



# **National Health Amendment (Effect of Prosecution—Approved Pharmacist Corporations) Act 2023**

**No. 16, 2023**

**An Act to amend the *National Health Act 1953*, and for related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation (<https://www.legislation.gov.au/>)



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No. 16, 2023

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**An Act to amend the *National Health Act 1953*, and for related purposes**

[Assented to 11 April 2023]

The Parliament of Australia enacts:

## 1 Short title

This Act is the *National Health Amendment (Effect of Prosecution—Approved Pharmacist Corporations) Act 2023*.

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No. 16, 2023

*National Health Amendment (Effect of Prosecution—Approved Pharmacist Corporations) Act 2023*

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## 2 Commencement

- (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.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. The whole of this Act	The day after this Act receives the Royal Assent.	12 April 2023

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

## 3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

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## Schedule 1—Amendments

### *National Health Act 1953*

#### **1 Before subsection 133(1)**

Insert:

*Effect of being charged*

#### **2 Before subsection 133(2)**

Insert:

*Effect of conviction*

#### **3 Before subsection 133(5)**

Insert:

*Effect of acquittal*

#### **4 Before subsection 133(6)**

Insert:

*Effect on Committees of Inquiry*

#### **5 After subsection 133(6)**

Insert:

*Extended operation for approved pharmacist corporations*

- (6A) If a person that is a director of an approved pharmacist corporation is charged before a court with having committed an offence referred to in subsection (1), then this section applies in relation to the approved pharmacist corporation:
- (a) as if the approved pharmacist corporation were charged before the court with having committed the offence; and
  - (b) if:
    - (i) the person is convicted of the offence; or

- (ii) the court concerned thinks that the charge in relation to the offence is proved but, without proceeding to conviction, discharges the person conditionally on the person's entering into a recognizance;  
as if the approved pharmacist corporation were convicted of the offence; and
- (c) if:
  - (i) the person ceases to be an ineligible director at a particular time; and
  - (ii) at that time, there is no other director of the approved pharmacist corporation that is an ineligible director;  
as if the approved pharmacist corporation were acquitted of the offence.

*Definitions*

**6 Subsection 133(7)**

Insert:

***approved pharmacist corporation*** means an approved pharmacist that is a body corporate.

***ineligible director***: a director of an approved pharmacist corporation is an ***ineligible director*** if:

- (a) the director has been charged before a court with having committed an offence referred to in subsection (1); and
- (b) the director has not been acquitted of the offence; and
- (c) the charge has not been withdrawn or otherwise disposed of.

**7 Application of amendments**

Subsection 133(6A) of the *National Health Act 1953*, as inserted by this Schedule, applies on and after the commencement of this item in relation to a person who is or was a director of an approved pharmacist corporation, regardless of whether the person is:

- (a) charged before a court with having committed the offence referred to in subsection 133(1) of that Act; or
- (b) convicted of the offence; or
- (c) discharged conditionally;

before, on or after that commencement.



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*[Minister's second reading speech made in—  
House of Representatives on 9 March 2023  
Senate on 22 March 2023]*

(19/23)

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