



National Health (Pharmaceutical Benefits) Amendment (Safety Net) Regulations 2018

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 10 May 2018

Peter Cosgrove
Governor-General

By His Excellency's Command

Greg Hunt
Minister for Health

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1 Name

This instrument is the *National Health (Pharmaceutical Benefits) Amendment (Safety Net) Regulations 2018*.

2 Commencement

- (1) Each provision of this instrument 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.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 June 2018.	1 June 2018

Note: This table relates only to the provisions of this instrument as originally made.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

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

3 Authority

This instrument is made under the *National Health Act 1953*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

National Health (Pharmaceutical Benefits) Regulations 2017

1 Subsection 5(1)

Insert:

additional patient charge means the further additional patient charge referred to in clause 5.2.2(c) or 5.2.3(c) of the Sixth Community Pharmacy Agreement, as in force on 1 June 2018.

Note: The charge is based on a formula that takes into account whichever of the general patient charge, general patient reduced charge or concessional beneficiary charge is applicable to a supply under Part VII of the Act.

2 Subsection 5(1) (definition of *maximum value for safety net purposes*)

Repeal the definition.

3 Subsection 5(1)

Insert:

value for safety net purposes has the same meaning as in Part VII of the Act.

4 Section 6

Repeal the section.

5 Before Division 1 of Part 3

Insert:

Division 1A—Value for safety net purposes

17A Value for safety net purposes

- (1) For the purposes of subsection 84C(1E) of the Act, this section prescribes the value for safety net purposes of the supply of a pharmaceutical benefit.
- (2) If the supply is one to which subsection 99(2A), (2AB) or (2B) of the Act applies and the amount charged for the supply is in accordance with the Act, the value for safety purposes is the lesser of the following:
 - (a) the price of the pharmaceutical benefit worked out in accordance with a determination in force under subsection 84C(7) of the Act at the time of the supply, minus any additional patient charge (or part thereof) included in the amount charged for the supply;
 - (b) the amount charged for the supply.
- (3) If subsection (2) does not apply and the amount charged for the supply is in accordance with the Act, the value for safety net purposes is the amount charged under whichever of paragraphs 87(2)(a), (b) and (e) of the Act applies (not including any amount charged under other subsections of section 87).
- (4) If the amount charged for the supply is not in accordance with the Act, the value for safety net purposes is zero.

6 Sections 18, 19 and 21

Omit “maximum” (wherever occurring).