



# National Health (Pharmaceutical Benefits) Amendment Regulations 2004 (No. 1)<sup>1</sup>

**Statutory Rules 2004 No. 389<sup>2</sup>**

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I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *National Health Act 1953*.

Dated 16 December 2004

P. M. JEFFERY  
Governor-General

By His Excellency's Command

TONY ABBOTT  
Minister for Health and Ageing

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**1 Name of Regulations**

These Regulations are the *National Health (Pharmaceutical Benefits) Amendment Regulations 2004 (No. 1)*.

**2 Commencement**

These Regulations commence on the commencement of Part 3 of Schedule 1 to the *Health Legislation Amendment (Podiatric Surgery and Other Matters) Act 2004*.

**3 Amendment of *National Health (Pharmaceutical Benefits) Regulations 1960***

Schedule 1 amends the *National Health (Pharmaceutical Benefits) Regulations 1960*.

**Schedule 1 Amendments**

(regulation 3)

**[1] Subregulation 5 (1), definition of *approved pharmacist***

*substitute*

***approved pharmacist*** has the meaning given by subsection 84 (1) of the Act.

*Note* The definition in subsection 84 (1) of the Act provides that ***approved pharmacist*** means a person for the time being approved under section 90 of the Act and includes certain other persons described in that definition. Under paragraph 91 (7) (a) of the Act, a person granted permission to supply pharmaceutical benefits under subsection 91 (1) of the Act is to be treated as if the person is approved under section 90 of the Act as an approved pharmacist. Under paragraph 91 (7) (c) of the Act, references in the Act to an approval granted under section 90 of the Act include references to an approval treated as having been granted under section 90 by paragraph 91 (7) (a) of the Act.

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**[2] Subregulation 8A (1)**

*omit*

Where the

*insert*

If the

**[3] After subregulation 8A (1)**

*insert*

- (1A) If the Secretary grants permission to a person to supply pharmaceutical benefits under subsection 91 (1) of the Act, he or she may allot a number to the approval that, under paragraph 91 (7) (a) of the Act, is treated as having been granted to the person under section 90 of the Act.

**[4] Subregulation 8A (2)**

*omit*

Where the

*insert*

If the

**[5] Further amendments**

- (1) The following provisions are amended by omitting ‘he’ and inserting ‘he or she’:
- subregulations 8A (1) and (2)
  - regulation 24
  - subregulations 27 (1) and 28 (1).
- (2) The following provisions are amended by omitting ‘his’ and inserting ‘his or her’:
- regulation 15
  - paragraphs 19 (1) (ca), 19A (2) (b) and 26A (2) (b)
  - regulation 30.

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**Notes**

1. These Regulations amend Statutory Rules 1960 No. 17, as amended by 1960 Nos. 90 and 102; 1961 Nos. 59 and 137; 1962 Nos. 34, 101 and 114; 1963 Nos. 34, 69 and 107; 1964 Nos. 12, 57 and 135; 1965 Nos. 51, 151 and 152; 1966 Nos. 80 and 144; 1967 Nos. 67, 116 and 158; 1968 Nos. 44, 76, 88 and 146; 1969 Nos. 44, 107 and 185; 1970 Nos. 39, 94, 119 and 186; 1971 Nos. 44, 101, 136 and 154; 1972 Nos. 32, 121 and 205; 1973 Nos. 15, 57, 139 and 229; 1974 Nos. 37, 126 and 222; 1975 Nos. 50, 148 and 209; 1976 Nos. 84, 150, 195 and 255; 1977 Nos. 39, 125 and 221; 1978 Nos. 47, 142, 153 and 245; 1979 Nos. 51, 55, 144 and 250; 1980 Nos. 69, 213 and 338; 1981 Nos. 52, 212, 218 and 345; 1982 Nos. 69, 76, 179, 334 and 372; 1983 Nos. 28, 102, 116 and 292; 1984 Nos. 50, 148, 169 and 342; 1985 Nos. 32, 184 and 320; 1986 Nos. 38, 194, 319, 320 and 391; 1987 Nos. 47, 262 and 279; 1988 No. 56; 1990 Nos. 226, 267, 337, 338 and 437; 1991 Nos. 1 and 474; 1992 No. 226; 1994 No. 348, 1996 No. 70; 1998 No. 374; 2000 No. 369; 2001 No. 68; 2002 Nos. 9, 239 and 344; 2003 No. 193.
2. Notified in the *Commonwealth of Australia Gazette* on 23 December 2004.