

EXPLANATORY STATEMENT

ISSUED BY AUTHORITY OF THE MINISTER FOR
HOUSING AND AGED CARE

NATIONAL HEALTH ACT 1953
NATIONAL HEALTH (PHARMACEUTICAL BENEFITS)
REGULATIONS (AMENDMENT)
1988 No 56

Section 140 of the National Health Act 1953 ("the Act") provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing all matters which by the Act are required or permitted to be prescribed for carrying out or giving effect to the Act.

2. Section 105 of the Act provides that 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."

3. In addition, subsection 85A(3) of the Act provides -

- "(3) The regulations may make provision authorising 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."

4. The two principal amendments which the Regulations make are first, the repeal of the previous regulation 13 of the Principal Regulations and its substitution with a new regulation 13 and, secondly, the insertion of a new regulation which limits the use of NHS prescription forms.

5. The previous regulation 13 of the Principal Regulations set out the procedure by which the Minister could vary his determinations under paragraphs 85A(2)(a) and (b) of the Act of the maximum quantity or number of units of a pharmaceutical benefit that may, in one prescription, be directed to be supplied on any one occasion and the maximum number of occasions on which the supply of the pharmaceutical benefit may in one prescription be directed to be repeated.

SR80/88

However, since the previous regulation 13 was made, a simpler administrative procedure than that prescribed for approving an application to vary a determination under paragraph 85A(2)(a) or (b) has been implemented. The new regulation 13 gives formal recognition to the administrative procedures currently in practice for approving those applications.

6. A new regulation 19B is inserted which limits the use of NHS prescription forms to authorised purposes. A \$40 penalty attaches to breach of this new regulation.

7. The Regulations make a number of further amendments which are minor or consequential upon the principal amendments.

8. The amendments are to take effect from 1 May 1988.