement is signed, being drugs or medicinal preparations that are, or are capable of being used as ingredients in pharmaceutical benefits.

(2) An approved pharmacist shall not:

(a) refuse or fail to comply with a requirement under this section; or

(b) in a statement under this section, furnish information that is false or misleading in a material particular.

104B Report on impact of *National Health Amendment (Pharmaceutical Benefits Scheme) Act 2007*

(1) The Minister must prepare a report on:

(a) the impact of the reforms made by the *National Health Amendment (Pharmaceutical Benefits Scheme) Act 2007*; and

(b) the impact on the cost of pharmaceutical benefits to patients as a consequence of the reforms.

(2) The preparation of the report must be completed by 31 December 2009.

(3) The Minister must cause a copy of the report to be laid before each House of the Parliament within 5 sitting days of that House after the day of the completion of the preparation of the report.

105 Regulations

The regulations may:

(a) prescribe the terms and conditions subject to which pharmaceutical benefits shall be supplied;

(b) make provision for or in relation to the writing of prescriptions; and

(c) prescribe the standards of composition or purity of drugs, medicines or substances which may be supplied as pharmaceutical benefits or may be ingredients of pharmaceutical benefits.

Part VIIA—Reviews by Administrative Appeals Tribunal

105AA Interpretation

In this Part:

decision has the same meaning as in the *Administrative Appeals Tribunal Act 1975*.

Tribunal means the Administrative Appeals Tribunal.

105AB Application for review by Tribunal

(2) An application may be made to the Tribunal for review of a decision of the Secretary under paragraph 84AAD(2)(a) or (3)(a).

(3) An application may be made to the Tribunal for review of a decision of the Secretary under paragraph 84AAH(2)(a) or (3)(a) or 84AAL(2)(a) or (3)(a).

(6A) An application may be made to the Tribunal for review of a decision of the Secretary:

(a) under subsection 84DA(1) refusing to issue a concession card to a person; or

(b) under subsection 84E(1) refusing to issue an entitlement card to a person.

(6B) An application may be made to the Tribunal for review of a decision of the Secretary to give a notice under section 84K.

(7) An application may be made to the Tribunal for review of a decision of the Secretary under section 90 rejecting an application under that section.

Note: In certain circumstances, the Minister may substitute for a decision of the Secretary rejecting an application for approval under section 90 (including a decision that has been affirmed by the Administrative Appeals Tribunal), a decision granting the approval (see section 90A).

(7AA) An application may be made to the Tribunal for review of a decision of the Secretary:

(a) under subsection 91(1) granting or refusing an application under section 91; or

(b) under subsection 91(5) treating an application under section 91 as having been withdrawn; or

(c) under subsection 91(12) revoking a permission granted under section 91.

(7A) An application may be made to the Tribunal for review of a decision of the Secretary under section 92.

(7B) An application may be made to the Tribunal for review of a decision of the Minister under section 94.

(8) An application may be made to the Tribunal for review of a decision of the Minister under section 95 suspending, further suspending or revoking the approval or authority of a medical practitioner or a pharmacist or the approval of a dental practitioner as a participating dental practitioner.

(8A) An application may be made to the Tribunal for a review of a decision of the Secretary under subsection 98(3) or (3A) to revoke an approval.

(8B) An application may be made to the Tribunal for a review of a decision of the Minister under subsection 98AA(3) to revoke an approval.

(12) An application may be made to the Tribunal for the review of a decision of the Secretary under subsection 99AAA(6) not to approve a claim for payment made under subsection 99AAA(2).

(13) An application may be made to the Tribunal for the review of a decision of the Secretary under subsection 99AAC(4).

(14) An application may be made to the Tribunal for the review of a decision of the Minister refusing to make a determination under clause 10 of Schedule 2.

105AC Statements to accompany notification of decisions

(1) Where the Minister, a delegate of the Minister, the Secretary or a delegate of the Secretary makes a decision of the kind referred to in section 105AB and gives, or causes to be given, to the person or persons whose interests are affected by the decision notification in writing of the decision, that notice shall include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal for review of the decision to which the notice relates by or on behalf of the person or persons whose interests are affected by the decision.

(2) Any failure to comply with the requirements of subsection (1) in relation to a decision does not affect the validity of the decision.

105AD Application for review by Tribunal of decisions of the Australian Community Pharmacy Authority

(1) In this section:

Authority means the Australian Community Pharmacy Authority.

reviewable recommendation means a recommendation of the Authority referred to in paragraph (2)(a) or (aa).

(2) An application may be made to the Tribunal for review of the following recommendations of the Authority:

(a) a recommendation made under subparagraph 99K(1)(b)(i) that an applicant under section 90 not be approved under that section in respect of particular premises;

(aa) a recommendation made under subparagraph 99K(1)(b)(ii) as to the conditions (if any) to which an approval under section 90 should be subject.

(3) If:

(a) a person (in this section called the ***applicant***) applies under section 90; and

(b) the Authority makes a reviewable recommendation in respect of that application;

the Chairperson of the Authority must, within 28 days after the Authority makes the recommendation, cause a notice to be given to the applicant containing the following material:

(c) the terms of the recommendation;

(d) a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1975*, application may be made to the Tribunal for review of that recommendation;

(e) a statement that, except where subsection 28(4) of that Act applies, the applicant may request a statement under section 28 of that Act.

(4) Failure to comply with subsection (3) does not affect the validity of the Authority's recommendation.

105AE Time limits

(1) This section applies if:

(a) section 90A applies to a decision of the Secretary under section 90 rejecting an application by a pharmacist; and

(b) the pharmacist makes a request under section 90B that the Minister exercise the Minister's power under subsection 90A(2) in respect of the Secretary's decision; and

(c) the Minister:

(i) decides, or is taken to have decided, not to consider the request; or

(ii) decides, or is taken to have decided, not to exercise the Minister's power under subsection 90A(2) in respect of the Secretary's decision.

(2) For the purpose of making an application to the Administrative Appeals Tribunal or a federal court in respect of the Secretary's decision, the Secretary's decision is taken to have been made on the day on which notice of the Minister's decision is given to the pharmacist under subsection 90B(6).

Part VIII—Committees of Inquiry

Division 1—Preliminary

107 Interpretation

(1A) In this Part, ***approved pharmacist*** and ***PBS prescriber*** have the same respective meanings as in Part VII.

(2) For the purposes of this Part:

(a) the Australian Capital Territory shall be deemed to be part of the State of New South Wales; and

(b) the Northern Territory of Australia shall be deemed to be part of the State of South Australia.

Division 3—Pharmaceutical Services Committees of Inquiry

113 Pharmaceutical Services Federal Committee of Inquiry

(1) The Minister may establish a committee, called the Pharmaceutical Services Federal Committee of Inquiry, which shall consist of the Secretary and 4 pharmacists appointed by the Minister.

(2) The Secretary may, from time to time, by writing signed by the Secretary, appoint an officer of the Department who is a medical practitioner or pharmacist to be a member of the Committee in his or her stead, and the person so appointed shall, until his or her appointment is revoked, be a member of the Committee.

114 Functions of Federal Committee

The Pharmaceutical Services Federal Committee of Inquiry shall inquire into and report to the Minister or the Secretary on any matter referred to the Committee by the Minister or the Secretary in respect of or arising out of the services or conduct of approved pharmacists in connection with the supply of pharmaceutical benefits under Part VII.

115 Pharmaceutical Services State Committees of Inquiry

(1) The Minister may establish in each State a committee, called the Pharmaceutical Services Committee of Inquiry for the State in which it is established, which shall consist of 4 pharmacists appointed by the Minister.

116 Functions of State Committee

A State Committee of Inquiry established under section 115 shall inquire into and report to the Minister or the Secretary on any matter referred to the Committee by the Minister or the Secretary in respect of or arising out of the services or conduct of approved pharmacists in connection with the supply in the State of pharmaceutical benefits under Part VII.

117 Reports not to relate to conduct of PBS prescribers

(1) Subject to subsection (2), nothing in the preceding provisions of this Division authorizes a Committee to report on the conduct of a PBS prescriber in relation to a matter upon which the Committee makes inquiry.

(2) Subsection (1) does not prevent a Committee from referring in a report to the conduct of a PBS prescriber where that reference is incidental to a report by the Committee on the conduct of an approved pharmacist.

(3) In this section, ***Committee*** means a Committee established under this Division.

Division 4—Provisions applicable to Committees generally

118 Interpretation

In this Division, unless the contrary intention appears:

Chairperson, in relation to a Committee, includes a person elected to preside at a meeting of the Committee.

Committee means a Committee established under this Part.

119 Membership of Committees

(1) A member of a Committee appointed by the Minister shall hold office during the Minister's pleasure.

(2) A qualified person may be appointed to be a member of both a Federal Committee and a State Committee, and a person so appointed may hold both appointments at the same time.

119A Acting Member

If the Minister becomes aware that a member of a Committee will be unable to attend a meeting or meetings of the Committee, the Minister may appoint a qualified person to act in the stead of that member at the meeting or meetings from which the member will be absent, and the person so appointed shall, while so acting, be deemed to be a member of the Committee.

120 Chairperson

(1) A Committee shall elect one of its members to be Chairperson of the Committee.

(2) In the event of the absence of the Chairperson of a Committee from a meeting of the Committee, the members present shall elect one of their number to preside at the meeting during the absence of the Chairperson, and the member so elected shall have and may exercise and perform, during the absence of the Chairperson, all the powers and functions of the Chairperson.

120A Vacancies in Committees

The exercise or performance of the powers or functions of a Committee is not affected by reason only of there being a vacancy in the office of a member of the Committee.

121 Procedure of Committees

The regulations may make provision for and in relation to the procedure of Committees.

122 Evidence

A Committee is not bound by legal rules of evidence but may inform itself on a matter referred to it under this Part in such manner as it thinks fit.

123 Proceedings in private

The proceedings of a Committee shall be held in private.

124 Determination of questions at meetings

(1) All questions before a meeting of a Committee shall be decided by a majority of votes.

(2) The Chairperson of a Committee shall have a deliberative vote only.

(3) A member shall not have a vote on a question before a Committee unless the member has been present for the whole of the time for which the Committee received evidence on the matter concerning which the question arose.

(4) In the event of an equality of votes on a question before a meeting of a Committee, the question shall be deemed to be unresolved and the Chairperson may direct that the question be reconsidered at a time and place fixed by the Chairperson.

125 PBS prescriber or pharmacist affected by inquiry to be given notice

(1) Where a matter referred to a Committee concerns the conduct of a PBS prescriber or an approved pharmacist, as the case may be, the Chairperson of the Committee shall cause notice in writing of the matter so referred, and of the time and place at which the Committee intends to hold an inquiry into the matter, to be given to that PBS prescriber or an approved pharmacist at least 10 days before the date of the inquiry.

(2) For the purposes of ascertaining whether a matter referred to a Committee concerns the conduct of a PBS prescriber or an approved pharmacist, the Committee may, before causing notice to be given to any person, meet and examine any written evidence or allegation referred to the Committee by the Minister or the Secretary in relation to the matter.

(4) Subject to subsection (5), the Committee shall afford a PBS prescriber or an approved pharmacist to whom notice has been given in pursuance of subsection (1) an opportunity of examining witnesses, giving evidence and calling witnesses and of addressing the Committee.

(5) Where a PBS prescriber or an approved pharmacist to whom notice has been given in pursuance of subsection (1) fails to attend at the time and place specified in the notice, the Committee may, unless it is satisfied that the PBS prescriber or approved pharmacist is prevented by illness or other unavoidable cause from so attending, proceed to hold the inquiry in the absence of the PBS prescriber or approved pharmacist.

(6) For the purposes of this section, ***inquiry*** includes a reconsideration of a question by a Committee in pursuance of subsection 124(4) where that reconsideration involves the rehearing of evidence or the hearing of further evidence.

(7) When a matter referred to a Federal Committee of Inquiry concerns a course of conduct of PBS prescribers or approved pharmacists generally or in a class of cases, the matter shall, for the purposes of

this section, be deemed not to concern the conduct of a PBS prescriber or an approved pharmacist, as the case may be.

126 Summoning of witnesses

(1) The Chairperson of a Committee may cause a notice in writing signed by the Chairperson to be served on a person summoning the person to attend the Committee at a time and place specified in the summons and to give evidence and to produce books, documents and writings in the person's custody or control which the person is required by the summons to produce.

(3) A Committee may inspect books, documents or writings before it, and may retain them for such reasonable period as it thinks fit, and may make copies of such portions of them as are relevant to the inquiry.

127 Committee may examine upon oath or affirmation

(1) A Committee may examine on oath a person appearing as a witness before the Committee, whether the witness has been summoned or appears without being summoned, and for this purpose a member of the Committee may administer an oath to the witness.

(2) Where a witness conscientiously objects to take an oath, the witness may make an affirmation instead of taking an oath.

128 Failure to attend or produce documents

(1) A person served with a summons to attend a Committee shall not, after payment to the person of reasonable expenses fail to attend the Committee or to produce the books, documents or writings in the person's custody or control which the person is required by summons to produce.

Penalty: $1,000 or imprisonment for 6 months, or both.

(1A) Subsection (1) does not apply if the person has a reasonable excuse.

Note: The defendant bears an evidential burden in relation to the matter in subsection (1A). See subsection 13.3(3) of the *Criminal Code*.

(2) Subsection (1) does not apply if the book, document or writing was not relevant to the matter that is the subject of the Committee's proceedings.

Note: The defendant bears an evidential burden in relation to the matter in subsection (2). See subsection 13.3(3) of the *Criminal Code*.

(3) An offence under subsection (1) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

129 Refusal to be sworn or give evidence

(1) A person appearing as a witness before a Committee shall not refuse to be sworn or to make an affirmation or to answer a question relevant to the proceedings put to the person by a member of the Committee.

Penalty: $1,000 or imprisonment for 6 months, or both.

(2) A statement or disclosure made by a witness to a Committee is not admissible in evidence against the witness in civil or criminal proceedings in a court except in a prosecution for giving false testimony in the Committee's proceedings.

130 Protection of witnesses

A witness before a Committee has the same protection as a witness in a matter before the High Court.

131 Allowances to witnesses

A witness summoned to attend before a Committee shall be paid fees in accordance with the scales of fees payable in respect of attendance before the Supreme Court of the State or Territory in which the witness is required to attend or, in special circumstances, such fees as the Committee directs.

132 Protection of members

(1) An action or proceeding, civil or criminal, does not lie against a member of a Committee for or in respect of an act or thing done, or report made, in good faith by the member or the Committee in pursuance of the powers and duties conferred on the member or the Committee by this Part.

(2) An act or thing shall be deemed to have been done, or a report shall be deemed to have been made in good faith, if the member or Committee by whom the act or thing was done or the report was made was not actuated by ill will to the person affected or by any other improper motive.

Part IX—Miscellaneous

133 Effect of prosecution for offence

(1) Where a medical practitioner, other PBS prescriber or an approved pharmacist (a ***defendant***) is charged before a court with having committed an offence against this Act or the regulations or against another law of the Commonwealth, of a State, of an internal Territory, of the Territory of Cocos (Keeling) Islands or of the Territory of Christmas Island, being an offence that arises out of or is connected with the supply of pharmaceutical benefits under Part VII, the Secretary may, if the Secretary thinks fit, by notice in writing:

(a) in the case of a defendant who is a medical practitioner—suspend:

(i) the authority to write a prescription for the supply of pharmaceutical benefits conferred upon that medical practitioner by section 88;

(ii) any approval of that medical practitioner under section 92; or

(iii) the authority to supply prescribed pharmaceutical benefits conferred upon that medical practitioner by section 93;

(b) in the case of a defendant who is a participating dental practitioner—suspend the approval of that dental practitioner as a participating dental practitioner under section 84A; or

(ba) in the case of a defendant who is an authorised optometrist—suspend the approval of that person under section 84AAB; or

(bb) in the case of a defendant who is an authorised midwife—suspend:

(i) the approval of that person under section 84AAF; or

(ii) the authority to supply prescribed pharmaceutical benefits conferred upon that person by section 93AA; or

(bc) in the case of a defendant who is an authorised nurse practitioner—suspend:

(i) the approval of that person under section 84AAJ; or

(ii) the authority to supply prescribed pharmaceutical benefits conferred upon that person by section 93AB; or

(c) in the case of a defendant who is an approved pharmacist—suspend the approval of that pharmacist under section 90.

(2) If a person is convicted of an offence referred to in subsection (1), the Minister may, by notice in writing:

(a) where the Secretary has, under subsection (1), suspended an authority or approval that relates to the person—remove that suspension; and

(b) suspend, or further suspend, for such period as the Minister specifies in the notice, or revoke, any authority or approval referred to in a paragraph of subsection (1), being an authority or approval that relates to the person.

(3) For the purposes of subsection (2), a person shall be deemed to have been convicted of an offence if the court concerned thought that the charge in relation to the offence was proved but, without proceeding to conviction, discharged the person conditionally on the person's entering into a recognizance.

(4) The Minister may, at any time, by notice in writing:

(a) remove a suspension, or further suspension, imposed under subsection (2); or

(b) restore any approval or authority revoked under subsection (2).

(5) If, upon the hearing of a charge for an offence referred to in subsection (1), the person is acquitted, any suspension under subsection (1) in relation to him or her ceases to have effect.

(6) If a medical practitioner, a dental practitioner, an optometrist, a midwife, a nurse practitioner or a pharmacist is charged before a court with an offence referred to in subsection (1):

(a) any act or conduct to which the charge relates shall not be referred for investigation or report by a Committee of Inquiry; and

(b) any investigation by a Committee of Inquiry into any such act or conduct shall cease.

(7) In this section:

approved pharmacist has the same meaning as in Part VII.

authorised midwife has the same meaning as in Part VII.

authorised nurse practitioner has the same meaning as in Part VII.

authorised optometrist has the same meaning as in Part VII.

PBS prescriber has the same meaning as in Part VII.

pharmacist includes a person to whom subsection 90(6) applies.

133A Territories

There are payable towards the maintenance of a public hospital in a Territory such sums as are agreed upon between the Finance Minister and the Minister.

134 Effect of suspension or cancellation of approval or authority

(1) Where:

(a) the authority conferred upon a medical practitioner by section 88 is suspended or revoked; or

(b) the approval of a dental practitioner as a participating dental practitioner under section 84A is suspended or revoked; or

(c) the approval of an optometrist as an authorised optometrist under section 84AAB is suspended or revoked; or

(d) the approval of a person as an authorised midwife under section 84AAF is suspended or revoked; or

(da) the approval of a person as an authorised nurse practitioner under section 84AAJ is suspended or revoked;

the person to whom the authority or approval relates shall not, during the period of suspension or after the revocation takes effect, write a prescription for the purposes of Part VII, and an approved pharmacist, approved medical practitioner or approved hospital authority shall not supply for the purposes of that Part a pharmaceutical benefit on a prescription written by the person to whom the authority or approval relates.

(2) Where the approval of a medical practitioner under section 92 is suspended or revoked, that medical practitioner shall not, during the period of suspension or after the revocation takes effect, supply a pharmaceutical benefit for the purposes of Part VII.

(3) Upon the revocation of an authority or approval referred to in subsection (4), the person to whom the authority or approval relates must deliver to a person specified by the Secretary all drugs and medicinal preparations in the first-mentioned person's possession which he or she has obtained for the purposes of Part VII.

(4) The authorities and approvals are as follows:

(a) an authority conferred upon a medical practitioner by section 88 or 93;

(b) an approval of a person as an authorised midwife under section 84AAF;

(c) an approval of a person as an authorised nurse practitioner under section 84AAJ;

(d) an authority conferred upon an authorised midwife by section 93AA;

(e) an authority conferred upon an authorised nurse practitioner by section 93AB.

Penalty: $5,000 or imprisonment for 2 years, or both.

134A Publication of particulars of certain action taken under this Act

(1) The Minister may, if the Minister thinks fit, cause to be published in the *Gazette* particulars of or relating to any action that the Minister or the Secretary has taken under section 34, 35, 95 or 133, including a statement of the reason for that action, which may take the form of, or include, a reference to, or an abstract from, any relevant report by a Committee of Inquiry.

(2) A publication in the *Gazette* shall not be made in pursuance of subsection (1) until:

(a) the period within which an appeal may be brought against the action referred to in that subsection has expired; and

(b) if such an appeal is brought, judgment has been given on that appeal.

(3) The Minister or the Secretary may, in any report or statement on or relating to the administration of this Act or the operation of this Act or a part of this Act, publish such particulars of, or comments on, cases or matters referred to in subsection (1) as he or she considers necessary or desirable in the public interest, and for that purpose the public interest shall be taken to extend to the prevention or discouragement of conduct that involves contravention of any provision of this Act or the regulations or an abuse of those provisions or failure to discharge conscientiously duties or obligations under those provisions.

(4) An action or proceeding, civil or criminal, does not lie against a person for publishing in good faith a copy of, or a fair extract from, or a fair abstract of, a publication made in accordance with the preceding provisions of this section.

(5) A publication shall be deemed to be made in good faith if the person by whom it is made is not actuated by ill will to the person affected by the publication or by any other improper motive.

(6) Nothing in this section authorizes publication of the name of a patient or particulars that would enable a patient to be identified.

134B Time for commencing prosecutions

A prosecution in respect of an offence against this Act or the regulations may be commenced at any time within 3 years after the commission of the offence.

134C Defence in certain prosecutions

In a prosecution under this Act of a person for making a statement, or issuing or presenting a document, that is false or misleading in a material particular it is a defence if the person did not know and had no reason to suspect that the statement or document was false or misleading, as the case may be.

Note: The defendant bears an evidential burden in relation to the matter in this section. See subsection 13.3(3) of the *Criminal Code*.

134E Conduct by directors, servants or agents

(1) Where it is necessary, for the purposes of this Act, to establish the state of mind of a body corporate in respect of conduct engaged in, or deemed by subsection (2) to have been engaged in, by the body corporate, it is sufficient to show that a director, servant or agent by whom the conduct was engaged in within the scope of his or her actual or apparent authority, had that state of mind.

(2) Any conduct engaged in on behalf of a body corporate:

(a) by a director, servant or agent of the body corporate within the scope of his or her actual or apparent authority; or

(b) by any other person at the direction or with the consent or agreement (whether express or implied) of a director, servant or agent of the body corporate, where the giving of the direction, consent or agreement is within the scope of the actual or apparent authority of the director, servant or agent;

shall be deemed, for the purposes of this Act, to have been engaged in also by the body corporate.

(3) Where it is necessary, for the purposes of this Act, to establish the state of mind of a person in relation to conduct deemed by subsection (4) to have been engaged in by the person, it is sufficient to show that a servant or agent of the person, being a servant or agent by whom the conduct was engaged in within the scope of his or her actual or apparent authority, had that state of mind.

(4) Conduct engaged in on behalf of a person other than a body corporate:

(a) by a servant or agent of the person within the scope of his or her actual or apparent authority; or

(b) by any other person at the direction or with the consent or agreement (whether express or implied) of a servant or agent of the first-mentioned person, where the giving of the direction, consent or agreement is within the scope of the actual or apparent authority of the servant or agent;

shall be deemed for the purposes of this Act to have been engaged in also by the first-mentioned person.

(5) A reference in this section to the state of mind of a person includes a reference to the knowledge, intention, opinion, belief or purpose of the person and the person's reasons for the person's intention, opinion, belief or purpose.

(6) A reference in this section to a director of a body corporate includes a reference to a constituent member of a body corporate incorporated for a public purpose by a law of the Commonwealth, of a State or of a Territory.

135 Right of Commonwealth officers to practise

(1) An employee of the Commonwealth who is registered as a medical practitioner, dentist, nurse, pharmaceutical chemist, pharmacist, physiotherapist or optometrist under the law of a State or Territory is entitled to perform, on behalf of the Commonwealth, the duties of the employee's profession in any other State or Territory notwithstanding that the employee is not registered in that other State or Territory.

(2) In subsection (1), ***Territory*** includes the Territory of Cocos (Keeling) Islands and the Territory of Christmas Island.

135A Officers to observe secrecy

(1) A person shall not, directly or indirectly, except in the performance of duties, or in the exercise of powers or functions, under this Act or for the purpose of enabling a person to perform functions in relation to a medicare program or under the indemnity legislation or the *Personally Controlled Electronic Health Records Act 2012* (whether as a delegate or otherwise), and while the person is, or after the person ceases to be, an officer, divulge or communicate to any person, any information with respect to the affairs of a third person acquired by the first-mentioned person in the performance of duties, or in the exercise of powers or functions, under this Act.

Penalty: $5,000 or imprisonment for 2 years, or both.

(2) Where the third person mentioned in subsection (1) is a party to an action or proceeding before a court, nothing in that subsection

precludes the disclosure to the court of information with respect to the affairs of the third person.

(3) Notwithstanding anything in subsection (1), the Secretary may:

(a) if the Minister certifies, by instrument in writing, that it is necessary in the public interest that any information acquired by an officer in the performance of duties, or in the exercise of powers or functions, under this Act, should be divulged, divulge that information to such person as the Minister directs;

(b) divulge any such information to an authority or person if:

(i) the authority or person is a prescribed authority or person for the purposes of this paragraph; and

(ii) the information is information of a kind that may, in accordance with the regulations, be provided to the authority or person; or

(c) divulge any such information to a person who, in the opinion of the Minister, is expressly or impliedly authorized by the person to whom the information relates to obtain it.

(4) An authority or person to whom information is divulged under subsection (3), and any person under the control of that authority or person, shall, in respect of that information, be subject to the same obligations and liabilities under subsection (1) as if the authority or the person, as the case may be, were a person performing duties under this Act and had acquired the information in the performance of those duties.

(5) Nothing in the preceding provisions of this section prohibits the publication of statistics by the Commonwealth or by the Australian Statistician but, subject to subsection (5A), such statistics shall not be published in a manner that enables the identification of a particular person or private health insurer.

(5A) Statistics relating to the supply of pharmaceutical benefits may be published in spite of the fact that the manufacturer of any of those benefits may be identified through those statistics.

(5C) This section does not prohibit:

(a) the provision to a person of a document that was provided to the Secretary by the person in relation to a claim for a pharmaceutical benefit; or

(b) the divulging or communicating to a person of information relating to the person; or

(c) information that:

(i) has been provided to a prescribed professional disciplinary body or a prescribed professional regulatory body; and

(ii) was contained in a claim for a pharmaceutical benefit;

from being used by the body for the purpose of any investigation or inquiry being conducted by the body in the performance of its functions or the exercise of its powers.

(6) Notwithstanding anything contained in subsection (1), where:

(a) a person has been convicted of:

(i) an offence against this Act; or

(ii) an offence against section 6 of the *Crimes Act 1914*, or section 11.1, 11.4 or 11.5 of the *Criminal Code*, that relates to an offence against this Act; or

(b) an order has been made in relation to a person under section 19B of the *Crimes Act 1914* in relation to an offence referred to in subparagraph (a)(i) or (ii); or

(c) a Committee of Inquiry reports adversely on the conduct of a practitioner or pharmacist in relation to a matter upon which the Committee makes inquiry;

the Secretary may divulge any information acquired by an officer in the performance of duties, or in the exercise of powers or functions, under this Act that concerns a matter referred to in paragraph (a), (b) or (c) to:

(d) the Secretary of the Department of Social Security; or

(e) the Secretary of the Veterans' Affairs Department; or

(ea) the Chief Executive Centrelink or a Departmental employee (within the meaning of the *Human Services (Centrelink) Act 1997*); or

(f) a person or persons who, under a law of a State or Territory that provides for the registration or licensing of hospitals, nursing homes or similar institutions, is or are, responsible for the administration of that law or who is, or are, empowered to investigate persons in connection with contraventions of that law; or

(g) a person or persons who, under a law of a State or Territory that provides for the registration or licensing of practitioners, pharmacists or pharmaceutical chemists is, or are, empowered to take disciplinary action with respect to practitioners, pharmacists or pharmaceutical chemists or to investigate practitioners, pharmacists or pharmaceutical chemists in connection with the taking of such disciplinary action; or

(ga) a person or persons who, under a law of a State or Territory that provides for the registration of midwives, or the authorisation (however described) of persons to practise midwifery, are empowered to:

(i) take disciplinary action with respect to midwives; or

(ii) investigate midwives in connection with the taking of such disciplinary action; or

(gb) a person or persons who, under a law of a State or Territory that provides for the registration of nurse practitioners, or the authorisation (however described) of persons to practise as nurse practitioners, are empowered to:

(i) take disciplinary action with respect to nurse practitioners; or

(ii) investigate nurse practitioners in connection with the taking of such disciplinary action; or

(h) a person or persons who, under a law of the Commonwealth, a State or a Territory relating to drugs or poisons, is, or are, responsible for the administration of that law or who is, or are, empowered to investigate persons in connection with contraventions of that law; or

(j) a director, secretary or employee of a private health insurer who is authorized by the Secretary, by instrument in writing, for the purposes of this subsection.

(7) Notwithstanding anything contained in subsection (1), where the Minister, by instrument in writing, certifies that it is desirable for such of the following purposes as the Minister specifies in the certificate, that is to say:

(a) the administration of an Act administered by the Minister for Social Security;

(b) the administration of an Act administered by the Veterans' Affairs Minister;

(c) the administration of a specified law of a State or Territory, being a law that provides for the registration or licensing of hospitals, nursing homes or similar institutions;

(d) the administration of a specified law of a State or Territory, being a law that provides for the registration or licensing of practitioners or pharmacists;

(da) the administration of a specified law of a State or Territory, being a law that provides for the registration of midwives, or the authorisation (however described) of persons to practise midwifery; or

(db) the administration of a specified law of a State or Territory, being a law that provides for the registration of nurse practitioners, or the authorisation (however described) of persons to practise as nurse practitioners; or

(e) the administration of a specified law of the Commonwealth, a State or a Territory relating to drugs or poisons; or

(f) the carrying on of the business of a specified private health insurer or a private health insurer included in a specified class of private health insurers;

that information of a kind referred to in the certificate, being information acquired by an officer in the performance of duties, or in the exercise of powers or functions, under this Act, should be divulged, the Secretary may divulge information of that kind:

(g) if the certificate specifies a purpose of the kind referred to in paragraph (a)—to the Secretary of the Department of Social Security, the Chief Executive Centrelink or a Departmental employee (within the meaning of the *Human Services (Centrelink) Act 1997*);

(h) if the certificate specifies a purpose of the kind referred to in paragraph (b)—to the Secretary of the Veterans' Affairs Department;

(j) if the certificate specifies a purpose in relation to a specified law of the kind referred to in paragraph (c) or (e)—to the person or persons who, under that law is, or are, responsible for the administration of that law or is, or are, empowered to investigate persons in connection with contraventions of that law;

(k) if the certificate specifies a purpose in relation to a specified law of the kind referred to in paragraph (d)—to the person or persons who, under that law is, or are, empowered to take disciplinary action with respect to practitioners or pharmacists or to investigate practitioners or pharmacists in connection with the taking of such disciplinary action; or

(l) if the certificate specifies a purpose in relation to a specified law of the kind referred to in paragraph (da)—to the person or persons who are empowered to:

(i) take disciplinary action with respect to midwives; or

(ii) investigate midwives in connection with the taking of such disciplinary action; or

(la) if the certificate specifies a purpose in relation to a specified law of the kind referred to in paragraph (db)—to the person or persons who are empowered to:

(i) take disciplinary action with respect to nurse practitioners; or

(ii) investigate nurse practitioners in connection with the taking of such disciplinary action; or

(m) if the certificate specifies a purpose of the kind referred to in paragraph (f)—to a director, secretary or employee of each private health insurer to which the certificate relates, being a director, secretary or employee who is authorized by the Secretary, by instrument in writing, for the purposes of this subsection.

(8) Information relating to the rendering of a medical service, a dental service or an optometrical service, the provision of hospital treatment or the supply of a pharmaceutical benefit must not be

divulged in pursuance of subsection (6) or (7) in a manner that is likely to enable the identification of the person to whom that service was rendered, that treatment or care was provided or that benefit was supplied (in this subsection referred to as the ***patient***) unless:

(a) the patient:

(i) is a person referred to in paragraph (6)(a) or (b); or

(ii) consents in writing to the disclosure of the information; or

(b) the Minister certifies that there are reasonable grounds for suspecting that the patient has committed, or is committing, an offence of the kind referred to in subparagraph (6)(a)(i) or (ii).

(9) A person to whom information is divulged under subsection (6) or (7) and any person under the control of the first-mentioned person shall not, directly or indirectly, except:

(a) in the case of the Secretary of the Department of Social Security or a person under the control of the Secretary of the Department of Social Security—in the performance of duties, or in the exercise of powers or functions, under an Act administered by the Minister for Social Security; or

(aa) in the case of the Chief Executive Centrelink or a Departmental employee (within the meaning of the *Human Services (Centrelink) Act 1997*)—in the performance of duties, or in the exercise of powers or functions, under an Act administered by the Minister for Social Security; or

(b) in the case of the Secretary of the Veterans' Affairs Department or a person under the control of the Secretary—in the performance of duties, or in the exercise of powers or functions, under an Act administered by the Veterans' Affairs Minister; or

(c) in the case of a person or persons referred to in paragraph (6)(f), (g), (ga), (gb) or (h), or (7)(j), (k), (l) or (la), or a person under the control of such a person or persons—in the performance of duties, or in the exercise of powers or functions, under the law referred to in that paragraph; or

(d) in the case of a director, secretary or employee of a private health insurer or a person under the control of such a person—in the performance of duties, or in the exercise of powers or functions, in relation to the carrying on of the business of the insurer;

and while the person is, or after the person ceases to be, such a person, divulge or communicate to any person, any information so divulged.

Penalty: $5,000 or imprisonment for 2 years, or both.

(10) The powers conferred by subsections (6) and (7) are in addition to, and not in derogation of, the powers conferred by subsection (3).

(11) The powers conferred by subsection (6) are in addition to, and not in derogation of, the powers conferred by subsection (7).

(12) Nothing in subsection (3), (6) or (7) shall be taken to limit the generality of subsection (2) or the exception referred to in subsection (1).

(13) Where:

(a) a person solicits the disclosure of protected information from an officer or another person; and

(b) the disclosure would be in contravention of this section; and

(c) the first-mentioned person knows or ought reasonably to know that the information is protected information;

the first-mentioned person is guilty of an offence, whether or not any protected information is actually disclosed.

(14) Where protected information is disclosed to a person in contravention of this section, the person is guilty of an offence if he or she knows or ought reasonably to know that the disclosure is in contravention of this section and:

(a) he or she in any way solicited the disclosure of the information; or

(b) he or she discloses the information to another person; or

(c) he or she uses the information otherwise than by disclosing it to another person.

(16) Where:

(a) a person is convicted of an offence under subsection (13); and

(b) the person acted as an employee or agent of another person in soliciting the disclosure of the information;

the other person is guilty of an offence.

(16A) An offence under subsection (16) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

(17) It is a defence to a prosecution for an offence against subsection (16) if the employee or agent was acting outside the scope of his or her authority as an employee or agent in soliciting the disclosure of the information.

Note: The defendant bears an evidential burden in relation to the matter in subsection (17). See subsection 13.3(3) of the *Criminal Code*.

(18) Where:

(a) a person is convicted of an offence under subsection (14); and

(b) the person acted as an employee or agent of another person in obtaining the information;

the other person is guilty of an offence.

(18A) An offence under subsection (18) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

(19) It is a defence to a prosecution for an offence against subsection (18) if the employee or agent's action described in subsection (14) was outside the scope of his or her authority as an employee or agent.

Note: The defendant bears an evidential burden in relation to the matter in subsection (19). See subsection 13.3(3) of the *Criminal Code*.

(20) A person who:

(a) offers to supply (whether to a particular person or otherwise) information about another person; and

(b) knows that the information is protected information;

is guilty of an offence.

(21) A person who:

(a) holds himself or herself out as being able to supply (whether to a particular person or otherwise) information about another person; and

(b) knows that the information is protected information;

is guilty of an offence.

(22) The penalty for an offence against subsection (13), (14), (16), (18), (20) or (21) is imprisonment for a period not exceeding 2 years.

(23) Nothing in this section has the effect that an officer exercising or performing his or her duties, functions or powers under, or in relation to, this Act is guilty of an offence.

(24) In this section:

Chief Executive Centrelink has the same meaning as in the *Human Services (Centrelink) Act 1997*.

court includes any tribunal, authority or person having power to require the production of documents or the answering of questions.

indemnity legislation means:

(a) the *Medical Indemnity Act 2002*; and

(b) the *Medical Indemnity (Competitive Advantage Payment) Act 2005*; and

(c) the *Medical Indemnity (Run-off Cover Support Payment) Act 2004*; and

(d) the *Medical Indemnity (UMP Support Payment) Act 2002*; and

(e) the *Midwife Professional Indemnity (Commonwealth Contribution) Scheme Act 2010*; and

(f) the *Midwife Professional Indemnity (Run-off Cover Support Payment) Act 2010*.

officer means a person performing duties, or exercising powers or functions under, or in relation to, this Act.

pharmaceutical benefit has the same meaning as in Part VII.

protected information means information about a person that is held in the records of the Department.

135AAA Prescribers and approved suppliers must observe secrecy in relation to medicare numbers and expiry dates provided for pharmaceutical benefit scheme purposes

(1) If:

(a) a medicare number, or a medicare number and the expiry date in relation to that number, are provided, as a result of a request under section 88, or under section 88AA, to a person who is a PBS prescriber; and

(b) that number, or number and date, are provided solely for either or both of the following purposes:

(i) enabling the person to write or communicate a prescription for the supply of a pharmaceutical benefit;

(ii) enabling the person to record and retain that number, or number and date, to facilitate the writing of future prescriptions for the supply of pharmaceutical benefits;

the person is guilty of an offence if, while the person is, or after the person ceases to be, a PBS prescriber, the person directly or indirectly makes an unauthorised disclosure or an unauthorised use of that number or that date.

Penalty: 50 penalty units or imprisonment for 2 years, or both.

(2) For the purposes of subsection (1):

(a) the disclosure by a person referred to in that subsection of a medicare number, or of the expiry date in relation to a medicare number, to another person is an unauthorised disclosure of that number or that date; and

(b) the use by a person referred to in that subsection of a medicare number, or of the expiry date in relation to a medicare number, is an unauthorised use of that number or that date;

if that disclosure or use is not made or undertaken:

(c) in the performance of the duties, or in the exercise of the powers or functions, of that person as a PBS prescriber under

this Act in relation to the Pharmaceutical Benefits Scheme; or

(d) for the purpose of enabling a person to perform functions in relation to a medicare program in relation to that Scheme.

(3) If:

(a) a medicare number, or a medicare number and the expiry date in relation to that number, are provided, as a result of a request under section 86B or 86C, or under section 86D, to a person or body that is an approved supplier; and

(b) that number, or number and date, are provided solely for one or more of the following purposes:

(i) enabling the person or body to supply a pharmaceutical benefit;

(ii) enabling the person or body to record and retain that number, or number and date, in order to facilitate the supply of pharmaceutical benefits at a later time or times;

(iii) enabling the person or body to record and retain that number, or number and date, in order to complete the written version of a prescription that has been previously communicated;

the person or body is guilty of an offence if, while the person or body is, or after the person or body ceases to be, such an approved supplier, the person or body directly or indirectly makes an unauthorised disclosure or an unauthorised use of that number or that date.

Penalty: 50 penalty units or imprisonment for 2 years, or both.

(4) For the purposes of subsection (3):

(a) the disclosure by a person or body referred to in that subsection of a medicare number, or of the expiry date in relation to a medicare number, to another person is an unauthorised disclosure of that number or that date; and

(b) the use by a person or body referred to in that subsection of a medicare number or of the expiry date in relation to a medicare number is an unauthorised use of that number or that date;

if that disclosure or use is not made or undertaken:

(c) in the performance of the duties, or in the exercise of the powers or functions, of the person or body as an approved supplier under this Act in relation to the Pharmaceutical Benefits Scheme; or

(d) for the purpose of enabling a person to perform functions in relation to a medicare program in relation to that Scheme.

(5) If a medicare number, or a medicare number and the expiry date in relation to that number, are provided:

(a) to a person who is employed or engaged by:

(i) a PBS prescriber; or

(ii) a company that provides services in support of a PBS prescriber;

solely for a purpose or purposes referred to in paragraph (1)(b); or

(b) to a person who is employed or engaged by:

(i) an approved supplier; or

(ii) a company that provides services in support of an approved supplier;

solely for a purpose or purposes referred to in paragraph (3)(b);

that person is, while the person is, and after the person ceases to be, so employed or engaged, subject to the same obligations and liabilities as apply under subsection (1) or (3), as the case requires, in relation to the person or body by whom the person is or was so employed or engaged.

(6) A person to whom a medicare number, or a medicare number and the expiry date in relation to that number, are disclosed in contravention of subsection (1), (3) or (5) is guilty of an offence if:

(a) the person knows or ought reasonably to know that the disclosure of the number, or number and date, was in contravention of that subsection; and

(b) the person directly or indirectly discloses that number or that date to any person, or otherwise makes use of that number or that date.

Penalty: 50 penalty units or imprisonment for 2 years, or both.

(7) Despite subsection (1), (3) or (5), a person or body to whom a medicare number, or a medicare number and the expiry date in relation to that number, are provided solely for a purpose set out or referred to in that subsection may disclose that number or expiry date to another person for another specified purpose with the express authority of:

(a) the person in respect of whom that number was provided; or

(b) the legal guardian of that person; or

(c) another person identified in a determination made by the Minister under section 86D or 88AA as capable of authorising the recording and retention of such number or number and date, on behalf of the person to whom the number applies.

(8) A person to whom a medicare number, or a medicare number and the expiry date in relation to that number, are disclosed in accordance with an express authority under subsection (7) is guilty of an offence if the person:

(a) directly or indirectly discloses that number or that date to another person; or

(b) makes use of that number or that date;

other than for the purpose specified by the person giving the authority.

Penalty: 50 penalty units or imprisonment for 2 years, or both.

(9) Nothing in subsection (1), (3), (5), (6) or (8) prevents a medicare number or an expiry date in relation to such a number from being communicated to a court for the purpose of proceedings under this section.

(10) In this section:

approved supplier has the same meaning as in Part VII.

expiry date, in relation to a medicare number, has the same meaning as in Part VII.

medicare number, in relation to a person, has the same meaning as in Part VII.

PBS prescriber has the same meaning as in Part VII.

(11) A reference in this section to a number, or number and date, provided to an approved supplier or to a person engaged or employed by an approved supplier, includes a reference to such a number, or number and date, that are informed under section 86D to the approved supplier by a PBS prescriber communicating a prescription to the supplier.

135AA Privacy rules

Information to which this section applies

(1) Subject to subsection (2), this section applies to information that:
  (a) is information relating to an individual; and
  (b) is held by an agency (whether or not the information was obtained by that agency or any other agency after the commencement of this section); and
  (c) was obtained by the agency or any other agency in connection with:
    (i) a claim for payment of a benefit under the Medicare Benefits Program or the Pharmaceutical Benefits Program; or
    (ii) a supply of a pharmaceutical benefit to which subsection 98AC(1) applies.

Information to which this section does not apply

(2) This section does not apply to such information:
  (a) so far as it identifies:
    (i) a person who provided the service or goods in connection with which the claim for payment is made, or who provided the pharmaceutical benefit; or
    (ii) a person who, in his or her capacity as the provider of services, made a referral or request to another person to

provide the service or goods or the pharmaceutical benefit; or

(b) so far as it is contained in a database that:

(i) is maintained for the purpose of identifying persons who are eligible to be paid benefits under the Medicare Benefits Program or the Pharmaceutical Benefits Program; and

(ii) does not contain information relating to claims for payment of such benefits; or

(c) so far as it is not stored in a database.

Issuing rules

(3) The Information Commissioner must, by legislative instrument, issue rules relating to information to which this section applies.

(3A) The issuing of rules under this section is a privacy function for the purposes of the *Australian Information Commissioner Act 2010*.

Replacing or varying rules

(4) At any time, the Information Commissioner may, by legislative instrument, issue further rules that vary the existing rules.

Content of rules

(5) So far as practicable, the rules must:

(a) specify the ways in which information may be stored and, in particular, specify the circumstances in which creating copies of information in paper or similar form is prohibited; and

(b) specify the uses to which agencies may put information; and

(c) specify the circumstances in which agencies may disclose information; and

(d) prohibit agencies from storing in the same database:

(i) information that was obtained under the Medicare Benefits Program; and

(ii) information that was obtained under the Pharmaceutical Benefits Program; and

(e) prohibit linkage of:

(i) information that is held in a database maintained for the purposes of the Medicare Benefits Program; and

(ii) information that is held in a database maintained for the purposes of the Pharmaceutical Benefits Program;

unless the linkage is authorised in the way specified in the rules; and

(f) specify the requirements with which agencies must comply in relation to old information, in particular requirements that:

(i) require the information to be stored in such a way that the personal identification components of the information are not linked with the rest of the information; and

(ii) provide for the longer term storage and retrieval of the information; and

(iii) specify the circumstances in which, and the conditions subject to which, the personal identification components of the information may later be re-linked with the rest of the information.

(5A) Nothing in this section, or in the rules issued by the Information Commissioner, precludes the inclusion, in a database of information held by the Chief Executive Medicare and relating to claims for benefits under the Pharmaceutical Benefits Program, of the pharmaceutical entitlements number applicable to the person to whom each such claim relates:

(a) as a person covered by a benefit entitlement card; or

(b) as a person included within a class identified by the Minister in a determination under subsection 86E(1).

(5AA) Nothing in this section, or in the rules issued by the Information Commissioner, prevents the PCEHR System Operator including information to which this section applies in the PCEHR of a consumer.

(5B) Nothing in this section, or in the rules issued by the Information Commissioner, precludes the inclusion, in a database of information:

(a) held by the Chief Executive Medicare; and

(b) relating to supplies of pharmaceutical benefits to which subsection 98AC(1) applies;

of the pharmaceutical entitlements number applicable to the person to whom each such supply relates:

(c) as a person covered by a benefit entitlement card; or

(d) as a person included within a class identified by the Minister in a determination under subsection 86E(1).

Consultation

(6) Before issuing rules, the Information Commissioner must take reasonable steps to consult with organisations (including agencies) whose interests would be affected by the rules.

When rules take effect

(8) Despite section 12 of the *Legislative Instruments Act 2003*, rules take effect from:

(a) the first day on which they are no longer liable to be disallowed; or

(b) if the rules provide for their commencement after that day—in accordance with that provision.

Definitions

(11) In this section:

agency has the same meaning as in the *Privacy Act 1988*.

benefit entitlement card means:

(a) a medicare card within the meaning of subsection 84(1); and

(b) a card that evidences the person's status as a concessional beneficiary within the meaning of subsection 84(1).

database means a discrete body of information stored by means of a computer.

Medicare Benefits Program means the program for providing Medicare benefits under the *Health Insurance Act 1973*.

old information means information to which this section applies that has been held by one or more agencies for at least the preceding 5 years.

PCEHR has the same meaning as in the *Personally Controlled Electronic Health Records Act 2012*.

PCEHR System Operator has the same meaning as System Operator has in the *Personally Controlled Electronic Health Records Act 2012*.

personal identification components, in relation to information, means so much of the information as includes any of the following:

(a) the name of the person to whom the information relates;

(b) the person's address;

(c) the person's Medicare card number;

(d) the person's Pharmaceutical entitlements number.

Pharmaceutical Benefits Program means the program for supplying pharmaceutical benefits under Part VII of this Act.

pharmaceutical entitlements number, in relation to a person, means:

(a) if the person is covered by a medicare card—a medicare number within the meaning of subsection 84(1) that is applicable to the person as a person covered by that card; and

(b) if the person is covered by a card that evidences the person's status as a concessional beneficiary within the meaning of subsection 84(1)—the number applicable to that person as a person covered by that card.

135AB Breaches of the privacy rules

(1) A breach of the rules issued under section 135AA constitutes an act or practice involving interference with the privacy of an individual for the purposes of section 13 of the *Privacy Act 1988*.

(2) An individual may complain to the Information Commissioner about an act or practice in relation to the operation of rules issued

under section 135AA of this Act which may be an interference with the privacy of an individual.

(3) If a complaint is made, Part V of the *Privacy Act 1988* applies, with such modifications as the circumstances require, as if the complaint were an APP complaint (within the meaning of that Act) made under section 36 of that Act.

135AC Authorisation of collection of particular health information

(1) If:

(a) particular health information is disclosed to an organisation; and

(b) the disclosure is authorised by or under a health law;

then the collection of the information by the organisation to whom the information is disclosed is taken to be authorised by or under this Act for the purposes of subparagraph 16B(1)(b)(i) of the *Privacy Act 1988*.

(2) In this section:

health law means any of the following:

(a) an Act administered by the Minister;

(b) the *Human Services (Medicare) Act 1973*.

organisation has the same meaning as in the *Privacy Act 1988*.

135B Prosecution of offences

(1) Subject to subsection (2), an offence against section 84L, 103, 134 or 135A is an indictable offence.

(2) A court of summary jurisdiction may hear and determine proceedings in respect of an offence referred to in subsection (1) if the court is satisfied that it is proper to do so and the defendant and the prosecutor consent.

(3) Where, in accordance with subsection (2), a court of summary jurisdiction convicts a person of an offence referred to in that subsection, the penalty that the court may impose is imprisonment for a period not exceeding 6 months.

136 Committees

(1) In addition to the committees for the establishment of which express provision is made in the preceding provisions of this Act, the Minister may establish such other committees as the Minister thinks fit for the purposes of this Act, of the *Health Insurance Act 1973* or of both this Act and that Act.

(2) The regulations may make provision for and in relation to the constitution, powers, functions, duties and procedure of committees established in pursuance of subsection (1).

136A Filling of vacancies on committees

(1) Whenever a vacancy occurs in the office of a member of a Committee who was appointed by the Minister from among persons of a specified description nominated by a specified body, the Minister may request the appropriate body to nominate a specified number of persons of that description and may fill the vacancy by appointing a person from among the persons so nominated.

(2) In this section, ***Committee*** means a committee constituted under this Act.

137 Moneys from which payments under this Act are to be made

(1) Subject to this section, payments for the purposes of this Act shall be made out of the Consolidated Revenue Fund, which is appropriated accordingly.

(2) Expenditure of a capital nature (other than expenditure incurred under section 9A or paragraph 9C(2)(a)) and expenditure in respect of administrative expenses (including the remuneration of members of committees established under this Act) incurred by or on behalf of the Commonwealth for the purposes of this Act shall be paid out of moneys from time to time appropriated by the Parliament for the purpose.

138 Exercise of Secretary's powers subject to directions of Minister

The exercise of a power by the Secretary, or a delegate of the Secretary, under this Act is subject to the directions (if any) of the Minister.

138A Telephone access to offices

The Minister shall direct the Secretary to make provision for the development of a service which will enable a person to make a telephone call to an office that is under the general control of the Secretary, at no greater cost than the cost of a local telephone call.

139 Judicial notice of signature of Secretary

(1) For the purposes of any proceeding under this Act or a prosecution for an offence against a law of the Commonwealth, every Australian court is to take judicial notice of the signature of the person who holds or a person who has held the office of Secretary and of the fact that that person holds or has held that office.

(2) In this section:

Australian court has the same meaning as in the *Evidence Act 1995*.

139A Evidence

(1) The Secretary may, by writing signed by the Secretary, certify that, during a period or on a date specified in the certificate:

(a) any premises were or were not an approved hospital for the purposes of this Act;

(d) a medical practitioner was or was not authorized under section 88 to write a prescription for the supply of pharmaceutical benefits or was or was not authorized under section 93 to supply pharmaceutical benefits specified in the certificate;

(da) a dental practitioner was or was not approved as a participating dental practitioner under section 84A;

(db) a person was or was not an authorised optometrist under section 84AAB;

(dc) a person was or was not an authorised midwife under section 84AAF;

(dd) a person was or was not an authorised nurse practitioner under section 84AAJ;

(de) a person was or was not authorised under section 93AA or 93AB to supply pharmaceutical benefits specified in the certificate;

(e) a person was or was not approved under section 90 for the purpose of supplying pharmaceutical benefits at premises specified in the certificate;

(f) a medical practitioner was or was not approved under section 92 for the purpose of supplying pharmaceutical benefits to persons in an area specified in the certificate;

(g) a hospital authority was or was not approved under section 94 for the purpose of its supplying pharmaceutical benefits to patients receiving treatment in or at a hospital specified in the certificate.

(1A) The Secretary may, by writing signed by the Secretary, certify:

(a) that a document annexed to the certificate is a true copy of a determination by the Minister under this Act or of any other document made or issued under this Act;

(b) that:

(i) a document annexed to the certificate is a true copy of a determination by the Minister under this Act or of any other document made or issued under this Act; and

(ii) the determination or other document of which the annexed document is certified to be a true copy had effect during a period or on a date specified in the certificate; or

(c) that:

(i) the document annexed to the certificate is a true copy of an approval, determination, certificate or variation that has or had effect as if it were given or made under this Act; and

(ii) the approval, determination, certificate or variation had such effect during the period or on a date specified in the certificate.

(2) In proceedings under this Act, in a prosecution for an offence against a law of the Commonwealth and in an investigation or inquiry conducted or made under this Act, a certificate purporting to have been given under this section:

(a) is evidence of the facts stated in the certificate; and

(b) shall, unless the contrary is proved, be deemed to have been given by the person purporting to give the certificate.

139B Certain instruments subject to disallowance

(1) In this section, ***instrument under this Act*** means:

(f) rules under subsection 99AAA(4) or 99AAB(3); or

(g) a determination under paragraph 98C(1)(b).

(2) An instrument under this Act is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

139C Information with respect to concessional beneficiaries

In spite of sections 202 to 210 of the *Social Security (Administration) Act 1999*, the Secretary of the Department of Family and Community Services or an officer authorised by him or her for the purpose may communicate to the Secretary or an officer authorised by him or her any information with respect to the operation of Part 2A.1 of the *Social Security Act 1991*.

140 Regulations

The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and, in particular, for prescribing:

(a) the fees and allowances payable to members of a committee established under this Act, other than members who are

officers of the Public Service of the Commonwealth or of a State; and

(b) penalties not exceeding a fine of $2,000 for offences against the regulations.

Endnotes

Endnote 1—About the endnotes

The endnotes provide details of the history of this legislation and its provisions. The following endnotes are included in each compilation:

Endnote 1—About the endnotes
Endnote 2—Abbreviation key
Endnote 3—Legislation history
Endnote 4—Amendment history
Endnote 5—Uncommenced amendments
Endnote 6—Modifications
Endnote 7—Misdescribed amendments
Endnote 8—Miscellaneous

If there is no information under a particular endnote, the word "none" will appear in square brackets after the endnote heading.

Abbreviation key—Endnote 2
The abbreviation key in this endnote sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4
Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended the compiled law. The information includes commencement information for amending laws and details of application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision level. It also includes information about any provisions that have expired or otherwise ceased to have effect in accordance with a provision of the compiled law.

Uncommenced amendments—Endnote 5
The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in endnote 5.

Modifications—Endnote 6
If the compiled law is affected by a modification that is in force, details of the modification are included in endnote 6.

Misdescribed amendments—Endnote 7
An amendment is a misdescribed amendment if the effect of the amendment cannot be incorporated into the text of the compilation. Any misdescribed amendment is included in endnote 7.

Miscellaneous—Endnote 8
Endnote 8 includes any additional information that may be helpful for a reader of the compilation.

Endnote 2—Abbreviation key

ad = added or inserted
am = amended
c = clause(s)
Ch = Chapter(s)
def = definition(s)
Dict = Dictionary
disallowed = disallowed by Parliament
Div = Division(s)
exp = expired or ceased to have effect
hdg = heading(s)
LI = Legislative Instrument
LIA = *Legislative Instruments Act 2003*
mod = modified/modification
No = Number(s)
o = order(s)
Ord = Ordinance
orig = original
par = paragraph(s)/subparagraph(s)
/sub-subparagraph(s)
pres = present
prev = previous
(prev) = previously
Pt = Part(s)
r = regulation(s)/rule(s)
Reg = Regulation/Regulations
reloc = relocated
renum = renumbered
rep = repealed
rs = repealed and substituted
s = section(s)
Sch = Schedule(s)
Sdiv = Subdivision(s)
SLI = Select Legislative Instrument
SR = Statutory Rules
Sub-Ch = Sub-Chapter(s)
SubPt = Subpart(s)

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
National Health Act 1953	95, 1953	18 Dec 1953	Parts I and II (ss. 1–11): Royal Assent Part VII (ss. 83–105): 12 May 1954 (*see Gazette* 1954, p. 1179) Remainder: 14 Apr 1954 (*see Gazette* 1954, p. 1055)	
National Health Act 1955	68, 1955	4 Nov 1955	s. 13: 14 Apr 1954 ss. 22, 24 and 28: 12 May 1954 ss. 23, 25–27 and 32: 1 July 1956 (*see Gazette* 1956, p. 1835) s. 44: 1 Jan 1956 (*see Gazette* 1955, p. 4237) Remainder: Royal Assent	s. 36(2)
National Health Act 1956	55, 1956	30 June 1956	s. 4: 14 Apr 1954 Remainder: Royal Assent	—
National Health Act (No. 2) 1956	95, 1956	15 Nov 1956	1 Sept 1957 (*see* s. 2 and *Gazette* 1957, p. 2631)	—
National Health Act 1957	92, 1957	12 Dec 1957	1 Jan 1958 (*see Gazette* 1957, p. 4105)	—
National Health Act 1958	68, 1958	8 Oct 1958	s. 6: 11 Sept 1958 Remainder: Royal Assent	—

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
National Health Act 1959	72, 1959	1 Dec 1959	ss. 3–6, 10, 23 and 24: 1 Jan 1960 s. 8(1): 1 Jan 1959 ss. 12–22: 1 Mar 1960 (*see Gazette* 1960, p. 785) Remainder: Royal Assent	ss. 2(2), 8(2) and 25 s. 3 (rep. by 16, 1961, s. 10)
as amended by				
National Health Act 1961	16, 1961	11 May 1961	ss. 3, 6, 7 and 10: 1 July 1961 Remainder: Royal Assent	—
National Health Act 1961	16, 1961	11 May 1961	ss. 3, 6, 7 and 10: 1 July 1961 Remainder: Royal Assent	—
National Health Act 1962	82, 1962	12 Dec 1962	ss. 3(b), (c), 4, 5, 12–19, 28 and 29: 1 Jan 1963 Remainder: Royal Assent	ss. 10(2) and 24
National Health Act 1963	77, 1963	31 Oct 1963	1 Jan 1964	s. 4(2)
National Health Act 1964	37, 1964	28 May 1964	s. 3(1): 1 July 1964 ss. 3(2), 5–13, 15, 16 and 24: 1 June 1964 Remainder: Royal Assent	ss. 7(2), 18(2) and 20(2)
National Health Act 1965	100, 1965	13 Dec 1965	13 Dec 1965	s. 2
National Health Act (No. 2) 1965	146, 1965	18 Dec 1965	14 Feb 1966	—
National Health Act 1966	44, 1966	18 Oct 1966	18 Oct 1966	ss. 3(2), 5(2) and 6(2)

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
National Health Act 1967	14, 1967	8 May 1967	21 Apr 1967 (*see* s. 2)	s. 4
National Health Act (No. 2) 1967	100, 1967	10 Nov 1967	ss. 4 and 5: 1 Mar 1968 (*see Gazette* 1968, p. 1117) Remainder: Royal Assent	—
National Health Act 1968	100, 1968	26 Nov 1968	ss. 1, 2, 5 and 22: Royal Assent Remainder: 1 Jan 1969	ss. 22(2) and 27
National Health Act 1969	102, 1969	27 Sept 1969	27 Sept 1969	—
National Health Act 1970	41, 1970	24 June 1970	Part I (ss. 1–3), ss. 4, 6, 7, 59 and 60: Royal Assent ss. 35 and 48: 1 July 1971 Remainder: 1 July 1970 (*see Gazette* 1970, p. 4143)	ss. 40(2), 50(2), 51(2) and 59–64
National Health Act 1971	85, 1971	20 Oct 1971	s. 3: 21 Oct 1971 ss. 4–6 and 11: 1 Nov 1971 (*see Gazette* 1971, p. 6701) Remainder: Royal Assent	ss. 7(2), 8(2), 10 and 11
National Health Act 1972	114, 1972	31 Oct 1972	ss. 1, 2, 5, 6, 31–36, 38 and 39: Royal Assent ss. 3(1), 14 and 30: 1 Mar 1973 (*see Gazette* 1972, No. 135) Remainder: 1 Jan 1973 (*see Gazette* 1972, No. 135)	ss. 31(2), 32(2), 33(2), 34(2), 35(2) and 39–41

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
National Health Act 1973	49, 1973	14 June 1973	3 July 1973	—
National Health Act (No. 2) 1973	202, 1973	18 Dec 1973	s. 17: 1 Jan 1974 Remainder: Royal Assent	ss. 31(2), 32(2), 34(2), 36(2), 37(2) and 38(2)
National Health Act 1974	37, 1974	7 Aug 1974	7 Aug 1974	ss. 5 and 6
National Health Act 1975	1, 1975	15 Feb 1975	ss. 3(2), 7, 9, 10(2), 11–14, 17–20, 32 and 34: 1 Jan 1975 Remainder: Royal Assent	ss. 3(3), 4(2), 22(2), 33(2) and 34
National Health Act (No. 2) 1975	13, 1975	9 Apr 1975	9 Apr 1975	—
National Health (Pharmaceutical Benefits Charges) Act 1975	93, 1975	28 Aug 1975	1 Sept 1975	—
National Health Act 1976	1, 1976	29 Feb 1976	ss. 1, 2, 4 and 7: Royal Assent Remainder: 1 Mar 1976	s. 16
National Health Amendment Act 1976	60, 1976	5 June 1976	ss. 1, 2, 28, 31, 41 and 42: Royal Assent Remainder: 1 Oct 1976	ss. 25(2), 29(2), 33(2), 35(2), 36(2) and 42 s. 43 (am. by 99, 1976, s. 24)

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
as amended by				
Administrative Changes (Consequential Provisions) Act 1976	91, 1976	20 Sept 1976	s. 3: Royal Assent *(a)*	s. 4
National Health Amendment Act (No. 2) 1976	99, 1976	29 Sept 1976	1 Oct 1976	—
Administrative Changes (Consequential Provisions) Act 1976	91, 1976	20 Sept 1976	s. 3: *(b)*	s. 4
National Health Amendment Act (No. 2) 1976	99, 1976	29 Sept 1976	1 Oct 1976	s. 23(2)
National Health Amendment Act (No. 3) 1976	108, 1976	29 Oct 1976	25 Nov 1976	ss. 4 and 5
Federal Court of Australia (Consequential Provisions) Act 1976	157, 1976	9 Dec 1976	1 Feb 1977 (*see* s. 2 and *Gazette* 1977, No. S3)	s. 4
National Health Amendment Act (No. 4) 1976	177, 1976	13 Dec 1976	1 Jan 1977 (*see Gazette* 1976, No. S240)	s. 10
National Health Amendment Act 1977	98, 1977	30 Sept 1977	1 Nov 1977 (*see Gazette* 1977, No. S266)	—
National Health Acts Amendment Act 1977	100, 1977	30 Sept 1977	ss. 1, 2 and 32: Royal Assent Remainder: 1 Oct 1977	ss. 9(2), 11(2), 14(2), 21(2) and 32(2)
Administrative Changes (Consequential Provisions) Act 1978	36, 1978	12 June 1978	12 June 1978	s. 8

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
National Health Amendment Act 1978	88, 1978	22 June 1978	ss. 3, 5–7 and 15: *(c)* ss. 4 and 12: 1 Oct 1978 (*see Gazette* 1978, No. G38, p. 2) s. 11: 1 July 1978 Remainder: Royal Assent	—
as amended by				
National Health Amendment Act (No. 2) 1978	132, 1978	31 Oct 1978	(*see* 132, 1978 below)	—
National Health Amendment Act (No. 2) 1978	132, 1978	31 Oct 1978	ss. 1, 2, 3(1)(b), 3(2) and 44: Royal Assent ss. 20–42: 16 Feb 1979 (*see Gazette* 1979, No. S27) Remainder: 1 Nov 1978	s. 3(2)
National Health Amendment Act (No. 3) 1978	189, 1978	4 Dec 1978	4 Dec 1978	—
National Health Amendment Act 1979	54, 1979	14 June 1979	ss. 3(1)(b)–(d) and 16: 1 Sept 1979 Remainder: Royal Assent	ss. 3(2), 9(2), 13(2), 14(2), 15 and 16
National Health Amendment Act (No. 2) 1979	91, 1979	31 Aug 1979	1 Sept 1979	—
National Health Amendment Act (No. 3) 1979	122, 1979	29 Oct 1979	1 Nov 1979	—
National Health Amendment Act 1980	117, 1980	8 Sept 1980	8 Sept 1980	s. 11(2)

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
National Health Amendment Act (No. 2) 1980	131, 1980	19 Sept 1980	ss. 1, 2, 7–10 and 15: 4 Sept 1980 s. 3: 1 Nov 1980 ss. 4–6 and 14: 1 Oct 1980 Remainder: 1 Dec 1980 (*see Gazette* 1980, No. S261)	ss. 4(2) and 15
National Health (Pharmaceutical Benefits) Amendment Act 1981	40, 1981	12 May 1981	12 May 1981	ss. 9 and 10
Commonwealth Functions (Statutes Review) Act 1981	74, 1981	18 June 1981	Part IX (s. 177): Royal Assent *(d)*	s. 264
Companies (Miscellaneous Amendments) Act 1981	92, 1981	18 June 1981	Part I (ss. 1, 2): Royal Assent Div. 1 of Part XI (s 36): 1 July 1981 (*see* s. 2(2) and *Gazette* 1981, No. S118) Remainder: 1 July 1982 (*see* s. 2(3) and *Gazette* 1982, No. S124)	—
Health Acts Amendment Act 1981	118, 1981	25 June 1981	ss. 1–3, 20, 24–31, 33 and 34: Royal Assent ss. 4(1), 6, 37 and 41: 3 Aug 1981 ss. 48 and 51–54: 1 Jan 1981 Part V (ss. 81–97): 1 Apr 1982 (*see Gazette* 1982, No. G12, p. 3) Remainder: 1 Sept 1981	ss. 55(2), (3), 70(2) and 75(2)

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
National Health Amendment Act 1981	163, 1981	26 Nov 1981	s. 3: 1 Dec 1981 Remainder: Royal Assent	s. 4(2)
Statute Law (Miscellaneous Amendments) Act 1981	176, 1981	2 Dec 1981	Part XIV (ss. 48, 49): 1 Sept 1981 *(e)* s. 68: 30 Dec 1981 *(e)*	—
Health Legislation Amendment Act 1982	49, 1982	9 June 1982	ss. 5 and 7: 1 Feb 1984 (*see Gazette* 1984, No. S24) ss. 6, 8, 12(1) and 45: 1 Nov 1982 (*see Gazette* 1982, No. S227 p. 2) ss. 10, 11 and 41: *(f)* s. 35: 7 July 1982 Remainder: Royal Assent	s. 45(2)
as amended by				
Health and Community Services Legislation Amendment Act 1991	211, 1991	24 Dec 1991	(*see* 211, 1991 below)	—
Statute Law (Miscellaneous Amendments) Act (No. 2) 1982	80, 1982	22 Sept 1982	Part LXXVII (s. 280): Royal Assent *(g)*	s. 280(2) and (3)

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Health Legislation Amendment Act (No. 2) 1982	112, 1982	8 Nov 1982	ss. 4(1), (4) and 14(2), (4): 1 Nov 1982 ss. 4(2), 5(1), 7, 9, 24(1), 25, 26, 29(2), 31, 32(2) and 40: 1 Jan 1983 ss. 4(3), 5(2), 14(3) and 24(2): 1 Mar 1983 s. 6(2): 1 Apr 1983 s. 6(3): 1 May 1983 s. 8: 1 Nov 1982 (*see* s. 2(7) and *Gazette* 1982, No. S227, p. 2) Remainder: Royal Assent	ss. 2(8), 14(4), 17(2), 35(3), (4) and 40
National Health Amendment Act 1983	35, 1983	19 June 1983	ss. 6, 7, 9 and 10: 18 July 1983 (*see Gazette* 1983, No. S151) Remainder: Royal Assent	ss. 2(2) and 10
Health Legislation Amendment Act 1983	54, 1983	1 Oct 1983	ss. 1–3, 4(1), 31(1), 32(4)–(8), 39, 45, 64–67, 70–82, 83(1), 85–88, 89(2), 95–99, 115(1), 119(1), 120(1), 123, 124, 126, 128 and 129: Royal Assent Remainder: 1 Feb 1984	ss. 2(3), 95(2), 96(2), 98(2), 100(2), 102(2), 103(2), (3), 105(2), 113(2), 116 (2), 119(3), 120(3), 133, 134(2) and 136

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Health Legislation Amendment Act (No. 2) 1983	139, 1983	22 Dec 1983	ss. 24, 26, 27, 28(1), (3)–(7), (9), 29–33, 35(2), (5)–(8), 36(1), (3)–(5), 37, 38(1), (3), 39, 40(1), 41(1), 42–47, 49, 50(1), 51, 53, 54(1), (4), 55(1), 56 and 57: Royal Assent *(h)* ss. 25 and 52: 1 Dec 1983 *(h)* s. 28(2) and (8): 1 Feb 1984 *(h)* ss. 34, 35(3), (9)–(11), 36(2), 38(2), 48, 50(2), 54(2) and 55(2): 23 May 1984 (*see Gazette* 1984, No. S183) *(h)* s. 35(1): 1 Jan 1975 *(h)* ss. 35(4), 40(2)–(4), 41(2) and 54(3), (5): *(h)*	ss. 26(2), 28(3)–(9), 29(2), 30(2), 31(2), 33(2), 35(5)–(11), 36(3)–(5), 37(2), 38(3), 39(2), 42(2), (3), 44(2), (3), 45(2), (3), 46(2), 51(2) and 54(4)
as amended by				
Statute Law (Miscellaneous Provisions) Act (No. 2) 1984	165, 1984	25 Oct 1984	s. 3: *(i)*	s. 9(5) and (8)
Nursing Homes and Hostels Legislation Amendment Act 1986	115, 1986	24 Nov 1986	Part V (ss. 40, 41): Royal Assent *(j)*	—
Cocos (Keeling) Islands Self-Determination (Consequential Amendments) Act 1984	46, 1984	25 June 1984	Part VII (ss. 22–26): 6 Apr 1984 Remainder: Royal Assent	—
Public Service Reform Act 1984	63, 1984	25 June 1984	s. 151(1): 1 July 1984 (*see Gazette* 1984, No. S245) *(k)*	s. 151(9)

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Statute Law (Miscellaneous Provisions) Act (No. 1) 1984	72, 1984	25 June 1984	s. 3: 23 July 1984 *(l)*	s. 5(7)
Christmas Island Administration (Miscellaneous Amendments) Act 1984	120, 1984	18 Oct 1984	Part VIII (ss. 27–31): 1 Oct 1984 Remainder: Royal Assent	—
Health Legislation Amendment Act 1984	135, 1984	25 Oct 1984	s. 7: 1 Feb 1984 ss. 11, 12, 15–21 and 26: 1 July 1985 (*see Gazette* 1985, No. S235) Remainder: Royal Assent	ss. 22(2), (3), 23(2)–(4) and 24(2), (3)
Statute Law (Miscellaneous Provisions) Act (No. 2) 1984	165, 1984	25 Oct 1984	s. 3: *(m)*	ss. 2(32), 6(1) and 9
National Welfare Fund Repeal Act 1985	24, 1985	22 May 1985	ss. 1, 2 and 5: Royal Assent Remainder: 1 July 1985 (*see Gazette* 1985, No. S232)	s. 5
National Health Amendment Act 1985	53, 1985	4 June 1985	1 July 1985	s. 6(2) and (3)
Statute Law (Miscellaneous Provisions) Act (No. 1) 1985	65, 1985	5 June 1985	s. 3: 3 July 1985 *(n)*	—

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Health Legislation Amendment Act 1985	70, 1985	5 June 1985	ss. 1–3 and 11: Royal Assent ss. 6, 8, 9 and 12–21: 1 Sept 1985 Remainder: 1 Sept 1985 (*see Gazette* 1985, No. S346)	s. 21(2) and (3)
Social Security and Repatriation Legislation Amendment Act 1985	95, 1985	5 Sept 1985	Part XI (ss. 60–62): *(p)*	—
Social Security and Repatriation (Budget Measures) Amendment Act 1985	127, 1985	28 Oct 1985	ss. 7 and 10(2): Royal Assent *(q)* ss. 8 and 11: 1 Nov 1985 *(q)* ss. 9 and 10(1): 1 July 1985 *(q)*	—
Health Legislation Amendment Act (No. 2) 1985	167, 1985	16 Dec 1985	ss. 1–25, 26(2), 27, 37, 38, 42, 43, 55, 57, 65–70 and 72–74: Royal Assent s. 28: 1 Feb 1984 s. 30: 5 Sept 1985 ss. 58–64: 1 May 1985 Remainder: 22 Feb 1986 (*see Gazette* 1986, No. S64)	—
Veterans' Entitlements (Transitional Provisions and Consequential Amendments) Act 1986	28, 1986	19 May 1986	s. 61: Royal Assent Remainder: 22 May 1986 (*see Gazette* 1986, No. S225)	—
Health Legislation Amendment Act 1986	75, 1986	24 June 1986	ss. 57 and 61–71: 22 July 1986 *(r)* ss. 58 and 59: 1 July 1986 *(r)* s. 60: 16 Feb 1979 *(r)*	s. 71

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Health Legislation Amendment Act (No. 2) 1986	94, 1986	13 Oct 1986	ss. 4(1), 6–8, 10, 12, 14(2) and 36: 1 Oct 1986 ss. 4(2), 17(2), 20, 22 and 29: 1 Apr 1987 (*see Gazette* 1987, No. S57) ss. 5, 14(3), 17(1), 18, 19, 21, 23–28, 30, 32 and 35: 1 Nov 1986 ss. 16, 31, 33 and 38(2)–(4): 1 Jan 1987 Remainder: Royal Assent	ss. 21(2), 27(2), 28(2), 34(2) and 38
as amended by				
Statute Law (Miscellaneous Provisions) Act 1987	141, 1987	18 Dec 1987	s. 3: 13 Oct 1986 *(s)*	s. 5(1)
Nursing Homes and Hostels Legislation Amendment Act 1986	115, 1986	24 Nov 1986	ss. 6, 8–15, 18–20 and 23: Royal Assent *(t)* s. 7: 1 Aug 1991 (*see Gazette* 1991, No. S207) *(t)* ss. 16, 17 and 21: 1 May 1987 (*see Gazette* 1987, No. S68) *(t)* s. 22: *(t)*	s. 23

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
as amended by				
Community Services and Health Legislation Amendment Act 1991	84, 1991	26 June 1991	(*see* 84, 1991 below)	—
National Health Amendment Act 1987	22, 1987	26 May 1987	s. 3(1): 1 Nov 1986 (*see* s. 2(2)) s. 4(1): 1 Nov 1986 (*see* s. 2(3)) s. 5: 1 Jan 1988 (*see Gazette* 1987, No. S348) Remainder: Royal Assent	ss. 3(3), 5(2) and 8(2)
as amended by				
Health and Community Services Legislation Amendment Act (No. 2) 1992	192, 1992	21 Dec 1992	(*see* 192, 1992 below)	—
Health Legislation Amendment Act 1987	44, 1987	5 June 1987	1 Aug 1987	s. 6(2)
Nursing Homes and Hostels Legislation Amendment Act 1987	72, 1987	5 June 1987	ss. 1 and 2: Royal Assent s. 30: 1 May 1993 (*see Gazette* 1993, No. GN16) Remainder: 1 July 1987	ss. 13(2), 30, 32 and 33 s. 31 (am. by 79, 1988, s. 33)

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
as amended by				
Community Services and Health Legislation Amendment Act 1988	79, 1988	24 June 1988	(*see* 79, 1988 below)	—
National Health Amendment Act (No. 2) 1987	118, 1987	16 Dec 1987	ss. 1 and 2: Royal Assent Remainder: 1 Mar 1988 (*see Gazette* 1988, No. S54)	s. 8(2)
Health Legislation Amendment Act (No. 2) 1987	131, 1987	16 Dec 1987	s. 4: 13 Dec 1987 ss. 5, 6, 8(a) and 9: 1 Jan 1988 Remainder: Royal Assent	—
Community Services and Health Legislation Amendment Act 1987	132, 1987	16 Dec 1987	ss. 1–3, 4(d), (g), 5–7, 21, 22 and 31: 16 Dec 1987 ss. 23–30 and 32: 1 Mar 1988 (*see Gazette* 1988, No. S58) Part V (s. 33): 1 May 1988 (*see Gazette* 1988, No. S118) Remainder: 11 Jan 1989 (*see Gazette* 1988, No. S411)	—
National Health Amendment Act 1988	46, 1988	15 June 1988	1 July 1988	s. 4

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Community Services and Health Legislation Amendment Act 1988	79, 1988	24 June 1988	Part II (ss. 3–6): 28 June 1989 (*see* s. 2(3) and *Gazette* 1989, No. S206) ss. 11, 14, 16, 18, 19, 20(a), (c)–(o), 21–26 and 31: 1 July 1988 ss. 12, 29, 30, 32 and 34: 1 Oct 1988 (*see Gazette* 1988, No. S303) ss. 27 and 28: 1 July 1989 (*see Gazette* 1989, No. S206) s. 33: 1 July 1987 Remainder: Royal Assent	ss. 15(2) and 17(2)
as amended by				
Community Services and Health Legislation Amendment Act (No. 2) 1988	155, 1988	26 Dec 1988	(*see* 155, 1988 below)	—
Industrial Relations (Consequential Provisions) Act 1988	87, 1988	8 Nov 1988	ss. 1 and 2: Royal Assent Remainder: 1 Mar 1989 (*see* s. 2(2) and *Gazette* 1989, No. S53)	s. 90
Statutory Instruments (Tabling and Disallowance) Legislation Amendment Act 1988	99, 1988	2 Dec 1988	2 Dec 1988	—

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Community Services and Health Legislation Amendment Act (No. 2) 1988	155, 1988	26 Dec 1988	s. 10: 1 Jan 1989 ss. 12 and 13: 1 July 1989 (*see Gazette* 1989, No. S228) ss. 14 and 17: 1 July 1988 ss. 19–26 and 28–34: 24 Jan 1990 (*see Gazette* 1990, No. S13) ss. 27 and 36: 15 Mar 1989 (*see Gazette* 1989, No. S91) Part V (ss. 38–40): 24 June 1988 s. 41(2): 16 Dec 1987 s. 41(3): 6 Nov 1987 s. 41(4): 1 Mar 1989 (*see* s. 2(8) and *Gazette* 1989, No. S54) Remainder: Royal Assent	ss. 27(3)–(7) and 37

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Community Services and Health Legislation Amendment Act 1989	95, 1989	28 June 1989	s. 10: 10 Oct 1989 (*see Gazette* 1989, No. S323) ss. 11–16 and 18: 1 Aug 1989 ss. 20(2), 21, 22, 53(2) and 54: 28 Dec 1989 s. 23: 15 Mar 1989 ss. 28–33, 43 and 44: 15 Nov 1989 (*see Gazette* 1989, No. S355) s. 37(a)–(k) and (s): 1 June 1989 Part 5 (ss. 55–62): 1 July 1989 Part 7 (ss. 65–68): 1 Jan 1989 Remainder: Royal Assent	ss. 2(10), 28(2), 36(2) and 54
Social Security and Veterans' Affairs Legislation Amendment Act (No. 4) 1989	164, 1989	19 Dec 1989	ss. 11 and 12(a): Royal Assent *(u)* s. 12(b): 1 Jan 1990 *(u)* s. 12(c) and (d): 1 June 1990 *(u)*	—
National Health Amendment Act 1989	175, 1989	24 Dec 1989	24 Dec 1989	s. 6

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Community Services and Health Legislation Amendment Act (No. 2) 1989	3, 1990	17 Jan 1990	ss. 4, 26(b), (c), 28 and 31: 1 July 1990 ss. 5 and 26(d), (e): 1 July 1990 (*see Gazette* 1990, No. S164) s. 14(e): 1 June 1990 s. 16: 1 July 1988 ss. 33, 34 and 36: 1 Apr 1990 (*see Gazette* 1990, No. S83) Remainder: Royal Assent	s. 25(2)
Social Welfare Legislation (Pharmaceutical Benefits) Amendment Act 1990	84, 1990	30 Oct 1990	ss. 3 and 9: Royal Assent *(v)* ss. 4, 5(a), 5(c)–(e), 6, 7, 8(a), 8(c)–(e) and 10: 1 Nov 1990 *(v)* ss. 5(b) and 8(b): 1 Jan 1991 *(v)* s. 11: 1 Feb 1991 *(v)*	—
Community Services and Health Legislation Amendment Act 1990	106, 1990	18 Dec 1990	ss. 19–21, 23, 25, 26 and 29–31: Royal Assent *(w)* s. 22(a): *(w)* ss. 22(b)–(e) and 27: 1 Jan 1991 *(w)* s. 24: *(w)* s. 28: *(w)*	—
Community Services and Health Legislation Amendment Act (No. 2) 1990	141, 1990	28 Dec 1990	ss. 48, 50, 51(a), 52–55 and 72–74: Royal Assent *(x)* s. 49: 1 Mar 1990 *(x)* ss. 51(b) and 56–71: 1 Jan 1991 *(x)*	s. 72(2)
Social Security Legislation Amendment Act 1990	6, 1991	8 Jan 1991	Part 6 (ss. 91–93): 1 June 1990 *(y)*	—

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Social Security (Job Search and Newstart) Amendment Act 1991	68, 1991	25 June 1991	*(z)*	—
Social Security (Rewrite) Transition Act 1991	70, 1991	25 June 1991	*(za)*	—
Veterans' Entitlements (Rewrite) Transition Act 1991	73, 1991	25 June 1991	s. 19: *(zb)* Remainder: 1 July 1991	—
National Health Amendment Act 1991	83, 1991	26 June 1991	ss. 4, 5 (in part), 7(1), 11, 12, 16 and 23: 1 Jan 1991 Remainder: Royal Assent	ss. 3 and 24
Community Services and Health Legislation Amendment Act 1991	84, 1991	26 June 1991	s. 14: 1 Aug 1991 (*see* s. 2 and *Gazette* 1991, No. S207) Remainder: Royal Assent	—
Social Security Legislation Amendment Act (No. 2) 1991	115, 1991	27 June 1991	Part 5 (ss. 41, 42): 1 Mar 1991 *(zc)*	—
Social Security (Rewrite) Amendment Act 1991	116, 1991	27 June 1991	*(zd)*	—
Health Legislation (Pharmaceutical Benefits) Amendment Act 1991	119, 1991	27 June 1991	ss. 4 (in part), 5, 7(c), 8 and 9: 1 July 1991 ss. 4 (in part), 7(b), (d), 13, 14, 15(a), (b), (d)–(h), 16 and 17: 1 Aug 1991 (*see Gazette* 1991, No. S209) s. 10(1): 1 Jan 1991 Remainder: Royal Assent	s. 2 (am. by 136, 1992, s. 26)

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
as amended by				
Health and Community Services Legislation Amendment Act 1992	136, 1992	11 Nov 1992	(*see* 136, 1992 below)	—
Human Services and Health Legislation Amendment Act (No. 3) 1995	149, 1995	16 Dec 1995	Schedule 2 (item 16): *(ze)*	—
Industrial Relations Legislation Amendment Act 1991	122, 1991	27 June 1991	ss. 4(1), 10(b) and 15–20: 1 Dec 1988 ss. 28(b)–(e), 30 and 31: 10 Dec 1991 (*see Gazette* 1991, No. S332) Remainder: Royal Assent	s. 31(2)
Social Security (Disability and Sickness Support) Amendment Act 1991	141, 1991	9 Oct 1991	Part 1 (ss. 1, 2): Royal Assent Remainder: 12 Nov 1991	—
Hearing Services Act 1991	169, 1991	20 Nov 1991	1 July 1992	—

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Social Security Legislation Amendment Act (No. 3) 1991	175, 1991	25 Nov 1991	ss. 4–12 and Schedule (Part 2): 17 Aug 1991 ss. 13, 14, 21–24, 36–40, 42, 43(b), 44(a), 45–57, 97, 98(a), 99, 100–105 and Schedule (Part 3): 1 Jan 1992 ss. 25–28: 20 Mar 1992 ss. 41, 43(a) and 44(b): 1 Apr 1992 ss. 58–73 and 75–96: 1 July 1992 s. 74: 26 Mar 1992 Part 5 (s. 106) and Schedule (Part 1): 12 Nov 1991 Schedule (Part 4): 12 Nov 1991 (*see* s. 2(4)) Schedule (Part 5): 1 Dec 1991 (*see* s. 2(5)) Remainder: Royal Assent	—
Veterans' Affairs Legislation Amendment Act (No. 2) 1991	208, 1991	24 Dec 1991	ss. 3–8 and 9(b): 1 Jan 1992 *(zf)* s. 9(a): 2 Jan 1992 *(zf)*	—
Health and Community Services Legislation Amendment Act 1991	211, 1991	24 Dec 1991	ss. 10 and 11: 29 Apr 1992 Part 5 (ss. 30, 31): 19 Aug 1991 ss. 35, 37 and 39: 1 Apr 1992 Remainder: Royal Assent	—

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
as amended by				
Human Services and Health Legislation Amendment Act (No. 3) 1995	149, 1995	16 Dec 1995	Schedule 2 (item 4): 24 Dec 1991 *(zg)*	—
Veterans' Affairs Legislation Amendment Act 1992	70, 1992	26 June 1992	Part 6 (s. 87): 1 Mar 1991 *(zh)*	—
Social Security Legislation Amendment Act 1992	81, 1992	30 June 1992	s. 117: Royal Assent *(zi)* Schedule 2 (Part 2): 1 July 1991 *(zi)*	—
Health, Housing and Community Services Legislation Amendment Act 1992	88, 1992	30 June 1992	ss. 49–59, 65 and 67: 1 Jan 1992 *(zj)* ss. 60–64, 66 and Part 7 (ss. 68–81): Royal Assent *(zj)*	ss. 61(2) and 71(2)
as amended by				
Health and Community Services Legislation Amendment Act 1993	12, 1994	18 Jan 1994	Part 4 (ss. 8, 9): *(zk)*	—
Health and Community Services Legislation Amendment Act 1992	136, 1992	11 Nov 1992	ss. 38, 39(a), 41, 43, 44(d) and 49: 12 May 1954 (*see* s. 2(2) and *Gazette* 1954, p. 1179) s. 40: 1 July 1992 ss. 46 and 47: 18 Dec 1990 Remainder: Royal Assent	s. 41(2)

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Health and Community Services Legislation Amendment Act (No. 2) 1992	192, 1992	21 Dec 1992	ss. 3–6: 28 Apr 1993 s. 8(b): 1 Jan 1993 s. 9: 31 Dec 1992 s. 20: 1 Nov 1992 ss. 24–27: 6 Jan 1993 Part 6 (ss. 34, 35): *(zl)* Remainder: Royal Assent	s. 2 (am. by 12, 1994, s. 6)
as amended by				
Health and Community Services Legislation Amendment Act 1993	12, 1994	18 Jan 1994	s. 6: *(zm)* s. 7: Royal Assent *(zm)*	—
National Health Amendment Act 1992	200, 1992	21 Dec 1992	s. 19 (in part): Royal Assent Remainder: 1 July 1993	—
Health and Community Services Legislation Amendment Act (No. 3) 1992	204, 1992	21 Dec 1992	21 Dec 1992	—
Social Security Legislation Amendment Act (No. 3) 1992	230, 1992	24 Dec 1992	s. 32: 20 Mar 1993 *(zn)* Schedule 3 (Part 2): 1 Apr 1993 *(zn)*	—
National Health Amendment Act 1993	28, 1993	9 June 1993	9 June 1993	s. 4(2)
Social Security Legislation Amendment Act (No. 2) 1993	61, 1993	3 Nov 1993	s. 17: 1 July 1994 *(zo)*	—
Health and Community Services Legislation Amendment Act (No. 2) 1993	76, 1993	25 Nov 1993	Part 5 (ss. 18–21): Royal Assent *(zp)*	s. 20(2)

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
as amended by				
Human Services and Health Legislation Amendment Act (No. 3) 1995	149, 1995	16 Dec 1995	Schedule 2 (item 5): 25 Nov 1993 *(zq)*	—
National Health Amendment Act (No. 2) 1993	106, 1993	22 Dec 1993	1 Jan 1994	s. 3
as amended by				
Human Services and Health Legislation Amendment Act (No. 2) 1994	116, 1994	16 Sept 1994	s. 3: 1 Jan 1994 *(zr)*	—
Health and Community Services Legislation Amendment Act 1993	12, 1994	18 Jan 1994	Part 6 (ss. 18–31): *(zs)*	—
as amended by				
Human Services and Health Legislation Amendment Act (No. 3) 1995	149, 1995	16 Dec 1995	Schedule 2 (item 6): *(zt)*	—
Health Legislation (Professional Services Review) Amendment Act 1994	22, 1994	16 Feb 1994	1 July 1994	s. 15
National Health Amendment Act 1994	23, 1994	16 Feb 1994	ss. 8–10 and 15: 1 July 1993 Remainder: Royal Assent	—
Social Security Legislation Amendment Act 1994	63, 1994	19 May 1994	s. 33: 20 Mar 1993 *(zu)*	—

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Veterans' Affairs Legislation Amendment Act 1994	78, 1994	21 June 1994	ss. 8 and 9: 1 July 1994 *(zv)*	—
Human Services and Health Legislation Amendment Act 1994	80, 1994	23 June 1994	s. 13: Royal Assent *(zw)*	—
Health Legislation (Powers of Investigation) Amendment Act 1994	85, 1994	23 June 1994	21 July 1994	s. 2 (rep. by 19, 1996, Sch. 1 [item 1])
as amended by				
Health Legislation (Powers of Investigation) Amendment Act 1996	19, 1996	28 June 1996	28 June 1996	—
Human Services and Health Legislation Amendment Act (No. 2) 1994	116, 1994	16 Sept 1994	s. 3: *(zx)*	—
Veterans' Affairs (1994–95 Budget Measures) Legislation Amendment Act (No. 2) 1994	164, 1994	16 Dec 1994	s. 27 (items 2–5): 20 Mar 1995 *(zy)*	—
Social Security (Parenting Allowance and Other Measures) Legislation Amendment Act 1994	174, 1994	16 Dec 1994	s. 5(2) (item 39): 1 Jan 1995 *(zz)* s. 5(2) (item 40): 1 July 1995 *(zz)*	—
Student Assistance (Youth Training Allowance—Transitional Provisions and Consequential Amendments) Act 1994	184, 1994	23 Dec 1994	1 Jan 1995 *(zza)*	—

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Evidence (Transitional Provisions and Consequential Amendments) Act 1995	3, 1995	23 Feb 1995	s. 14: Royal Assent *(zzb)* s. 25: 23 Feb 1995 *(zzb)* s. 27: 18 Apr 1995 *(zzb)*	s. 14
National Health Amendment Act 1995	24, 1995	31 Mar 1995	s. 3 (items 1–25, 27–44): 1 Apr 1995 s. 3 (item 26): 1 July 1995 Remainder: Royal Assent	s. 3 (item 45)
Health Legislation (Private Health Insurance Reform) Amendment Act 1995	41, 1995	29 May 1995	s. 5: 1 Oct 1995 s. 6: 1 July 1996 s. 7: 1 July 1997 Remainder: Royal Assent	s. 6 (item 4) and s. 7(2)
as amended by				
Human Services and Health Legislation Amendment Act (No. 3) 1995	149, 1995	16 Dec 1995	Schedule 2 (item 17): Royal Assent *(zzc)*	—
Statute Law Revision Act 1996	43, 1996	25 Oct 1996	Schedule 3 (item 28): 29 May 1995 *(zzd)*	—
Social Security (Non-Budget Measures) Legislation Amendment Act 1995	105, 1995	29 Sept 1995	ss. 50–53: Royal Assent *(zze)*	—
Health and Other Services (Compensation) (Consequential Amendments) Act 1995	132, 1995	14 Nov 1995	1 Feb 1996 (*see* s. 2 and *Gazette* 1996, No. GN2)	—

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Human Services and Health Legislation Amendment Act (No. 3) 1995	149, 1995	16 Dec 1995	Schedule 1 (items 69–78) and Schedule 2 (items 19, 21, 22): Royal Assent *(zzf)* Schedule 2 (item 20): *(zzf)*	Sch. 1 (item 78)
Human Services and Health Legislation Amendment Act (No. 2) 1995	164, 1995	16 Dec 1995	Schedule (items 1–4, 14–17, 19–25): 1 Jan 1996 Remainder: Royal Assent	—
Social Security and Veterans' Affairs Legislation Amendment Act 1995	1, 1996	9 Jan 1996	Schedule 10 (Part 1): 20 Mar 1996 *(zzg)* Schedule 10 (Part 2): 1 July 1996 *(zzg)* Schedule 10 (Part 3): 20 Sept 1996 *(zzg)*	—
Statute Law Revision Act 1996	43, 1996	25 Oct 1996	Schedule 2 (items 76, 77): *(zzh)* Schedule 4 (item 102): Royal Assent *(zzh)*	—
National Health (Budget Measures) Amendment Act 1996	79, 1996	19 Dec 1996	Schedule 2 (item 1): 2 Jan 1997 Remainder: 1 Jan 1997	—
Social Security Legislation Amendment (Budget and Other Measures) Act 1996	84, 1996	23 Dec 1996	Schedule 14 (items 4, 5) and Schedule 16 (item 3): 1 July 1997 *(zzi)*	—
Commonwealth Services Delivery Agency (Consequential Amendments) Act 1997	29, 1997	17 Apr 1997	1 July 1997 (*see* s. 2)	—
Health Legislation Amendment (Private Health Insurance Incentives) Act 1997	45, 1997	22 Apr 1997	22 Apr 1997	—

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Aged Care (Consequential Provisions) Act 1997	114, 1997	7 July 1997	Schedule 1: *(zzj)* Schedule 6: 1 July 1998 *(zzj)*	Sch. 1 (items 45A, 49A) (ad. by 132, 1999, Sch. 5 [items 3, 4])
as amended by				
Aged Care Amendment (Omnibus) Act 1999	132, 1999	13 Oct 1999	Schedule 5: (items 3, 4): *(zzja)*	—
Audit (Transitional and Miscellaneous) Amendment Act 1997	152, 1997	24 Oct 1997	Schedule 2 (items 963–972): 1 Jan 1998 (*see Gazette* 1997, No. GN49) *(zzk)*	—
Veterans' Affairs Legislation Amendment (Budget and Compensation Measures) Act 1997	157, 1997	3 Nov 1997	Schedule 7: 1 Dec 1997 *(zzl)*	—
Social Security Legislation Amendment (Parenting and Other Measures) Act 1997	197, 1997	11 Dec 1997	Schedule 1 (items 345, 346): 20 Mar 1998 *(zzm)*	Sch. 1 (item 346)
Health Legislation Amendment Act 1998	19, 1998	17 Apr 1998	Schedule 3 (items 2, 3): 1 May 1998 *(zzn)* Schedule 3 (items 1, 4–16): Royal Assent *(zzn)*	—

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Health Legislation Amendment Act (No. 2) 1998	37, 1998	24 Apr 1998	Schedules 1–3, Schedule 4 (items 1–14) and Schedules 5, 6, 9 and Schedule 10 (items 5, 8, 11): Royal Assent *(zzo)* Schedule 4 (items 15–22): 1 July 1998 *(zzo)* Schedule 10 (item 4): 16 Dec 1995 *(zzo)* Schedule 10 (items 6, 7): 29 May 1995 *(zzo)* Schedule 10 (item 9): 16 Dec 1995 *(zzo)* Schedule 10 (item 10): 1 Jan 1997 *(zzo)*	Sch. 2 (items 8–11), Sch. 4 (item 14), Sch. 5 (items 47–49) and Sch. 6 (item 13)
Social Security Legislation Amendment (Youth Allowance Consequential and Related Measures) Act 1998	45, 1998	17 June 1998	Schedule 13 (items 43–47): 1 July 1998 *(zzp)*	Sch. 13 (item 46)
Financial Sector Reform (Consequential Amendments) Act 1998	48, 1998	29 June 1998	Schedule 1 (item 121): 1 July 1998 (*see Gazette* 1998, No. S310) *(zzq)*	—
1998 Budget Measures Legislation Amendment (Social Security and Veterans' Entitlements) Act 1998	116, 1998	11 Dec 1998	Schedule 3 (Part 2): 1 July 1999 *(zzr)*	—
Assistance for Carers Legislation Amendment Act 1999	13, 1999	9 Apr 1999	Schedule 2 (items 43–49) and Schedule 3 (items 3, 4): 1 July 1999 *(zzs)*	Sch. 3 (items 3, 4)

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Health Legislation Amendment Act (No. 2) 1999	21, 1999	19 Apr 1999	Schedules 1 and 2: 20 Oct 1999 Remainder: Royal Assent	Sch. 1 (items 3, 15)
National Health Amendment Act (No. 1) 1999	35, 1999	31 May 1999	Schedule 1: 1 Dec 1999 Remainder: Royal Assent	—
Financial Sector Reform (Amendments and Transitional Provisions) Act (No. 1) 1999	44, 1999	17 July 1999	Schedule 6 (item 26) and Schedule 7 (item 122): *(zzt)*	s. 3(2)(e) (am. by 160, 2000, Sch. 4 [item 4])
as amended by				
Financial Sector Legislation Amendment Act (No. 1) 2000	160, 2000	21 Dec 2000	Schedule 1 (item 21): Royal Assent Remainder: 18 Jan 2001	—
A New Tax System (Compensation Measures Legislation Amendment) Act 1999	68, 1999	8 July 1999	Schedule 3: 1 July 2000 *(zzu)*	—
Statute Stocktake Act 1999	118, 1999	22 Sept 1999	22 Sept 1999	Sch. 2 (item 44)
National Health Amendment (Lifetime Health Cover) Act 1999	130, 1999	13 Oct 1999	1 July 2000	s. 4
Public Employment (Consequential and Transitional) Amendment Act 1999	146, 1999	11 Nov 1999	Schedule 1 (items 628–637): 5 Dec 1999 (*see Gazette* 1999, No. S584) *(zzv)*	—
Corporate Law Economic Reform Program Act 1999	156, 1999	24 Nov 1999	Schedule 10 (items 96–98): 13 Mar 2000 (*see Gazette* 2000, No. S114) *(zzw)*	—

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Health Legislation Amendment Act (No. 3) 1999	159, 1999	8 Dec 1999	Schedule 1 and Schedule 2 (items 1–51): 1 Jan 2000 (*see Gazette* 1999, No. S635) *(zzx)* Schedule 2 (items 52–64): *(zzx)* Schedule 3 (items 71–80): 1 Jan 1999 *(zzx)*	Sch. 1 (items 13, 21, 51, 52) and Sch. 2 (items 43, 45, 49–51, 64)
Health Legislation Amendment (Gap Cover Schemes) Act 2000	72, 2000	27 June 2000	11 Aug 2000 (*see Gazette* 2000, No. S435)	s. 4
National Health Amendment Act (No. 1) 2000	75, 2000	28 June 2000	Schedule 1 (items 1, 3–9, 11–15): 1 July 2000 Schedule 1 (items 2, 10): 30 June 2000 *(zzy)* Remainder: Royal Assent	Sch. 1 (items 9, 12)
Criminal Code Amendment (Theft, Fraud, Bribery and Related Offences) Act 2000	137, 2000	24 Nov 2000	ss. 1–3 and Schedule 1 (items 1, 4, 6, 7, 9–11, 32): Royal Assent Remainder: 24 May 2001	Sch. 2 (items 418, 419)
National Health Amendment (Improved Monitoring of Entitlements to Pharmaceutical Benefits) Act 2000	146, 2000	11 Dec 2000	Schedule 2: 1 Jan 2001 Remainder: Royal Assent	—
Health Legislation Amendment Act (No. 1) 2001	6, 2001	21 Mar 2001	Schedule 1: 8 June 2001 (*see Gazette* 2001, No. S193) Schedule 3: *(zzz)* Remainder: Royal Assent	ss. 4 and 5

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Corporations (Repeals, Consequentials and Transitionals) Act 2001	55, 2001	28 June 2001	ss. 4–14 and Schedule 3 (items 340–389): 15 July 2001 (*see Gazette* 2001, No. S285) *(zzza)*	ss. 4–14
Social Security Legislation Amendment (Concession Cards) Act 2001	80, 2001	30 June 2001	1 July 2001	—
Health and Aged Care Legislation Amendment (Application of Criminal Code) Act 2001	111, 2001	17 Sept 2001	17 Sept 2001	s. 4
Abolition of Compulsory Age Retirement (Statutory Officeholders) Act 2001	159, 2001	1 Oct 2001	29 Oct 2001	Sch. 1 (item 97)
Statute Law Revision Act 2002	63, 2002	3 July 2002	Schedule 1 (item 22): *(zzzb)* Schedule 1 (item 23): Royal Assent	—
Health Legislation Amendment (Private Health Industry Measures) Act 2002	76, 2002	8 Oct 2002	Schedule 1 (items 1–7): Royal Assent Schedule 1 (items 8, 9): 5 Nov 2002	—
Medical Indemnity (Consequential Amendments) Act 2002	133, 2002	19 Dec 2002	1 Jan 2003	—
National Health Amendment (Private Health Insurance Levies) Act 2003	69, 2003	15 July 2003	1 July 2004	Sch. 1 (item 29)

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Health Legislation Amendment (Private Health Insurance Reform) Act 2004	1, 2004	27 Feb 2004	Schedule 1 (items 1–27): 1 July 2004 (*see Gazette* 2004, S125) Schedule 1 (items 28–39): 1 July 2004 Schedule 1 (items 58, 65–69, 71, 73): 23 Apr 2004 (*see Gazette* 2004, No. S125) Remainder: Royal Assent	Sch. 1 (items 17, 54, 59, 64, 73) Sch. 1 (item 28A) (ad. by 31, 2005, Sch. 2 [item 1])
as amended by				
National Health Amendment (Prostheses) Act 2005	31, 2005	21 Mar 2005	Schedule 2: (*see* 31, 2005 below)	—
Medical Indemnity Amendment Act 2004	17, 2004	23 Mar 2004	Schedule 3 (item 82): 24 Mar 2004	—
Health and Ageing Legislation Amendment Act 2004	50, 2004	21 Apr 2004	Schedule 1 (items 1–4, 7–22, 24–35): Royal Assent Schedule 2: 19 May 2004	Sch. 1 (items 10, 35)
Military Rehabilitation and Compensation (Consequential and Transitional Provisions) Act 2004	52, 2004	27 Apr 2004	Schedule 3 (items 30–32): 1 July 2004 (*see* s. 2(1))	—
Medical Indemnity Legislation Amendment (Run-off Cover Indemnity and Other Measures) Act 2004	77, 2004	23 June 2004	Schedule 2 (item 16): 1 July 2004	—

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Health Legislation Amendment (Podiatric Surgery and Other Matters) Act 2004	117, 2004	13 July 2004	Schedule 1 (item 6): Royal Assent Schedule 1 (items 7–14): 13 Jan 2005	—
as amended by				
Health Legislation Amendment (Australian Community Pharmacy Authority) Act 2005	60, 2005	26 June 2005	Schedule 1 (item 1): (*see* 60, 2005 below)	—
National Health Amendment (Pharmaceutical Benefits—Budget Measures) Act 2004	119, 2004	13 July 2004	Schedule 1: 1 Jan 2005 Remainder: Royal Assent	Sch. 1 (item 24)
Private Health Insurance Incentives Amendment Act 2005	9, 2005	22 Feb 2005	Schedule 2: 22 Feb 2005	Sch. 2 (item 3)
National Health Amendment (Prostheses) Act 2005	31, 2005	21 Mar 2005	Schedule 1: 31 Oct 2005 (*see* F2005L02548) Schedule 2: 1 July 2004 (*see* s. 2(1)) Remainder: Royal Assent	Sch. 1 (items 8, 12)
Health Legislation Amendment (Australian Community Pharmacy Authority) Act 2005	60, 2005	26 June 2005	Schedule 1 (item 1): *(zzzc)* Remainder: Royal Assent	—
Human Services Legislation Amendment Act 2005	111, 2005	6 Sept 2005	Schedule 2 (items 551–605): 1 Oct 2005	—
Medical Indemnity Legislation Amendment (Competitive Neutrality) Act 2005	126, 2005	19 Oct 2005	Schedule 1 (item 14): 1 July 2005	—

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
National Health Amendment (Immunisation Program) Act 2005	140, 2005	18 Nov 2005	Schedule 1: 1 Jan 2006 (*see* F2005L04086) Remainder: Royal Assent	Sch. 1 (item 9)
National Health Amendment (Budget Measures—Pharmaceutical Benefits Safety Net) Act 2005	151, 2005	14 Dec 2005	Schedule 1 (items 3–11, 13) and Schedule 2 (items 8, 9): 1 Jan 2006 Schedule 2 (items 10, 11): 1 Jan 2007 Schedule 2 (items 12, 13): 1 Jan 2008 Schedule 2 (items 14, 15): 1 Jan 2009 Schedule 2 (items 16–18): 31 Dec 2009 Remainder: Royal Assent	Sch. 1 (item 13)
Health Legislation Amendment Act 2005	155, 2005	19 Dec 2005	Schedule 2: 20 Dec 2005 Schedule 4: 1 Oct 2005 Remainder: Royal Assent	—
Health Legislation Amendment (Pharmacy Location Arrangements) Act 2006	37, 2006	3 May 2006	Schedule 1 (items 3, 4) and Schedule 2: 1 July 2006 Schedule 1 (items 5, 6): *(zzzd)* Remainder: Royal Assent	Sch. 2 (item 13)
National Health and Medical Research Council Amendment Act 2006	50, 2006	9 June 2006	Schedule 1 (item 114): 1 July 2006	—

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Health Legislation Amendment (Private Health Insurance) Act 2006	83, 2006	30 June 2006	1 July 2006	—
Privacy Legislation Amendment Act 2006	99, 2006	14 Sept 2006	14 Sept 2006	—
National Health Amendment (Immunisation) Act 2006	105, 2006	27 Sept 2006	27 Sept 2006	—
Australian Participants in British Nuclear Tests (Treatment) (Consequential Amendments and Transitional Provisions) Act 2006	136, 2006	30 Nov 2006	Schedules 1 and 2: 1 Dec 2006 (*see* s. 2(1)) Remainder: Royal Assent	Sch. 2 (items 1, 2)
Medibank Private Sale Act 2006	160, 2006	11 Dec 2006	Schedule 1 (items 4–7): 12 Dec 2006	—
Statute Law Revision Act 2007	8, 2007	15 Mar 2007	Schedule 4 (item 21): Royal Assent	—
Private Health Insurance (Transitional Provisions and Consequential Amendments) Act 2007	32, 2007	30 Mar 2007	Schedule 1 (items 6–59) and Schedule 2 (items 81–103): 1 Apr 2007 (*see* s. 2(1))	[*see* Endnote 8]
National Health Amendment (Pharmaceutical Benefits Scheme) Act 2007	111, 2007	28 June 2007	1 Aug 2007	Sch. 1 (items 94–100)
National Health Amendment (National HPV Vaccination Program Register) Act 2007	135, 2007	20 Aug 2007	20 Aug 2007	—

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
National Health Amendment (Pharmaceutical Benefits) Act 2007	169, 2007	28 Sept 2007	Schedule 1 (items 12, 13, 36, 43): 1 Jan 2008 Schedule 2: 29 Sept 2007 Remainder: Royal Assent	Sch. 2 (item 21)
Health Legislation Amendment Act 2007	180, 2007	28 Sept 2007	Schedule 1 (items 1–3, 5): 1 Apr 2007 Schedule 1 (items 4–4B, 6): 29 Sept 2007 Schedule 2 (items 1–6, 8–11): 1 Aug 2007 Schedule 2 (item 7): *(zzze)* Remainder: Royal Assent	—
National Health Amendment (Pharmaceutical Benefits Scheme) Act 2008	49, 2008	25 June 2008	Schedule 2: 26 June 2008 Remainder: Royal Assent	Sch. 1 (item 6), Sch. 3 (item 3) and Sch. 4 (item 6)
Same-Sex Relationships (Equal Treatment in Commonwealth Laws—General Law Reform) Act 2008	144, 2008	9 Dec 2008	Schedule 9 (items 15–29): 1 Jan 2009	—
Customs Legislation Amendment (Name Change) Act 2009	33, 2009	22 May 2009	Schedule 2 (items 43–45): 23 May 2009	—
Fair Work (State Referral and Consequential and Other Amendments) Act 2009	54, 2009	25 June 2009	Schedule 11 (items 5–9): *(zzzf)*	—

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
National Health Amendment (Pharmaceutical and Other Benefits—Cost Recovery) Act 2009	71, 2009	22 July 2009	Schedule 1: 1 July 2008 Remainder: Royal Assent	—
Statute Stocktake (Regulatory and Other Laws) Act 2009	111, 2009	16 Nov 2009	Schedule 2 (item 13): 17 Nov 2009	—
Health Legislation Amendment (Midwives and Nurse Practitioners) Act 2010	29, 2010	12 Apr 2010	Schedule 1 (items 67–112): 13 Apr 2010 Schedule 2 (items 19–21): 1 July 2010 (*see* s. 2(1))	—
as amended by				
Statute Law Revision Act 2012	136, 2012	22 Sept 2012	Schedule 2 (items 19, 20): *(zzzg)*	—
Freedom of Information Amendment (Reform) Act 2010	51, 2010	31 May 2010	Schedule 5 (items 39–46) and Schedule 7: *(zzzh)*	Sch. 7
Health Legislation Amendment (Australian Community Pharmacy Authority and Private Health Insurance) Act 2010	63, 2010	28 June 2010	Schedule 1: Royal Assent	—
National Health Amendment (Continence Aids Payment Scheme) Act 2010	68, 2010	28 June 2010	Schedule 1: 1 July 2010 Remainder: Royal Assent	Sch. 1 (item 3)
National Health Amendment (Pharmaceutical Benefits Scheme) Act 2010	126, 2010	23 Nov 2010	Schedule 1: 1 Feb 2011 Schedules 2–4, Schedule 6 (items 1–27, 30–33) and Schedule 7: 1 Dec 2010 Schedule 5: 1 Apr 2012	Sch. 4 (item 20) and Sch. 6 (items 30–33)

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Statute Law Revision Act 2011	5, 2011	22 Mar 2011	Schedule 5 (items 145–154), Schedule 6 (items 70–78) and Schedule 7 (items 99, 100): 19 Apr 2011	—
Human Services Legislation Amendment Act 2011	32, 2011	25 May 2011	Schedule 4 (items 419–467): 1 July 2011 Schedule 4 (item 654): *(zzzi)*	—
Acts Interpretation Amendment Act 2011	46, 2011	27 June 2011	Schedule 2 (items 798–806) and Schedule 3 (items 10, 11): 27 Dec 2011	Sch. 3 (items 10, 11)
Aged Care Amendment Act 2011	86, 2011	26 July 2011	Schedule 3 (items 20–55): 27 July 2011	—
National Health Amendment (Fifth Community Pharmacy Agreement Initiatives) Act 2012	8, 2012	20 Mar 2012	Schedules 1–3: 1 July 2012	Sch. 1 (item 3) and Sch. 3 (item 4)
Personally Controlled Electronic Health Records (Consequential Amendments) Act 2012	64, 2012	26 June 2012	Schedule 1 (items 31–34): 29 June 2012 (*see* F2012L01398)	—
National Health Amendment (Pharmaceutical Benefits Scheme) Act 2012	87, 2012	28 June 2012	1 Oct 2012	Sch. 1 (items 66–81), Sch. 2 (item 6) and Sch. 3 (items 16–18)
Statute Law Revision Act 2012	136, 2012	22 Sept 2012	Schedule 1 (items 90–92): Royal Assent Schedule 5 (items 6–9): 20 Oct 2012	—
Fair Work Amendment Act 2012	174, 2012	4 Dec 2012	Schedule 9 (items 1282–1287): 1 Jan 2013	—

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Privacy Amendment (Enhancing Privacy Protection) Act 2012	197, 2012	12 Dec 2012	Sch 5 (items 58–62, 165–177): 12 Mar 2014	—
National Health Amendment (Simplified Price Disclosure) Act 2014	6, 2014	13 Mar 2014	13 Mar 2014	Sch 1 (item 3)

Number and year	FRLI registration or gazettal	Commencement	Application, saving and transitional provisions
1991 No. 310	16 Oct 1991	r. 3: 16 Oct 1991	—
1993 No. 274	1 Nov 1993	1 Nov 1993	—
2006 No. 50	17 Mar 2006 (*see* F2006L00820)	Sch. 44: 27 Mar 2006 (*see* r. 2(b))	—

(a) The *National Health Amendment Act 1976* was amended by section 3 only of the *Administrative Changes (Consequential Provisions) Act 1976*, subsection 2(5) of which provides as follows:

> (5) The amendment of the *National Health Amendment Act 1976* made by this Act shall come into operation on the day on which this Act receives the Royal Assent.

(b) The *National Health Act 1953* was amended by section 3 only of the *Administrative Changes (Consequential Provisions) Act 1976*, subsection 2(7) of which provides as follows:

> (7) The amendments of each other Act specified in the Schedule made by this Act shall be deemed to have come into operation on 22 December 1975.

(c) Sections 3, 5–7 and 15 of the *National Health Amendment Act 1978* were repealed by subsection 44(2) of the *National Health Amendment Act (No. 2) 1978* before a date was fixed for their commencement.

(d) The *National Health Act 1953* was amended by Part IX (section 177) only of the *Commonwealth Functions (Statutes Review) Act 1981*, subsection 2(1) of which provides as follows:

(1) Parts I, IV, IX, X, XI, XII, XIII, XV, XVII (other than sections 220, 221, 222, 223, 225, 226, 227, 228 and 230), XX, XXI, XXII and XXIII shall come into operation on the day on which this Act receives the Royal Assent.

(e) The *National Health Act 1953* was amended by Part XIV (sections 48 and 49) and section 68 only of the *Statute Law (Miscellaneous Amendments) Act 1981*, subsections 2(8) and (12) of which provide as follows:

(8) Parts XII and XIV shall be deemed to come into operation on 1 September 1981.

(12) The remaining provisions of this Act shall come into operation on the twenty-eighth day after the day on which this Act receives the Royal Assent.

(f) Sections 10, 11 and 41 of the *Health Legislation Amendment Act 1982* were repealed by section 29 of the *Health and Community Services Legislation Amendment Act 1991* before a date was fixed for their commencement.

(g) The *National Health Act 1953* was amended by Part LXXVII (section 280) only of the *Statute Law (Miscellaneous Amendments) Act (No. 2) 1982*, subsection 2(1) of which provides as follows:

(1) Sections 1, 2, 166 and 195 and Parts III, VI, VII, XVI, XXXVI, XLIV, LI, LIII, LIV, LXI and LXXVII shall come into operation on the day on which this Act receives the Royal Assent.

(h) The *National Health Act 1953* was amended by sections 24–57 only of the *Health Legislation Amendment Act (No. 2) 1983*, subsections 2(1), (2), (7), (9) and (10) of which provide as follows:

(1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.

(2) Subsection 4(2) and sections 25 and 52 shall come into operation, or shall be deemed to have come into operation, as the case requires, on 1 December 1983.

(7) Subsections 6(2) and (4), 7(2) and (4), sections 8, 9 and 12 and subsections 28(2) and (8) shall come into operation on 1 February 1984.

(9) Part III, section 34, subsections 35(3), (4), (9), (10) and (11), 36(2), 38(2), 40(2), (3) and (4) and 41(2), section 48, subsections 50(2), 54(2), (3) and (5) and 55(2), section 60, subsections 61(3), (8), (9) and (10), 62(2), 66(2), 69(2) and (3) and 72(2) and section 74 shall come into operation on such day as is, or on such respective days as are, fixed by Proclamation.

(10) Subsections 35(1) and 62(1) shall be deemed to have come into operation on 1 January 1975.

In pursuance of subsection 2(9), subsections 35(4), 40(2)–(4), 41(2), 54(3) and (5) of the *Health Legislation Amendment Act (No. 2) 1983* were repealed

by section 41 of the *Nursing Homes and Hostels Legislation Amendment Act 1986* before a date was fixed for their commencement.

(i) The *Health Legislation Amendment Act (No. 2) 1983* was amended by section 3 only of the S*tatute Law (Miscellaneous Provisions) Act (No. 2) 1984*, subsection 2(11) of which provides as follows:

(11) The amendment of the *Health Legislation Amendment Act (No. 2) 1983* made by this Act shall come into operation, or be deemed to have come into operation, as the case requires, on the commencement of subsection 40(2) of that Act.

In pursuance of subsection 2(11), section 40(2) was repealed by section 41 of the *Nursing Homes and Hostels Legislation Amendment Act 1986* before a date was fixed for the commencement.

(j) The *Health Legislation Amendment Act (No. 2) 1983* was amended by Part V (sections 40 and 41) only of the *Nursing Homes and Hostels Legislation Amendment Act 1986*, subsection 2(5) of which provides as follows:

(5) The remaining provisions of this Act shall come into operation on the day on which it receives the Royal Assent.

(k) The *National Health Act 1953* was amended by subsection 151(1) only of the *Public Service Reform Act 1984*, subsection 2(4) of which provides as follows:

(4) The remaining provisions of this Act shall come into operation on such day as is, or on such respective days as are, fixed by Proclamation.

(l) The *National Health Act 1953* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1984*, subsection 2(1) of which provides as follows:

(1) Subject to this section, this Act shall come into operation on the twenty-eighth day after the day on which it receives the Royal Assent.

(m) The *National Health Act 1953* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1984*, subsection 2(29) of which provides that section 9 and the amendments made to the *National Health Act 1953* (other than the amendments made by this Act to subsections 105AAA(1), (2), (4), (5) and (6) and paragraphs 105AC(1AA)(a) and (b) and (1B)(a) of that Act), shall come into operation on the day fixed by Proclamation for the purposes of subsection 2(20) of that Act.

Subsection 2(15) of the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1984* provides as follows:

(15) The amendments of subsections 105AAA(1), (2), (4), (5) and (6) and paragraphs 105AC(1AA)(a) and (b) and (1B)(a) of the *National Health Act 1953* made by this Act shall be deemed to have come into operation on 23 July 1984.

In pursuance of subsection 2(20) the date of commencement was 13 December 1984 (*see Gazette* 1984, No. S519).

(n) The *National Health Act 1953* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1985*, subsection 2(1) of which provides as follows:

(1) Subject to this section, this Act shall come into operation on the twenty-eighth day after the day on which it receives the Royal Assent.

(p) The *National Health Act 1953* was amended by Part XI (sections 60–62) only of the *Social Security and Repatriation Legislation Amendment Act 1985*, subsection 2(5) of which provides as follows:

(5) Part XI shall come into operation, or shall be deemed to have come into operation, as the case requires, immediately after the commencement of section 12 of the *Health Legislation Amendment Act 1984*.

Section 12 commenced on 1 July 1985 (*see Gazette* 1985, No. S235).

(q) The *National Health Act 1953* was amended by sections 7–11 only of the *Social Security and Repatriation (Budget Measures) Amendment Act 1985*, subsections 2(1), (2) and (5) of which provide as follows:

(1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.

(2) Section 9 and subsection 10(1) shall be deemed to have come into operation on 1 July 1985.

(5) Sections 8, 11, 13 to 28, inclusive, 36, 41, 42, 43, 44, 46, 48, 49, 50, 52, 60, 61, 62 and 68 to 74, inclusive, and subsections 45(1), 57(1), 63(1), 66(1) and 67(1) shall come into operation, or shall be deemed to have come into operation, as the case requires, on 1 November 1985.

(r) The *National Health Act 1953* was amended by sections 57–71 only of the *Health Legislation Amendment Act 1986*, subsections 2(1), (2) and (5) of which provide as follows:

(1) Section 1, this section, section 3, subsection 19(2), section 23, subsection 47(1), section 53, Part III, section 57, sections 61 to 71 (inclusive) and Parts V and VI shall come into operation on the twenty–eighth day after the day on which this Act receives the Royal Assent.

(2) Subsection 4(2) and sections 58 and 59 shall come into operation, or be deemed to have come into operation, as the case requires, on 1 July 1986.

(5) Section 60 shall be deemed to have come into operation on 16 February 1979.

(s) The *Health Legislation Amendment Act (No. 2) 1986* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act 1987*, subsection 2(16) of which provides as follows:

(16) The amendments of section 46 of, and Schedules 1 and 2 to, the *Health Legislation Amendment Act (No. 2) 1986* made by this Act shall be respectively deemed to have come into operation on the commencement of sections 46 and 37 of the first-mentioned Act.

(t) The *National Health Act 1953* was amended by sections 6–23 only of the *Nursing Homes and Hostels Legislation Amendment Act 1986*, subsections 2(4) and (5) of which provide as follows:

(4) Sections 7, 16, 17, 21 and 22, subsection 25(2) and sections 34, 35, 37 and 38 shall come into operation on such day as is, or on such respective days as are, fixed by Proclamation.

(5) The remaining provisions of this Act shall come into operation on the day on which it receives the Royal Assent.

In pursuance of subsection 2(4), section 22 was repealed by section 16 of the *Community Services and Health Legislation Amendment Act 1991* before a date was fixed for the commencement.

(u) The *National Health Act 1953* was amended by sections 11 and 12 only of the *Social Security and Veterans' Affairs Legislation Amendment Act (No. 4) 1989*, section 2 of which provides as follows:

2. Each provision of this Act commences, or is to be taken to have commenced, as the case requires, on the day, or at the time, shown by the note in italics at the foot of that provision.

(v) The *National Health Act 1953* was amended by sections 3–11 only of the *Social Welfare Legislation (Pharmaceutical Benefits) Amendment Act 1990*, section 2 of which provides as follows:

2. Each provision of this Act commences on the day shown by the note in italics at the foot of that provision.

(w) The *National Health Act 1953* was amended by sections 19–31 only of the *Community Services and Health Legislation Amendment Act 1990*, section 2 of which provides as follows:

2. Each provision of this Act commences, or is taken to have commenced, on the day, or at the time, shown by the note in italics at the foot of that provision.

Commencement of paragraph 22(a) provides as follows:

Immediately after the commencement of paragraph 5(c) of the *Social Welfare Legislation (Pharmaceutical Benefits) Amendment Act 1990*.

Paragraph 5(c) commenced on 1 November 1990.

Commencement of section 24 provides as follows:

Immediately after the commencement of paragraph 8(b) of the *Social Welfare Legislation (Pharmaceutical Benefits) Amendment Act 1990*.

Paragraph 8(b) commenced on 1 January 1991.

Commencement of section 28 provides as follows:

> Immediately after the commencement of section 11 of the *Social Welfare Legislation (Pharmaceutical Benefits) Amendment Act 1990*.

Section 11 commenced on 1 February 1991.

(x) The *National Health Act 1953* was amended by sections 48–74 only of the *Community Services and Health Legislation Amendment Act (No. 2) 1990*, subsections 2(1)–(3) of which provide as follows:

> (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.
>
> (2) Section 49 is taken to have commenced on 1 March 1990.
>
> (3) Paragraph 51(b) and sections 56 to 71 (inclusive) commence on 1 January 1991.

(y) The *National Health Act 1953* was amended by Part 6 (sections 91–93) only of the *Social Security Legislation Amendment Act 1990*, section 2 of which provides as follows:

> 2. Each provision of this Act commences, or is taken to have commenced, as the case requires, on the day shown by the note in italics at the foot of the provision.

(z) Section 2 of the *Social Security (Job Search and Newstart) Amendment Act 1991* provides as follows:

> 2. This Act commences immediately after the commencement of the *Social Security Act 1991*.

The *Social Security Act 1991* came into operation on 1 July 1991.

(za) Section 2 of the *Social Security (Rewrite) Transition Act 1991* provides as follows:

> 2. This Act commences immediately after the *Social Security Act 1991* commences.

The *Social Security Act 1991* came into operation on 1 July 1991.

(zb) Subsection 2(2) of the *Veterans' Entitlements (Rewrite) Transition Act 1991* provides as follows:

> 2. Section 19 commences immediately after the commencement of section 22.

Section 22 commenced on 1 July 1991.

(zc) The *National Health Act 1953* was amended by Part 5 (sections 41 and 42) only of the *Social Security Legislation Amendment Act (No. 2) 1991*, subsection 2(5) of which provides as follows:

> (5) Parts 5 and 6 are taken to have commenced on 1 March 1991.

(zd) Section 2 of the *Social Security (Rewrite) Amendment Act 1991* provides as follows:

2. This Act commences immediately after the *Social Security (Rewrite) Transition Act 1991* and the *Social Security (Job Search and Newstart) Amendment Act 1991* commence.

The *Social Security (Rewrite) Transition Act 1991* and the *Social Security (Job Search and Newstart) Amendment Act 1991* came into operation on 1 July 1991, immediately after the commencement of the *Social Security Act 1991*.

(ze) The *Health Legislation (Pharmaceutical Benefits) Amendment Act 1991* was amended by the *Human Services and Health Legislation Amendment Act (No. 3) 1995*, subsection 2(7) of which provides as follows:

(7) Item 16 of Schedule 2 is taken to have commenced immediately before the commencement of section 13 of the *Health Legislation (Pharmaceutical Benefits) Amendment Act 1991*.

Section 13 commenced on 1 August 1991 (*see Gazette* 1991, No. S209).

(zf) The *National Health Act 1953* was amended by sections 3–9 only of the *Veterans' Affairs Legislation Amendment Act (No. 2) 1991*, section 2 of which provides as follows:

2. Each provision of this Act commences, or is taken to have commenced, as the case requires, on the day, or at the time, shown by the note in italics at the foot of the provision.

(zg) The *Health and Community Services Legislation Amendment Act 1991* was amended by the *Human Services and Health Legislation Amendment Act (No. 3) 1995*, subsection 2(4) of which provides as follows:

(4) Item 4 of Schedule 2 is taken to have commenced on the commencement of section 43 of the *Health and Community Services Legislation Amendment Act 1991*.

(zh) The *National Health Act 1953* was amended by Part 6 (section 87) only of the *Veterans' Affairs Legislation Amendment Act 1992*, subsection 2(5) of which provides as follows:

(5) Part 6 is taken to have commenced on 1 March 1991.

(zi) The *National Health Act 1953* was amended by section 117 and Schedule 2 (Part 2) only of the *Social Security Legislation Amendment Act 1992*, subsections 2(1)(f) and (4) of which provide as follows:

(1) The following provisions commence on the day on which this Act receives the Royal Assent:

(f) Part 3;

(4) Part 2 of Schedule 1 and Part 2 of Schedule 2 are taken to have commenced on 1 July 1991.

(zj) The *National Health Act 1953* was amended by sections 49–67 and Part 7 (sections 68–81) only of the *Health, Housing and Community Services*

Legislation Amendment Act 1992, subsections 2(1) and (6) of which provide as follows:

(1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.

(6) Part 6 (other than sections 60 to 64 (inclusive) and section 66) is taken to have commenced on 1 January 1992.

(zk) The *Health, Housing and Community Services Legislation Amendment Act 1992* was amended by Part 4 (sections 8 and 9) only of the *Health and Community Services Legislation Amendment Act 1993*, subsection 2(3) of which provides as follows:

(3) Part 4 is taken to have commenced immediately after the commencement of section 63 of the *Health, Housing and Community Services Legislation Amendment Act 1992*.

Section 63 commenced on 30 June 1992.

(zl) Subsection 2(7) of the *Health and Community Services Legislation Amendment Act (No. 2) 1992* provides as follows:

(7) Part 6 is taken to have commenced immediately after the commencement of section 11 of the *National Health Amendment Act 1987*.

Section 11 commenced on 26 May 1987.

(zm) The *Health and Community Services Legislation Amendment Act (No. 2) 1992* was amended by sections 6 and 7 only of the *Health and Community Services Legislation Amendment Act 1993*, subsections 2(1) and (2) of which provide as follows:

(1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.

(2) Section 6 is taken to have commenced immediately after the commencement of section 2 of the *Health and Community Services Legislation Amendment Act (No. 2) 1992*.

Section 2 commenced on 21 December 1992.

(zn) The *National Health Act 1953* was amended by section 32 and Schedule 3 (Part 2) only of the *Social Security Legislation Amendment Act (No. 3) 1992*, subsections 2(8)(a) and (10) of which provide as follows:

(8) The following provisions commence on 20 March 1993:

(a) Divisions 2, 3, 5 and 8 of Part 2 (except sections 20, 23, 24 and 25 and paragraphs 41(b) and (c));

(10) Division 10 of Part 2 and Part 2 of Schedule 3 commence on 1 April 1993.

(zo) The *National Health Act 1953* was amended by section 17 only of the *Social Security Legislation Amendment Act (No. 2) 1993*, subsection 2(5) of which provides as follows:

(5) Part 3 commences on 1 July 1994.

(zp) The *National Health Act 1953* was amended by Part 5 (sections 18–21) only of the *Health and Community Services Legislation Amendment Act (No. 2) 1993*, subsection 2(1) of which provides as follows:

(1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.

(zq) The *Health and Community Services Legislation Amendment Act (No. 2) 1993* was amended by the *Human Services and Health Legislation Amendment Act (No. 3) 1995*, subsection 2(5) of which provides as follows:

(5) Item 5 of Schedule 2 is taken to have commenced on the commencement of section 19 of the *Health and Community Services Legislation Amendment Act (No. 2) 1993*.

(zr) The *National Health Amendment Act (No. 2) 1993* was amended by section 3 only of the *Human Services and Health Legislation Amendment Act (No. 2) 1994*, subsection 2(6) of which provides as follows:

(6) The amendment made by this Act to the *National Health Amendment Act (No. 2) 1993* is taken to have commenced on 1 January 1994, immediately after the commencement of that Act.

(zs) The *National Health Act 1953* was amended by Part 6 (sections 18–31) only of the *Health and Community Services Legislation Amendment Act 1993*, subsection 2(4) of which provides as follows:

(4) Part 6 commences immediately after the commencement of the *National Health Amendment Act 1992* as provided under subsection 2(1) of that Act.

The *National Health Amendment Act 1992* came into operation on 1 July 1993.

(zt) The *Health and Community Services Legislation Amendment Act 1993* was amended by the *Human Services and Health Legislation Amendment Act (No. 3) 1995*, subsection 2(6) of which provides as follows:

(6) Item 6 of Schedule 2 is taken to have commenced immediately before the commencement of section 24 of the *Health and Community Services Legislation Amendment Act 1993*.

Section 24 commenced on 1 July 1993.

(zu) The *National Health Act 1953* was amended by section 33 only of the *Social Security Legislation Amendment Act 1994*, subsection 2(6) of which provides as follows:

(6) Section 33 and Part 6 of Schedule 4 are taken to have commenced on 20 March 1993.

(zv) The *National Health Act 1953* was amended by sections 8 and 9 only of the *Veterans' Affairs Legislation Amendment Act 1994*, subsection 2(3) of which provides as follows:

(3) Part 2 commences, or is taken to have commenced, on 1 July 1994, immediately after the commencement of Part 3 of the *Social Security Legislation Amendment Act (No. 2) 1993*.

(zw) The *National Health Act 1953* was amended by section 13 only of the *Human Services and Health Legislation Amendment Act 1994*, subsection 2(1) of which provides as follows:

(1) Subject to subsections (2) and (3), this Act commences on the day on which it receives the Royal Assent.

(zx) The *National Health Act 1953* was amended by section 3 only of the *Human Services and Health Legislation Amendment Act (No. 2) 1994*, subsections 2(1), (4) and (5) of which provide as follows:

(1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.

(4) The amendment made by this Act to section 103 of the *National Health Act 1953* commences on 1 December 1994.

(5) The amendment made by this Act to subsection 84C(1AA) of the *National Health Act 1953* commences on 1 January 1995.

(zy) The *National Health Act 1953* was amended by section 27 (items 2–5) only of the *Veterans' Affairs (1994–95 Budget Measures) Legislation Amendment Act (No. 2) 1994*, subsection 2(3) of which provides as follows:

(3) Divisions 3 and 7 of Part 2 commence on 20 March 1995, immediately after the commencement of Divisions 6 and 7 of Part 2 of the *Veterans' Affairs (1994–95 Budget Measures) Legislation Amendment Act 1994*.

(zz) The *National Health Act 1953* was amended by the *Social Security (Parenting Allowance and Other Measures) Legislation Amendment Act 1994*, subsections 2(1) and (3) of which provide as follows:

(1) Subject to this section, this Act commences on 1 July 1995.

(3) Item 39 of Schedule 3 commences on 1 January 1995, and subsection 5(2) is taken to commence on that day to the extent necessary in order to enable that item to commence on that day.

(zza) Section 2 of the *Student Assistance (Youth Training Allowance—Transitional Provisions and Consequential Amendments) Act 1994* provides as follows:

(2) This Act commences on 1 January 1995 immediately after the commencement of the *Student Assistance (Youth Training Allowance) Amendment Act 1994*.

(zzb) The *National Health Act 1953* was amended by sections 14, 15 and 27 only of the *Evidence (Transitional Provisions and Consequential Amendments) Act 1995*, subsections 2(1), (12) and (13) of which provide as follows:

(1) This Part and Parts 2 and 3 commence on the day on which this Act receives the Royal Assent.

(12) Sections 25 and 26 of this Act commence on the day on which section 3 of the *Evidence Act 1995* commences.

(13) Section 27 of this Act and the Schedule to this Act commence:

(a) on the day on which sections 153 and 155 of the *Evidence Act 1995* commence; or

(b) if those sections commence on different days—the first day on which both of those sections are in force.

(zzc) The *Health Legislation (Private Health Insurance Reform) Amendment Act 1995* was amended by Schedule 2 (item 17) only of the *Human Services and Health Legislation Amendment Act (No. 3) 1995*, subsection 2(1) of which provides as follows:

(1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.

(zzd) The *Health Legislation (Private Health Insurance Reform) Amendment Act 1995* was amended by Schedule 3 (item 28) only of the *Statute Law Revision Act 1996*, subsection 2(3) of which provides as follows:

(3) Each item in Schedule 3 is taken to have commenced when the Act containing the provision amended by the item received the Royal Assent.

(zze) The *National Health Act 1953* was amended by sections 50–53 only of the *Social Security (Non-Budget Measures) Legislation Amendment Act 1995*, subsection 2(1) of which provides as follows:

(1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.

(zzf) The *National Health Act 1953* was amended by Schedule 1 (items 69–78) and Schedule 2 (items 19–22) only of the *Human Services and Health Legislation Amendment Act (No. 3) 1995*, subsections 2(1) and (9) of which provide as follows:

(1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.

(9) Item 20 of Schedule 2 is taken to have commenced immediately before the commencement of Schedule 2 to the *Health Legislation (Private Health Insurance Reform) Amendment Act 1995*.

Schedule 2 commenced on 1 October 1995.

(zzg) The *National Health Act 1953* was amended by Schedule 10 only of the *Social Security and Veterans' Affairs Legislation Amendment Act 1995*, subsections 2(3)(b), (4)(c) and (5)(c) of which provide as follows:

(3) The following provisions commence, or are taken to have commenced, on 20 March 1996:

(b) Part 1 of Schedule 10.

(4) The following provisions commence, or are taken to have commenced, on 1 July 1996:

(c) Part 2 of Schedule 10;

(5) The following provisions commence, or are taken to have commenced, on 20 September 1996:

(c) Part 3 of Schedule 10;

(zzh) The *National Health Act 1953* was amended by Schedule 2 (items 76 and 77) and Schedule 4 (item 102) only of the *Statute Law Revision Act 1996*, subsections 2(1) and (2) of which provide as follows:

(1) Subject to subsections (2) and (3), this Act commences on the day on which it receives the Royal Assent.

(2) Each item in Schedule 2 commences or is taken to have commenced (as the case requires) at the time specified in the note at the end of the item.

Items 76 and 77 are taken to have commenced immediately after the commencement of Schedule 3 to the *Competition Policy Reform Act 1995*.

Schedule 3 to the *Competition Policy Reform Act 1995* commenced on 6 November 1995 (*see Gazette* 1995, No. S423).

(zzi) The *National Health Act 1953* was amended by Schedule 14 (items 4 and 5) and Schedule 16 (item 3) only of the *Social Security Legislation Amendment (Budget and Other Measures) Act 1996*, subsection 2(4) of which provides as follows:

(4) Schedules 1, 2, 14, 15 and 16 commence on 1 July 1997.

(zzj) The *National Health Act 1953* was amended by Schedules 1 and 6 only of the *Aged Care (Consequential Provisions) Act 1997*, subsections 2(1) and (5) of which provide as follows:

(1) Subject to this section, this Act commences immediately after the commencement of the *Aged Care Act 1997* (other than Division 1 of that Act).

(5) Schedule 6 commences on 1 July 1998.

The *Aged Care Act 1997* (other than Division 1) commenced on 1 October 1997.

(zzja) The *Aged Care Consequential Provisions) Act 1997* was amended by Schedule 5 (items 3 and 4) only of the *Aged Care Amendment (Omnibus) Act 1999*, subsection 2(4) of which provides as follows:

(4) Items 3 and 4 of Schedule 5 are taken to have commenced immediately after the commencement of Schedule 1 to the *Aged Care (Consequential Provisions) Act 1997*.

Schedule 1 commences immediately after the commencement of sections 2–1 to 96–13 and Schedule 1 of the *Aged Care Act 1997*.

Sections 2–1 to 96–13 and Schedule 1 commenced on 1 October 1997 (*see Gazette* 1997, No. GN36).

(zzk) The *National Health Act 1953* was amended by Schedule 2 (items 963–972) only of the *Audit (Transitional and Miscellaneous) Amendment Act 1997*, subsection 2(2) of which provides as follows:

(2) Schedules 1, 2 and 4 commence on the same day as the *Fianancial Management and Accountability Act 1997*.

(zzl) The *National Health Act 1953* was amended by Schedule 7 only of the *Veterans' Affairs Legislation Amendment (Budget and Compensation Measures) Act 1997*, subsection 2(8) of which provides as follows:

(8) Schedules 5 and 7 commence on the 28th day after the day on which this Act receives the Royal Assent.

(zzm) The *National Health Act 1953* was amended by Schedule 1 (item 345) only of the *Social Security Legislation Amendment (Parenting and Other Measures) Act 1997*, subsection 2(2) of which provides as follows:

(2) Part 3 of Schedule 1 commences on 1 July 1998. The remaining items of Schedule 1 commence on 20 March 1998.

(zzn) The *National Health Act 1953* was amended by Schedule 3 only of the *Health Legislation Amendment Act 1998*, subsections 2(1) and (4) of which provide as follows:

(1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.

(4) Items 2 and 3 of Schedule 3 commence on 1 May 1998.

(zzo) The *National Health Act 1953* was amended by Schedules 1–6, 9 and Schedule 10 (items 4–11) only of the *Health Legislation Amendment Act (No. 2) 1998*, subsections 2(1), (2) and (5)–(8) of which provide as follows:

(1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.

(2) Part 2 of Schedule 4 commences on 1 July 1998.

(5) Item 4 of Schedule 10 is taken to have commenced on 16 December 1995, immediately after the commencement of item 74 of Schedule 1 to

the *Human Services and Health Legislation Amendment Act (No. 3) 1995*.

(6) Items 6 and 7 of Schedule 10 are taken to have commenced on 29 May 1995, immediately after the commencement of Schedule 1 to the *Health Legislation (Private Health Insurance Reform) Amendment Act 1995*.

(7) Item 9 of Schedule 10 is taken to have commenced on 16 December 1995, immediately after the commencement of item 22 of Schedule 2 to the *Human Services and Health Legislation Amendment Act (No. 3) 1995*.

(8) Item 10 of Schedule 10 is taken to have commenced on 1 January 1997, immediately after the commencement of Schedule 3 to the *National Health (Budget Measures) Amendment Act 1996*.

(zzp) The *National Health Act 1953* was amended by Schedule 13 (items 43–47) only of the *Social Security Legislation Amendment (Youth Allowance Consequential and Related Measures) Act 1998*, subsection 2(1) of which provides as follows:

(1) Subject to subsections (2) to (10), this Act commences on 1 July 1998.

(zzq) The *National Health Act 1953* was amended by Schedule 1 (item 121) only of the *Financial Sector Reform (Consequential Amendments) Act 1998*, subsection 2(2) of which provides as follows:

(2) Subject to subsections (3) to (14), Schedules 1, 2 and 3 commence on the commencement of the *Australian Prudential Regulation Authority Act 1998*.

(zzr) The *National Health Act 1953* was amended by Schedule 3 (Part 2) only of the *1998 Budget Measures Legislation Amendment (Social Security and Veterans' Entitlements) Act 1998*, subsection 2(4) of which provides as follows:

(4) Part 2 of Schedule 3 commences on 1 July 1999.

(zzs) The *National Health Act 1953* was amended by Schedule 2 (items 43–49) only of the *Assistance for Carers Legislation Amendment Act 1999*, subsection 2(2)(b) and (c) of which provides as follows:

(2) The following provisions:

(b) Schedule 2 (other than items 1 and 3);

(c) Schedule 3 (other than item 1);

commence immediately after the commencement of Schedule 1 to the *Payment Processing Legislation Amendment (Social Security and Veterans' Entitlements) Act 1998*.

Note: Schedule 1 to the *Payment Processing Legislation Amendment (Social Security and Veterans' Entitlements) Act 1998* commences on 1 July 1999.

(zzt) The *National Health Act 1953* was amended by Schedule 6 (item 26) and Schedule 7 (item 122) only of the *Financial Sector Reform (Amendments and Transitional Provisions) Act (No. 1) 1999*, subsections 3(2)(d), (e) and (16) of which provides as follows:

(2) The following provisions commence on the transfer date:

(d) item 26 of Schedule 6;

(e) subject to subsection (12), Schedule 7, other than items 43, 44, 118, 205 and 207 (the commencement of those items is covered by subsections (10), (11) and (13)).

(16) The Governor-General may, by Proclamation published in the *Gazette*, specify the date that is to be the transfer date for the purposes of this Act.

The transfer date was 1 July 1999 (*see Gazette* 1999, No. S283).

(zzu) The *National Health Act 1953* was amended by Schedule 3 only of the *A New Tax System (Compensation Measures Legislation Amendment) Act 1999*, subsections 2(2) and (3) of which provide as follows:

(2) Schedules 1, 2 and 3 commence, or are taken to have commenced:

(a) after all the provisions listed in subsection (3) have commenced; and

(b) on the last day on which any of those provisions commenced.

(3) These are the provisions:

(a) section 1–2 of the *A New Tax System (Goods and Services Tax) Act 1999*;

(b) section 2 of the *A New Tax System (Goods and Services Tax Imposition—Excise) Act 1999*;

(c) section 2 of the *A New Tax System (Goods and Services Tax Imposition—Customs) Act 1999*;

(d) section 2 of the *A New Tax System (Goods and Services Tax Imposition—General) Act 1999*;

(e) section 2 of the *A New Tax System (Goods and Services Tax Administration) Act 1999*.

(zzv) The *National Health Act 1953* was amended by Schedule 1 (items 628–637) only of the *Public Employment (Consequential and Transitional) Amendment Act 1999*, subsections 2(1) and (2) of which provide as follows:

(1) In this Act, ***commencing time*** means the time when the *Public Service Act 1999* commences.

(2) Subject to this section, this Act commences at the commencing time.

(zzw) The *National Health Act 1953* was amended by Schedule 10 (items 96–98) only of the *Corporate Law Economic Reform Program Act 1999*, subsection 2(2)(c) of which provides as follows:

(2) The following provisions commence on a day or days to be fixed by Proclamation:

(c) the items in Schedules 10, 11 and 12.

(zzx) The *National Health Act 1953* was amended by Schedules 1, 2 (items 1–64) and Schedule 3 (items 71–80) only of the *Health Legislation Amendment Act (No. 3) 1999*, subsections 2(2), (4) and (5) of which provide as follows:

(2) Subject to subsection (3), Schedule 1 and Part 1 of Schedule 2 commence on a day to be fixed by Proclamation.

(4) Part 2 of Schedule 2 commences:

(b) if that transfer day occurs before the commencement of Part 1 of Schedule 2 to this Act—immediately after the commencement of that Part of that Schedule.

(5) Schedule 3 is taken to have commenced on 1 January 1999.

Part 1 of Schedule 2 commenced on 1 January 2000.

(zzy) Subsection 2(2) of the *National Health Amendment Act (No. 1) 2000* provides as follows:

(2) Items 2 and 10 of Schedule 1 commence immediately before the end of 30 June 2000.

(zzz) Subsection 2(4) of the *Health Legislation Amendment Act (No. 1) 2001*, provides as follows:

(4) Schedule 3 commences, or is taken to have commenced, immediately after the commencement of the *National Health Amendment (Lifetime Health Cover) Act 1999*.

The *National Health Amendment (Lifetime Health Cover) Act 1999* came into operation on 1 July 2000.

(zzza) The *National Health Act 1953* was amended by Schedule 3 (items 340–389) only of the *Corporations (Repeals, Consequentials and Transitionals) Act 2001*, subsection 2(3) of which provides as follows:

(3) Subject to subsections (4) to (10), Schedule 3 commences, or is taken to have commenced, at the same time as the *Corporations Act 2001*.

(zzzb) Subsection 2(1) (item 17) of the *Statute Law Revision Act 2002* provides as follows:

(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, on the day or at the time specified in column 2 of the table.

Commencement information		
Column 1	**Column 2**	**Column 3**
Provision(s)	**Commencement**	**Date/Details**
17. Schedule 1, item 22	Immediately after the *Health Legislation (Powers of Investigation) Amendment Act 1994* commenced	21 July 1994

(zzzc) Subsection 2(1) (item 2) of the *Health Legislation Amendment (Australian Community Pharmacy Authority) Act 2005* provides as follows:

(1) Each provision of this Act 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.

Provision(s)	Commencement	Date/Details
2. Schedule 1, item 1	Immediately after the commencement of item 11 of Schedule 1 to the *Health Legislation Amendment (Podiatric Surgery and Other Matters) Act 2004*	13 January 2005

(zzzd) Subsection 2(1) (item 4) of the *Health Legislation Amendment (Pharmacy Location Arrangements) Act 2006* provides as follows:

(1) Each provision of this Act 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.

Provision(s)	Commencement	Date/Details
4. Schedule 1, Part 3	Immediately after the commencement of item 14 of Schedule 1 to the *National Health Amendment Act (No. 1) 2000*.	1 July 2000

(zzze) Subsection 2(1) (item 7) of the *Health Legislation Amendment Act 2007* provides as follows:

(1) Each provision of this Act 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.

Provision(s)	Commencement	Date/Details
7. Schedule 2, item 7	Immediately after the commencement of item 15 of Schedule 1 to the *National Health Amendment (Pharmaceutical Benefits) Act 2007*.	28 September 2007

(zzzf) Subsection 2(1) (item 33) of the *Fair Work (State Referral and Consequential and Other Amendments) Act 2009* provides as follows:

(1) Each provision of this Act 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.

Provision(s)	Commencement	Date/Details
33. Schedule 11	Immediately after the commencement of Part 2-4 of the *Fair Work Act 2009*.	1 July 2009

(zzzg) Subsection 2(1) (item 18) of the *Statute Law Revision Act 2012* provides as follows:

(1) Each provision of this Act 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.

Provision(s)	Commencement	Date/Details
18. Schedule 2, items 19 and 20	Immediately after the time specified in the *Health Legislation Amendment (Midwives and Nurse Practitioners) Act 2010* for the commencement of item 78 of Schedule 1 to that Act.	13 April 2010

(zzzh) Subsection 2(1) (item 7) of the *Freedom of Information Amendment (Reform) Act 2010* provides as follows:

(1) Each provision of this Act 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.

Provision(s)	Commencement	Date/Details
7. Schedules 4 to 7	Immediately after the commencement of section 3 of the *Australian Information Commissioner Act 2010*. However, if section 3 of the *Australian Information Commissioner Act 2010* does not commence, the provision(s) do not commence at all.	1 November 2010

(zzzi) Subsection 2(1) (item 7) of the *Human Services Legislation Amendment Act 2011* provides as follows:

(1) Each provision of this Act 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.

Provision(s)	Commencement	Date/Details
7. Schedule 4, Part 4	Immediately after the commencement of Schedule 5 to the *National Health Amendment (Pharmaceutical Benefits Scheme) Act 2010*. However, if Schedule 5 to the *National Health Amendment (Pharmaceutical Benefits Scheme) Act 2010* does not commence, the provision(s) do not commence at all.	1 April 2012

Endnote 4—Amendment history

Provision affected	How affected
Long Title	rs. No. 94, 1986
Part I	
s. 1	am. No. 94, 1986
s. 2	am. No. 60, 1976
s. 3	am. No. 68, 1955; No. 68, 1958; No. 82, 1962; No. 100, 1968; No. 102, 1969; No. 41, 1970; No. 114, 1972
	rep. No. 202, 1973
s. 4	am. No. 68, 1955; No. 92, 1957; No. 82, 1962; No. 37, 1964; No. 100, 1965; No. 44, 1966; No. 14, 1967; No. 100, 1968; No. 41, 1970; No. 114, 1972; No. 202, 1973; No. 1, 1975; No. 60, 1976 (as am. by No. 91, 1976); Nos. 91, 99 and 108, 1976; No. 100, 1977; No. 132, 1978; Nos. 54 and 122, 1979; No. 131, 1980; Nos. 118 and 176, 1981; Nos. 49, 80 and 112, 1982; Nos. 54 and 139, 1983; Nos. 63 and 135, 1984; Nos. 65, 70 and 127, 1985; Nos. 28, 75, 94 and 115, 1986; Nos. 22, 44, 72 and 131, 1987; No. 79, 1988; Nos. 95 and 164, 1989; No. 3, 1990; Nos. 6, 68, 70, 73, 83, 116, 141, 175 and 211, 1991; Nos. 81, 88 and 136, 1992; No. 192, 1992 (as am. by No. 12, 1994); Nos. 204 and 230, 1992; Nos. 12, 116, 164, 174 and 184, 1994; Nos. 41, 105 and 149, 1995; Nos. 1, 79 and 84, 1996; Nos. 114 and 197, 1997; No. 45, 1998; Nos. 44, 118, 146, 130 and 159, 1999; No. 72, 2000; Nos. 6 and 80, 2001; No. 69, 2003; Nos. 52 and 117, 2004; Nos. 31, 111, 140 and 155, 2005; No. 136, 2006; Nos. 8, 32, 111 and 169, 2007; No. 144, 2008; No. 29, 2010; Nos. 5, 32, 46 and 86, 2011; No. 136, 2012
s. 4AAAA	ad. No. 83, 1991
	rep. No. 114, 1997
s. 4AAA	ad. No. 6, 1991
	am. No. 81, 1992; No. 1, 1996
	rep. No. 80, 2001
s. 4AAAB	ad. No. 105, 1995
	am. No. 1, 1996
	rep. No. 80, 2001
s. 4AA	ad. No. 135, 1984

Provision affected	How affected
	am. Nos. 95 and 127, 1985; Nos. 28 and 94, 1986; No. 72, 1987; No. 155, 1988; No. 141, 1990; No. 88, 1992; No. 12, 1994
	rep. No. 86, 2011
s. 4A	ad. No. 132, 1978
	am. No. 118, 1981; No. 54, 1983; No. 94, 1986; No. 79, 1988; No. 41, 1995
	rep. No. 41, 1995
s. 4B	ad. No. 95, 1989
	rep. No. 41, 1995
s. 4C	ad. No. 95, 1989
	am. No. 211, 1991
	rep. No. 41, 1995
s. 4D	ad. No. 95, 1989
	rep. No. 41, 1995
s. 5	am. No. 202, 1973; No. 91, 1976
	rep. No. 74, 1981
	ad. No. 70, 1985
	am. No. 167, 1985; No. 99, 1988
	rs. No. 95, 1989
	rep. No. 41, 1995
s. 5A	ad. No. 41, 1995
	am. No. 41, 1995
	rep. No. 32, 2007
s. 5AB	ad. No. 21, 1999
	rep. No. 32, 2007
s. 5B	ad. No. 41, 1995
	am. No. 117, 2004
	rep. No. 32, 2007
ss. 5C–5E	ad. No. 6, 2001
	rep. No. 32, 2007
ss. 5F, 5G	ad. No. 31, 2005
	rep. No. 32, 2007

Endnote 4—Amendment history

Provision affected	How affected
s. 6	am. No. 68, 1955
	rs. No. 202, 1973
	am. No. 91, 1976
	rs. No. 139, 1983
	am. No. 63, 1984; No. 167, 1985; No. 94, 1986; No. 6, 2001; No. 37, 2006; No. 32, 2007; No. 68, 2010
s. 6A	ad. No. 46, 1984
	am. No. 120, 1984
Heading to s. 7	am. No. 55, 2001
	rep. No. 32, 2007
s. 7	rep. No. 41, 1970
	ad. No. 159, 1999
	am. No. 55, 2001
	rep. No. 32, 2007
Note to s. 7(2)	am. No. 55, 2001
	rep. No. 32, 2007
s. 7A	ad. No. 111, 2001
Part II	
s. 8	rep. No. 41, 1970
	ad. No. 202, 1973
	rep. No. 91, 1976
	ad. No. 94, 1986
s. 9	am. No. 98, 1977; No. 94, 1986
s. 9A	ad. No. 37, 1964
	am. No. 100, 1967; Nos. 49 and 202, 1973
	rs. No. 1, 1975
	am. No. 135, 1984; No. 94, 1986; No. 169, 1991
s. 9B	ad. No. 37, 1964
	rs. No. 100, 1968; No. 41, 1970
	am. No. 49, 1982; No. 94, 1986
	rs. No. 140, 2005
	am. No. 105, 2006

Provision affected	How affected
s. 9BA	ad. No. 135, 2007
	am. No. 144, 2008; No 197, 2012
s. 9C	ad. No. 135, 1984
	am. No. 94, 1986
ss. 10, 11	am. No. 94, 1986
Part III	
Part III	rep. No. 60, 1976
	ad. No. 88, 1978
	rep. No. 94, 1986
	ad. No. 68, 2010
s. 11A	ad. No. 202, 1973
	rep. No. 91, 1976
s. 12	rep. No. 60, 1976
	ad. No. 88, 1978
	am. No. 54, 1979; No. 118, 1981; Nos. 54 and 139, 1983; No. 63, 1984; No. 167, 1985
	rep. No. 94, 1986
	ad. No. 68, 2010
	am. No. 32, 2011
Heading to s. 13	am. No. 32, 2011
s. 13	am. No. 16, 1961; No. 37, 1964; No. 102, 1969; No. 41, 1970; No. 202, 1973; No. 1, 1975; No. 1, 1976
	rep. No. 60, 1976
	ad. No. 88, 1978
	am. No. 54, 1979; No. 118, 1981; No. 139, 1983; No. 63, 1984
	rep. No. 94, 1986
	ad. No. 68, 2010
	am. No. 32, 2011
s. 13AA	ad. No. 1, 1976
	rep. No. 60, 1976
s. 13A	ad. No. 41, 1970
	am. No. 202, 1973; No. 1, 1975

Endnote 4—Amendment history

Provision affected	How affected
	rep. No. 60, 1976
s. 14	rs. No. 72, 1959
	am. No. 37, 1964; No. 102, 1969; No. 41, 1970; No. 1, 1976
	rep. No. 60, 1976
	ad. No. 88, 1978
	am. No. 54, 1979; No. 118, 1981; No. 139, 1983; No. 63, 1984
	rep. No. 94, 1986
	ad. No. 68, 2010
	am. No. 32, 2011
s. 15	am. No. 68, 1955
	rep. No. 72, 1959
	ad. No. 88, 1978
	am. No. 63, 1984
	rep. No. 94, 1986
	ad. No. 68, 2010
	am. No. 32, 2011
s. 15A	ad. No. 55, 1956
	am. No. 72, 1959; No. 37, 1964; No. 44, 1966
	rep. No. 41, 1970
s. 16A	ad. No. 41, 1970
	am. No. 114, 1972
	rep. No. 60, 1976
s. 16	am. No. 72, 1959; No. 16, 1961; No. 37, 1964; No. 44, 1966
	rs. No. 41, 1970
	rep. No. 60, 1976
	ad. No. 88, 1978
	am. No. 63, 1984
	rep. No. 94, 1986
s. 17	am. No. 92, 1957; No. 37, 1964; No. 41, 1970; No. 202, 1973
	rep. No. 60, 1976
	ad. No. 88, 1978
	am. No. 131, 1980; Nos. 54 and 139, 1983

Provision affected	How affected
	rep. No. 94, 1986
s. 17A	ad. No. 202, 1973
	rep. No. 60, 1976
s. 18	am. No. 37, 1964; No. 41, 1970; No. 202, 1973
	rep. No. 60, 1976
	ad. No. 88, 1978
	am. No. 131, 1980; No. 139, 1983; No. 63, 1984
	rep. No. 94, 1986
s. 18A	ad. No. 68, 1958
	am. No. 102, 1969
	rs. No. 41, 1970
	rep. No. 60, 1976
	ad. No. 139, 1983
	am. No. 63, 1984
	rep. No. 94, 1986
s. 19	am. No. 55, 1956; No. 92, 1957; No. 82, 1962; No. 37, 1964; No. 100, 1967; No. 41, 1970; No. 114, 1972; No. 202, 1973
	rep. No. 60, 1976
	ad. No. 88, 1978
	rep. No. 94, 1986
s. 20	am. No. 95, 1956; No. 82, 1962
	rep. No. 60, 1976
	ad. No. 88, 1978
	rs. No. 54, 1979; No. 131, 1980
	am. No. 118, 1981; No. 112, 1982; No. 63, 1984
	rep. No. 94, 1986
s. 21	rs. No. 82, 1962
	am. No. 41, 1970; No. 202, 1973
	rep. No. 60, 1976
	ad. No. 88, 1978
	rep. No. 94, 1986
s. 22	rs. No. 146, 1965

Endnote 4—Amendment history

Provision affected	How affected
	am. No. 44, 1966
	rep. No. 60, 1976
	ad. No. 88, 1978
	am. No. 54, 1979
	rep. No. 94, 1986
s. 23	am. No. 37, 1964; No. 102, 1969; No. 41, 1970
	rep. No. 60, 1976
s. 24	am. No. 202, 1973
	rep. No. 60, 1976
s. 25	am. No. 37, 1964; No. 102, 1969
	rep. No. 60, 1976
s. 26	rs. No. 68, 1955
	am. No. 202, 1973
	rep. No. 60, 1976
s. 27	am. No. 202, 1973
	rep. No. 60, 1976
s. 28	rs. No. 41, 1970
	rep. No. 60, 1976
s. 29	am. No. 202, 1973
	rep. No. 60, 1976
ss. 29A–29C	ad. No. 41, 1970
	rep. No. 60, 1976
ss. 29D, 29E	ad. No. 41, 1970
	am. No. 202, 1973
	rep. No. 60, 1976
s. 29F	ad. No. 41, 1970
	rep. No. 60, 1976
s. 30	rs. No. 68, 1958
	am. No. 44, 1966; No. 102, 1969
	rep. No. 60, 1976
Part IV	rep. No. 60, 1976
s. 31	rep. No. 82, 1962

Provision affected	How affected
	ad. No. 202, 1973
	rep. No. 91, 1976
s. 32	am. No. 82, 1962; No. 41, 1970; No. 202, 1973
	rep. No. 60, 1976
s. 33	am. No. 82, 1962; No. 202, 1973
	rep. No. 60, 1976
s. 34	rs. No. 68, 1955
	am. No. 82, 1962
	rep. No. 60, 1976
s. 35	am. No. 68, 1955
	rep. No. 60, 1976
s. 36	rep. No. 68, 1955
s. 37	am. No. 68, 1955; No. 202, 1973
	rep. No. 60, 1976
s. 37A	ad. No. 68, 1955
	am. No. 44, 1966
	rep. No. 60, 1976
Heading to Part V	am. No. 60, 1976
	rs. No. 100, 1977
	rep. No. 86, 2011
Part V	rs. No. 82, 1962
	rep. No. 86, 2011
Div. 1 of Part V	rep. No. 100, 1977
s. 38	am. No. 68, 1955
	rs. No. 82, 1962
	am. No. 44, 1966; No. 102, 1969; No. 41, 1970; No. 202, 1973; Nos. 1, 60, 91 and 99, 1976
	rep. No. 100, 1977
s. 38A	ad. No. 1, 1976
	rep. No. 60, 1976
s. 39	am. No. 92, 1957; No. 68, 1958
	rs. No. 82, 1962

Endnote 4—Amendment history

Provision affected	How affected
	am. No. 100, 1968; No. 1, 1975; No. 60, 1976
	rs. No. 100, 1977
	am. No. 176, 1981; No. 139, 1983
	rs. No. 115, 1986
	am. No. 72, 1987; No. 155, 1988; Nos. 3 and 141, 1990; Nos. 83 and 211, 1991; No. 200, 1992; No. 114, 1997
	rep. No. 86, 2011
s. 39AAA	ad. No. 155, 1988
	rep. No. 114, 1997
s. 39AA	ad. No. 115, 1986
	am. No. 72, 1987
	rep. No. 114, 1997
s. 39A	ad. No. 139, 1983
	am. Nos. 94 and 115, 1986; No. 72, 1987; No. 79, 1988
	rep. No. 114, 1997
s. 39AB	ad. No. 155, 1988
	am. No. 83, 1991
	rep. No. 114, 1997
ss. 39AC, 39AD	ad. No. 83, 1991
	rep. No. 114, 1997
s. 39B	ad. No. 132, 1987
	am. No. 88, 1992
	rep. No. 114, 1997
ss. 39BA, 39BB	ad. No. 3, 1990
	am. No. 88, 1992
	rep. No. 114, 1997
Heading to Div. 2 of Part V	rep. No. 100, 1977
s. 40	rs. No. 82, 1962
	am. No. 114, 1972; No. 202, 1973
	rep. No. 60, 1976
Heading to s. 40AA	rs. No. 114, 1997
	rep. No. 86, 2011

Provision affected	How affected
s. 40AA	ad. No. 114, 1972
	am. No. 202, 1973; No. 1, 1975; No. 100, 1977; No. 117, 1980; No. 118, 1981; Nos. 35 and 139, 1983; Nos. 63 and 135, 1984; No. 95, 1985; Nos. 94 and 115, 1986; Nos. 72 and 132, 1987; Nos. 79 and 155, 1988; Nos. 3 and 141, 1990; Nos. 83 and 84, 1991; Nos. 88 and 204, 1992; No. 12, 1994; No. 114, 1997
	rep. No. 86, 2011
s. 40AAA	ad. No. 155, 1988
	rep. No. 114, 1997
s. 40AB	ad. No. 114, 1972
	am. No. 202, 1973; No. 117, 1980; No. 139, 1983; No. 135, 1984; Nos. 94 and 115, 1986; Nos. 72 and 132, 1987; No. 79, 1988; No. 3, 1990; No. 114, 1997
	rep. No. 86, 2011
s. 40ABB	ad. No. 3, 1990
	am. No. 141, 1990
	rep. No. 114, 1997
s. 40ABA	ad. No. 135, 1984
	am. Nos. 94 and 115, 1986; No. 132, 1987
	rep. No. 3, 1990
s. 40AC	ad. No. 114, 1972
	am. No. 202, 1973
	rep. No. 139, 1983
	ad. No. 72, 1987
	am. No. 114, 1997
	rep. No. 86, 2011
s. 40AD	ad. No. 114, 1972
	am. No. 202, 1973; No. 139, 1983; Nos. 63 and 135, 1984; No. 65, 1985; Nos. 94 and 115, 1986; Nos. 72 and 132, 1987; Nos. 79 and 155, 1988; No. 211, 1991; No. 149, 1995
	rep. No. 114, 1997
s. 40ADA	ad. No. 79, 1988
	am. No. 95, 1989
	rep. No. 149, 1995

Endnote 4—Amendment history

Provision affected	How affected
s. 40ADB	ad. No. 155, 1988
	am. Nos. 83 and 211, 1991
	rep. No. 114, 1997
s. 40AE	ad. No. 114, 1972
	am. No. 202, 1973; Nos. 35 and 139, 1983; No. 63, 1984; No. 94, 1986 (as am. by No. 141, 1987); Nos. 72 and 132, 1987
	rs. No. 155, 1988
	am. No. 149, 1995; No. 114, 1997
	rep. No. 86, 2011
ss. 40AEA, 40AEB	ad. No. 155, 1988
	am. No. 114, 1997
	rep. No. 86, 2011
s. 40AEC	ad. No. 155, 1988
	am. No. 141, 1990; No. 114, 1997
	rep. No. 86, 2011
ss. 40AED–40AEF	ad. No. 155, 1988
	rep. No. 86, 2011
ss. 40AEG, 40AEH	ad. No. 155, 1988
	am. No. 114, 1997
	rep. No. 86, 2011
s. 40AF	ad. No. 100, 1977
	am. No. 139, 1983; No. 63, 1984; No. 94, 1986; No. 79, 1988
	rep. No. 86, 2011
s. 40AFA	ad. No. 79, 1988
	am. No. 192, 1992
	rep. No. 114, 1997
ss. 40AFB, 40AFC	ad. No. 79, 1988
	rep. No. 114, 1997
s. 40AFD	ad. No. 79, 1988
	am. No. 95, 1989; No. 211, 1991; No. 88, 1992
	rep. No. 114, 1997
s. 40AFDA	ad. No. 211, 1991

Provision affected	How affected
	rep. No. 114, 1997
s. 40AFE	ad. No. 79, 1988
	am. No. 95, 1989; No. 192, 1992
	rep. No. 114, 1997
s. 40AFF	ad. No. 79, 1988
	am. No. 192, 1992
	rep. No. 114, 1997
ss. 40AFG, 40AFH, 40AFJ	ad. No. 95, 1989
	rep. No. 114, 1997
s. 40AFK	ad. No. 95, 1989
	rep. No. 86, 2011
s. 40AG	ad. No. 100, 1977
	rep. No. 118, 1981
	ad. No. 72, 1987
	am. Nos. 79 and 155, 1988; No. 114, 1997
	rep. No. 86, 2011
s. 40AGA	ad. No. 79, 1988
	am. No. 155, 1988; No. 83, 1991; No. 114, 1997
	rep. No. 86, 2011
s. 40AH	ad. No. 72, 1987
	am. No. 83, 1991; No. 114, 1997
	rep. No. 86, 2011
s. 40AI	ad. No. 79, 1988
	rep. No. 86, 2011
s. 40A	ad. No. 100, 1968
	am. No. 202, 1973
	rep. No. 1, 1975
s. 41	rs. No. 82, 1962
	am. No. 44, 1966
	rs. No. 100, 1968
	am. No. 114, 1972; No. 202, 1973; No. 1, 1975
	rs. No. 60, 1976

Endnote 4—Amendment history

Provision affected	How affected
	am. No. 139, 1983; No. 65, 1985; No. 115, 1986; Nos. 72 and 132, 1987; No. 211, 1991
	rep. No. 86, 2011
s. 42	rs. No. 82, 1962
	am. No. 44, 1966; No. 100, 1968; No. 202, 1973; No. 1, 1975
	rs. No. 60, 1976; No. 139, 1983
	am. No. 135, 1984; No. 65, 1985; No. 94, 1986; No. 132, 1987; No. 211, 1991
	rep. No. 86, 2011
s. 42A	ad. No. 88, 1992
	am. No. 204, 1992
	rep. No. 200, 1992
s. 43	rs. No. 82, 1962
	am. No. 44, 1966; No. 100, 1968; No. 202, 1973; No. 1, 1975
	rs. No. 60, 1976
	am. No. 139, 1983; No. 65, 1985; No. 94, 1986; No. 132, 1987; No. 211, 1991; No. 200, 1992
	rep. No. 86, 2011
s. 43A	ad. No. 117, 1980
	am. No. 118, 1981; No. 139, 1983; No. 135, 1984; Nos. 94 and 115, 1986
	rep. No. 86, 2011
s. 44	rs. No. 82, 1962
	am. No. 100, 1968; No. 114, 1972; No. 202, 1973; No. 1, 1975
	rs. No. 60, 1976
	am. No. 100, 1977; No. 117, 1980; No. 139, 1983; No. 94, 1986; No. 155, 1988; No. 204, 1992
	rep. No. 86, 2011
s. 44A	ad. No. 155, 1988
	am. No. 83, 1991
	rep. No. 114, 1997
s. 45	am. No. 16, 1961
	rs. No. 82, 1962

Provision affected	How affected
	am. No. 100, 1968; No. 202, 1973; No. 1, 1975
	rs. No. 60, 1976
	am. No. 100, 1977; No. 117, 1980
	rep. No. 139, 1983
	ad. No. 211, 1991
	rep. No. 86, 2011
s. 45A	ad. No. 117, 1980
	am. No. 139, 1983; No. 94, 1986
	rep. No. 86, 2011
s. 45B	ad. No. 117, 1980
	am. No. 118, 1981; No. 135, 1984; No. 94, 1986
	rep. No. 86, 2011
s. 45C	ad. No. 139, 1983
	am. No. 65, 1985; No. 94, 1986; No. 99, 1988
	rs. No. 155, 1988
	rep. No. 83, 1991
s. 45D	ad. No. 72, 1987
	rep. No. 86, 2011
s. 45DA	ad. No. 3, 1990
	am. No. 84, 1991; No. 114, 1997
	rep. No. 86, 2011
s. 45DB	ad. No. 84, 1991
	rep. No. 86, 2011
s. 45DC	ad. No. 84, 1991
	am. No. 114, 1997
	rep. No. 86, 2011
s. 45E	ad. No. 72, 1987
	am. No. 132, 1987; No. 83, 1991; No. 149, 1995
	rep. No. 114, 1997
s. 45EA	ad. No. 84, 1991
	rep. No. 114, 1997
s. 45EB	ad. No. 204, 1992

Endnote 4—Amendment history

Provision affected	How affected
	rep. No. 114, 1997
s. 45F	ad. No. 3, 1990
	rs. No. 141, 1990
	rep. No. 114, 1997
Heading to Div. 3 of Part V	am. No. 41, 1970
	rep. No. 60, 1976
Div. 3 of Part V	rep. No. 60, 1976
Heading to Div. 4 of Part V	rs. No. 41, 1970
	rep. No. 60, 1976
Div. 4 of Part V	rep. No. 60, 1976
Div. 4A of Part V	ad. No. 41, 1970
	rep. No. 60, 1976
Div. 5 of Part V	rep. No. 100, 1977
Div. 5A of Part V	ad. No. 100, 1968
	rep. No. 1, 1975
Heading to Div. 5B of Part V	rep. No. 100, 1977
Div. 5B of Part V	ad. No. 114, 1972
Heading to Div. 6 of Part V	rep. No. 100, 1977
Part VA	ad. No. 100, 1977
	rep. No. 86, 2011
Heading to Div. 1 of Part VA	ad. No. 200, 1992
	rep. No. 86, 2011
s. 46	am. No. 68, 1955
	rs. No. 82, 1962
	am. No. 44, 1966; No. 102, 1969; No. 1, 1976
	rep. No. 60, 1976
	ad. No. 100, 1977
	am. Nos. 118 and 176, 1981; No. 63, 1984; No. 200, 1992
	rep. No. 86, 2011
s. 46A	ad. No. 72, 1987
	am. No. 88, 1992; No. 12, 1994; No. 37, 1998
	rep. No. 86, 2011

Provision affected	How affected
s. 46B	ad. No. 88, 1992
Renumbered s. 46AB	No. 12, 1994 (as am. by No. 149, 1995)
s. 46AB	rep. No. 86, 2011
s. 46B	ad. No. 200, 1992
	rep. No. 86, 2011
s. 46C	ad. No. 200, 1992
	am. No. 12, 1994; No. 114, 1997
	rep. No. 86, 2011
ss. 46D, 46E	ad. No. 200, 1992
	rep. No. 86, 2011
Heading to Div. 2 of Part VA	ad. No. 200, 1992
	rep. No. 86, 2011
s. 47	am. No. 68, 1955
	rs. No. 82, 1962
	am. No. 102, 1969; No. 41, 1970
	rep. No. 60, 1976
	ad. No. 100, 1977
	am. Nos. 118 and 176, 1981; No. 127, 1985; No. 115, 1986; No. 72, 1987; No. 79, 1988
	rep. No. 86, 2011
s. 47A	ad. No. 79, 1988
	am. No. 155, 1988; No. 200, 1992; No. 114, 1997
	rep. No. 86, 2011
s. 48	am. No. 68, 1955
	rs. No. 82, 1962
	am. No. 44, 1966; No. 102, 1969
	rep. No. 60, 1976
	ad. No. 100, 1977
	am. No. 63, 1984; No. 94, 1986
	rep. No. 200, 1992
s. 48A	ad. No. 72, 1987
	am. Nos. 79 and 155, 1988; No. 83, 1991; No. 200, 1992; No. 114, 1997

Endnote 4—Amendment history

Provision affected	How affected
	rep. No. 86, 2011
s. 48AB	ad. No. 200, 1992
	am. No. 114, 1997
	rep. No. 86, 2011
s. 48B	ad. No. 83, 1991
	am. No. 114, 1997; No. 13, 1999
	rep. No. 86, 2011
ss. 48C–48E	ad. No. 211, 1991
	am. No. 114, 1997
	rep. No. 86, 2011
s. 49	am. No. 68, 1955
	rs. No. 82, 1962
	am. No. 41, 1970
	rep. No. 60, 1976
	ad. No. 100, 1977
	am. Nos. 118 and 176, 1981; No. 115, 1986
	rs. No. 72, 1987
	am. No. 79, 1988
	rep. No. 86, 2011
s. 49AA	ad. No. 79, 1988 (as am. by No. 155, 1988)
	am. No. 114, 1997
	rep. No. 86, 2011
Heading to Div. 3 of Part VA	ad. No. 200, 1992
	rep. No. 86, 2011
s. 49A	ad. No. 37, 1964
	am. No. 202, 1973
	rep. No. 60, 1976
	ad. No. 117, 1980
	rep. No. 86, 2011
s. 49B	ad. No. 200, 1992
	rep. No. 86, 2011
s. 50	rs. No. 82, 1962; No. 41, 1970

Provision affected	How affected
	rep. No. 60, 1976
	ad. No. 100, 1977
	am. No. 118, 1981; No. 63, 1984; No. 65, 1985; No. 132, 1987; No. 211, 1991; No. 32, 2007
	rep. No. 86, 2011
s. 51	rs. No. 82, 1962
	am. No. 202, 1973
	rep. No. 60, 1976
	ad. No. 100, 1977
	am. No. 63, 1984; No. 72, 1987; No. 200, 1992
	rep. No. 86, 2011
s. 51A	ad. No. 72, 1987
	rs. No. 200, 1992
	am. No. 149, 1995
	rep. No. 86, 2011
s. 51B	ad. No. 83, 1991
	rs. No. 200, 1992
	rep. No. 86, 2011
s. 51C	ad. No. 200, 1992
	rep. No. 86, 2011
Part VAB	ad. No. 211, 1991
	rep. No. 86, 2011
Heading to Div. 1 of Part VAB	ad. No. 192, 1992 rep. No. 86, 2011
s. 52	rs. No. 82, 1962
	am. No. 202, 1973
	rep. No. 60, 1976
	ad. No. 211, 1991
	am. No. 192, 1992; No. 114, 1997
	rep. No. 86, 2011
Div. 2 of Part VAB	ad. No. 192, 1992
	rep. No. 86, 2011

Endnote 4—Amendment history

Provision affected	How affected
ss. 52A–52C	ad. No. 192, 1992
	rep. No. 114, 1997
s. 52D	ad. No. 192, 1992
	rep. No. 86, 2011
Heading to Div. 3 of Part VAB	ad. No. 192, 1992
	rep. No. 86, 2011
s. 53	rs. No. 82, 1962
	am. No. 44, 1966; No. 100, 1968; No. 41, 1970; No. 202, 1973
	rep. No. 60, 1976
	ad. No. 211, 1991
	rep. No. 86, 2011
s. 54	rs. No. 82, 1962
	am. No. 44, 1966
	rep. No. 60, 1976
	ad. No. 211, 1991
	rep. No. 86, 2011
s. 55	am. No. 92, 1957
	rs. No. 82, 1962
	am. No. 202, 1973
	rep. No. 60, 1976
	ad. No. 211, 1991
	am. No. 192, 1992
	rep. No. 86, 2011
ss. 55A, 55B	ad. No. 41, 1970
	rep. No. 60, 1976
s. 55C	ad. No. 1, 1975
	rep. No. 100, 1977
s. 56	rs. No. 82, 1962
	am. No. 44, 1966; No. 100, 1968; No. 85, 1971; No. 114, 1972
	rep. No. 100, 1977
	ad. No. 211, 1991
	am. No. 114, 1997

Provision affected	How affected
	rep. No. 86, 2011
s. 56A	ad. No. 92, 1957
	rep. No. 82, 1962
	ad. No. 114, 1972
	am. No. 202, 1973; No. 60, 1976
	rep. No. 100, 1977
s. 57	rs. No. 92, 1957; No. 82, 1962
	am. No. 100, 1968; No. 202, 1973
	rep. No. 100, 1977
	ad. No. 211, 1991
	am. No. 114, 1997
	rep. No. 86, 2011
s. 57A	ad. No. 100, 1968
	am. No. 202, 1973; No. 60, 1976
	rep. No. 100, 1977
s. 57B	ad. No. 114, 1972
	am. No. 1, 1975; Nos. 60 and 99, 1976
	rep. No. 100, 1977
s. 57C	ad. No. 114, 1972
	am. No. 202, 1973; Nos. 60 and 99, 1976
	rep. No. 100, 1977
Part VAC	ad. No. 204, 1992
	rep. No. 86, 2011
s. 58	rs. No. 82, 1962
	am. No. 100, 1968; No. 202, 1973; No. 60, 1976
	rep. No. 100, 1977
	ad. No. 204, 1992
	am. No. 114, 1997
	rep. No. 86, 2011
s. 58A	ad. No. 100, 1968
	am. No. 202, 1973
	rep. No. 1, 1975

Endnote 4—Amendment history

Provision affected	How affected
	ad. No. 204, 1992
	rep. No. 86, 2011
s. 58B	ad. No. 100, 1968
	rep. No. 1, 1975
	ad. No. 204, 1992
	rep. No. 114, 1997
s. 58C	ad. No. 100, 1968
	am. No. 202, 1973
	rep. No. 1, 1975
	ad. No. 204, 1992
	rep. No. 114, 1997
s. 58CA	ad. No. 204, 1992
	rep. No. 114, 1997
s. 58CB	ad. No. 204, 1992
	rep. No. 86, 2011
ss. 58CC, 58CD	ad. No. 204, 1992
	rep. No. 86, 2011
ss. 58CE–58CG	ad. No. 204, 1992
	am. No. 114, 1997
	rep. No. 86, 2011
Heading to Part VB	ad. No. 100, 1977
	rep. No. 13, 1999
Part VB	rep. No. 13, 1999
s. 58D	ad. No. 114, 1972
	am. No. 100, 1977; No. 131, 1980; Nos. 46 and 120, 1984; Nos. 94 and 115, 1986; No. 192, 1992
	rep. No. 13, 1999
s. 58E	ad. No. 114, 1972
	am. No. 202, 1973; No. 60, 1976; No. 100, 1977; No. 54, 1979; No. 63, 1984; No. 94, 1986; No. 3, 1990; No. 83, 1991; No. 114, 1997
	rep. No. 13, 1999
s. 58F	ad. No. 114, 1972

Provision affected	How affected
	am. No. 202, 1973; No. 63, 1984; No. 94, 1986
	rep. No. 13, 1999
s. 58G	ad. No. 114, 1972
	am. No. 131, 1980
	rs. No. 192, 1992
	am. No. 114, 1997
	rep. No. 13, 1999
s. 58GA	ad. No. 131, 1980
	am. No. 63, 1984; No. 192, 1992
	rep. No. 13, 1999
s. 58H	ad. No. 114, 1972
	am. No. 202, 1973; No. 63, 1984; No. 65, 1985; No. 94, 1986; No. 211, 1991; No. 192, 1992
	rep. No. 13, 1999
s. 58J	ad. No. 114, 1972
	am. No. 202, 1973; No. 131, 1980; No. 35, 1983; No. 63, 1984; No. 94, 1986
	rep. No. 13, 1999
Heading to Part VC	ad. No. 100, 1977
	am. No. 211, 1991; No. 200, 1992
	rs. No. 13, 1999
	rep. No. 86, 2011
Part VC	rep. No. 86, 2011
s. 58K	ad. No. 100, 1977
	rs. No. 132, 1987
	am. No. 211, 1991 (as am. by No. 149, 1995); No. 13, 1999
	rep. No. 86, 2011
s. 59	rs. No. 82, 1962
	am. No. 100, 1968; No. 202, 1973; No. 1, 1975
	rs. No. 60, 1976
	am. No. 100, 1977; Nos. 118 and 176, 1981; No. 94, 1986; No. 132, 1995
	rep. No. 86, 2011

Endnote 4—Amendment history

Provision affected	How affected
s. 60	rs. No. 68, 1955; No. 82, 1962
	am. No. 44, 1966; No. 202, 1973
	rep. No. 60, 1976
s. 60A	ad. No. 114, 1972
	am. No. 202, 1973
	rs. No. 100, 1977; No. 118, 1981
	am. No. 63, 1984; No. 94, 1986; No. 72, 1987
	rep. No. 114, 1997
s. 60B	ad. No. 100, 1977
	am. No. 63, 1984; No. 65, 1985; No. 94, 1986; No. 72, 1987; No. 211, 1991
	rep. No. 86, 2011
s. 61	rs. No. 82, 1962
	am. No. 44, 1966; No. 100, 1968; No. 114, 1972; No. 1, 1975
	rs. No. 60, 1976; No. 117, 1980
	am. No. 139, 1983; No. 63, 1984; No. 94, 1986; No. 132, 1987; No. 211, 1991; No. 12, 1994
	rep. No. 86, 2011
s. 61AA	ad. No. 88, 1992
	rep. No. 86, 2011
s. 61A	ad. No. 132, 1987
	am. No. 211, 1991
	rep. No. 86, 2011
s. 61B	ad. No. 132, 1987
	am. No. 211, 1991; No. 111, 2001
	rep. No. 86, 2011
ss. 61C, 61D	ad. No. 132, 1987
	rep. No. 86, 2011
s. 61E	ad. No. 132, 1987
	am. No. 211, 1991; No. 111, 2001
	rep. No. 86, 2011
Note to s. 61E(3)	ad. No. 111, 2001

Provision affected	How affected
	rep. No. 86, 2011
s. 62	rs. No. 82, 1962
	am. No. 44, 1966; No. 100, 1968; No. 102, 1969; No. 114, 1972; No. 1, 1975; No. 60, 1976
	rs. No. 100, 1977; No. 117, 1980
	am. No. 139, 1983; No. 63, 1984; No. 65, 1985; No. 94, 1986; Nos. 72 and 132, 1987; No. 79, 1988; Nos. 83 and 211, 1991; No. 111, 2001
	rep. No. 86, 2011
Note to s. 62(3)	ad. No. 111, 2001
	rep. No. 86, 2011
Part VD	ad. No. 200, 1992
	rep. No. 86, 2011
s. 63	rs. No. 82, 1962
	am. No. 202, 1973
	rep. No. 60, 1976
	ad. No. 117, 1980
	rep. No. 139, 1983
	ad. No. 200, 1992
	am. No. 23, 1994
	rep. No. 86, 2011
s. 64	rs. No. 68, 1958; No. 82, 1962
	rep. No. 60, 1976
	ad. No. 200, 1992
	am. No. 23, 1994; No. 114, 1997
	rep. No. 86, 2011
s. 65	rs. No. 82, 1962
	am. No. 60, 1976
	rep. No. 99, 1976
	ad. No. 200, 1992
	am. Nos. 12 and 23, 1994; No. 114, 1997
	rep. No. 86, 2011
ss. 65A, 65B	ad. No. 200, 1992

Endnote 4—Amendment history

Provision affected	How affected
	am. No. 23, 1994
	rep. No. 86, 2011
s. 65C	ad. No. 200, 1992
	am. Nos. 12 and 23, 1994; No. 114, 1997
	rep. No. 86, 2011
s. 65D	ad. No. 200, 1992
	rep. No. 86, 2011
s. 65E	ad. No. 200, 1992
	am. No. 23, 1994
	rep. No. 86, 2011
ss. 65F, 65G	ad. No. 200, 1992
	am. No. 23, 1994; No. 114, 1997
	rep. No. 86, 2011
s. 65GAA	ad. No. 114, 1997
	rep. No. 86, 2011
Div. 2A of Part VD	ad. No. 23, 1994
	rep. No. 86, 2011
ss. 65GA–65GK	ad. No. 23, 1994
	rep. No. 86, 2011
ss. 65GL–65GQ	ad. No. 23, 1994
	rep. No. 86, 2011
ss. 65GR–65GW	ad. No. 23, 1994
	rep. No. 86, 2011
ss. 65H, 65J	ad. No. 200, 1992
	am. No. 23, 1994
	rep. No. 86, 2011
ss. 65K–65M	ad. No. 200, 1992
	rep. No. 86, 2011
s. 65N	ad. No. 200, 1992
	am. No. 23, 1994
	rep. No. 86, 2011
ss. 65P–65R	ad. No. 200, 1992

Provision affected	How affected
	rep. No. 86, 2011
s. 65S	ad. No. 200, 1992
	am. No. 12, 1994
	rep. No. 86, 2011
Heading to Div. 4 of Part VD	ad. No. 23, 1994
	rep. No. 86, 2011
ss. 65SA, 65SB	ad. No. 23, 1994
	rep. No. 86, 2011
s. 65T	ad. No. 200, 1992
	am. No. 12, 1994
	rep. No. 86, 2011
s. 65U	ad. No. 200, 1992
	am. No. 23, 1994
	rep. No. 86, 2011
Heading to Part VI	rs. No. 54, 1983
	rep. No. 32, 2007
Part VI	rep. No. 32, 2007
Heading to Div. 1 of Part VI	ad. No. 68, 1958
	rep. No. 32, 2007
s. 66	rs. No. 68, 1958
	am. No. 72, 1959; No. 16, 1961; No. 82, 1962; No. 77, 1963; No. 37, 1964; No. 44, 1966; No. 100, 1968; No. 41, 1970; No. 114, 1972; No. 202, 1973; Nos. 1 and 13, 1975; Nos. 60, 91 and 99, 1976; No. 100, 1977; Nos. 132 and 189, 1978; No. 118, 1981; No. 54, 1983; Nos. 46 and 120, 1984; No. 41, 1995; No. 1, 2004
	rep. No. 32, 2007
s. 67	am. No. 68, 1958
	rs. No. 37, 1964; No. 41, 1970
	am. No. 202, 1973; Nos. 60 and 99, 1976; No. 132, 1978
	rep. No. 54, 1983
	ad. No. 70, 1985
	am. No. 155, 1988; No. 136, 1992; No. 41, 1995; No. 37, 1998; No. 76, 2002; No. 31, 2005

Endnote 4—Amendment history

Provision affected	How affected
	rep. No. 32, 2007
s. 67A	ad. No. 95, 1989
	am. No. 1, 2004
	rep. No. 32, 2007
s. 67B	ad. No. 1, 2004
	rep. No. 32, 2007
Div. 1A of Part VI	ad. No. 99, 1976
	rep. No. 132, 1978
Heading to Div. 2 of Part VI	ad. No. 41, 1995
	rep. No. 32, 2007
Div. 2 of Part VI	ad. No. 68, 1958
	rep. No. 132, 1978
s. 68	am. No. 68, 1958; No. 82, 1962; No. 37, 1964; No. 44, 1966
	rs. No. 41, 1970
	am. No. 202, 1973; Nos. 60 and 99, 1976; No. 132, 1978; No. 118, 1981; No. 54, 1983; Nos. 63 and 135, 1984; No. 70, 1985; No. 95, 1989; No. 41, 1995 (as am. by No. 43, 1996); No. 37, 1998
	rs. No. 159, 1999
	am. No. 160, 2006
	rep. No. 32, 2007
s. 68A	ad. No. 54, 1983
	am. No. 94, 1986
	rep. No. 88, 1992
Heading to s. 69	am. No. 159, 1999
	rep. No. 32, 2007
s. 69	am. No. 41, 1970; No. 202, 1973; No. 63, 1984; No. 95, 1989; No. 41, 1995; No. 159, 1999
	rep. No. 32, 2007
s. 70	am. No. 202, 1973; No. 91, 1976; No. 63, 1984; No. 94, 1986; No. 37, 1998; No. 159, 1999
	rep. No. 32, 2007
s. 71	am. No. 202, 1973; No. 63, 1984; No. 94, 1986; No. 95, 1989; No. 41, 1995; No. 159, 1999

Provision affected	How affected
	rep. No. 32, 2007
s. 72	am. No. 68, 1958
	rs. No. 41, 1970; No. 95, 1989
	am. No. 41, 1995; No. 159, 1999
	rep. No. 32, 2007
Heading to s. 72A	am. No. 159, 1999
	rep. No. 32, 2007
s. 72A	ad. No. 41, 1970
	am. No. 94, 1986; No. 95, 1989; No. 41, 1995; No. 159, 1999
	rep. No. 32, 2007
s. 73	am. No. 41, 1970; No. 202, 1973; Nos. 60 and 99, 1976; No. 54, 1983; No. 63, 1984; No. 94, 1986; No. 95, 1989; No. 88, 1992; No. 41, 1995; No. 159, 1999; No. 1, 2004
	rep. No. 32, 2007
s. 73AA	ad. No. 54, 1983
	rep. No. 88, 1992
	ad. No. 159, 1999
	rep. No. 32, 2007
s. 73AAB	ad. No. 159, 1999
	am. No. 159, 1999; No. 55, 2001
	rep. No. 32, 2007
s. 73AAC	ad. No. 159, 1999
	rep. No. 32, 2007
s. 73AAD	ad. No. 159, 1999
	am. No. 160, 2006
	rep. No. 32, 2007
s. 73AADA	ad. No. 160, 2006
	rep. No. 32, 2007
s. 73AAE	ad. No. 159, 1999
	am. No. 1, 2004
	rep. No. 32, 2007
Heading to Div. 3 of Part VI	ad. No. 41, 1995

Endnote 4—Amendment history

Provision affected	How affected
	rep. No. 32, 2007
Div. 3 of Part VI	ad. No. 102, 1969
	rep. No. 1, 1976
s. 73AAF	ad. No. 1, 2004
	rep. No. 32, 2007
s. 73AAG	ad. No. 1, 2004
	am. No. 31, 2005
	rep. No. 32, 2007
s. 73AAH	ad. No. 1, 2004
	rep. No. 32, 2007
s. 73AAI	ad. No. 1, 2004
	am. No. 155, 2005
	rep. No. 32, 2007
ss. 73AAJ–73AAL	ad. No. 1, 2004
	rep. No. 32, 2007
Heading to s. 73A	rs. No. 1, 2004
	rep. No. 32, 2007
s. 73A	ad. No. 37, 1964
	am. No. 202, 1973; No. 60, 1976; No. 100, 1977; No. 63, 1984; Nos. 21 and 159, 1999; No. 1, 2004
	rep. No. 32, 2007
Heading to s. 73AB	rs. No. 1, 2004
	rep. No. 32, 2007
s. 73AB	ad. No. 41, 1995
	am. No. 37, 1998
	rep. No. 32, 2007
s. 73ABA	ad. No. 41, 1995
	rep. No. 1, 2004
s. 73ABB	ad. No. 45, 1997
	rs. No. 159, 1999
	rep. No. 32, 2007
s. 73ABBA	ad. No. 69, 2003

Provision affected	How affected
	rep. No. 32, 2007
s. 73ABC	ad. No. 37, 1998
	am. No. 76, 2002
	rep. No. 32, 2007
s. 73ABD	ad. No. 159, 1999
	rep. No. 32, 2007
Heading to s. 73B	rs. No. 159, 1999
	rep. No. 32, 2007
s. 73B	ad. No. 41, 1970
	am. No. 37, 1974; No. 1, 1975; No. 1, 1976
	rs. No. 60, 1976
	am. No. 112, 1982; No. 94, 1986; No. 159, 1999; No. 1, 2004
	rep. No. 32, 2007
s. 73BA	ad. No. 60, 1976
	am. No. 99, 1976; No. 100, 1977
	rs. No. 132, 1978
	am. No. 54, 1983; No. 141, 1990; Nos. 41 and 149, 1995; No. 21, 1999
	rep. No. 1, 2004
s. 73BAAA	ad. No. 130, 1999
	rep. No. 32, 2007
s. 73BAA	ad. No. 54, 1983
	rep. No. 95, 1989
	ad. No. 21, 1999
	rep. No. 32, 2007
s. 73BAB	ad. No. 54, 1983
	am. No. 95, 1989; No. 88, 1992; No. 41, 1995
	rep. No. 159, 1999
s. 73BAC	ad. No. 54, 1983
	am. No. 94, 1986; No. 95, 1989
	rep. No. 159, 1999
Heading to Div. 3AA of Part VI	ad. No. 1, 2004
	rep. No. 32, 2007

Endnote 4—Amendment history

Provision affected	How affected
Heading to s. 73BB	rs. No. 1, 2004
	rep. No. 32, 2007
s. 73BB	ad. No. 60, 1976
	rs. No. 99, 1976
	am. No. 100, 1977; No. 132, 1978; No. 118, 1981; No. 54, 1983; Nos. 46, 63 and 120, 1984; Nos. 70 and 167, 1985; No. 95, 1989; No. 88, 1992; No. 41, 1995
	rs. No. 37, 1998
	am. No. 1, 2004
	rep. No. 32, 2007
s. 73BC	ad. No. 60, 1976
	am. No. 54, 1983; No. 135, 1984; No. 94, 1986; No. 95, 1989; No. 41, 1995; No. 37, 1998; No. 69, 2003
	rep. No. 32, 2007
Div. 3A of Part VI	ad. No. 159, 1999
	rep. No. 32, 2007
ss. 73BCA–73BCE	ad. No. 159, 1999
	rep. No. 32, 2007
Div. 3B of Part VI	ad. No. 159, 1999
	rep. No. 32, 2007
ss. 73BCF–73BCJ	ad. No. 159, 1999
	rep. No. 32, 2007
Div. 4 of Part VI	ad. No. 41, 1995
	rep. No. 32, 2007
s. 73BD	ad. No. 60, 1976
	am. No. 54, 1983; No. 135, 1984; No. 94, 1986
	rep. No. 95, 1989
	ad. No. 41, 1995
	am. No. 41, 1995; No. 6, 2001; Nos. 31 and 155, 2005
	rep. No. 32, 2007
Subhead. to s. 73BDAAA(4)	am. No. 155, 2005
	rep. No. 32, 2007
Subhead. to s. 73BDAAA(5)	am. No. 155, 2005

Provision affected	How affected
	rep. No. 32, 2007
s. 73BDAAA	ad. No. 31, 2005
	am. No. 155, 2005
	rep. No. 32, 2007
s. 73BDAA	ad. No. 41, 1995
	am. No. 41, 1995; No. 37, 1998; No. 6, 2001; No. 155, 2005
	rep. No. 32, 2007
s. 73BDA	ad. No. 41, 1995
	am. No. 41, 1995; No. 37, 1998; No. 50, 2004; No. 155, 2005
	rep. No. 32, 2007
s. 73BDB	ad. No. 41, 1995
	am. No. 76, 2002; No. 155, 2005
	rep. No. 32, 2007
s. 73BDC	ad. No. 41, 1995
	rep. No. 32, 2007
Div. 4A of Part VI	ad. No. 72, 2000
	rep. No. 32, 2007
s. 73BDDA	ad. No. 72, 2000
	rep. No. 32, 2007
s. 73BDD	ad. No. 41, 1995
	rep. No. 37, 1998
	ad. No. 72, 2000
	rep. No. 32, 2007
s. 73BDE	ad. No. 72, 2000
	rep. No. 32, 2007
s. 73BDEA	ad. No. 72, 2000
	rep. No. 32, 2007
Heading to Div. 5 of Part VI	ad. No. 37, 1998
	rs. No. 1, 2004
	rep. No. 32, 2007
Div. 5 of Part VI	rs. No. 1, 2004
	rep. No. 32, 2007

Endnote 4—Amendment history

Provision affected	How affected
s. 73BE	ad. No. 60, 1976
	am. No. 189, 1978; No. 54, 1979; No. 112, 1982; No. 54, 1983; No. 70, 1985; No. 94, 1986; No. 41, 1995
	rep. No. 1, 2004
s. 73BEA	ad. No. 49, 1982
	am. No. 112, 1982
	rep. No. 54, 1983
	ad. No. 1, 2004
	rep. No. 32, 2007
s. 73BEB	ad. No. 112, 1982
	am. No. 54, 1983; No. 159, 1999
	rs. No. 1, 2004
	rep. No. 32, 2007
s. 73BEC	ad. No. 1, 2004
	rep. No. 32, 2007
ss. 73BED–73BEG	ad. No. 1, 2004
	rep. No. 32, 2007
ss. 73BEH, 73BEI	ad. No. 1, 2004
	rep. No. 32, 2007
ss. 73BEJ, 73BEK	ad. No. 1, 2004
	rep. No. 32, 2007
s. 73BEL	ad. No. 1, 2004
	rep. No. 32, 2007
ss. 73BEM–73BEO	ad. No. 1, 2004
	rep. No. 32, 2007
s. 73BEP	ad. No. 1, 2004
	rep. No. 32, 2007
s. 73BF	ad. No. 60, 1976
	rs. No. 99, 1976
	am. No. 132, 1978; No. 112, 1982; No. 54, 1983; No. 94, 1986; No. 88, 1992; No. 41, 1995
	rep. No. 1, 2004

Provision affected	How affected
s. 73BFA	ad. No. 132, 1978
	am. No. 112, 1982; No. 54, 1983; No. 94, 1986; No. 88, 1992; No. 41, 1995
	rep. No. 1, 2004
s. 73BFB	ad. No. 189, 1978
	am. No. 112, 1982; No. 54, 1983; No. 94, 1986; No. 88, 1992; No. 80, 1994; No. 41, 1995
	rep. No. 1, 2004
s. 73BG	ad. No. 60, 1976
	am. No. 99, 1976; No. 100, 1977; No. 132, 1978
	rep. No. 54, 1983
s. 73BH	ad. No. 60, 1976
	am. No. 54, 1983; No. 94, 1986; No. 88, 1992
	rep. No. 1, 2004
s. 73C	ad. No. 114, 1972
	am. No. 1, 1975; Nos. 60 and 99, 1976
	rs. No. 100, 1977
	am. No. 132, 1978; No. 117, 1980
	rep. No. 118, 1981
s. 73D	ad. No. 60, 1976
	rs. No. 99, 1976
	am. No. 88, 1978; No. 94, 1986; No. 41, 1995
	rep. No. 1, 2004
Div. 5A of Part VI	ad. No. 41, 1995
	rep. No. 32, 2007
s. 73E	ad. No. 88, 1978
	rs. No. 132, 1978
	am. No. 189, 1978; No. 54, 1979
	rep. No. 118, 1981
	ad. No. 41, 1995
	rep. No. 32, 2007
s. 73EA	ad. No. 41, 1995

Endnote 4—Amendment history

Provision affected	How affected
	am. No. 50, 2006
	rep. No. 32, 2007
ss. 73EB–73EE	ad. No. 41, 1995
	rep. No. 32, 2007
Heading to Div. 6 of Part VI	ad. No. 41, 1995
	rep. No. 32, 2007
s. 73F	ad. No. 132, 1978
	am. No. 118, 1981; No. 54, 1983; No. 63, 1984; No. 70, 1985; No. 94, 1986; No. 88, 1992
	rs. No. 41, 1995
	rep. No. 32, 2007
s. 73G	ad. No. 118, 1981
	am. No. 54, 1983; No. 63, 1984; No. 70, 1985; No. 94, 1986; No. 88, 1992
	rs. No. 41, 1995
	am. No. 6, 2001
	rep. No. 32, 2007
s. 74	am. No. 44, 1966; No. 202, 1973; No. 60, 1976; No. 118, 1981; No. 63, 1984; No. 65, 1985; No. 94, 1986; No. 79, 1988; No. 159, 1999; No. 111, 2001; No. 1, 2004
	rep. No. 32, 2007
s. 74A	ad. No. 60, 1976
	am. No. 92, 1981
	rs. No. 159, 1999
	am. No. 159, 1999; No. 55, 2001
	rep. No. 1, 2004
s. 74B	ad. No. 60, 1976
	am. No. 189, 1978; No. 54, 1979; No. 54, 1983; No. 95, 1989; No. 88, 1992; No. 41, 1995
	rep. No. 1, 2004
s. 74BA	ad. No. 79, 1988
	am. No. 41, 1995; No. 111, 2001
	rep. No. 32, 2007

Provision affected	How affected
s. 74C	ad. No. 60, 1976
	rs. No. 132, 1978
	am. No. 54, 1983; No. 88, 1992; No. 41, 1995
	rep. No. 32, 2007
s. 74D	ad. No. 132, 1978
	am. No. 63, 1984
	rep. No. 32, 2007
s. 75	am. No. 68, 1955; No. 44, 1966; No. 202, 1973; Nos. 60 and 91, 1976; No. 54, 1983; No. 63, 1984; No. 65, 1985; No. 94, 1986; No. 41, 1995; No. 111, 2001
	rs. No. 1, 2004
	rep. No. 32, 2007
s. 76	rs. No. 68, 1958
	am. No. 44, 1966
	rs. No. 41, 1970
	am. No. 202, 1973; No. 60, 1976; No. 63, 1984; No. 65, 1985; No. 94, 1986
	rep. No. 95, 1989
s. 76A	ad. No. 41, 1970
	am. No. 202, 1973; No. 60, 1976; No. 132, 1978; No. 54, 1983; No. 63, 1984; No. 94, 1986 (as am. by No. 141, 1987)
	rep. No. 95, 1989
s. 77	am. No. 202, 1973; No. 60, 1976; No. 63, 1984
	rep. No. 95, 1989
s. 78	rs. No. 68, 1955
	am. No. 44, 1966; No. 41, 1970; No. 114, 1972; No. 202, 1973; No. 37, 1974; Nos. 60 and 99, 1976; Nos. 88, 132 and 189, 1978; Nos. 118 and 176, 1981; No. 49, 1982; No. 54, 1983; No. 63, 1984; No. 94, 1986; No. 95, 1989; No. 41, 1995; No. 37, 1998; No. 159, 1999; No. 6, 2001; No. 1, 2004
	rep. No. 32, 2007
s. 79	am. No. 41, 1970
	rs. No. 60, 1976

Endnote 4—Amendment history

Provision affected	How affected
	am. No. 54, 1983; No. 94, 1986; No. 95, 1989; No. 192, 1992; No. 41, 1995; No. 159, 1999
	rep. No. 32, 2007
s. 80	rep. No. 60, 1976
s. 80A	ad. No. 41, 1970
	rep. No. 60, 1976
s. 81	am. No. 41, 1970; No. 202, 1973; No. 60, 1976; No. 63, 1984; No. 159, 1999
	rep. No. 32, 2007
s. 81A	ad. No. 100, 1968
	am. No. 114, 1972; Nos. 60 and 99, 1976; No. 118, 1981; No. 94, 1986
	rep. No. 88, 1992
s. 82	am. No. 68, 1955; No. 68, 1958; No. 82, 1962; No. 44, 1966; No. 114, 1972; No. 60, 1976; No. 100, 1977; No. 112, 1982; No. 54, 1983; No. 65, 1985; No. 94, 1986; No. 95, 1989; No. 41, 1995; No. 111, 2001
	rep. No. 32, 2007
ss. 82AA–82AC	ad. No. 99, 1976
	rep. No. 132, 1978
Part VIAA	ad. No. 95, 1989
	rep. No. 32, 2007
s. 82A	ad. No. 68, 1958
	rs. No. 41, 1970; No. 60, 1976
	rep. No. 132, 1978
	ad. No. 95, 1989
	am. No. 37, 1998; No. 159, 1999
	rep. No. 32, 2007
s. 82B	ad. No. 68, 1958
	am. No. 72, 1959
	rep. No. 77, 1963
	ad. No. 95, 1989
	rep. No. 32, 2007
Note to s. 82B(2)	ad. No. 152, 1997
	am. No. 37, 1998

Provision affected	How affected
	rep. No. 32, 2007
s. 82BA	ad. No. 152, 1997
	rep. No. 37, 1998
	ad. No. 159, 1999
	rep. No. 32, 2007
s. 82C	ad. No. 68, 1958
	am. No. 72, 1959; No. 100, 1968; No. 41, 1970; No. 114, 1972; No. 202, 1973; No. 60, 1976
	rep. No. 132, 1978
	ad. No. 95, 1989
	rs. No. 37, 1998
	rep. No. 32, 2007
s. 82CA	ad. No. 77, 1963
	am. No. 41, 1970; No. 60, 1976
	rep. No. 132, 1978
	ad. No. 152, 1997
	rep. No. 37, 1998
s. 82D	ad. No. 68, 1958
	am. No. 82, 1962; No. 77, 1963; No. 100, 1968; No. 41, 1970; No. 114, 1972; No. 202, 1973; No. 1, 1975; Nos. 60 and 99, 1976
	rep. No. 132, 1978
	ad. No. 95, 1989
	rs. No. 37, 1998
	am. No. 159, 1999
	rep. No. 32, 2007
s. 82E	ad. No. 68, 1958
	am. No. 72, 1959; No. 16, 1961; No. 82, 1962; No. 77, 1963; No. 100, 1968; No. 41, 1970; No. 114, 1972; No. 202, 1973; No. 13, 1975; No. 60, 1976
	rep. No. 132, 1978
	ad. No. 95, 1989
	rep. No. 37, 1998
s. 82F	ad. No. 68, 1958

Endnote 4—Amendment history

Provision affected	How affected
	am. No. 41, 1970; No. 1, 1976
	rep. No. 132, 1978
	ad. No. 95, 1989
	am. No. 37, 1998; No. 159, 1999
	rep. No. 32, 2007
s. 82G	ad. No. 68, 1958
	am. No. 72, 1959; No. 77, 1963; No. 41, 1970
	rep. No. 132, 1978
	ad. No. 95, 1989
	am. No. 41, 1995; No. 45, 1997; No. 37, 1998; No. 159, 1999; No. 72, 2000; No. 69, 2003; No. 1, 2004
	rep. No. 32, 2007
s. 82H	ad. No. 68, 1958
	am. No. 202, 1973
	rep. No. 132, 1978
	ad. No. 95, 1989
	rep. No. 32, 2007
s. 82J	ad. No. 68, 1958
	am. No. 41, 1970
	rep. No. 132, 1978
	ad. No. 95, 1989
	rep. No. 32, 2007
s. 82K	ad. No. 68, 1958
	am. No. 60, 1976
	rep. No. 132, 1978
	ad. No. 95, 1989
	am. No. 37, 1998; No. 111, 2001
	rep. No. 32, 2007
s. 82L	ad. No. 68, 1958
	am. No. 41, 1970; No. 202, 1973; No. 60, 1976
	rep. No. 132, 1978
	ad. No. 95, 1989

Provision affected	How affected
	am. No. 45, 1997; No. 159, 1999; No. 111, 2001; No. 111, 2005
	rep. No. 32, 2007
s. 82M	ad. No. 68, 1958
	am. No. 202, 1973
	rep. No. 132, 1978
	ad. No. 95, 1989
	rep. No. 32, 2007
s. 82N	ad. No. 68, 1958
	am. No. 202, 1973
	rep. No. 132, 1978
	ad. No. 95, 1989
	am. No. 37, 1998
	rep. No. 32, 2007
s. 82P	ad. No. 68, 1958
	am. No. 44, 1966; No. 202, 1973
	rep. No. 132, 1978
	ad. No. 95, 1989
	am. No. 152, 1997; No. 37, 1998
	rep. No. 32, 2007
Heading to s. 82PA	rs. No. 152, 1997
	rep. No. 32, 2007
s. 82PA	ad. No. 95, 1989
	am. No. 41, 1995; No. 45, 1997; No. 159, 1999
	rep. No. 32, 2007
Note to s. 82PA	ad. No. 152, 1997
	rep. No. 32, 2007
s. 82PAA	ad. No. 37, 1998
	rep. No. 32, 2007
ss. 82PB, 82PC	ad. No. 95, 1989
	rep. No. 32, 2007
ss. 82PCA, 82PCB	ad. No. 159, 1999
	rep. No. 32, 2007

Endnote 4—Amendment history

Provision affected	How affected
s. 82PD	ad. No. 95, 1989
	rep. No. 159, 1999
s. 82PE	ad. No. 95, 1989
	rep. No. 32, 2007
s. 82PEA	ad. No. 122, 1991
	am. No. 146, 1999
	rep. No. 32, 2007
ss. 82PF, 82PG	ad. No. 95, 1989
	am. No. 159, 1999
	rep. No. 32, 2007
Heading to Div. 7 of Part VIAA	rs. No. 37, 1998
	rep. No. 32, 2007
Heading to s. 82PH	am. No. 37, 1998
	rep. No. 32, 2007
s. 82PH	ad. No. 95, 1989
	am. No. 37, 1998; No. 159, 2001
	rep. No. 32, 2007
Heading to s. 82PJ	am. No. 37, 1998
	rep. No. 32, 2007
ss. 82PJ, 82PK	ad. No. 95, 1989
	am. No. 37, 1998
	rep. No. 32, 2007
s. 82PL	ad. No. 95, 1989
	am. No. 146, 1999
	rep. No. 32, 2007
Heading to s. 82PM	am. No. 37, 1998
	rep. No. 32, 2007
s. 82PM	ad. No. 95, 1989
	am. No. 37, 1998
	rep. No. 32, 2007
Heading to s. 82PN	am. No. 37, 1998
	rep. No. 32, 2007

Provision affected	How affected
s. 82PN	ad. No. 122, 1991
	am. No. 37, 1998; No. 146, 1999
	rep. No. 32, 2007
Div. 8 of Part VIAA	ad. No. 69, 2003
	rep. No. 32, 2007
s. 82PO	ad. No. 69, 2003
	rep. No. 32, 2007
Part VIA	ad. No. 60, 1976
	rep. No. 32, 2007
Heading to Div. 1 of Part VIA	ad. No. 159, 1999
	rep. No. 32, 2007
ss. 82QA–82QC	ad. No. 159, 1999
	rep. No. 32, 2007
s. 82Q	ad. No. 102, 1969
	am. No. 41, 1970; No. 202, 1973
	rep. No. 1, 1976
	ad. No. 60, 1976
	am. No. 157, 1976; No. 54, 1983; No. 88, 1992; No. 41, 1995; No. 159, 1999
	rep. No. 32, 2007
s. 82QAA	ad. No. 44, 1999
	rep. No. 32, 2007
Heading to Div. 2 of Part VIA	ad. No. 159, 1999
	rep. No. 32, 2007
s. 82R	ad. No. 102, 1969
	rs. No. 41, 1970
	rep. No. 1, 1976
	ad. No. 60, 1976
	am. No. 54, 1983; No. 94, 1986; No. 95, 1989; No. 41, 1995; No. 45, 1997; Nos. 146 and 159, 1999
	rep. No. 32, 2007
s. 82S	ad. No. 102, 1969

Endnote 4—Amendment history

Provision affected	How affected
	rs. No. 41, 1970
	am. No. 114, 1972; Nos. 1 and 13, 1975
	rep. No. 1, 1976
	ad. No. 60, 1976
	am. No. 94, 1986
	rep. No. 32, 2007
s. 82T	ad. No. 102, 1969
	rs. No. 41, 1970
	am. No. 114, 1972; No. 1, 1975
	rep. No. 1, 1976
	ad. No. 60, 1976
	rep. No. 32, 2007
s. 82U	ad. No. 102, 1969
	am. No. 41, 1970; No. 202, 1973
	rep. No. 1, 1976
	ad. No. 60, 1976
	am. No. 65, 1985; No. 94, 1986; No. 111, 2001
	rep. No. 32, 2007
s. 82V	ad. No. 102, 1969
	rs. No. 41, 1970
	rep. No. 1, 1976
	ad. No. 60, 1976
	am. No. 65, 1985; No. 94, 1986; No. 111, 2001
	rep. No. 32, 2007
s. 82W	ad. No. 102, 1969
	am. No. 41, 1970; No. 114, 1972; No. 1, 1975
	rep. No. 1, 1976
	ad. No. 60, 1976
	am. No. 54, 1983; No. 94, 1986; No. 41, 1995; No. 159, 1999
	rep. No. 32, 2007
s. 82WA	ad. No. 159, 1999
	rep. No. 32, 2007

Provision affected	How affected
s. 82WB (formerly s. 82X)	rep. No. 32, 2007
s. 82WC	am. No. 111, 2001
(formerly s. 82Y)	rep. No. 32, 2007
Note to s. 82WC(2)	ad. No. 111, 2001
	rep. No. 32, 2007
s. 82X	ad. No. 102, 1969
	am. No. 102, 1973
	rep. No. 1, 1976
	ad. No. 60, 1976
	am. No. 94, 1986; No. 146, 1999
Renumbered s. 82WB	No. 159, 1999
Div. 3 of Part VIA	ad. No. 159, 1999
	rep. No. 32, 2007
s. 82XA	ad. No. 159, 1999
	rep. No. 32, 2007
s. 82XB	ad. No. 159, 1999
	am. No. 159, 1999; No. 55, 2001
	rep. No. 32, 2007
s. 82XC	ad. No. 159, 1999
	rep. No. 32, 2007
s. 82XD	ad. No. 159, 1999
	rep. No. 32, 2007
s. 82XE	ad. No. 159, 1999
	am. No. 55, 2001
	rep. No. 32, 2007
s. 82XF	ad. No. 159, 1999
	am. No. 159, 1999; No. 55, 2001; No. 1, 2004
	rep. No. 32, 2007
ss. 82XG–82XK	ad. No. 159, 1999
	rep. No. 32, 2007
s. 82XL–82XP	ad. No. 159, 1999
	rep. No. 32, 2007

Endnote 4—Amendment history

Provision affected	How affected
s. 82XQ	ad. No. 159, 1999
	am. No. 55, 2001
	rep. No. 32, 2007
s. 82XR	ad. No. 159, 1999
	am. No. 159, 1999; No. 111, 2001
	rep. No. 32, 2007
ss. 82XS–82XV	ad. No. 159, 1999
	rep. No. 32, 2007
ss. 82XW, 82XX	ad. No. 159, 1999
	am. No. 55, 2001
	rep. No. 32, 2007
ss. 82XY, 82XZ	ad. No. 159, 1999
	rep. No. 32, 2007
ss. 82XZA, 82XZB	ad. No. 159, 1999
	rep. No. 32, 2007
ss. 82XZC–82XZE	ad. No. 159, 1999
	rep. No. 32, 2007
s. 82XZF	ad. No. 159, 1999
	am. No. 55, 2001
	rep. No. 32, 2007
s. 82XZG	ad. No. 159, 1999
	am. No. 55, 2001
	rep. No. 32, 2007
Note 1 to s. 82XZG(2)	am. No. 55, 2001
	rep. No. 32, 2007
s. 82XZH	ad. No. 159, 1999
	am. No. 55, 2001
	rep. No. 32, 2007
s. 82XZI	ad. No. 159, 1999
	am. No. 55, 2001
	rep. No. 32, 2007
ss. 82XZJ, 82XZK	ad. No. 159, 1999

Provision affected	How affected
	rep. No. 32, 2007
s. 82XZL	ad. No. 159, 1999
	am. No. 55, 2001
	rep. No. 32, 2007
s. 82XZM	ad. No. 159, 1999
	rep. No. 32, 2007
s. 82XZN	ad. No. 159, 1999
	am. No. 55, 2001
	rep. No. 32, 2007
s. 82Y	ad. No. 102, 1969
	am. No. 102, 1973
	rep. No. 1, 1976
	ad. No. 60, 1976
	am. No. 65, 1985; No. 94, 1986
Renumbered s. 82WC	No. 159, 1999
Div. 4 of Part VIA	ad. No. 159, 1999
	rep. No. 32, 2007
s. 82YA	ad. No. 159, 1999
	rep. No. 32, 2007
s. 82YB	ad. No. 159, 1999
	am. No. 159, 1999; No. 55, 2001
	rep. No. 32, 2007
s. 82YC	ad. No. 159, 1999
	rep. No. 32, 2007
s. 82YD	ad. No. 159, 1999
	am. No. 159, 1999
	rep. No. 32, 2007
s. 82YE	ad. No. 159, 1999
	rep. No. 32, 2007
s. 82YF	ad. No. 159, 1999
	am. No. 55, 2001
	rep. No. 32, 2007

Endnote 4—Amendment history

Provision affected	How affected
ss. 82YG–82YJ	ad. No. 159, 1999
	rep. No. 32, 2007
s. 82YK	ad. No. 159, 1999
	am. No. 55, 2001
	rep. No. 32, 2007
s. 82YL	ad. No. 159, 1999
	am. No. 159, 1999; No. 55, 2001
	rep. No. 32, 2007
s. 82YM	ad. No. 159, 1999
	rep. No. 32, 2007
s. 82YN	ad. No. 159, 1999
	am. No. 55, 2001
	rep. No. 32, 2007
s. 82YO	ad. No. 159, 1999
	am. No. 159, 1999; No. 55, 2001; No. 1, 2004
	rep. No. 32, 2007
ss. 82YP–82YS	ad. No. 159, 1999
	rep. No. 32, 2007
s. 82YT	ad. No. 159, 1999
	am. No. 159, 1999; No. 55, 2001
	rep. No. 32, 2007
ss. 82YU–82YX	ad. No. 159, 1999
	rep. No. 32, 2007
ss. 82YY, 82YZ	ad. No. 159, 1999
	rep. No. 32, 2007
ss. 82YZA, 82YZB	ad. No. 159, 1999
	am. No. 55, 2001
	rep. No. 32, 2007
s. 82YZC	ad. No. 159, 1999
	rep. No. 32, 2007
ss. 82YZD–82YZF	ad. No. 159, 1999
	rep. No. 32, 2007

Provision affected	How affected
s. 82Z	ad. No. 102, 1969
	rep. No. 1, 1976
	ad. No. 60, 1976
	am. No. 54, 1983; No. 94, 1986; No. 95, 1989; No. 88, 1992; No. 41, 1995
	rep. No. 159, 1999
Div. 5 of Part VIA	ad. No. 159, 1999
	rep. No. 32, 2007
s. 82ZA	ad. No. 102, 1969
	am. No. 202, 1973
	rep. No. 1, 1976
	ad. No. 60, 1976
	am. No. 94, 1986; No. 41, 1995
	rs. No. 159, 1999
	rep. No. 32, 2007
s. 82ZB	ad. No. 102, 1969
	rep. No. 202, 1973
	ad. No. 60, 1976
	am. No. 94, 1986
	rs. No. 159, 1999
	rep. No. 32, 2007
s. 82ZC	ad. No. 102, 1969
	rs. No. 41, 1970
	am. No. 202, 1973
	rep. No. 1, 1976
	ad. No. 60, 1976
	rs. No. 159, 1999
	rep. No. 32, 2007
s. 82ZD	ad. No. 102, 1969
	am. No. 202, 1973
	rep. No. 1, 1976
	ad. No. 60, 1976

Endnote 4—Amendment history

Provision affected	How affected
	am. No. 41, 1995
	rs. No. 159, 1999
	rep. No. 32, 2007
s. 82ZE	ad. No. 102, 1969
	rep. No. 1, 1976
	ad. No. 60, 1976
	am. No. 94, 1986; No. 41, 1995
	rs. No. 159, 1999
	rep. No. 32, 2007
s. 82ZF	ad. No. 102, 1969
	am. No. 202, 1973
	rep. No. 1, 1976
	ad. No. 60, 1976
	am. No. 41, 1995
	rs. No. 159, 1999
	rep. No. 32, 2007
s. 82ZG	ad. No. 102, 1969
	am. No. 202, 1973
	rep. No. 1, 1976
	ad. No. 60, 1976
	am. No. 41, 1995
	rep. No. 159, 1999
s. 82ZGA	ad. No. 54, 1983
	am. No. 94, 1986
	rep. No. 88, 1992
s. 82ZH	ad. No. 102, 1969
	rep. No. 1, 1976
	ad. No. 60, 1976
	rep. No. 159, 1999
s. 82ZJ	ad. No. 60, 1976
	rep. No. 159, 1999
s. 82ZK	ad. No. 60, 1976

Provision affected	How affected
	am. No. 94, 1986; No. 41, 1995
	rep. No. 159, 1999
s. 82ZL	ad. No. 60, 1976
	am. No. 132, 1978; No. 54, 1983; No. 94, 1986; No. 48, 1998
	rep. No. 159, 1999
s. 82ZM	ad. No. 60, 1976
	am. No. 157, 1976
	rep. No. 159, 1999
Part VIB	ad. No. 54, 1983
	rep. No. 32, 2007
s. 82ZN	ad. No. 54, 1983
	am. No. 88, 1992; No. 41, 1995
	rep. No. 32, 2007
s. 82ZP	ad. No. 54, 1983
	am. No. 94, 1986; No. 95, 1989; No. 41, 1995; No. 159, 1999
	rep. No. 32, 2007
Heading to Part VIC	rs. No. 37, 1998
	rep. No. 32, 2007
Part VIC	ad. No. 41, 1995
	rep. No. 32, 2007
s. 82ZPA	ad. No. 83, 2006
	rep. No. 32, 2007
s. 82ZQ	ad. No. 41, 1995
	am. No. 41, 1995; No. 37, 1998; No. 1, 2004; No. 83, 2006
	rep. No. 32, 2007
Heading to Div. 2 of Part VIC	rs. No. 37, 1998 rep. No. 32, 2007
Heading to s. 82ZR	am. No. 37, 1998
	rep. No. 32, 2007
s. 82ZR	ad. No. 41, 1995
	am. No. 37, 1998
	rep. No. 32, 2007

Endnote 4—Amendment history

Provision affected	How affected
Note to s. 82ZR(1)	ad. No. 152, 1997
	am. No. 37, 1998
	rep. No. 32, 2007
s. 82ZRAA	ad. No. 152, 1997
	am. No. 37, 1998; No. 156, 1999
	rep. No. 32, 2007
ss. 82ZRA, 82ZRB	ad. No. 41, 1995
	am. No. 37, 1998
	rep. No. 32, 2007
s. 82ZRC	ad. No. 41, 1995
	am. No. 37, 1998; No. 1, 2004; No. 83, 2006
	rep. No. 32, 2007
s. 82ZS	ad. No. 41, 1995
	am. No. 37, 1998; No. 31, 2005; No. 83, 2006
	rep. No. 32, 2007
s. 82ZSAAA	ad. No. 83, 2006
	rep. No. 32, 2007
s. 82ZSA	ad. No. 41, 1995
	rs. No. 45, 1997
	am. No. 159, 1999; No. 31, 2005; No. 83, 2006
	rep. No. 32, 2007
s. 82ZSAA	ad. No. 1, 2004
	am. No. 83, 2006
	rep. No. 32, 2007
s. 82ZSAB	ad. No. 83, 2006
	rep. No. 32, 2007
s. 82ZSB	ad. No. 41, 1995
	rs. No. 37, 1998
	am. No. 1, 2004; No. 83, 2006
	rep. No. 32, 2007
ss. 82ZSBAA–82ZSBAD	ad. No. 83, 2006
	rep. No. 32, 2007

Provision affected	How affected
Heading to s. 82ZSBA	am. No. 43, 1996; No. 37, 1998
	rep. No. 32, 2007
s. 82ZSBA	ad. No. 41, 1995
	am. No. 43, 1996; No. 37, 1998
	rep. No. 32, 2007
Heading to s. 82ZSC	am. No. 37, 1998
	rep. No. 32, 2007
s. 82ZSC	ad. No. 41, 1995
	am. No. 37, 1998
	rep. No. 32, 2007
Heading to s. 82ZSD	am. No. 37, 1998
	rep. No. 32, 2007
s. 82ZSD	ad. No. 41, 1995
	am. No. 37, 1998; No. 1, 2004; No. 83, 2006
	rep. No. 32, 2007
s. 82ZSDA	ad. No. 1, 2004
	am. No. 83, 2006
	rep. No. 32, 2007
Heading to s. 82ZSE	am. No. 37, 1998
	rep. No. 32, 2007
s. 82ZSE	ad. No. 41, 1995
	am. No. 37, 1998; No. 1, 2004; No. 83, 2006
	rep. No. 32, 2007
s. 82ZSF	ad. No. 41, 1995
	rep. No. 37, 1998
Heading to s. 82ZSG	am. No. 37, 1998; No. 83, 2006
	rep. No. 32, 2007
s. 82ZSG	ad. No. 41, 1995
	am. No. 37, 1998; No. 83, 2006
	rep. No. 32, 2007
s. 82ZSH	ad. No. 37, 1998
	rep. No. 32, 2007

Endnote 4—Amendment history

Provision affected	How affected
s. 82ZSI	ad. No. 83, 2006
	rep. No. 32, 2007
Heading to Div. 4 of Part VIC	rs. No. 37, 1998
	rep. No. 32, 2007
Heading to s. 82ZT	am. No. 37, 1998
	rep. No. 32, 2007
s. 82ZT	ad. No. 41, 1995
	am. No. 37, 1998; No. 83, 2006
	rep. No. 32, 2007
Heading to s. 82ZTA	am. No. 37, 1998
	rep. No. 32, 2007
s. 82ZTA	ad. No. 41, 1995
	am. No. 37, 1998; No. 1, 2004; No. 83, 2006
	rep. No. 32, 2007
Heading to s. 82ZTB	am. No. 37, 1998
	rep. No. 32, 2007
s. 82ZTB	ad. No. 41, 1995
	am. No. 37, 1998
	rs. No. 1, 2004
	am. No. 83, 2006
	rep. No. 32, 2007
ss. 82ZTBAA–82ZTBAF	ad. No. 83, 2006
	rep. No. 32, 2007
s. 82ZTBA	ad. No. 41, 1995
	rep. No. 37, 1998
Heading to s. 82ZTBB	am. No. 43, 1996; No. 37, 1998
	rep. No. 32, 2007
s. 82ZTBB	ad. No. 41, 1995
	am. No. 43, 1996; No. 37, 1998
	rep. No. 32, 2007
Heading to s. 82ZTC	am. No. 37, 1998; No. 83, 2006
	rep. No. 32, 2007

Provision affected	How affected
s. 82ZTC	ad. No. 41, 1995
	am. No. 37, 1998; No. 1, 2004; No. 83, 2006
	rep. No. 32, 2007
s. 82ZTCA	ad. No. 1, 2004
	am. No. 83, 2006
	rep. No. 32, 2007
s. 82ZTD	ad. No. 41, 1995
	am. No. 37, 1998
	rep. No. 32, 2007
Heading to Div. 5 of Part VIC	rs. No. 37, 1998 rep. No. 32, 2007
s. 82ZU	ad. No. 41, 1995
	am. No. 37, 1998
	rep. No. 32, 2007
s. 82ZUA	ad. No. 41, 1995
	am. No. 37, 1998
	rep. No. 32, 2007
s. 82ZUB	ad. No. 41, 1995
	am. No. 37, 1998
	rep. No. 32, 2007
Heading to s. 82ZUBA	am. No. 37, 1998
	rep. No. 32, 2007
s. 82ZUBA	ad. No. 152, 1997
	am. No. 37, 1998
	rep. No. 32, 2007
s. 82ZUC	ad. No. 41, 1995
	am. No. 37, 1998
	rep. No. 32, 2007
s. 82ZUD	ad. No. 41, 1995
	am. No. 37, 1998; No. 146, 1999
	rep. No. 32, 2007
ss. 82ZUE, 82ZUF	ad. No. 41, 1995

Endnote 4—Amendment history

Provision affected	How affected
	am. No. 37, 1998
	rep. No. 32, 2007
s. 82ZUG	ad. No. 41, 1995
	am. No. 37, 1998; No. 146, 1999
	rep. No. 32, 2007
s. 82ZUH	ad. No. 83, 2006
	rep. No. 32, 2007
s. 82ZV	ad. No. 41, 1995
	am. No. 37, 1998; No. 83, 2006
	rep. No. 32, 2007
Heading to s. 82ZVA	rs. No. 152, 1997
	rep. No. 32, 2007
s. 82ZVA	ad. No. 41, 1995
	am. No. 152, 1997; No. 37, 1998
	rep. No. 32, 2007
ss. 82ZVB, 82ZVC	ad. No. 41, 1995
	rep. No. 32, 2007
s. 82ZVD	ad. No. 37, 1998
	rep. No. 32, 2007
s. 82ZVE	ad. No. 37, 1998
	am. No. 83, 2006
	rep. No. 32, 2007
s. 82ZVF	ad. No. 83, 2006
	rep. No. 32, 2007
Part VID	ad. No. 69, 2003
	rep. No. 32, 2007
s. 83A	ad. No. 69, 2003
	rep. No. 32, 2007
ss. 83B–83G	ad. No. 69, 2003
	rep. No. 32, 2007
ss. 83H–83J	ad. No. 69, 2003
	rep. No. 32, 2007

Provision affected	How affected
ss. 83K–83P	ad. No. 69, 2003
	rep. No. 32, 2007
Part VII	
Division 1	
Heading to Div. 1 of Part VII	ad. No. 177, 1976
s. 83	am. No. 60, 1976; No. 136, 1992
Renumbered s. 83Z	No. 69, 2003
s. 84	am. No. 68, 1955; No. 72, 1959; No. 82, 1962; No. 37, 1964; No. 85, 1971; No. 202, 1973; Nos. 1 and 93, 1975; Nos. 1, 60, 91 and 177, 1976; Nos. 88 and 132, 1978; No. 91, 1979; Nos. 40 and 163, 1981; No. 112, 1982; No. 139, 1983; No. 120, 1984; No. 127, 1985; Nos. 28, 75 and 94, 1986; Nos. 118 and 131, 1987; Nos. 84, 106 and 141, 1990; Nos. 70, 73, 115, 119, 175 and 208, 1991; Nos. 70, 88, 136, 192 and 230, 1992; No. 61, 1993; Nos. 63, 78, 164 and 184, 1994; Nos. 24, 105 and 149, 1995; Nos. 1, 79 and 84,1996; No. 157, 1997; Nos. 45 and 116, 1998; Nos. 75 and 146, 2000; No. 80, 2001; Nos. 50, 52 and 117, 2004; Nos. 111 and 151, 2005; No. 136, 2006; Nos. 32, 111, 169 and 180, 2007; Nos. 49 and 144, 2008; Nos. 29 and 126, 2010; No. 32, 2011; No. 87, 2012
Note to s. 84(7)	am. No. 80, 2001
s. 84AAA	ad. No. 151, 2005
	am. Nos. 32, 111 and 180, 2007
Note to s. 84AAA(1)	am. No. 32, 2007
s. 84AA	ad. No. 112, 1982
	rs. No. 35, 1983
	am. No. 94, 1986; Nos. 106 and 141, 1990; No. 80, 2001; No. 169, 2007
s. 84A	ad. No. 132, 1978
	am. No. 63, 1984; No. 94, 1986
s. 84AAB	ad. No. 169, 2007
Note to s. 84AAB(4)	am. No. 29, 2010
Heading to s. 84AAC	am. No. 29, 2010
s. 84AAC	ad. No. 169, 2007
Note to s. 84AAC(4)	am. No. 29, 2010
Heading to s. 84AAD	am. No. 29, 2010

Endnote 4—Amendment history

Provision affected	How affected
s. 84AAD	ad. No. 169, 2007
Note to s. 84AAD(4)	am. No. 29, 2010 (as am. by No. 136, 2012)
ss. 84AAE–84AAL	ad. No. 29, 2010
s. 84AB	ad. No. 111, 2007
Heading to s. 84ABA	am. No. 126, 2010
s. 84ABA	ad. No. 49, 2008
	am. No. 126, 2010
s. 84AC	ad. No. 111, 2007
s. 84AD	ad. No. 111, 2007
	am. No. 126, 2010
s. 84AE	ad. No. 111, 2007
	am. No. 49, 2008
Note to s. 84AE(3)	rep. No. 49, 2008
ss. 84AF–84AI	ad. No. 111, 2007
s. 84AJ	ad. No. 180, 2007
s. 84AK	ad. No. 87, 2012
Division 1A	
Heading to Div. 1A of Part VII	am. No. 141, 1990
Div. 1A of Part VII	ad. No. 94, 1986
s. 84B	ad. No. 94, 1986
	am. Nos. 49 and 144, 2008
s. 84BA	ad. No. 88, 1992
	am. No. 80, 2001
s. 84C	ad. No. 94, 1986
	am. No. 22, 1987; No. 46, 1988; Nos. 84, 106 and 141, 1990; Nos. 119 and 208, 1991; Nos. 88 and 192, 1992; No. 106, 1993 (as am. by No. 116, 1994); No. 116, 1994; Nos. 149 and 164, 1995; No. 79, 1996; No. 37, 1998; Nos. 52 and 119, 2004; No. 151, 2005; No. 136, 2006; Nos. 111, 169 and 180, 2007; No. 87, 2012
Note to s. 84C(1AA)	am. No. 119, 2004
Note to s. 84C(4)	am. No. 119, 2004
Note to s. 84C(4)(a)	ad. No. 50, 2004

Provision affected	How affected
s. 84CA	ad. No. 84, 1990
	am. No. 88, 1992; No. 106, 1993; No. 79, 1996; No. 119, 2004
Note to s. 84CA	am. No. 119, 2004
s. 84D	ad. No. 94, 1986
	am. Nos. 84 and 141, 1990; No. 208, 1991; No. 88, 1992
s. 84DA	ad. No. 141, 1990
	am. No. 88, 1992; No. 50, 2004
s. 84E	ad. No. 94, 1986
	am. No. 22, 1987; No. 106, 1990; No. 88, 1992; No. 50, 2004
s. 84F	ad. No. 94, 1986
	am. No. 141, 1990; No. 192, 1992
ss. 84G, 84H	ad. No. 94, 1986
	am. No. 141, 1990
s. 84HA	ad. No. 22, 1987
	am. No. 141, 1990
ss. 84J, 84K	ad. No. 94, 1986
	am. No. 141, 1990
s. 84L	ad. No. 94, 1986
	am. No. 22, 1987; No. 141, 1990; No. 88, 1992; No. 111, 2001
Division 2	
Heading to Div. 2 of Part VII	ad. No. 177, 1976
Subheads. to s. 85(1), (2)	ad. No. 126, 2010
Subhead. to s. 85(3)	ad. No. 126, 2010
Subheads. to s. 85(5), (6)	ad. No. 126, 2010
s. 85	rs. No. 68, 1955; No. 72, 1959
	am. No. 60, 1976; No. 132, 1978; No. 94, 1986; No. 118, 1987; No. 99, 1988; No. 3, 1995; No. 19, 1998; No. 111, 2007; No. 126, 2010; No. 87, 2012
Note to s. 85(1)	ad. No. 50, 2004
	rep. No. 126, 2010
Note 1 to s. 85(1)	ad. No. 126, 2010
	am. No. 87, 2012

Endnote 4—Amendment history

Provision affected	How affected
Note 2 to s. 85(1)	ad. No. 126, 2010
Note 1 to s. 85(2)	ad. No. 126, 2010
Note 2 to s. 85(2)	ad. No. 126, 2010
s. 85AAA	ad. No. 87, 2012
s. 85AA	ad. No. 126, 2010
Heading to s. 85A	am. No. 111, 2007
s. 85A	ad. No. 132, 1978
	am. No. 131, 1980; No. 94, 1986; No. 111, 2007; No. 8, 2012
s. 85AB	ad. No. 111, 2007
s. 85AC	ad. No. 111, 2007
	am. No. 126, 2010
s. 85AD	ad. No. 111, 2007
	am. No. 87, 2012
s. 85B	ad. No. 53, 1985
	am. No. 94, 1986; No. 22, 1987; No. 3, 1990; No. 119, 1991
	rs. No. 111, 2007; No. 87, 2012
s. 85C	ad. No. 87, 2012
s. 85D	ad. No. 87, 2012
s. 86	am. No. 68, 1955
	rs. No. 72, 1959
	am. No. 132, 1978; No. 94, 1986
	rs. No. 146, 2000
	am. No. 169, 2007; No. 49, 2008; No. 29, 2010
s. 86A	ad. No. 146, 2000
	am. No. 49, 2008
s. 86B	ad. No. 146, 2000
	am. No. 111, 2005; No. 32, 2011
s. 86C	ad. No. 146, 2000
	am. No. 111, 2005; No. 32, 2011
Note 1 to s. 86C(7)	am. No. 111, 2005; No. 32, 2011
Subhead. to s. 86D(2)	am. No. 169, 2007
s. 86D	ad. No. 146, 2000

Provision affected	How affected
	am. No. 169, 2007
s. 86E	ad. No. 146, 2000
s. 87	rs. No. 72, 1959
	am. No. 44, 1966; No. 85, 1971; Nos. 1 and 60, 1976; No. 132, 1978; No. 112, 1982; No. 53, 1985; Nos. 75 and 94, 1986; No. 22, 1987; No. 46, 1988; Nos. 3, 84, 106 and 141, 1990; Nos. 119 and 208, 1991; No. 88, 1992; No. 106, 1993; No. 164, 1995; No. 79, 1996; No. 37, 1998; No. 80, 2001; No. 119, 2004; No. 151, 2005; No. 111, 2007; No. 49, 2008; No. 29, 2010; No. 87, 2012
Note to s. 87(2)	am. No. 119, 2004
s. 87A	ad. No. 3, 1990
	am. No. 141, 1990; Nos. 88 and 136, 1992; No. 79, 1996; No. 80, 2001
s. 88	am. No. 68, 1955; No. 72, 1959; No. 44, 1966; No. 60, 1976
	rs. No. 132, 1978
	am. No. 131, 1980; No. 94, 1986; No. 146, 2000; Nos. 111, 169 and 180, 2007; No. 49, 2008; No. 29, 2010
Heading to s. 88AA	am. No. 169, 2007
Subhead. to s. 88AA(3)	am. No. 169, 2007
s. 88AA	ad. No. 146, 2000
	am. No. 169, 2007
s. 88A	ad. No. 131, 1980
	rs. No. 94, 1986
	am. No. 111, 2007; No. 126, 2010
s. 89	rs. No. 68, 1955
	am. No. 72, 1959; No. 60, 1976; No. 132, 1978; No. 94, 1986; No. 19, 1998; No. 169, 2007; No. 29, 2010; Nos. 8 and 87, 2012
Note to s. 89(a)	ad. No. 50, 2004
s. 89A	ad. No. 8, 2012
s. 90	am. Nos. 60 and 91, 1976; No. 112, 1982; No. 63, 1984; No. 94, 1986; No. 106, 1990; No. 136, 1992; No. 76, 1993; No. 24, 1995; No. 75, 2000; No. 117, 2004 (as am. by No. 60, 2005); Nos. 60 and 155, 2005; No. 37, 2006; No. 169, 2007; No. 63, 2010
Note to s. 90(5)	ad. No. 37, 2006
s. 90A	ad. No. 37, 2006

Endnote 4—Amendment history

Provision affected	How affected
	am. No. 169, 2007
ss. 90B–90D	ad. No. 37, 2006
s. 90E	ad. No. 37, 2006
	am. No. 169, 2007
s. 91	rs. No. 37, 1964
	am. No. 1, 1975; No. 60, 1976
	rep. No. 139, 1983
	ad. No. 117, 2004
	am. No. 169, 2007
s. 92	am. No. 91, 1976; No. 112, 1982; No. 63, 1984; No. 94, 1986
s. 92A	ad. No. 72, 1959
	rs. No. 37, 1964
	am. No. 1, 1975; Nos. 60 and 91, 1976; No. 112, 1982; No. 35, 1983; No. 63, 1984; No. 94, 1986; Nos. 106 and 141, 1990; No. 136, 1992; No. 24, 1995; No. 69, 2003; No. 37, 2006
s. 92B	ad. No. 37, 1964
	am. No. 44, 1966; No. 65, 1985; No. 94, 1986
	rs. No. 21, 1999
	am. No. 32, 2007
Heading to s. 93	rs. No. 87, 2012
s. 93	am. No. 68, 1955; No. 87, 2012
s. 93AA	ad. No. 29, 2010
	rs. No. 87, 2012
s. 93AB	ad. No. 87, 2012
s. 93A	ad. No. 19, 1998
Note to s. 93A(2)	ad. No. 8, 2012
s. 94	am. No. 68, 1955; No. 72, 1959; Nos. 60 and 91, 1976; No. 132, 1978; No. 163, 1981; No. 112, 1982; No. 94, 1986; No. 50, 2004
s. 95	am. No. 68, 1955; Nos. 60 and 91, 1976; No. 132, 1978; No. 163, 1981; No. 63, 1984; No. 94, 1986; No. 136, 1992; No. 22, 1994
s. 96	rep. No. 68, 1955
s. 97	am. No. 60, 1976
	rep. No. 60, 1976

Provision affected	How affected
s. 98	am. No. 44, 1966; Nos. 60 and 91, 1976; No. 132, 1978; No. 163, 1981; No. 63, 1984; Nos. 53 and 65, 1985; No. 94, 1986; No. 136, 1992; No. 76, 1993; No. 50, 2004; No. 169, 2007; No. 29, 2010
s. 98AA	ad. No. 163, 1981
	am. No. 65, 1985; No. 94, 1986; No. 136, 1992; No. 50, 2004
s. 98AB	ad. No. 111, 2007
s. 98AC	ad. No. 126, 2010
Division 3	
Div. 3 of Part VII	ad. No. 177, 1976
s. 98A	ad. No. 177, 1976
	rs. No. 40, 1981
	am. Nos. 75 and 94, 1986; No. 87, 1988; No. 175, 1989; No. 88, 1992; No. 54, 2009; No. 174, 2012
s. 98B	ad. No. 177, 1976
	rs. No. 40, 1981
	am. No. 53, 1985; No. 94, 1986; No. 87, 1988; No. 24, 1995; No. 75, 2000; SLI 2006 No. 50; No. 111, 2007; No. 54, 2009; Nos. 87 and 174, 2012
s. 98BA	ad. No. 40, 1981
	am. No. 88, 1992
s. 98BAA	ad. No. 84, 1990
	am. No. 88, 1992
ss. 98BB, 98BC	ad. No. 40, 1981
	am. No. 75, 1986; No. 175, 1989
ss. 98BD, 98BE	ad. No. 40, 1981
	am. No. 94, 1986
s. 98C	ad. No. 177, 1976
	am. No. 40, 1981; No. 94, 1986; No. 87, 2012
s. 98D	ad. No. 177, 1976
	am. No. 40, 1981
s. 98E	ad. No. 177, 1976
	rs. No. 40, 1981
	am. Nos. 75 and 94, 1986

Endnote 4—Amendment history

Provision affected	How affected
s. 99	am. No. 72, 1959; No. 44, 1966; No. 85, 1971; No. 202, 1973; Nos. 1, 60 and 177, 1976; No. 132, 1978; No. 112, 1982; No. 35, 1983; No. 53, 1985; No. 94, 1986; Nos. 22 and 118, 1987; No. 46, 1988; Nos. 3, 84 and 106, 1990; No. 119, 1991 (as am. by No. 149, 1995); No. 106, 1993; No. 79, 1996; No. 19, 1998; No. 146, 2000; Nos. 50 and 119, 2004; Nos. 111 and 151, 2005; Nos. 111 and 169, 2007; No. 29, 2010; No. 32, 2011; No. 87, 2012
Notes to s. 99(2A), (2AB), (2B)	am. No. 119, 2004
s. 99AAA	ad. No. 118, 1987
	rs. No. 119, 1991
	am. No. 126, 2010
s. 99AAB	ad. No. 118, 1987
	rs. No. 119, 1991
	am. No. 24, 1995; No. 19, 1998; No. 75, 2000
s. 99AAC	ad. No. 118, 1987
	rs. No. 119, 1991
s. 99AA	ad. No. 94, 1986
	am. No. 118, 1987; No. 119, 1991; No. 80, 2001
s. 99AB	ad. No. 22, 1987 (as am. by No. 192, 1992)
Division 3A	
Div. 3A of Part VII	ad. No. 111, 2007
Subdivision A	
s. 99AC	ad. No. 111, 2007
	rs. No. 126, 2010
	am. No. 126, 2010
s. 99ACA	ad. No. 111, 2007
	am. No. 126, 2010
Subdivision B	
Heading to Subdiv. B of Div. 3A of Part VII	rs. No. 126, 2010
Heading to s. 99ACB	am. No. 126, 2010
Subhead. to s. 99ACB(4)	am. No. 126, 2010
s. 99ACB	ad. No. 111, 2007

Provision affected	How affected
	am. No. 126, 2010; No. 87, 2012
Subdivision C	
s. 99ACC	ad. No. 111, 2007
	am. No. 126, 2010; No. 87, 2012
Heading to s. 99ACD	am. No. 126, 2010
Subhead. to s. 99ACD(4)	am. No. 126, 2010
s. 99ACD	ad. No. 111, 2007
	am. No. 126, 2010; No. 87, 2012
Heading to s. 99ACE	am. No. 126, 2010
Subhead. to s. 99ACE(2)	am. No. 126, 2010
s. 99ACE	ad. No. 111, 2007
	am. No. 126, 2010; No. 87, 2012
Subdivision CA	
Subdiv. CA of Div. 3A of Part VII	ad. No. 126, 2010
s. 99ACEA	ad. No. 126, 2010
	am. No. 87, 2012
Heading to s. 99ACEB	rs. No. 136, 2012
s. 99ACEB	ad. No. 126, 2010
Subdivision D	
s. 99ACF	ad. No. 111, 2007
	am. No. 126, 2010; No. 87, 2012
Heading to s. 99ACG	am. No. 126, 2010
Subhead. to s. 99ACG(1)	rs. No. 126, 2010
Subhead. to s. 99ACG(2)	rs. No. 126, 2010
s. 99ACG	ad. No. 111, 2007
	am. No. 126, 2010
Heading to s. 99ACH	am. No. 126, 2010
s. 99ACH	ad. No. 111, 2007
Heading to s. 99ACI	am. No. 126, 2010
s. 99ACI	ad. No. 111, 2007
s. 99ACIA	ad. No. 126, 2010

Endnote 4—Amendment history

Provision affected	How affected
s. 99ACJ	ad. No. 111, 2007
Heading to s. 99ACK	am. No. 126, 2010
s. 99ACK	ad. No. 111, 2007
	am. No. 126, 2010; No. 87, 2012
ss. 99ACL–99ACQ	ad. No. 126, 2010
Division 3B	
Div. 3B of Part VII	ad. No. 111, 2007
Subdivision A	
s. 99AD	ad. No. 111, 2007
	am. No. 126, 2010; No. 87, 2012
s. 99ADA	ad. No. 111, 2007
	rs. No. 126, 2010
s. 99ADB	ad. No. 111, 2007
	am. No. 126, 2010; No. 87, 2012; No 6, 2014
Subdivision B	
s. 99ADC	ad. No. 111, 2007
Heading to Subdiv. C of Div. 3B of Part VII	rep. No. 126, 2010
s. 99ADD	ad. No. 111, 2007
	rs. No. 126, 2010
s. 99ADE	ad. No. 111, 2007
	rep. No. 126, 2010
Subdivision D	
ss. 99ADF, 99ADG	ad. No. 111, 2007
Subdivision E	
s. 99ADH	ad. No. 111, 2007
	am. No. 126, 2010; No. 87, 2012; No 6, 2014
Note to s. 99ADH(3)	ad. No. 87, 2012
s. 99ADHA	ad. No. 87, 2012
s. 99ADJ	ad. No. 126, 2010
	rep. No. 87, 2012
Division 3C	

Provision affected	How affected
Div. 3C of Part VII	ad. No. 111, 2007
Subdivision A	
s. 99AE	ad. No. 111, 2007
s. 99AEA	ad. No. 111, 2007
Subdivision B	
s. 99AEB	ad. No. 111, 2007
Subdivision C	
s. 99AEC	ad. No. 111, 2007
s. 99AED	ad. No. 111, 2007
	am. No. 87, 2012
Subdivision D	
ss. 99AEE, 99AEF	ad. No. 111, 2007
Subdivision E	
s. 99AEG	ad. No. 111, 2007
Subdivision F	
s. 99AEH	ad. No. 111, 2007
Subdivision G	
Heading to s. 99AEI	rs. No. 87, 2012
s. 99AEI	ad. No. 111, 2007
	am. No. 126, 2010; No. 87, 2012
ss. 99AEJ, 99AEK	ad. No. 111, 2007
s. 99AEL	ad. No. 111, 2007
	rep. No. 126, 2010
Division 4	
Div. 4 of Part VII	ad. No. 177, 1976
	rs. No. 40, 1981
s. 99A	ad. No. 177, 1976
	rs. No. 40, 1981
	am. Nos. 75 and 94, 1986; No. 87, 1988; No. 106, 1990; No. 88, 1992; No. 54, 2009; No. 174, 2012
s. 99B	ad. No. 177, 1976
	rs. No. 40, 1981

Endnote 4—Amendment history

Provision affected	How affected
	am. Nos. 75 and 94, 1986; No. 87, 1988; No. 88, 1992 (as am. by No. 12, 1994); No. 43, 1996; No. 54, 2009; No. 174, 2012
s. 99C	ad. No. 177, 1976
	rs. No. 40, 1981
	am. Nos. 75 and 94, 1986
s. 99D	ad. No. 177, 1976
	rs. No. 40, 1981
	am. Nos. 75 and 94, 1986; No. 87, 1988; No. 88, 1992; No. 54, 2009; No. 46, 2011; No. 174, 2012
Note to s. 99D(1)	ad. No. 46, 2011
s. 99E	ad. No. 177, 1976
	rs. No. 40, 1981
	am. No. 94, 1986; No. 46, 2011
Note to s. 99E(1)	ad. No. 46, 2011
Division 4A	
Div. 4A of Part VII	ad. No. 84, 1990
s. 99F	ad. No. 177, 1976
	rep. No. 40, 1981
	ad. No. 84, 1990
	am. Nos. 106 and 141, 1990; No. 208, 1991; No. 88, 1992; No. 106, 1993; No. 164, 1995; No. 79, 1996; No. 119, 2004; No. 151, 2005
s. 99G	ad. No. 177, 1976
	rep. No. 40, 1981
	ad. No. 84, 1990
	am. No. 208, 1991; No. 106, 1993; No. 164, 1995; No. 79, 1996; No. 119, 2004; No. 151, 2005
Note to s. 99G(2)	rs. No. 119, 2004
Division 4B	
Heading to Div. 4B of Part VII	am. No. 24, 1995
Div. 4B of Part VII	ad. No. 106, 1990
s. 99H	ad. No. 177, 1976
	rep. No. 40, 1981

Provision affected	How affected
	ad. No. 106, 1990
s. 99J	ad. No. 106, 1990
	am. No. 24, 1995
s. 99K	ad. No. 106, 1990
	am. No. 136, 1992; No. 24, 1995; No. 75, 2000
s. 99L	ad. No. 106, 1990
	am. No. 24, 1995; No. 75, 2000
s. 99M	ad. No. 106, 1990
s. 99N	ad. No. 106, 1990
	rs. No. 24, 1995
	am. No. 37, 2006
ss. 99P, 99Q	ad. No. 106, 1990
ss. 99R, 99S	ad. No. 106, 1990
	am. No. 24, 1995
s. 99T	ad. No. 106, 1990
s. 99U	ad. No. 106, 1990
	rs. No. 24, 1995
ss. 99V, 99W	ad. No. 106, 1990
	am. No. 24, 1995
s. 99X	ad. No. 106, 1990
s. 99Y	ad. No. 106, 1990
	am. No. 24, 1995; No. 75, 2000; Nos. 60 and 155, 2005; No. 37, 2006; No. 63, 2010
Division 4C	
Div. 4C of Part VII	ad. No. 106, 1990
	rep. No. 75, 2000
	ad. No. 71, 2009
Subdivision A	
s. 99YB	ad. No. 71, 2009
Subdivision B	
s. 99YBA	ad. No. 71, 2009
Subdivision C	

Endnote 4—Amendment history

Provision affected	How affected
s. 99YBB	ad. No. 71, 2009
Subdivision D	
s. 99YBC	ad. No. 71, 2009
	am. No. 5, 2011; No. 136, 2012
s. 99Z	ad. No. 106, 1990
	am. No. 136, 1992
	rep. No. 19, 1998
s. 99ZA	ad. No. 106, 1990
	am. No. 24, 1995
	rep. No. 75, 2000
s. 99ZAA	ad. No. 24, 1995
	rep. No. 75, 2000
s. 99ZB	ad. No. 106, 1990
	rep. No. 19, 1998
s. 99ZC	ad. No. 106, 1990
	am. No. 88, 1992; No. 24, 1995
	rep. No. 19, 1998
s. 99ZD	ad. No. 106, 1990
	am. No. 24, 1995
	rep. No. 19, 1998
s. 99ZDA	ad. No. 24, 1995
	rep. No. 75, 2000
s. 99ZE	ad. No. 106, 1990
	rs. No. 24, 1995
	rep. No. 19, 1998
s. 99ZF	ad. No. 106, 1990
	rep. No. 24, 1995
s. 99ZG	ad. No. 106, 1990
	am. No. 24, 1995
	rep. No. 75, 2000
Division 4D	
Div. 4D of Part VII	ad. No. 35, 1999

Provision affected	How affected
s. 99ZH	ad. No. 35, 1999
	am. No. 111, 2005; No. 33, 2009; No. 32, 2011
s. 99ZI	ad. No. 35, 1999
	am. No. 49, 2008
ss. 99ZJ, 99ZK	ad. No. 35, 1999
	am. No. 111, 2005; No. 169, 2007; No. 49, 2008; No. 29, 2010; No. 32, 2011
ss. 99ZL, 99ZM	ad. No. 35, 1999
s. 99ZN	ad. No. 35, 1999
	am. No. 111, 2005; No. 33, 2009; No. 32, 2011
Heading to s. 99ZO	am. No. 111, 2005; No. 32, 2011
s. 99ZO	ad. No. 35, 1999
	am. No. 111, 2005; No. 32, 2011
ss. 99ZP, 99ZQ	ad. No. 35, 1999
ss. 99ZR, 99ZS	ad. No. 35, 1999
	am. No. 111, 2005; No. 32, 2011
s. 99ZT	ad. No. 35, 1999
	am. No. 111, 2005; No. 49, 2008; No. 32, 2011
Division 5	
Heading to Div. 5 of Part VII	ad. No. 177, 1976
s. 100	am. No. 94, 1986
	rs. No. 50, 2004
	am. No. 126, 2010
s. 100AA	ad. No. 50, 2004
	rep. No. 126, 2010
s. 100A	ad. No. 146, 2000
	am. No. 50, 2004; No. 140, 2005
s. 100B	ad. No. 146, 2000
	am. No. 50, 2004
ss. 100C, 100D	ad. No. 146, 2000
Heading to s. 101	am. No. 146, 2000
Subhead. to s. 101(3)	ad. No. 140, 2005

Endnote 4—Amendment history

Provision affected	How affected
Subhead. to s. 101(4)	ad. No. 126, 2010
Subhead. to s. 101(5)	ad. No. 140, 2005
s. 101	am. No. 68, 1955; No. 72, 1959; No. 16, 1961; No. 82, 1962; No. 41, 1970; No. 202, 1973; Nos. 60 and 91, 1976; No. 63, 1984; No. 94, 1986; No. 118, 1987; No. 19, 1998; No. 146, 2000; No. 50, 2004; Nos. 140 and 151, 2005; No. 111, 2007; No. 126, 2010; No. 87, 2012
s. 101A	ad. No. 118, 1987
	am. No. 140, 2005
s. 102	am. No. 91, 1976; No. 63, 1984; No. 94, 1986
s. 103	am. No. 68, 1955; No. 72, 1959; No. 44, 1966; No. 91, 1976; No. 132, 1978; No. 112, 1982; No. 35, 1983; No. 63, 1984; No. 65, 1985; No. 94, 1986; No. 88, 1992; Nos. 80 and 116, 1994; No. 35, 1999; No. 137, 2000; No. 111, 2001; No. 63, 2002; No. 111, 2005; Nos. 111, 169 and 180, 2007; No. 49, 2008; No. 29, 2010; No. 32, 2011
s. 104	am. No. 68, 1955; No. 37, 1964; No. 44, 1966; Nos. 60 and 91, 1976; No. 132, 1978; Nos. 63 and 135, 1984; No. 65, 1985; No. 94, 1986
	rep. No. 85, 1994
s. 104A	ad. No. 72, 1959
	am. No. 91, 1976; No. 112, 1982; No. 63, 1984; No. 94, 1986
s. 104B	ad. No. 111, 2007
Part VIIA	
Part VIIA	ad. No. 60, 1976
s. 105AA	ad. No. 60, 1976
	rs. No. 112, 1982
s. 105AAA	ad. No. 88, 1978
	am. No. 131, 1980; No. 63, 1984
	rs. No. 72, 1984
	am. No. 165, 1984
	rep. No. 94, 1986
s. 105AAB	ad. No. 139, 1983
	am. No. 139, 1983; No. 135, 1984; Nos. 94 and 115, 1986; No. 72, 1987; No. 3, 1990; Nos. 83 and 84, 1991; No. 12, 1994; No. 149, 1995; No. 114, 1997; No. 111, 2009
	rep. No. 86, 2011

Provision affected	How affected
s. 105AB	ad. No. 60, 1976
	am. No. 99, 1976; Nos. 132 and 189, 1978; No. 112, 1982; No. 54, 1983; No. 63, 1984; No. 70, 1985; No. 94, 1986; No. 95, 1989; No. 106, 1990; No. 119, 1991; Nos. 136, 192 and 200, 1992; No. 23, 1994; Nos. 24 and 41, 1995; Nos. 19 and 37, 1998; Nos. 130 and 159, 1999; No. 75, 2000; No. 69, 2003; Nos. 1 and 117, 2004; No. 83, 2006; Nos. 32 and 169, 2007; No. 29, 2010; No. 86, 2011
Note to s. 105AB(7)	ad. No. 37, 2006
s. 105AC	ad. No. 112, 1982
	am. No. 139, 1983; Nos. 63, 72 and 165, 1984; Nos. 94 and 115, 1986; No. 84, 1991; No. 86, 2011
s. 105AD	ad. No. 211, 1991
	am. No. 24, 1995; No. 19, 1998; No. 75, 2000; No. 37, 2006
s. 105AE	ad. No. 37, 2006
s. 105A	ad. No. 202, 1973
	rep. No. 91, 1976
s. 106	rep. No. 88, 1978
Part VIII	
Division 1	
s. 107	am. No. 68, 1955; No. 37, 1964; Nos. 60 and 91, 1976; No. 132, 1978; No. 63, 1984; Nos. 75 and 94, 1986; No. 169, 2007
Heading to Div. 2 of Part VIII	rs. No. 75, 1986 rep. No. 22, 1994
Div. 2 of Part VIII	rep. No. 22, 1994
s. 108	am. No. 82, 1962; No. 91, 1976; No. 63, 1984; Nos. 75 and 94, 1986
	rep. No. 22, 1994
s. 109	am. No. 68, 1955; Nos. 60 and 91, 1976; No. 63, 1984; No. 75, 1986
	rep. No. 22, 1994
s. 110	rs. No. 68, 1955
	am. No. 82, 1962; No. 202, 1973; No. 72, 1984; Nos. 75 and 94, 1986
	rep. No. 22, 1994
s. 111	am. No. 68, 1955; Nos. 60 and 91, 1976; No. 63, 1984; Nos. 75 and 94, 1986
	rep. No. 22, 1994

Endnote 4—Amendment history

Provision affected	How affected
s. 111A	ad. No. 68, 1955
	am. No. 68, 1958; No. 60, 1976; Nos. 75 and 94, 1986
	rep. No. 22, 1994
s. 112	am. No. 132, 1978; No. 94, 1986
	rep. No. 22, 1994
Div. 2AA of Part VIII	ad. No. 132, 1978
	rep. No. 22, 1994
ss. 112AA, 112AB	ad. No. 132, 1978
	am. No. 63, 1984
	rep. No. 22, 1994
s. 112AC	ad. No. 132, 1978
	am. No. 72, 1984
	rep. No. 22, 1994
s. 112AD	ad. No. 132, 1978
	am. No. 63, 1984
	rep. No. 22, 1994
s. 112AE	ad. No. 132, 1978
	am. No. 94, 1986
	rep. No. 22, 1994
Div. 2A of Part VIII	ad. No. 68, 1955
	rep. No. 211, 1991
s. 112A	ad. No. 68, 1955
	am. No. 82, 1962; No. 94, 1986
	rep. No. 211, 1991
s. 112B	ad. No. 68, 1955
	am. Nos. 60 and 91, 1976; No. 100, 1977; No. 63, 1984; No. 94, 1986
	rep. No. 211, 1991
Division 3	
s. 113	am. No. 91, 1976; No. 63, 1984; No. 94, 1986
s. 114	am. No. 91, 1976; No. 63, 1984; Nos. 75 and 94, 1986; No. 50, 2004; No. 126, 2010
s. 115	am. No. 68, 1955; No. 91, 1976; No. 72, 1984; No. 94, 1986

Provision affected	How affected
s. 116	am. Nos. 60 and 91, 1976; No. 63, 1984; Nos. 75 and 94, 1986; No. 50, 2004; No. 126, 2010
Heading to s. 117	am. No. 169, 2007
s. 117	am. No. 132, 1978; No. 94, 1986; No. 169, 2007
Div. 3A of Part VIII	ad. No. 114, 1972
	rep. No. 86, 2011
s. 117A	ad. No. 114, 1972
	am. No. 94, 1986
	rs. No. 141, 1990
	rep. No. 86, 2011
s. 117B	ad. No. 114, 1972
	am. No. 60, 1976; No. 94, 1986; No. 155, 1988
	rep. No. 86, 2011
Division 4	
s. 118	am. No. 75, 1986
s. 119A	ad. No. 55, 1956
	am. No. 94, 1986
s. 120	am. No. 75, 1986
s. 120A	ad. No. 16, 1961
s. 124	am. Nos. 75 and 94, 1986
Heading to s. 125	am. No. 169, 2007
s. 125	am. Nos. 60 and 91, 1976
	rs. No. 132, 1978
	am. No. 63, 1984; No. 75, 1986; No. 94, 1986 (as am. by No. 141, 1987); No. 169, 2007
s. 126	am. Nos. 75 and 94, 1986
s. 127	am. No. 82, 1962; No. 94, 1986
s. 128	am. No. 44, 1966; No. 65, 1985; No. 94, 1986; No. 111, 2001
s. 129	am. No. 44, 1966; No. 65, 1985; No. 94, 1986
Div. 5 of Part VIII	ad. No. 41, 1995
	rep. No. 37, 1998
s. 132A	ad. No. 202, 1973

Endnote 4—Amendment history

Provision affected	How affected
	rep. No. 91, 1976
	ad. No. 41, 1995
	rep. No. 37, 1998
Part IX	
s. 133	am. No. 68, 1955; Nos. 60 and 91, 1976
	rs. No. 132, 1978
	am. Nos. 63 and 120, 1984; No. 94, 1986; No. 136, 1992; No. 50, 2004; No. 169, 2007; Nos. 29 and 126, 2010; No. 87, 2012
s. 133A	ad. No. 60, 1976
	am. No. 36, 1978; No. 5, 2011
s. 134	am. No. 44, 1966; Nos. 60 and 91, 1976; No. 132, 1978; No. 63, 1984; No. 65, 1985; No. 94, 1986; No. 72, 1987; No. 50, 2004; No. 169, 2007; Nos. 29 and 126, 2010; No. 87, 2012
s. 134A	ad. No. 68, 1955
	am. No. 55, 1956
	rs. No. 82, 1962
	am. Nos. 60 and 91, 1976; No. 63, 1984; No. 94, 1986
s. 134AA	ad. No. 82, 1962
	am. No. 60, 1976
	rep. No. 167, 1985
s. 134B	ad. No. 68, 1955
	am. No. 94, 1986; Nos. 72 and 132, 1987; No. 86, 2011
s. 134C	ad. No. 68, 1955
	am. No. 112, 1982; No. 94, 1986; No. 111, 2001
Note to s. 134C	ad. No. 111, 2001
s. 134D	ad. No. 68, 1955
	rep. No. 32, 2007
s. 134E	ad. No. 94, 1986
s. 135	am. No. 120, 1984; No. 94, 1986
s. 135A	ad. No. 1, 1975
	rs. No. 139, 1983

Provision affected	How affected
	am. Nos. 63 and 165, 1984; No. 65, 1985; No. 94, 1986; No. 132, 1987; No. 95, 1989; Nos. 3 and 106, 1990; Nos. 88 and 204, 1992; No. 29, 1997; No. 19, 1998; No. 111, 2001; No. 133, 2002; Nos. 17, 50 and 77, 2004; Nos. 111 and 126, 2005; No. 83, 2006; Nos. 32 and 169, 2007; Nos. 29 and 126, 2010; Nos. 5, 32 and 86, 2011; Nos. 64 and 136, 2012
Note to s. 135A(17)	ad. No. 111, 2001
Note to s. 135A(19)	ad. No. 111, 2001
s. 135AAA	ad. No. 146, 2000
	am. No. 111, 2005; No. 169, 2007; No. 32, 2011
hdg to s 135AA	rs No 197, 2012
Subhead to s 135AA(3)	rs No 197, 2012
Subhead to s 135AA(4)	rs No 197, 2012
Subhead to s 135AA(5)	rs No 197, 2012
Subhead to s 135AA(8)	rs No 197, 2012
s. 135AA	ad. No. 119, 1991
	rs. No. 28, 1993
	am. No. 146, 2000; No. 50, 2004; No. 111, 2005; Nos. 51 and 126, 2010; No. 32, 2011; No 64 and 197, 2012
hdg to s 135AB	rs No 197, 2012
s. 135AB	ad. No. 119, 1991
	am. No. 28, 1993; No. 51, 2010; No 197, 2012
s. 135AC	ad. No. 99, 2006
	am. No. 32, 2011; No 197, 2012
s. 135B	ad. No. 139, 1983
	am. No. 65, 1985; No. 94, 1986; No. 132, 1987; No. 211, 1991; No. 86, 2011
s. 136	am. No. 54, 1979; No. 94, 1986
s. 136A	ad. No. 82, 1962
s. 137	am. No. 82, 1962; No. 102, 1969; Nos. 1 and 60, 1976; No. 88, 1978; No. 24, 1985; No. 94, 1986; No. 211, 1991; No. 86, 2011
s. 138	am. No. 91, 1976; No. 139, 1983; No. 63, 1984
s. 138A	ad. No. 95, 1989
s. 139	am. No. 91, 1976; No. 63, 1984; No. 94, 1986; No. 3, 1995

Endnote 4—Amendment history

Provision affected	How affected
s. 139A	ad. No. 68, 1955
	am. No. 72, 1959; No. 82, 1962; No. 100, 1968; No. 41, 1970; No. 114, 1972; No. 1, 1975; Nos. 60 and 91, 1976; No. 100, 1977; No. 132, 1978; No. 112, 1982; No. 54, 1983; No. 63, 1984; No. 94, 1986; No. 72, 1987; No. 136, 1992; No. 13, 1999; Nos. 32 and 169, 2007; No. 29, 2010; No. 86, 2011; No. 87, 2012
s. 139B	ad. No. 115, 1986
	am. Nos. 72, 118 and 132, 1987
	rs. No. 79, 1988
	am. Nos. 83, 84, 119 and 211, 1991; Nos. 88, 192 and 204, 1992; No. 13, 1999; No. 86, 2011
s. 139C	ad. No. 80, 2001
	am. No. 5, 2011; No. 136, 2012
s. 140	am. No. 44, 1966; No. 41, 1970; No. 60, 1976; No. 65, 1985; No. 95, 1989; No. 41, 1995; No. 69, 2003; No, 32, 2007
Heading to The Schedules	rep. No. 37, 1964
	ad. No. 41, 1970
	rep. No. 60, 1976
First, Second Schedules	rs. No. 68, 1955; No. 92, 1957
	am. No. 72, 1959
	rep. No. 37, 1964
The Schedule	ad. No. 37, 1964
	rs. No. 44, 1966; No. 100, 1967
	rep. No. 41, 1970
First–Seventh Schedules	ad. No. 41, 1970
	am. No. 85, 1971; No. 114, 1972; No. 202, 1973
	rep. No. 60, 1976
Eighth Schedule	ad. No. 114, 1972
	am. No. 1, 1975; No. 99, 1976
	rep. No. 100, 1977
Heading to Schedule	rep. No. 141, 1990
Heading to Schedule 1	ad. No. 141, 1990
	rep. No. 32, 2007

Endnote 4—Amendment history

Provision affected	How affected
Schedule 1	ad. No. 132, 1978
	am. No. 54, 1979; No. 118, 1981; No. 49, 1982
	rs. No. 54, 1983
	am. No. 63, 1984; Nos. 70 and 167, 1985; No. 94, 1986; No. 79, 1988; No. 95, 1989; Nos. 88 and 136, 1992; No. 80, 1994; No. 41, 1995 (as am. by No. 149, 1995); No. 37, 1998; Nos. 21 and 130, 1999; No. 72, 2000; Nos. 63 and 76, 2002; No. 1, 2004 (as am. by No. 31, 2005); Nos. 31, 111 and 155, 2005
	rep. No. 32, 2007
Schedule 2	ad. No. 141, 1990
	rep. No. 114, 1997
	ad. No. 130, 1999
	am. No. 6, 2001; No. 1, 2004; Nos. 9 and 111, 2005
	rep. No. 32, 2007
Schedule 3	ad. No. 83, 1991
	am. Statutory Rules 1991 No. 310; 1993 No. 274
	rep. No. 114, 1997
Schedule 4	ad. No. 211, 1991
	rep. No. 86, 2011

Endnote 5—Uncommenced amendments [none]

Endnote 6—Modifications

National Health (Nursing Home Respite Care) Regulations

Endnote 7—Misdescribed amendments [none]

Endnote 8—Miscellaneous

For application, saving or transitional provisions made by the *Private Health Insurance (Transitional Provisions and Consequential Amendments) Act 2007*, *see* Act No. 32, 2007.