

**Pharmacy Location Rules**  
**Applicant's Handbook**

**March 2009**

**Applications for approval to supply pharmaceutical  
benefits**

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### **Disclaimer**

This handbook is designed as a general guide for pharmacists seeking to relocate an existing pharmacy or establish a new pharmacy. It should not be used as a basis for legal interpretations or as a definitive reference on the roles and responsibilities of all parties.

For more precise and detailed information you should consult section 90 and Division 4B of the *National Health Act 1953*, the determinations made under section 99L of that Act and the explanatory statements to those determinations.

The Australian Community Pharmacy Authority and the Commonwealth Government accept no responsibility arising from use of, or reliance on, this publication.

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## **Introduction**

### **Purpose**

The purpose of this Handbook is to provide information and guidance to pharmacists making an application for approval to supply pharmaceutical benefits at particular premises. Specifically, it relates to applications for the establishment of a new pharmacy approval, or for the relocation of an existing pharmacy approval. It includes information about:

- the application process;
- the types of information that must be included in an application;
- the requirements that must be satisfied;
- seeking further information or assistance; and
- other administrative matters relating to an approval, including a pharmacist’s rights and obligations.

The Handbook is divided into four sections:

**Introduction** provides general information about the pharmacy location rules and the Australian Community Pharmacy Authority (ACPA) and includes contact information for Medicare Australia and the ACPA Secretariat.

**Section 1** provides information about the application process from beginning to end, including when it is necessary to seek approval, how to make an application and how an approval is finally granted.

**Section 2** sets out each of the pharmacy location rules and provides a checklist of the requirements associated with each rule.

**Section 3** provides information about the specific requirements of the pharmacy location rules, including guidance about how certain requirements operate and the types of evidence which might address the requirements.

Please note that this Handbook will be updated and revised as necessary.

## **Approval to supply pharmaceutical benefits**

Section 90 of the *National Health Act 1953* (the Act) provides for the Secretary (of the Department of Health and Ageing) to approve a pharmacist to supply pharmaceutical benefits at particular premises. Pharmaceutical benefits are drugs or medicinal preparations for which benefits will be paid by the Commonwealth.

The Secretary can generally only approve a pharmacist if the ACPA has recommended that approval, and the pharmacist is permitted under the relevant State or Territory law to carry on business as a pharmacist. For a change of pharmacy ownership or an expansion or contraction in the size of pharmacy premises, the Secretary does not require an ACPA recommendation in order to make a decision.

Division 4B of Part VII of the Act establishes the ACPA. The function of the ACPA is to consider applications for approval to supply pharmaceutical benefits at particular premises, and to make recommendations to the Secretary as to whether or not a pharmacist should be approved. In making its recommendations, the ACPA must comply with the rules determined by the Minister under section 99L of the Act (the pharmacy location rules).

The pharmacy location rules set out location-based criteria which must be met in order for the ACPA to recommend approval of a pharmacist. The ACPA cannot override the requirements of the pharmacy location rules and cannot recommend approval of a pharmacist if these requirements are not met.

The Minister has determined the pharmacy location rules which are the result of arrangements agreed as part of the Fourth Community Pharmacy Agreement between the Commonwealth Government and the Pharmacy Guild of Australia.

## **Contact information**

### **Medicare Australia**

The Secretary’s responsibilities concerning the approval of pharmacists have been conferred on the Chief Executive Officer of Medicare Australia, who has delegated those powers to certain officers at Medicare Australia. Therefore, any references in this Handbook to the Secretary mean the delegate at Medicare Australia.

Medicare Australia is also responsible for other matters associated with a pharmacy approval (for example, payment for the supply of pharmaceutical benefits, changes in pharmacy ownership, monitoring compliance, etc).

Any queries for Medicare Australia should be directed to:

Phone: 132 290 – ask for the Approvals Clerk in your state  
[please note that usual office hours apply: 9am-5pm, Mon-Fri]

Email: [pbs.eng@medicareaustralia.gov.au](mailto:pbs.eng@medicareaustralia.gov.au)

Internet: [www.medicareaustralia.gov.au](http://www.medicareaustralia.gov.au)

You can download application forms and other fact sheets from the above website by following these links: <for health professionals> <PBS> <become an approved supplier> <[approved pharmacist](#)>

### **Australian Community Pharmacy Authority**

The Department of Health and Ageing is responsible for providing secretariat services to the ACPA. The ACPA Secretariat serves as the liaison between pharmacists and the ACPA, and its duties include:

- referring applications for the ACPA’s consideration;
- seeking comments from pharmacists in the vicinity of a proposed pharmacy;
- providing guidance and assistance on the pharmacy location rules and the application process to any interested persons;
- communicating ACPA recommendations to the Secretary of the Department of Health and Ageing (delegate in Medicare Australia).

Any queries for the ACPA Secretariat should be directed to:

Address: The ACPA Secretariat  
Department of Health and Ageing  
MDP 96, GPO Box 9848  
CANBERRA ACT 2601

Phone: (02) 6289 2419  
[please note that usual office hours apply: 9am-5pm, Mon-Fri]

Facsimile: (02) 6289 2365

Email: [acpamail@health.gov.au](mailto:acpamail@health.gov.au)

Internet: [www.health.gov.au](http://www.health.gov.au)

You can access information about the pharmacy location rules and the ACPA, and download electronic versions of the pharmacy location rules from the above website by using the <[A-Z index](#)> and selecting <[Australian Community Pharmacy Authority](#)>

## **The Application Process**

### **When must a pharmacist seek approval**

Whether a pharmacist is simply taking on a new partner for an existing pharmacy, or seeking to open a new pharmacy, the pharmacist must apply for approval under section 90 of the Act. If a pharmacist fails to obtain the necessary approval, any payments received from the Commonwealth Government for the supply of pharmaceutical benefits may need to be returned.

A pharmacist **MUST** apply for approval:

- to open a new pharmacy;
- to relocate an existing pharmacy;
- to expand or contract the size of an existing pharmacy;
- to change the address of an existing pharmacy, even if the premises have simply been renumbered and the premises remain unchanged; or
- to change the ownership of an existing pharmacy, including changes resulting from the death of an owner.

A pharmacist **DOES NOT** need to apply for approval:

- to make internal changes to an existing pharmacy;
- to alter the public access points of an existing pharmacy; or
- if pharmaceutical benefits will not be supplied from the pharmacy.

The Secretary is not required to refer all applications for approval to the ACPA. The only applications which must be referred to the ACPA are applications for the relocation of an existing pharmacy or the establishment of a new pharmacy.

Applications relating to an expansion or a contraction in the size of a pharmacy are not required to be referred to the ACPA, however in some circumstances the Secretary may consider it appropriate to do so. In this case, the application would be considered by the ACPA against the relevant requirements of the pharmacy location rules.

This Handbook deals only with those applications for approval that are referred to the ACPA, that is, applications to establish a new pharmacy, to relocate an existing pharmacy or (if applicable) to expand or contract the size of an existing pharmacy.

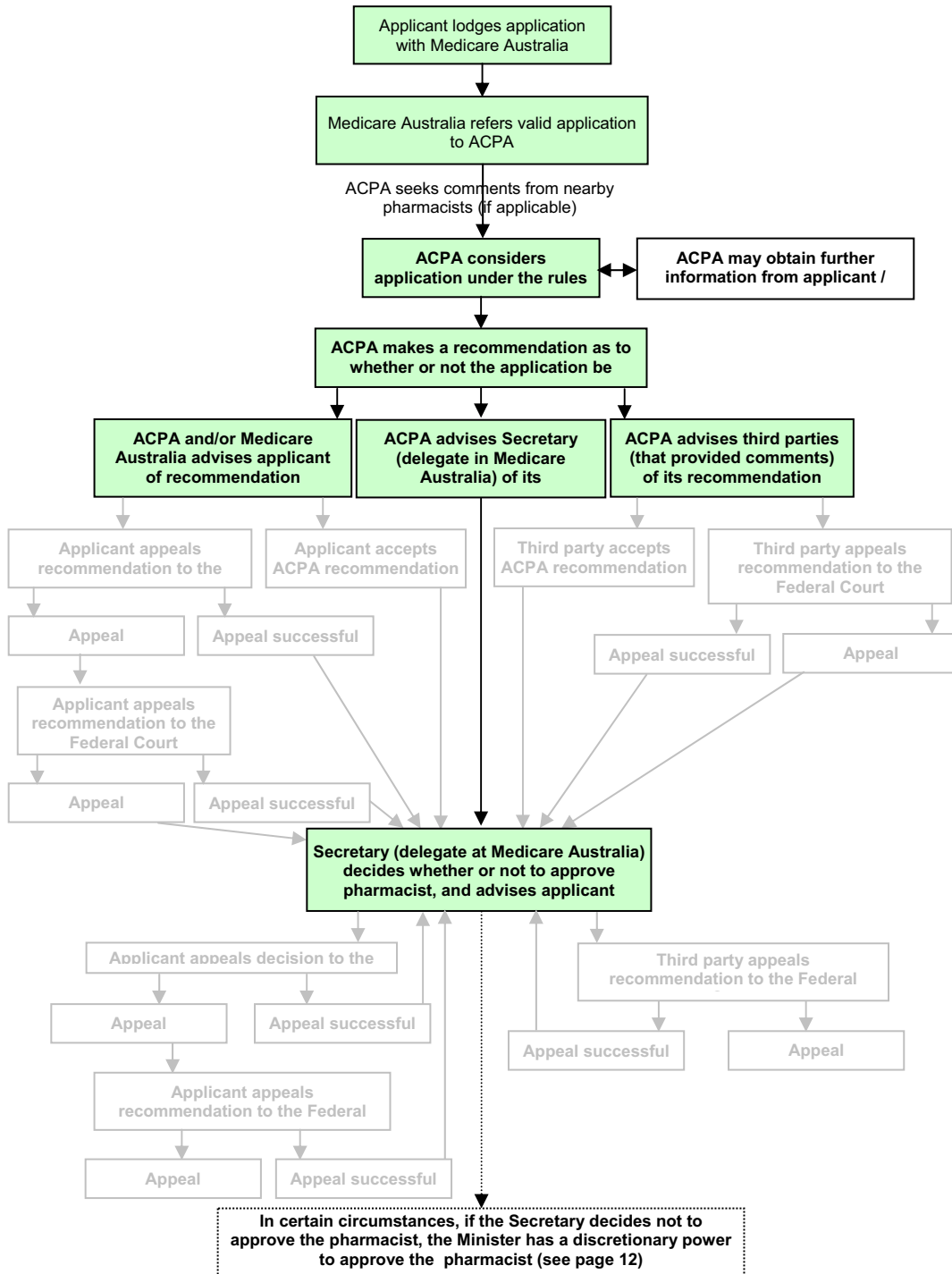
All other applications for approval are dealt with by the Secretary and are not considered against the requirements of the pharmacy location rules.

**Please note:** If a pharmacist has failed to advise Medicare Australia of any change to their circumstances, there is a risk that the pharmacist will have to repay benefits paid to them by the Commonwealth.

If any pharmacist is in any doubt as to whether they need to obtain approval for a certain change to their pharmacy, they should contact Medicare Australia or the ACPA Secretariat.

## Overview

The process begins when a pharmacist makes an application for approval to supply pharmaceutical benefits in respect of particular premises.



## **1. What constitutes an application**

The *National Health (Pharmaceutical Benefits) Regulations 1960* provide that an application for approval must be made using the approved form. From 1 July 2006, the approved form includes certain documents and information. If these are not provided, an application will not be considered valid.

A valid application **must** include:

- a complete and signed section 90 application form that nominates the pharmacy location rule under which the application is made;
- evidence that the applicant has a legal right to occupy the proposed premises;
- a floor plan of the proposed premises
- evidence that the proposed premises can be used for the purpose of operating a pharmacy;
- a declaration regarding whether the proposed premises are accessible from within a supermarket;
- evidence relating to the relevant distance (not required for an application made under Rule 101, 110 or 111); and
- evidence of when the applicant will commence trading at the proposed premises.

For ease of reference, the application form describes the documents which **must** be included in an application in order for it to be considered valid.

## **2. Different types of applications**

It is up to the pharmacist to decide which pharmacy location rule he/she will apply under. Each rule sets out different requirements so it is the pharmacist’s responsibility to select the rule which best suits their situation. In addition to the mandatory application requirements described in item 1 above, an application will need to include additional evidence addressing the specific requirements of the nominated rule.

The rules that relate to the relocation of an existing pharmacy are:

- Rule 101: Relocation within shopping centre or private hospital
- Rule 102: Relocation within rural locality
- Rule 104: Short distance relocation (up to 1 km)
- Rule 105: Short distance relocation (between 1 km and 1.5km)
- Rule 106: Long distance relocation (more than 1.5km)
- Rule 107: Relocation to rural locality (additional pharmacy)
- Rule 108: Relocation to urban locality (additional pharmacy)
- Rule 109: Relocation to small shopping centre
- Rule 110: Relocation to large shopping centre
- Rule 111: Relocation to private hospital
- Rule 112: Relocation to large medical centre

The rules that relate to the establishment of a new pharmacy are:

Rule 113: New pharmacy (urban locality)

Rule 114: New pharmacy (rural locality)

If an application for an expansion or contraction of the premises of an existing pharmacy is referred to the ACPA, it will automatically be considered under the following rule:

Rule 103: Expansion or contraction

### **3. Representation**

If another person is making an application for approval on behalf of a pharmacist, the application must include written authority by the pharmacist for that person to act on his/her behalf. If written authority is not provided, neither the ACPA Secretariat nor Medicare Australia will be able to discuss the application with the representative.

### **4. Accuracy of information**

It is important to ensure that any information that is provided in relation to an application is accurate and up-to-date. Giving false or misleading information is a serious offence under Division 137 of the *Criminal Code 1995*, the maximum penalty for which is imprisonment for 12 months.

### **5. Practicalities**

Following these simple points will ensure that an application is processed as promptly as possible.

- Make sure the application form has been completed clearly and has been signed by each applicant. If the application involves another pharmacist’s existing pharmacy approval, ensure that each approved pharmacist has also signed the form.
- Make sure a particular rule has been nominated.
- Include a covering letter that clearly describes the documentation provided and any circumstances of the application that might be relevant.
- In providing evidence, it is the applicant’s responsibility to summarise the material, draw conclusions from the material and clearly identify how the relevant requirements of the pharmacy location rules are met by the evidence. It is not the ACPA’s responsibility to examine large volumes of information and identify how it satisfies the requirements.
- Clearly label any attachments or maps.
- In providing marked-up maps or plans, use symbols rather than colours. This ensures that the ACPA Secretariat can properly duplicate the application for the purposes of ACPA consideration.
- Ensure that any maps provided are clearly scaled and the source of the map is cited.

- Any survey reports should be on the surveyor’s letterhead, and signed and dated by the surveyor.
- If an applicant has engaged the assistance of another person/company in making an application, they must provide written authorisation that the person/company can act on their behalf in all matters relating to the application.
- Above all, ensure that the application clearly addresses each and every one of the relevant requirements of the pharmacy location rules.

## **6. Lodging an application**

Applications should be lodged with the relevant state office of Medicare Australia at:

PBS Approval Clerk  
GPO Box 9826  
in your capital city

Alternatively, pharmacists should contact Medicare Australia on 132 290 to find out the fax number of their state office.

## **7. Receipt of a valid application**

Upon receipt of an application, Medicare Australia will check that the application is valid, that is, it includes all of the required information.

If the application is not valid, Medicare Australia will advise the applicant of the reasons, and will not take any further action in relation to the application unless the applicant provides the missing information.

If the application is valid, Medicare Australia will advise the applicant, in writing, of the receipt of the application and its relevant registration number. The application will then be referred to the ACPA.

## **8. Opportunity for nearby pharmacists to provide comment**

Once an application has been referred to the ACPA, it is standard practice for the ACPA to seek comments from other pharmacists in the vicinity of the proposed pharmacy. This practice applies to nearly all types of applications.

The ACPA is not required or obliged to seek comments from nearby pharmacists, or to advise pharmacists that an application for approval has been made. However, this practice of seeking comments allows other pharmacists the opportunity to comment on whether, in their opinion, the proposed pharmacy would meet the requirements of the pharmacy location rules. It is also informative for the ACPA to obtain information from persons other than the applicant, who have specialised knowledge of a particular area. Pharmacists will generally be given two weeks to respond.

The ACPA cannot guarantee that it will write to all pharmacists who might be affected by an application for approval. It may be in the interest of any pharmacist that receives

an invitation for comment to make sure other pharmacists in the area are informed and have the opportunity to comment.

Any comments must be made in writing to the ACPA and should relate to the relevant criteria of the pharmacy location rules. Giving false or misleading information is a serious offence under Division 137 of the *Criminal Code 1995*, the maximum penalty for which is imprisonment for 12 months.

Once the ACPA has made a recommendation in respect of an application, the ACPA will write to any pharmacist that provided comments on that application to advise the outcome. It should be noted that if an ACPA recommendation is subsequently the subject of an appeal to the Administrative Appeals Tribunal (AAT) or a Federal Court, the ACPA will only advise pharmacists, who provided comment on the application, of the appeal.

The details of any comments, including the pharmacist that made the comments, will not be disclosed to the applicant or any other party. However, it is important to note that if the ACPA’s recommendation is the subject of a review by the AAT or a Federal Court, then any comments provided on that application will be released to the applicant and the AAT or court. Further, any comments provided on an application may have to be released under the *Freedom of Information Act 1982*.

## **9. Length of the application process**

The ACPA meets once a month to consider applications. It is important to note that there are application cut-off dates in respect of each ACPA meeting (approximately five weeks prior to the meeting). This allows for the ACPA to ensure that the applicant has provided all of the necessary documentation, and that nearby pharmacists are given the opportunity to comment on the application. Pharmacists should contact the ACPA Secretariat to find out relevant cut-off dates, or go to the ACPA website (see page 3).

In considering an application, the ACPA might find that certain information needs to be clarified, or that additional information is necessary. In this case, the ACPA may defer its consideration until a subsequent meeting and request, in writing, that the applicant or another party provide the requested information by a specified date.

If more than one application is received in respect of a particular area, the ACPA will generally consider applications in the order in which they have been received by Medicare Australia, and not at the same meeting. Also, the ACPA will only consider the next application for a particular area once it has made a recommendation in respect of the first application for that area. This means that there might be a delay before a second application for a particular area is considered.

## **10. Providing further information**

Due to the considerable amount of information considered by the ACPA at each meeting, applicants should ensure that any information they provide is provided no less than five working days before the relevant meeting.

Alternatively, if the ACPA defers consideration of an application and requests that the

applicant provide further information in support of an application, the ACPA will specify the date by which that information needs to be provided.

Applicants should be aware that the late provision of information may result in the ACPA deferring its consideration of the application, or recommending rejection.

## **11. ACPA recommendations**

Once the ACPA has made a recommendation in respect of an application as to whether or not the applicant be approved, the ACPA will advise Medicare Australia in writing (usually within two working days).

If the ACPA has recommended that the pharmacist not be approved, the ACPA will also advise the applicant, in writing, of their decision and include reasons for their decision.

As noted in item 8 above, the ACPA will also write to any pharmacist that provided comments on an application of the outcome.

## **12. Reasons for decisions**

The applicant may seek from the ACPA a statement of reasons for a recommendation if they are adversely affected by the decision.

A request for a statement of reasons must be made, in writing, to the ACPA within 28 days of the date of receiving notification of the ACPA’s recommendation. Upon receipt of a request, the ACPA has 28 days in which to provide the statement to the person making the request.

## **13. Review of decisions**

Applicants may be entitled to seek a review by the Administrative Appeals Tribunal (AAT) or third party’s may seek a review by a Federal Court, in relation to an ACPA recommendation, however they should seek independent legal advice on this before proceeding.

If any affected person is entitled to seek a review of an ACPA recommendation, he/she has 28 days from the date of notification of the recommendation in which to seek a review of the decision.

If the applicant has requested a statement of reasons, then they have 28 days from the date they receive the statement in which to seek a review of the decision.

There are fees associated with seeking a review and anyone requiring further information on this should contact the AAT or Federal Court in their State or Territory.

## **14. Obtaining approval**

A recommendation for approval does not constitute an approval. The applicant must still obtain final approval by the Secretary of the Department of Health and Ageing (delegate in Medicare Australia).

## **15. Approval number**

The *National Health (Pharmaceutical Benefits) Regulations 1960* provide that a number will be allotted to the approval of a pharmacist. Medicare Australia is responsible for issuing approval numbers.

## **Other arrangements for obtaining approval**

### **Deceased estates**

If an approved pharmacist dies without making arrangements for another pharmacist to take over the pharmacy, section 91 of the Act provides that another person (not a pharmacist) may obtain permission to continue to operate the pharmacy and to receive benefits from the Commonwealth.

The ACPA has no involvement in section 91 applications and persons should contact Medicare Australia on 13 22 90 for further information.

### **Ministerial discretion to approve**

Under subsection 90A(2) of the Act the Minister has a discretionary power to approve a pharmacist to supply pharmaceutical benefits at particular premises. This discretionary power is only available in certain circumstances and is intended to address any unintended consequences of the pharmacy location rules.

This is not an alternative to applying for approval under section 90 of the Act, and may only be sought after an application has been considered by the ACPA and rejected by Medicare Australia.

For information about this discretionary power, please refer to the guidelines issued by the Minister. For a copy of these guidelines, contact the Department on (02) 6289 4699 or go to <http://www.health.gov.au/internet/main/publishing.nsf/Content/pharmacy-4cpaministerialdiscretion>

## **The Pharmacy Location Rules**

The pharmacy location rules are divided into two general types – the relocation of an existing approval and the establishment of a new pharmacy approval.

### **Relocating an existing approval**

A pharmacist will need an existing pharmacy approval in order to relocate an existing approval – either their own approval or, by agreement, another pharmacist’s approval.

An existing pharmacy is ‘relocated’ by cancelling the existing approval for the purpose of having another approval granted in respect of another site. An application for a relocation must therefore demonstrate that either the applicant or another pharmacist has requested that their approval be cancelled immediately before the approval under consideration is granted.

There are several provisions in the pharmacy location rules for relocating an existing pharmacy approval:

- Rule 101: Relocation within shopping centre or private hospital
- Rule 102: Relocation within rural locality
- Rule 103: Expansion or contraction
- Rule 104: Short distance relocation (up to 1 km)
- Rule 105: Short distance relocation (between 1 km and 1.5 km)
- Rule 106: Long distance relocation
- Rule 107: Relocation to rural locality (additional pharmacy)
- Rule 108: Relocation to urban locality (additional pharmacy)
- Rule 109: Relocation to small shopping centre
- Rule 110: Relocation to large shopping centre
- Rule 111: Relocation to private hospital
- Rule 112: Relocation to large medical centre

If a pharmacist is seeking to relocate an existing pharmacy approval, he/she must decide which rule is most appropriate to their circumstances.

### **Establishing a new approval**

A pharmacist does not require an existing pharmacy approval in order to obtain a new approval. There are two provisions in the pharmacy location rules for establishing a new approval:

- Rule 113: New pharmacy (urban locality)
- Rule 114: New pharmacy (rural locality)

## **Individual requirements**

The following section is set out in two parts:

**Part 1** deals with each individual rule. Each page sets out the policy intent for that rule, the requirements associated for an application made under that rule and any restrictions associated with an approval granted under that rule.

**Part 2** provides information on the requirements and the types of evidence which might be provided to demonstrate that the requirements are met. It also provides cross-references to the relevant provisions of the pharmacy location rules.

## **Rule 101: Relocation within shopping centre or private hospital**

### **Policy intent**

This rule specifically targets relocations within certain types of facilities which are unlikely to have an impact on nearby pharmacies.

### **Requirements**

An application made under this rule must meet the requirements listed below. Further information about each of these requirements can be found at the page reference noted.

Please note that it is important to clearly identify the proposed premises that are the subject of an application (see page 43).

- |  | Pg / Ref |
|--|----------|
| • The applicant has a legal right to occupy the proposed premises  | 43 / 1.2 |
| • The proposed premises can be used for the purpose of operating a pharmacy which would be accessible by members of the public at large  | 44 / 1.3 |
| • The applicant will be ready to operate a pharmacy at the proposed premises within six months   | 44 / 1.4 |
| • The proposed premises are not directly accessible by the public from within a supermarket  | 45 / 1.5 |
| • The proposed premises are situated in the same small or large shopping centre or private hospital as the existing premises   | 59 / 5.8 |
| • The existing approval was originally granted under a rule associated with a small shopping centre, large shopping centre, private hospital or large medical centre (under the current or previous rules) | 59 / 5.8 |
| • An approval has been in force at the existing premises for at least two years or the application is of the type set out in the prescribed exceptions   | 46 / 2.1 |

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## **Rule 102: Relocation within rural locality**

### **Policy intent**

This rule specifically targets relocations within rural and remote towns which are unlikely to have an impact on nearby pharmacies.

### **Requirements**

An application made under this rule must meet the requirements listed below. Further information about each of these requirements can be found at the page reference noted.

Please note that it is important to clearly identify the proposed premises that are the subject of an application (see page 43).

- |  | Pg / Ref             |
|--|----------------------|
| • The applicant has a legal right to occupy the proposed premises  | 43 / 1.2             |
| • The proposed premises can be used for the purpose of operating a pharmacy which would be accessible by members of the public at large                | 44 / 1.3             |
| • The applicant will be ready to operate a pharmacy at the proposed premises within six months   | 44 / 1.4             |
| • The proposed premises are not directly accessible by the public from within a supermarket  | 45 / 1.5             |
| • The proposed premises are situated in the same rural locality as the existing premises   | 60 / 6.2             |
| • The proposed premises are at least 10 km, by shortest lawful access route, from the nearest approved pharmacy (other than the existing premises)     | 49 / 3.4<br>48 / 3.2 |
| • An approval has been in force at the existing premises for at least two years or the application is of the type set out in the prescribed exceptions | 46 / 2.1             |

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### **Rule 103: Expansion or contraction**

The Secretary has the power to approve or reject applications for an expansion or contraction in the size of a pharmacy, without a recommendation by the ACPA. However, the Secretary has the discretion to refer such an application to the ACPA if he/she considers it should be assessed against the pharmacy location rules. For example, the Secretary may refer an application to the ACPA if he/she is not satisfied that the expanded or contracted premises will not be directly accessible from within a supermarket.

#### **Policy intent**

In instances where an application for an expansion or contraction has been referred to the ACPA, this rule aims to provide simplified requirements.

#### **Requirements**

An application for an expansion or contraction must meet the requirements listed below. Further information about each of these requirements can be found at the page reference noted.

Please note that it is important to clearly identify the proposed premises that are the subject of an application (see page 43), as well as the existing premises.

	Pg / Ref
• The applicant has a legal right to occupy the proposed premises	43 / 1.2
• The proposed premises can be used for the purpose of operating a pharmacy which would be accessible by members of the public at large	44 / 1.3
• The applicant will be ready to operate a pharmacy at the proposed premises within six months	44 / 1.4
• The proposed premises are not directly accessible by the public from within a supermarket	45 / 1.5
• The application is for an expansion or contraction of pharmacy premises in which the proposed premises will occupy any of the space occupied by the existing premises	See note below
• An approval has been in force at the existing premises for at least two years or the application is of the type set out in the prescribed exceptions	46 / 2.1

#### **Note:**

An expansion or contraction of pharmacy premises is described in subsection 90(3AE) of the Act. It applies where an existing pharmacy is expanding or contracting its premises, and the expanded or contracted premises occupy any of the space occupied by the existing pharmacy premises. This does not include proposed and existing premises that share only a common wall - this would constitute a relocation (see Rule 104).

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## **Rule 104: Short distance relocation (1 km)**

### **Policy intent**

This rule aims to ensure flexibility for pharmacists to relocate their pharmacies within their local area, while promoting the level of competition between the local pharmacies.

### **Requirements**

An application made under this rule must meet the requirements listed below. Further information about each of these requirements can be found at the page reference noted.

Please note that it is important to clearly identify the proposed premises that are the subject of an application (see page 43).

- |   | Pg / Ref             |
|---|----------------------|
| • The applicant has a legal right to occupy the proposed premises   | 43 / 1.2             |
| • The proposed premises can be used for the purpose of operating a pharmacy which would be accessible by members of the public at large   | 44 / 1.3             |
| • The applicant will be ready to operate a pharmacy at the proposed premises within six months  | 44 / 1.4             |
| • The proposed premises are not directly accessible by the public from within a supermarket   | 45 / 1.5             |
| • The proposed premises are not more than 1 km, by straight line, from the existing premises  | 48 / 3.3<br>48 / 3.1 |
| • If the existing approval is located in a private hospital or large shopping centre, then the proposed premises must be at least 500 m, by straight line, from all other approved pharmacies (except those pharmacies that are in the private hospital or shopping centre) | 48 / 3.1             |
| • An approval has been in force at the existing premises for at least two years or the application is of the type set out in the prescribed exceptions  | 46 / 2.1             |
| • If the existing approval was originally granted under the rule associated with a new rural approval (under the current or previous rules), then the proposed premises are situated in the same rural locality   | 46 / 2.2             |
| • If the existing approval was originally granted under a rule associated with a small shopping centre, large shopping centre, private hospital or large medical centre, then the ACPA is satisfied that there are exceptional circumstances                                | 47 / 2.4             |

**Rule 104: Short distance relocation (1 km)**

**Requirements continued**

- If the existing approval was originally granted under the rule associated with a new approval (urban locality) or new approval (general) within the last five years, then the proposed premises are not more than 1.5 km, by straight line, from those original premises 47 / 2.3

## **Rule 105: Short distance relocation (between 1 km and 1.5 km)**

### **Policy intent**

This rule aims to ensure flexibility for pharmacists to relocate their pharmacies within their local area, while promoting the level of competition between the local pharmacies and, in some instances, to limit the clustering of pharmacies.

### **Requirements**

An application made under this rule must meet the requirements listed below. Further information about each of these requirements can be found at the page reference noted.

Please note that it is important to clearly identify the proposed premises that are the subject of an application (see page 43).

- |   | Pg / Ref             |
|---|----------------------|
| • The applicant has a legal right to occupy the proposed premises   | 43 / 1.2             |
| • The proposed premises can be used for the purpose of operating a pharmacy which would be accessible by members of the public at large   | 44 / 1.3             |
| • The applicant will be ready to operate a pharmacy at the proposed premises within six months  | 44 / 1.4             |
| • The proposed premises are not directly accessible by the public from within a supermarket   | 45 / 1.5             |
| • The proposed premises are more than 1 km but not more than 1.5 km, by straight line, from the existing premises   | 48 / 3.3<br>48 / 3.1 |
| • If the existing approval is located in a private hospital or large shopping centre, then the proposed premises must be at least 500 m, by straight line, from all other approved pharmacies (except those pharmacies that are in the private hospital or shopping centre) | 48 / 3.1             |
| • The proposed premises are at least 500 m, by straight line, from all other approved pharmacies (except those pharmacies that are no more than 1 km, by straight line, from the existing premises)   | 49 / 3.4<br>48 / 3.1 |
| • An approval has been in force at the existing premises for at least two years or the application is of the type set out in the prescribed exceptions  | 46 / 2.1             |
| • If the approval was originally granted under the rule associated with a new rural approval (under the current or previous rules), then the proposed premises are situated in the same rural locality  | 46 / 2.2             |

**Rule 105: Short distance relocation (more than 1 km)**

**Requirements continued**

- If the existing approval was originally granted under a rule associated with a small shopping centre, large shopping centre, private hospital or large medical centre, then the ACPA is satisfied that there are exceptional circumstances 47 / 2.4
- If the existing approval was originally granted under the rule associated with a new approval (urban locality) or new approval (general) within the last five years, then the proposed premises are not more than 1.5 km, by straight line, from the original premises 47 / 2.3

## Rule 106: Long distance relocation

### Policy intent

This rule aims to limit the introduction of additional pharmacies in areas which are already serviced by pharmacies.

### Requirements

An application made under this rule must meet the requirements listed below. Further information about each of these requirements can be found at the page reference noted.

Please note that it is important to clearly identify the proposed premises that are the subject of an application (see page 43).

- |  | Pg / Ref                         |
|--|----------------------------------|
| • The applicant has a legal right to occupy the proposed premises  | 43 / 1.2                         |
| • The proposed premises can be used for the purpose of operating a pharmacy which would be accessible by members of the public at large  | 44 / 1.3                         |
| • The applicant will be ready to operate a pharmacy at the proposed premises within six months   | 44 / 1.4                         |
| • The proposed premises are not directly accessible by the public from within a supermarket  | 45 / 1.5                         |
| • The proposed premises are at least 1.5 km, by straight line, from the nearest approved pharmacy or, if not, at least 2 km, by shortest lawful access route, from all approved pharmacies within 1.5 km (straight line) of the proposed premises                        | 49 / 3.4<br>48 / 3.1<br>48 / 3.2 |
| • An approval has been in force at the existing premises for at least two years or the application is of the type set out in the prescribed exceptions   | 46 / 2.1                         |
| • If the approval was originally granted under the rule associated with a new rural approval (under the current or previous rules), then the proposed premises are situated in the same rural locality   | 46 / 2.2                         |
| • If the existing approval was originally granted under the rule associated with a new approval (urban locality) or new approval (general) within the last five years, then the proposed premises are not more than 1.5 km, by straight line, from the original premises | 47 / 2.3                         |

*Pharmacy Location Rules – Applicant’s Handbook*

## **Rule 107: Relocation to rural locality (additional pharmacy)**

### **Policy intent**

This rule aims to address community need for additional pharmacy services in single pharmacy towns which have a population sufficient to ensure the viability of a second pharmacy, while promoting a level of competition between the pharmacies.

### **Requirements**

An application made under this rule must meet the requirements listed below. Further information about each of these requirements can be found at the page reference noted.

Please note that it is important to clearly identify the proposed premises that are the subject of an application (see page 43).

- |   | Pg / Ref             |
|---|----------------------|
| • The applicant has a legal right to occupy the proposed premises   | 43 / 1.2             |
| • The proposed premises can be used for the purpose of operating a pharmacy which would be accessible by members of the public at large   | 44 / 1.3             |
| • The applicant will be ready to operate a pharmacy at the proposed premises within six months  | 44 / 1.4             |
| • The proposed premises are not directly accessible by the public from within a supermarket   | 45 / 1.5             |
| • The proposed premises are situated in a rural locality  | 60 / 6.1             |
| • The proposed premises are at least 200 m, by straight line, from the nearest approved pharmacy  | 49 / 3.4<br>48 / 3.1 |
| • The catchment area for the proposed premises contains:  | 51 / 4.1             |
| i) only one approved pharmacy;  | 51 / 4.2             |
| ii) a resident population of at least 8,000 for most of the year; and   | 53 / 4.4             |
| iii) the equivalent of at least four full-time prescribing general practitioners practising in catchment area   |                      |
| • The existing approved pharmacy in the catchment area has not, in the past three years, been involved in an amalgamation with another pharmacy that had previously been approved in that rural locality, unless it occurred on or after 1 July 2006) | 53 / 4.5             |
| • An approval has been in force at the existing premises for at least two years or the application is of the type set out in the prescribed exceptions  | 46 / 2.1             |

**Rule 107: Relocation to rural locality (additional pharmacy)**

**Requirements continued**

- |  | Pg / Ref |
|--|----------|
| <ul style="list-style-type: none"><li>• If the approval was originally granted under the rule associated with a new rural approval (under the current or previous rules), then the proposed premises are situated in the same rural locality</li></ul>   | 46 / 2.2 |
| <ul style="list-style-type: none"><li>• If the existing approval was originally granted under the rule associated with a new approval (urban locality) or new approval (general) within the last five years, then the proposed premises are not more than 1.5 km, by straight line, from the original premises</li></ul> | 47 / 2.3 |

## **Rule 108: Relocation to urban locality (additional pharmacy)**

### **Policy intent**

This rule aims to address community need for additional pharmacy services in single pharmacy urban areas which have demonstrated consistently high population growth, while promoting a level of competition between the pharmacies.

### **Requirements**

An application made under this rule must meet the requirements listed below. Further information about each of these requirements can be found at the page reference noted.

Please note that it is important to clearly identify the proposed premises that are the subject of an application (see page 43).

	Pg / Ref
• The applicant has a legal right to occupy the proposed premises	43 / 1.2
• The proposed premises can be used for the purpose of operating a pharmacy which would be accessible by members of the public at large	44 / 1.3
• The applicant will be ready to operate a pharmacy at the proposed premises within six months	44 / 1.4
• The proposed premises are not directly accessible by the public from within a supermarket	45 / 1.5
• The proposed premises are situated in an urban locality	60 / 6.1
• The proposed premises are at least 500 m, by straight line, from the nearest approved pharmacy	49 / 3.4 48 / 3.1
• The catchment area for the proposed premises contains:	
i) only one approved pharmacy; and	51 / 4.1
ii) a resident population of at least 8,000 for most of the year	51 / 4.2
• The resident population of the catchment area has grown at least 5% in <u>each</u> of the two years preceding the application	52 / 4.3
• An approval has been in force at the existing premises for at least two years or the application is of the type set out in the prescribed exceptions	46 / 2.1
• If the approval was originally granted under the rule associated with a new rural approval (under the current or previous rules), then the proposed premises are situated in the same rural locality	46 / 2.2

**Rule 108: Relocation to urban locality (additional pharmacy)**

**Requirements continued**

- |  | Pg / Ref |
|--|----------|
| <ul style="list-style-type: none"><li>• If the existing approval was originally granted under the rule associated with a new approval (urban locality) or new approval (general) within the last five years, then the proposed premises are not more than 1.5 km, by straight line, from the original premises</li></ul> | 47 / 2.3 |

## Rule 109: Relocation to small shopping centre

### Policy intent

This rule aims to improve pharmacy access for consumers in shopping centres that are of sufficient size to attract customers from a larger area than that of the local community.

### Requirements

An application made under this rule must meet the requirements listed below. Further information about each of these requirements can be found at the page reference noted.

Please note that it is important to clearly identify the proposed premises that are the subject of an application (see page 43).

	Pg / Ref
• The applicant has a legal right to occupy the proposed premises	43 / 1.2
• The proposed premises can be used for the purpose of operating a pharmacy which would be accessible by members of the public at large	44 / 1.3
• The applicant will be ready to operate a pharmacy at the proposed premises within six months	44 / 1.4
• The proposed premises are not directly accessible by the public from within a supermarket	45 / 1.5
• The proposed premises are situated within a small shopping centre that:	
i) is under a single management;	55 / 5.1
ii) has a gross total leasable area of at least 5,000 m <sup>2</sup> ;	56 / 5.3
iii) contains a supermarket of at least 2,500 m <sup>2</sup> ;	56 / 5.4
iv) contains at least 15 other commercial establishments; and	
v) has customer parking facilities	
• The shopping centre does not contain an approved pharmacy	
• The proposed premises are at least 500 m, by straight line, from the nearest approved pharmacy	49 / 3.4 48 / 3.1
• An approval has been in force at the existing premises for at least two years or the application is of the type set out in the prescribed exceptions	46 / 2.1
• If the approval was originally granted under the rule associated with a new rural approval (under the current or previous rules), then the proposed premises are situated in the same rural locality	46 / 2.2

## **Rule 109: Relocation to small shopping centre**

### **Requirements continued**

- |  | Pg / Ref |
|--|----------|
| <ul style="list-style-type: none"><li>• If the existing approval was originally granted under the rule associated with a new approval (urban locality) or new approval (general) within the last five years, then the proposed premises are not more than 1.5 km, by straight line, from the original premises</li></ul> | 47 / 2.3 |

### **Restrictions**

An approval granted as a result of this rule **cannot** subsequently relocate from the small shopping centre using a short distance relocation (either Rule 104 or 105) unless the ACPA is satisfied that there are exceptional circumstances.

## Rule 110: Relocation to large shopping centre

### Policy intent

This rule aims to improve pharmacy access for consumers in shopping centres that are of sufficient size to attract customers from a larger area than that of the local community.

### Requirements

An application made under this rule must meet the requirements listed below. Further information about each of these requirements can be found at the page reference noted.

Please note that it is important to clearly identify the proposed premises that are the subject of an application (see page 43).

- |  | Pg / Ref |
|--|----------|
| • The applicant has a legal right to occupy the proposed premises  | 43 / 1.2 |
| • The proposed premises can be used for the purpose of operating a pharmacy which would be accessible by members of the public at large  | 44 / 1.3 |
| • The applicant will be ready to operate a pharmacy at the proposed premises within six months   | 44 / 1.4 |
| • The proposed premises are not directly accessible by the public from within a supermarket  | 45 / 1.5 |
| • The proposed premises are situated within a large shopping centre that:  |          |
| i) is under a single management;   | 55 / 5.2 |
| ii) has a gross total leasable area of at least 5,000 m <sup>2</sup> ;   | 56 / 5.3 |
| iii) contains a supermarket of at least 1,000 m <sup>2</sup> ;   | 56 / 5.4 |
| iv) contains at least 30 other commercial establishments; and  |          |
| v) has customer parking facilities   |          |
| • If the shopping centre contains:   |          |
| i) no approved pharmacy, there are 30-99 commercial establishments; or   |          |
| ii) no more than one approved pharmacy, there are 100-199 commercial establishments; or  | 56 / 5.4 |
| iii) no more than two approved pharmacies, there are at least 200 commercial establishments  |          |
| • An approval has been in force at the existing premises for at least two years or the application is of the type set out in the prescribed exceptions   | 46 / 2.1 |
| • If the approval was originally granted under the rule associated with a new rural approval (under the current or previous rules), then the proposed premises are situated in the same rural locality | 46 / 2.2 |

## **Rule 110: Relocation to large shopping centre**

### **Requirements continued**

- |  | Pg / Ref |
|--|----------|
| <ul style="list-style-type: none"><li>• If the existing approval was originally granted under the rule associated with a new approval (urban locality) or new approval (general) within the last five years, then the proposed premises are not more than 1.5 km, by straight line, from the original premises</li></ul> | 47 / 2.3 |

### **Restrictions**

An approval granted as a result of this rule **cannot** subsequently relocate from the large shopping centre using a short distance relocation (either Rule 104 or 105) unless the ACPA is satisfied that there are exceptional circumstances.

## Rule 111: Relocation to private hospital

### Policy intent

This rule aims to provide flexibility to the supply arrangements for private hospitals while improving pharmacy access for patients of, and visitors to, the hospital which are drawn from a larger area than that of the local community.

### Requirements

An application made under this rule must meet the requirements listed below. Further information about each of these requirements can be found at the page reference noted.

Please note that it is important to clearly identify the proposed premises that are the subject of an application (see page 43).

	Pg / Ref
• The applicant has a legal right to occupy the proposed premises	43 / 1.2
• The proposed premises can be used for the purpose of operating a pharmacy which would be accessible by members of the public at large	44 / 1.3
• The applicant will be ready to operate a pharmacy at the proposed premises within six months	44 / 1.4
• The proposed premises are not directly accessible by the public from within a supermarket	45 / 1.5
• The proposed premises are situated in a private hospital	57 / 5.5
• The private hospital does not contain an approved pharmacy	57 / 5.5
• The hospital authority is not approved under section 94 of the Act	57 / 5.5
• The private hospital is registered/licensed under the relevant State or Territory law, either:	57 / 5.5
i) to contain at least 150 beds; or	
ii) to treat, accommodate or lodge at least 150 patients at any one time	
• An approval has been in force at the existing premises for at least two years or the application is of the type set out in the prescribed exceptions	46 / 2.1
• If the approval was originally granted under the rule associated with a new rural approval (under the current or previous rules), then the proposed premises are situated in the same rural locality	46 / 2.2
• If the existing approval was originally granted under the rule associated with a new approval (urban locality) or new approval (general) within the last five years, then the proposed premises are not more than 1.5 km, by straight line, from the original premises	47 / 2.3

**Rule 111: Relocation to private hospital**

**Restrictions**

An approval granted as a result of this rule **cannot** subsequently relocate from the private hospital using a short distance relocation (either Rule 104 or 105) unless the ACPA is satisfied that there are exceptional circumstances.

## Rule 112: Relocation to large medical centre

### Policy intent

This rule aims to encourage timely and convenient access to pharmacy services to the patients of large medical centre that operate extended hours while maintaining a viable and sustainable network of community pharmacies.

### Requirements

An application made under this rule must meet the requirements listed below. Further information about each of these requirements can be found at the page reference noted.

Please note that it is important to clearly identify the proposed premises that are the subject of an application (see page 43).

- |   | Pg / Ref             |
|---|----------------------|
| • The applicant has a legal right to occupy the proposed premises   | 43 / 1.2             |
| • The proposed premises can be used for the purpose of operating a pharmacy which would be accessible by members of the public at large   | 44 / 1.3             |
| • The applicant will be ready to operate a pharmacy at the proposed premises within six months  | 44 / 1.4             |
| • The proposed premises are not directly accessible by the public from within a supermarket   | 45 / 1.5             |
| • The proposed premises are situated within a large medical centre that:  |                      |
| i) is under a single management;  | 58 / 5.6             |
| ii) operates at least 70 hours per week; and  | 56 / 5.3             |
| iii) has prescribing general practitioners practising for at least 70 hours per week  |                      |
| • At the time of the application, and in each of the six months before the date of application, the equivalent of at least eight full-time prescribing general practitioners have been practising in the centre | 58 / 5.6             |
| • The proposed premises are at least 500 m, by straight line, from the nearest approved pharmacy  | 49 / 3.4<br>48 / 3.1 |
| • The applicant will make all reasonable attempts to ensure that the operating hours of the proposed premises will meet the needs of the centre’s patients  | 58 / 5.7             |
| • An approval has been in force at the existing premises for at least two years or the application is of the type set out in the prescribed exceptions  | 46 / 2.1             |

## **Rule 112: Relocation to large medical centre**

### **Requirements continued**

Pg/Reg

- If the approval was originally granted under the rule associated with a new rural approval (under the current or previous rules), then the proposed premises are situated in the same rural locality 46 / 2.2
- If the existing approval was originally granted under the rule associated with a new approval (urban locality) or new approval (general) within the last five years, then the proposed premises are not more than 1.5 km, by straight line, from the original premises 47 / 2.3

### **Restrictions**

An approval granted as a result of this rule **cannot** subsequently relocate from the large medical centre using a short distance relocation (either Rule 104 or 105) unless the ACPA is satisfied that there are exceptional circumstances.

## **Rule 113: New pharmacy (urban locality)**

### **Policy intent**

This rule aims to address community need for pharmacy services in urban areas. It targets those areas where there is no local pharmacy, which contain a population sufficient to ensure the viability of a pharmacy.

### **Requirements**

An application made under this rule must meet the requirements listed below. Further information about each of these requirements can be found at the page reference noted.

Please note that it is important to clearly identify the proposed premises that are the subject of an application (see page 43).

	Pg / Ref
• The applicant has a legal right to occupy the proposed premises	43 / 1.2
• The proposed premises can be used for the purpose of operating a pharmacy which would be accessible by members of the public at large	44 / 1.3
• The applicant will be ready to trade as a pharmacy within six months	44 / 1.4
• The proposed premises are not directly accessible by the public from within a supermarket	45 / 1.5
• The proposed premises are situated in an urban locality	60 / 6.1
• The proposed premises are at least 1.5 km, by straight line, from the nearest approved pharmacy	49 / 3.4 48 / 3.1
• The catchment area for the proposed premises contains a resident population of at least 3,000 for most of the year	51 / 4.1 51 / 4.2
• There is the equivalent of at least one full-time prescribing general practitioner practising in the catchment area	53 / 4.4

### **Restrictions**

An approval granted as a result of this rule is restricted for a period of five years from relocating further than 1.5 km, by straight line, from the premises at which the approval was originally granted.

*Pharmacy Location Rules – Applicant’s Handbook*

## Rule 114: New pharmacy (rural locality)

### Policy intent

This rule aims to address the need for pharmacy services in rural and remote communities that are without a local pharmacy and are isolated from pharmacies and, to some degree, other communities.

### Requirements

An application made under this rule must meet the requirements listed below. Further information about each of these requirements can be found at the page reference noted.

Please note that it is important to clearly identify the proposed premises that are the subject of an application (see page 43).

- |   | Pg / Ref             |
|---|----------------------|
| • The applicant has a legal right to occupy the proposed premises   | 43 / 1.2             |
| • The proposed premises can be used for the purpose of operating a pharmacy which would be accessible by members of the public at large | 44 / 1.3             |
| • The applicant will be ready to operate a pharmacy at the proposed premises within six months  | 44 / 1.4             |
| • The proposed premises are not directly accessible by the public from within a supermarket   | 45 / 1.5             |
| • The proposed premises are situated in a rural locality  | 60 / 6.1             |
| • The proposed premises are at least 10 km, by shortest lawful access route, from the nearest approved pharmacy                         | 49 / 3.4<br>48 / 3.2 |

### Restrictions

An approval granted as a result of this rule **cannot under any circumstances** subsequently relocate from the rural locality in which it was granted. It may only be relocated within the same rural locality.

*Pharmacy Location Rules – Applicant’s Handbook*

## **Requirements of the Pharmacy Location Rules**

This section of the Handbook provides detailed information about the requirements of the pharmacy location rules, and the types of evidence that may be required as part of an application. This should be read in conjunction with the relevant rule. Please note that at the end of each section is a cross-reference to the relevant provisions of the pharmacy location rules.

### **1. General requirements for all applications**

Every application for approval, whether it is for the establishment of a new approval or the relocation of an existing approval, must meet each of these general requirements.

#### **1.1 Identify particular premises**

It is important to ensure that the proposed premises are described accurately and clearly. The description should include full details of specific street names, numbers and suburbs as well as any relevant shop, floor, suite or lot numbers.

An application **must** include a floor plan of the proposed premises. This is a mandatory requirement in order for an application to be considered valid.

#### **1.2 Legal right to occupy proposed premises**

The application **must** include evidence which demonstrates that the applicant has a legal right to occupy the proposed premises at the time the application is lodged. This is a mandatory requirement in order for an application to be considered valid.

If the proposed premises are owned or being bought by the applicant, the application should include a copy of the title deed and/or relevant sale contract (including conditions).

If the proposed premises are being leased by the applicant, the application should include a copy of the fully signed lease. Alternatively, other evidence may be sufficient provided that it demonstrates that agreement has been reached between the lessee and lessor on the terms and conditions of the lease and signed by both parties.

In the case of a sub-lease, it will be necessary to provide information about the head lease or confirmation that the sub-lease is permitted under the terms and conditions of the head lease.

If the applicant is leasing or buying the proposed premises in the name of a company, evidence linking the applicant to that company should also be provided (for example, a copy of an Australian Securities & Investments Commission (ASIC) record that indicates the applicant is a director of that company). If the applicant is leasing or buying the proposed premises in the name of a company, and there are other directors of that company who are not party to the application, evidence should be provided demonstrating that the other directors support the application (i.e. that they agree to the applicant using the company in this manner).

If more than one pharmacist is making the application, please ensure that the evidence covers every applicant (e.g. that each applicant is a lessee).

**See item 201(a), Schedule 2**

### **1.3 Use of proposed premises as a pharmacy**

The application **must** include evidence which demonstrates that the proposed premises can be used for the purpose of operating a pharmacy which is accessible by members of the public at the time the application is lodged. That is, that the relevant government authority (usually the local council) permits a pharmacy to operate at the proposed premises. This is a mandatory requirement in order for an application to be considered valid.

The level of evidence required will vary depending on the location of the proposed premises. Some examples are provided below:

- evidence that planning approval for the proposed premises has been obtained; or
- if planning approval is not necessary, then evidence that the land is zoned to as to enable the operation of a pharmacy; or
- if the existing usage of the proposed premises does not permit use as a pharmacy, then evidence that a variation or change to this usage has been granted; or
- if the proposed premises are part of a shopping centre, then evidence that the relevant government authority has approved the site for a mix of retail shops and services that includes a pharmacy.

**See item 201(b), Schedule 2**

### **1.4 Applicant will be ready to trade in six months**

An application **must** demonstrate that the applicant will be ready to begin operating a pharmacy at the proposed premises within six months of the date the ACPA makes its recommendation.

One of the key objectives of approving a pharmacist to supply pharmaceutical benefits is to provide the community with access to pharmaceutical benefits. Applications that are made prematurely, that is, far in advance of the pharmacy being ready to trade, result in delays for the community in accessing their medicines.

This requirement aims to ensure that applications are not made prematurely.

Evidence addressing this requirement might include plans that have already been approved by the relevant local council, a building or fit-out schedule that indicates works will be completed by a certain date, or photographs demonstrating that the proposed premises are already established and need little work in order to be made ready.

**See item 201(c), Schedule 2**

### **1.5 No direct public access from a supermarket**

An application **must** demonstrate that the proposed premises are not directly accessible by the public from within a supermarket.

The pharmacy location rules define a “supermarket” as a retail store or market that, as its primary business, sells a range of food, beverages, groceries and other domestic goods. It is intended that this means the type of business to which a person could go to obtain their regular grocery needs, that is, the family shopping.

A simple way to address this requirement is to provide a plan of the proposed premises which indicates the public access points to the proposed pharmacy and includes those of any adjacent or adjoining shops. If there is any shop adjoining the proposed premises, information should be included about its type.

**See item 201(d), Schedule 2**  
**See also paragraph 6(1)**

## **2. General requirements for applications involving relocation**

Every application for the relocation of an existing approval must meet each of these requirements. These requirements do not apply to an application for the establishment of a new approval.

### **2.1 Existing approval not granted within two years**

Generally, an approval must have been in force for two years before it can be relocated. There are certain exceptions to this requirement. If the approval has been in force less than two years, an application must include evidence demonstrating that it meets one of the exceptions specified in the pharmacy location rules.

The exceptions are described below:

- the existing and proposed premises are in the same large shopping centre or private hospital; or
- the existing and proposed premises are in the same single pharmacy rural locality; or
- the purpose of the application is to relocate the existing approval while the existing premises are being renovated or refurbished; or
- the proposed premises have been renovated or refurbished and were previously occupied by the pharmacy at the existing premises; or
- there are exceptional circumstances (for example, the existing premises have been damaged by fire or flood); or
- the existing premises are the result of an expansion or contraction, and the previous approval was granted at least two years ago; or
- the proposed premises are an expansion or contraction of the existing premises.

For the purpose of this restriction, an approval that was granted as a result of Rules 109, 110, 111 or 112 (relocation into a small or large shopping centre, private hospital or large medical centre) is taken to have been in force since it was first granted in respect of that facility or town. For example, if a pharmacy is approved within a large shopping centre, it can relocate from that centre after two years (subject to the relevant rules), even if during that two year period it has relocated within the centre several times.

**See item 302, Part 1, Schedule 3  
See also paragraph 6(4)**

### **2.2 Existing approval not granted as a new rural approval**

If the existing approval being relocated was granted as a new rural approval from 1 July 2000, it cannot under any circumstances be relocated from the town in which it was granted. It can, however, be relocated within that same town.

If an applicant is unsure whether the existing approval was granted as a new rural approval, they should contact the ACPA Secretariat, Medicare Australia or refer to the information provided at the time the approval was granted.

**See items 303 & 304, Part 2, Schedule 3**

### **2.3 Existing approval not granted as a new approval (urban locality) or new approval (general)**

If the existing approval being relocated was granted as a new approval (urban locality) or new approval (general) from 1 July 2006 (that is, under Rule 113), then for a period of five years it can only be relocated to premises that are within 1.5 km, by straight line, of the original premises (subject to the relevant rules).

If an applicant is unsure whether the existing approval was granted under Rule 113 they should contact the ACPA Secretariat, Medicare Australia or refer to the information provided at the time the approval was granted.

See paragraph 3.1 for information about straight line measurement.

**See items 306 & 307, Part 2, Schedule 3  
See also paragraph 8**

### **2.4 Existing approval not granted within specified facility**

Generally, an approval that has been granted from 1 July 2006 as a result of:

Rule 109 – relocation to small shopping centre; or

Rule 110 – relocation to large shopping centre; or

Rule 111 – relocation to private hospital; or

Rule 112 – relocation to large medical centre;

cannot subsequently relocate out of that facility using a short distance relocation (either Rule 104 or 105) unless the ACPA is satisfied that there are exceptional circumstances. For example, if the existing premises are situated within a small shopping centre that has been damaged by fire, and all tenants of the centre must find temporary accommodation until the centre is repaired.

**See item 305, Part 2, Schedule 3**

### **3. Distance requirements**

Almost every application for approval, whether it is for the establishment of a new approval or the relocation of an existing approval, must include evidence that demonstrates that it meets the relevant distance requirement. This is a mandatory requirement in order for an application to be considered valid, except for applications made under:

Rule 101: relocation within shopping centre or private hospital;

Rule 110: relocation to large shopping centre; or

Rule 111: relocation to private hospital.

The pharmacy location rules specify that the measurement must be taken from the mid point at ground level of the public access door of each of the premises. If there is more than one public access door of either or both of the premises, the measurement must be taken from the public access door nearest to the other premises (i.e. the shortest measurement that can be taken).

#### **3.1 Straight line measurement**

This is a straightforward method of measuring. It is like drawing a straight line between two points and measuring that line.

#### **3.2 Shortest lawful access route measurement**

The shortest lawful access route is one generally available to be taken between premises that could reasonably be used by average persons travelling that route. It can be by car, walking or any other legal means of travel, or a combination of these. The route can include travelling through public land such as parks and reserves. It must be one available to most members of the public rather than one catering to persons or groups with specialised needs.

It should take into account relevant factors such as traffic conditions, safety, proximity to solid objects and general common sense (such as whether the route is prone to flooding).

#### **3.3 Distance from existing pharmacy**

The application must include evidence which demonstrates that the proposed premises are within a specified distance of the existing premises, as detailed below:

- For Rule 104: short distance relocation (1 km), the proposed premises must be no more than 1 km, by straight line, from the existing premises.
- For Rule 105: short distance relocation (between 1 km and 1.5 km), the proposed premises must be more than 1 km but no more than 1.5 km, by straight line, from the existing premises.

If the distance separating the existing and proposed premises is substantially less than the required distance, it may be sufficient to provide a scaled map, indicating the two

premises and the approximate straight line distance (using the scale as a basis). If the distance between the existing and the proposed premises is very near to the required distance, applicants should provide a surveyor’s measurement of the straight line distance. Any surveyor’s report should include a clearly marked scaled map, a description of the methodology and equipment used in the measurement, the straight line distance measured and the margin for error in the measurement, and detailed information about the public access doors to each relevant premises.

See items 104 & 105, Part 1, Schedule 1  
See also paragraph 8

### 3.4 Distance from nearest pharmacy

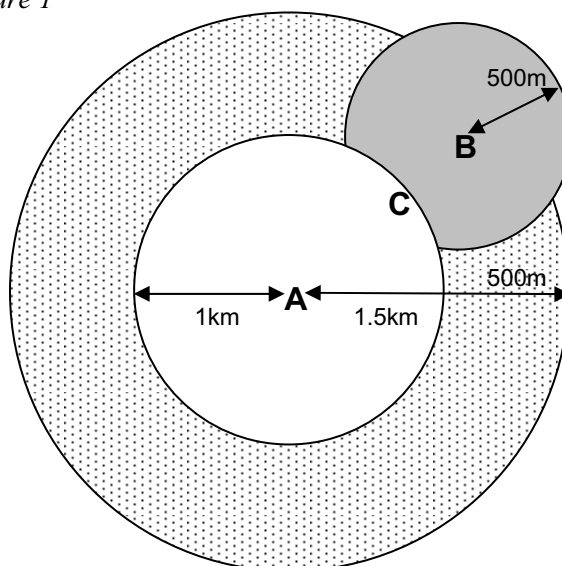
The application must include evidence which demonstrates that the proposed premises are within a specified distance of another approved pharmacy.

An approved pharmacy means any premises in respect of which a pharmacist is approved and includes any premises at which the ACPA has recommended that a pharmacist be approved, even if the pharmacy is not yet trading. It **does not** include an approved pharmacy if that pharmacy has stopped trading and the ACPA has recommended approval for it to be relocated to other premises.

- For Rule 102: relocation within rural locality, the proposed premises must be at least 10 km, by shortest lawful access route, from the nearest approved pharmacy (not including the existing premises).
- For Rule 105: short distance relocation (more than 1 km), the proposed premises must be at least 500 m, by straight line, from any other approved pharmacy (excluding any pharmacy that is not more than 1 km, by straight line, from the existing premises). See *Figure 1*

*Figure 1*

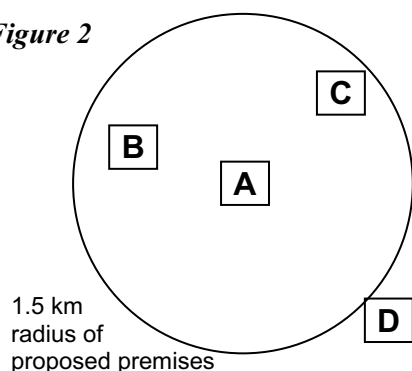
**A** = existing premises  
**B** = proposed premises  
**B** must be at least 500 m from the nearest approved pharmacy that is not within the 1 km of the existing premises (**A**).  
 In this example, **B** does not have to be 500 m from the pharmacy at **C** because **C** is within 1 km of the existing premises (**A**).



- For Rule 106: long distance relocation, the proposed premises must be at least 1.5 km, by straight line, from the nearest approved pharmacy. If not, the proposed premises must be at least 2 km, by shortest lawful access route, from

any approved pharmacy that is within 1.5 km (straight line) of the proposed premises (see *Figure 2*).

**Figure 2**



In this diagram, **A** is the proposed premises. **B**, **C** and **D** are other approved pharmacies in the area. **B** and **C** are within 1.5 km (straight line) of **A**, and must therefore be at least 2 km (by shortest lawful access route) of **A**. **D** is already more than 1.5 km (straight line) from **A**.

- For Rule 107: relocation to rural locality (additional pharmacy), the proposed premises must be at least 200 m, by straight line, from the nearest approved pharmacy.
- For Rule 108: relocation to urban locality (additional pharmacy), the proposed premises must be at least 500 m, by straight line, from the nearest approved pharmacy.
- For Rule 109: relocation to small shopping centre, the proposed premises must be at least 500 m, by straight line, from the nearest approved pharmacy.
- For Rule 112: relocation to large medical centre, the proposed premises must be at least 500 m, by straight line, from the nearest approved pharmacy.
- For Rule 113: new pharmacy (urban locality), the proposed premises must be at least 1.5 km, by straight line, from the nearest approved pharmacy.
- For Rule 114: new pharmacy (rural locality), the proposed premises must be at least 10 km, by shortest lawful access route, from the nearest approved pharmacy.

If the distance separating the proposed premises and the nearest approved pharmacy is substantially more than the required distance, it may be sufficient to provide a scaled map, indicating the two premises and the approximate straight line distance (using the scale as a basis).

If the distance between the proposed premises and the nearest approved pharmacy is very near to the required distance, applicants should provide a surveyor’s measurements of the distance. Any surveyor’s report should include a clearly marked scaled map, a description of the methodology and equipment used in the measurement, the distance measured and the margin for error in the measurement, and detailed information about the public access doors to each relevant premises

**See items 102, 105, 106, 107, 108, 109, 112, 113 & 114, Schedule 1**  
**See also paragraph 6A & 8**

#### **4. Catchment area requirements**

These requirements only apply to the following types of application:

- Rule 107: relocation to a rural locality (additional pharmacy);
- Rule 108: relocation to an urban locality (additional pharmacy); and
- Rule 113: new pharmacy (urban locality).

The ACPA must be satisfied that the relevant catchment area contains certain features.

##### **4.1 Defining the catchment area**

The catchment area of a pharmacy is considered to be one in which a significant number of people from within an area will naturally and reasonably gravitate or flow to the proposed pharmacy premises.

In considering a catchment area, the ACPA will take into account matters such as traffic flows, proximity to other services and attractions, geographical features, any natural barriers and distance to the proposed premises.

It should be noted that in areas where there is one or more existing pharmacies, the catchment area of a proposed pharmacy is likely to overlap, to some degree, with those of the existing pharmacies.

It is the applicant’s responsibility to define the catchment area which they propose to service. In compiling a catchment area profile, it is recommended that:

- the claimed catchment area be clearly delineated on a scaled map, together with those for other pharmacies in the area;
- the proposed premises, existing pharmacies, medical practitioner/s and other relevant services or facilities be marked on the scaled map;
- any cross-reference to population data be clearly marked (for example, ABS collection district 1234578) with the relevant delineation;
- all maps be of sufficient scale to enable clear identification of any relevant features, and the source for the map/s should be cited.

It is important to note that, in considering whether a catchment area contains certain features, the ACPA must be satisfied that those features are already present. The ACPA cannot take into consideration claims that a catchment area will contain a required feature in the future (e.g. a proposed shopping complex).

##### **4.2 Catchment area – Population**

The ACPA must be satisfied that the relevant catchment area contains the following population:

- For Rule 107: relocation to a rural locality (additional pharmacy), the catchment area must contain a population of at least 8,000.

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- For Rule 108: relocation to an urban locality (additional pharmacy), the catchment area must contain a population of at least 8,000.
- For Rule 113: new pharmacy (urban locality), the catchment area must contain a population of at least 3,000.

This population must be a residential population and must be present in the catchment area for most of the year.

In considering whether population is present for “most of the year”, the ACPA may consider a range of factors. For example, in the case of a town that holds a jazz festival for four weeks of the year, during which time the population triples, the ACPA will not consider this to be ‘resident population for most of the year’.

Any data relating to resident population should be from an objective source (e.g. the Australian Bureau of Statistics, local or other Governmental reports or publications, market research reports by professionally accredited persons).

**See items 107, 108 & 113, Schedule 1**

### **4.3 Catchment area – Population growth**

For Rule 108: relocation to an urban locality (additional pharmacy), the ACPA must be satisfied that the population of the relevant catchment area has grown at least 5% over each the past two years (that is, the two years preceding the subject application).

This requirement is not limited to a financial or calendar year, rather it applies to any two consecutive 12 month periods.

The growth rate is not to be used as an average and the population must have grown by at least 5% for **both** years. For example, if an application is made in January 2008, the ACPA must be satisfied that the population of the relevant catchment area grew by at least 5% in 2007 **and** grew by at least 5% in 2006.

Any data relating to population should be from an objective source (e.g. the Australian Bureau of Statistics, local or other Governmental reports or publications, market research reports by professionally accredited persons).

**See item 108, Part 1, Schedule 1**

#### **4.4 Catchment area – Prescribing medical practitioners**

The ACPA must be satisfied that there is the equivalent of at least a specified number of full-time prescribing general practitioners practising in the relevant catchment area, as detailed below:

- For Rule 107: relocation to a rural locality (additional pharmacy), the catchment area must contain the equivalent of at least four full-time prescribing general practitioners.
- For Rule 112: relocation into a large medical centre, the medical centre must contain the equivalent of at least 8 full-time prescribing medical practitioners for each of the six months preceding the date of application.
- For Rule 113: new pharmacy (urban locality), the catchment area must contain the equivalent of at least one full-time prescribing medical practitioner.

Full-time is defined as being at least 38 hours per week. The equivalent of full-time can include a number of part-time general practitioners that, together, provide the same hours of service that a full-time general practitioner provides. Alternatively, a single general practitioner may provide the same hours of service that more than one full-time general practitioner provides.

The ACPA will not be satisfied if a general practitioner lives in the relevant catchment area but operates their medical practice outside of that catchment area. The general practitioner **must** be practising in the relevant catchment area.

Evidence addressing this requirement may include a statement or statutory declaration from the relevant general practitioner/s regarding the hours they practise at the medical centre or a practice information sheet and the provider numbers for the general practitioners.

**See items 107 & 113, Schedule 1  
See also paragraph 6(1)**

#### **4.5 Catchment area – Amalgamations**

For Rule 107: relocation to a rural locality (additional pharmacy), the ACPA must be satisfied that the existing approved pharmacy in the relevant catchment area has not been involved in an amalgamation with another pharmacy that had previously been approved in that locality, within the past three years (that is, the three years preceding the subject application).

Pharmacies that have been involved in an amalgamation that occurred on or after 1 July 2006 are exempt from this requirement.

The pharmacy location rules do not define an amalgamation so the ACPA has some flexibility in considering this. However, it is generally considered to be the consolidation of two or more approved pharmacies into a single approved pharmacy.

Evidence addressing this requirement might include records indicating that the relevant

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catchment area has only contained a single approved pharmacy for the past three years, or a statement by the existing pharmacist regarding any amalgamation which may have occurred. The ACPA will give the existing pharmacist in the relevant catchment area the opportunity to comment about whether his or her pharmacy has been involved in any amalgamation.

**See item 107, Part 1, Schedule 1**

## **5. Facility requirements**

These requirements only apply to the following types of application:

- Rule 109: relocation to small shopping centre;
- Rule 110: relocation to large shopping centre;
- Rule 111: relocation to private hospital; and
- Rule 112: relocation to large medical centre.

The ACPA must be satisfied that the facility meets the relevant requirements.

### **5.1 Small shopping centre**

For Rule 109: relocation to small shopping centre, an application must demonstrate that the proposed premises are situated within a shopping centre that:

- (a) is a group of shops and associated facilities that is under single management;
- (b) has a gross leasable area of at least 5,000 m<sup>2</sup>;
- (c) contains a supermarket that occupies at least 2,500 m<sup>2</sup>;
- (d) contains at least 15 other commercial establishments; and
- (e) has customer parking facilities.

The pharmacy location rules define a “supermarket” as a retail store or market that, as its primary business, sells a range of food, beverages, groceries and other domestic goods. It is intended that this means the type of business to which a person could go to obtain their regular grocery needs, that is, the family shopping.

See paragraph 5.3 for information about single management and paragraph 5.4 for information about commercial establishments.

The application must also demonstrate that the small shopping centre does not already contain an approved pharmacy.

**See item 109, Part 1, Schedule 1  
See also paragraph 6(1), 6(3) & 7**

### **5.2 Large shopping centre**

For Rule 110: relocation to large shopping centre, an application must demonstrate that the proposed premises are situated within a shopping centre that:

- (a) is a group of shops and associated facilities that is under single management;
- (b) has a gross leasable area of at least 5,000 m<sup>2</sup>;
- (c) contains a supermarket that occupies at least 1,000 m<sup>2</sup>;
- (d) contains at least 30 other commercial establishments; and
- (e) has customer parking facilities.

The pharmacy location rules define a “supermarket” as a retail store or market that, as

its primary business, sells a range of food, beverages, groceries and other domestic goods. It is intended that this means the type of business to which a person could go to obtain their regular grocery needs, that is, the family shopping.

See paragraph 5.3 for information about single management and paragraph 5.4 for information about commercial establishments.

Depending on whether the application is for the 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> pharmacy in the large shopping centre, an application must also demonstrate one of the following:

- (i) the centre does not contain an approved pharmacy; or
- (ii) if the centre contains no more than one approved pharmacy, there are at least 100 but not more than 199 other commercial establishments in the centre (including the proposed premises); or
- (iii) if the centre contains no more than two approved pharmacies, there are at least 200 other commercial establishments in the centre (including the proposed premises).

**See item 110, Part 1, Schedule 1**  
**See also paragraph 6(1), 6(3) & 7**

### **5.3 Single management**

The pharmacy location rules provide that single management means the management of a shopping centre or medical centre as a whole by a single manager, or a number of managers working in cooperation under an agreement, for the purpose of facilitating customer use of the centre as a single integrated facility. It includes managing the security, pedestrian and vehicular access, cleaning, signage, trading hours, marketing and maintenance of buildings, common areas and utilities, for the centre.

Single management does not include a number of independent owners or tenants that cooperate only on particular occasions or only in relation to some (not all) of the matters described above. For example, a group of shop owners in a shopping arcade might only cooperatively manage the promotion of the arcade over the Christmas shopping period or they may cooperatively manage the arrangements for cleaning and maintenance of the arcade, however, each owner individually manages the marketing and trading hours of their own shop. In these circumstances, the requirement of single management would not be met.

**See paragraph 6(1)**

### **5.4 Commercial establishments**

The pharmacy location rules define a “commercial establishment” as premises occupied by, or likely to be occupied by:

- (a) a shop where goods, food or beverages are sold retail; or
- (b) a bar, café, restaurant or takeaway; or
- (c) a business that provides services to customers.

The pharmacy location rules further specify that a “commercial establishment” does not include the following businesses:

- (a) commercial office space; or
- (b) premises occupied by an accountant, analyst, architect, engineer, lawyer, planner, real estate agent, stockbroker or surveyor; or
- (c) premises occupied by an insurance company, insurance agent or broker, unless the premises are occupied as a shopfront for an insurance company; or
- (d) a council office or government or statutory corporation office or shopfront, other than an Australia Post or Australian Broadcasting Corporation shop or a Medicare shopfront; or
- (e) a library; or
- (f) a kindergarten or preschool; or
- (g) a child care centre or child minding facility, unless the centre or facility is regularly available for use by customers of the shopping centre while the customers are at the shopping centre; or
- (h) a storeroom or storage area; or
- (i) a temporary selling point; or
- (j) an automatic teller machine or automatic dispensing machine.

An application does not need to demonstrate that the requisite number of commercial establishments are operating within the relevant shopping centre, however it must demonstrate that the shopping centre **will** contain the requisite number of commercial establishments.

Evidence addressing the number of commercial establishments within a shopping centre might include a tenancy schedule provided by the centre management that indicates which businesses are or will be occupying which shops. If any of the commercial establishments are not yet trading, the ACPA must be satisfied that the commercial establishments are likely to begin trading within a reasonable period of time. In this case, applications should include evidence which demonstrates that those businesses have made some form of commitment that their businesses will operate within the shopping centre (e.g. signed leases).

**See paragraph 6(3) and 7**

## **5.5 Private hospital**

For Rule 111: relocation to private hospital, an application must demonstrate that the proposed premises are situated within a private hospital:

- (a) that does not contain an approved pharmacy; and
- (b) where the hospital authority is not approved under section 94 of the Act (i.e. approved to supply pharmaceutical benefits to patients receiving treatment in or at that hospital); and
- (c) that is registered/licensed under the relevant State or Territory law:

- (i) to contain at least 150 beds for the purpose of providing health services to patients; or
- (ii) to treat, accommodate or lodge at least 150 patients at any one time.

For the purpose of the pharmacy location rules, a private hospital has the same meaning as in the *Health Insurance Act 1973*. Applicants that are unsure whether the relevant private hospital meets this definition should contact the governing authority of the hospital.

**See item 111, Part 1, Schedule 1**  
**See also paragraph 6(1)**

## **5.6 Large medical centre**

For Rule 112: relocation to large medical centre, an application must demonstrate that the proposed premises are situated within a medical centre that:

- (a) is under single management;
- (b) operates for at least 70 hours per week;
- (c) has prescribing medical practitioners providing general practice services at the centre for at least 70 hours per week; and
- (d) on the date of application and for each of the 6 six months before that date, the equivalent of at least eight full-time prescribing medical practitioners have been practising at that centre

The pharmacy location rules define a prescribing medical practitioner as a medical practitioner that provides general practice services to the community and is authorised to issue prescriptions for pharmaceutical benefits.

Full-time is defined as being at least 38 hours per week. The equivalent of full-time can include a number of part-time medical practitioners that, together, provide the same hours of service that a full-time medical practitioner provides. Alternatively, a single medical practitioner may provide the same hours of service that more than one full-time medical practitioner provides.

Evidence addressing this requirement may include a statement or statutory declaration from the management of the medical centre regarding the hours that the centre operates and the hours that each medical practitioner practises, copies of any advertisements regarding the hours that the practice operates, a practice information sheet and the provider numbers for the medical practitioners.

See paragraph 5.3 for information about single management.

**See item 112, Part 1, Schedule 1**  
**See also paragraph 6(1)**

## **5.7 Meeting the needs of medical centre patients**

For Rule 112: relocation to large medical centre, the ACPA must be satisfied that the applicant will make all reasonable attempts to ensure that the operating hours of the

proposed pharmacy will meet the needs of the patients of the medical centre.

The intention of this provision is to ensure that, as far as is practicable, a majority of patients can access the pharmacy following a consultation by a doctor in that medical centre.

Evidence addressing this requirement might include evidence of an agreement between the applicant and the management of the medical centre which indicates that the proposed pharmacy’s hours will largely reflect those of the medical centre, or that the applicant will endeavour to open the pharmacy outside of normal hours if there is sufficient need.

**See item 112, Part 1, Schedule 1**

### **5.8 Proposed premises within same shopping centre or private hospital**

For Rule 101: relocation within shopping centre or private hospital, the proposed premises must be within the same small or large shopping centre or private hospital in which the existing premises are situated.

Evidence addressing this might include a layout plan of the centre or hospital indicating the locations of the existing and proposed premises, or a statement by the management confirming that the existing and proposed premises are within the same facility.

If the shopping centre or private hospital has changed its name since the existing premises were approved, an application should include evidence of the name change.

Rule 101 also requires that the existing approval was granted in the manner prescribed. That is, it was granted following a recommendation by the ACPA in accordance with:

- item 109, 110 or 111 of Determination No. PB 23 of 2006;
- section 7 of Determination No. PB 8 of 2006;
- section 7 of Determination No. PB 8 of 2000;
- section 7 of Determination No. PB 13 of 1998;
- section 7 of Determination No. PB 13 of 1997;
- section 7 of Determination No. PB 21 of 1996;
- section 7 of Determination No. PB 18 of 1995;
- section 7 of Determination No. PB 6 of 1995;
- paragraph 3 (eaa) or (eab) of Determination No. PB 8 of 1993; or
- paragraph 3 (eaa) or (eab) of Determination No. PB 6 of 1993.

If the approval has been granted following a change of ownership or an expansion or contraction of pharmacy premises, the previous approval must have been granted in the manner described above.

Evidence addressing this might include advice from the Secretary at the time the approval was originally granted within that shopping centre or private hospital, which states the rule under which the ACPA recommended approval.

**See item 101, Part 1, Schedule 1**

## **6. PhARIA requirements**

These requirements only relate to the following types of application:

- Rule 102: relocation within rural locality;
- Rule 107: relocation to rural locality (additional pharmacy);
- Rule 108: relocation to urban locality (additional pharmacy);
- Rule 113: new pharmacy (urban locality); and
- Rule 114: new pharmacy (rural locality)

### **6.1 PhARIA classification**

The *Pharmacy Access/Remoteness Index of Australia 2008/09* (PhARIA) is an index used for the purpose of the pharmacy location rules to identify whether a locality is classified as urban or rural. It is prepared by the National Key Centre for Social Application of Geographical Information Systems (GISCA) of the University of Adelaide for the Department of Health and Ageing.

PhARIA can be viewed at [www.gisca.adelaide.edu.au/projects/pharia.html](http://www.gisca.adelaide.edu.au/projects/pharia.html)

An application must demonstrate that the proposed premises are situated in a locality which has the classification specified by the pharmacy location rules.

- For Rule 102: relocation within rural locality, the proposed premises must be situated in the same rural locality (PhARIA category 2, 3, 4, 5 or 6) as the existing premises.
- For Rule 107: relocation to rural locality (additional pharmacy), the proposed premises must be situated in a rural locality (PhARIA category 2, 3, 4, 5 or 6).
- For Rule 108: relocation to urban locality (additional pharmacy), the proposed premises must be situated in an urban locality (PhARIA category 1).
- For Rule 113: new pharmacy (urban locality) the proposed premises must be situated in an urban locality (PhARIA category 1).
- For Rule 114: new pharmacy (rural locality), the proposed premises must be situated in a rural locality (PhARIA category 2, 3, 4, 5 or 6).

**See items 102, 107, 108 & 114, Schedule 1**  
**See also paragraph 6(1)**

### **6.2 Proposed premises within same rural locality**

For Rule 102: relocation within rural locality, the proposed premises must be within the same rural locality in which the existing premises are situated.

Evidence addressing this might include a map of the town indicating the locations of the existing and proposed premises.

**See item 102, Part 1, Schedule 1**  
**See also paragraph 6(2)**

## **7. Prescribing medical practitioner requirements**

These requirements only relate to the following types of application:

Rule 107: relocation to rural locality (additional pharmacy);

Rule 112: relocation to large medical centre; and

Rule 113: new pharmacy (urban locality).

The pharmacy location rules define a prescribing medical practitioner as a medical practitioner that provides general practice services to the community and is authorised to issue prescriptions for pharmaceutical benefits.

### **7.1 Full-time prescribing medical practitioner**

Full-time is defined as being at least 38 hours per week. The equivalent of full-time can include a number of part-time medical practitioners that, together, practise the same number of hours at the medical centre that a full-time medical practitioner practises. Alternatively, a single medical practitioner may practise the same number of hours at the medical centre that more than one full-time medical practitioner practises.

Time spent consulting medical centre patients at their home or in hospital is considered time practising at the medical centre. Time spent practising at other medical centres and undertaking administrative work for the medical centre, is not counted towards time spent practising at the medical centre.