



**PB 31 of 2025**

**National Health (Pharmaceutical Benefits)  
(Application to Supply Pharmaceutical Benefits  
Following the Death of an Approved Pharmacist  
– Documentary Evidence) Determination 2025**

*National Health Act 1953*

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I, Anthony McEachran, as delegate of the Secretary of the Department of Health and Aged Care, make the following Determination.

Dated 13 March 2025

Anthony McEachran  
Assistant Secretary  
Health Professionals Compliance Branch  
Benefits Integrity Division  
Department of Health and Aged Care

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## Part 1—Preliminary

### 1 Name

This instrument is the *National Health (Pharmaceutical Benefits) (Application to Supply Pharmaceutical Benefits Following the Death of an Approved Pharmacist – Documentary Evidence) Determination 2025*.

### 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	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made.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 subsection 91(3) of 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## Part 2—Documentary Evidence

### 5 Definitions

Note: The following expression used in this instrument is defined in section 84 of the Act:  
(a) approved pharmacist.

In this instrument:

*Act* means the *National Health Act 1953*.

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***certified copy***, for a document, means a copy of a document that has been certified in writing by a person mentioned in section 6 of the *Statutory Declarations Regulations 2023* to be a true copy of the document.

***death certificate*** means the official document produced by the births, deaths and marriages registry in the relevant State or Territory following registration of the death of a person.

***deceased approved pharmacist*** means the person who is the approved pharmacist in respect of a pharmacy at particular premises, and who is the person named as the deceased on the death certificate.

***government-issued document*** means an acceptable document that has been issued by the Australian Government or a government of a State or Territory, that includes the applicant's photo and signature.

Note: Examples of an acceptable government-issued document includes an Australian passport issued in the applicant's name within 3 years of the expiry date, a current Australian driver's licence, including a learner licence or permit, a current working with children or a working with vulnerable people card that contains the applicant's signature on the issued card.

## 6 Documentary evidence

- (1) This section determines the kind of documentary evidence required for the purposes of paragraph 91(2)(c) of the Act.
- (2) Evidence of the identity of the applicant in the form of:
  - (a) a certified copy of a government-issued document that includes the applicant's photograph and signature; or
  - (b) a certified copy of a document that includes the applicant's signature and a Commonwealth statutory declaration, signed by the applicant, stating that the applicant is the person named in the document.
- (3) Evidence that the applicant is, or is likely to become, an executor or administrator of the estate of the deceased approved pharmacist.
- (4) A certified copy of the death certificate of the deceased approved pharmacist.
- (5) If the deceased approved pharmacist died testate, the following documentary evidence is required:
  - (a) a certified copy of the deceased approved pharmacist's will; and
  - (b) a Commonwealth statutory declaration, signed by the applicant, stating that to the best of the applicant's knowledge, the will is the last will and testament of the deceased approved pharmacist.
- (6) If the deceased approved pharmacist died intestate and the applicant has applied for letters of administration for the estate of the deceased approved pharmacist, the following documentary evidence is required:
  - (a) a certified copy of the application; and
  - (b) a Commonwealth statutory declaration, signed by the applicant, stating that to the best of the applicant's knowledge, there is no reason why the application for letters of administration would be refused.

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- (7) If the deceased approved pharmacist died intestate and the applicant has not applied for letters of administration for the estate of the deceased approved pharmacist, a Commonwealth statutory declaration, signed by the applicant, is required stating that:
- (a) the applicant will, as soon as possible, apply for letters of administration; and
  - (b) that to the best of the applicant's knowledge, there is no reason why the application for letters of administration would be refused.

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## Schedule 1—Repeals

### *National Health (Pharmaceutical Benefits) (Application to supply Pharmaceutical benefits following the death of an approved pharmacist – documentary evidence) Determination 2015*

#### **1 The whole of the instrument**

Repeal the instrument.