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| **GENERAL INFORMATION** |
| Information provided in this guideline is intended as general information to all pharmacy business owners in the Northern Territory. For information of a specific nature relating to your pharmacy business, the Pharmacy Premises Committee strongly suggests seeking independent legal advice. This policy is made pursuant to Section 18E of the *Health Practitioners Act 2004 (HPA*) to facilitate compliance with the *HPA.* |

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| **PHARMACY BUSINESS** |
| Pursuant to the *HPA,* only an authorised pharmacy business owner can own a pharmacy business. Authorised pharmacy business owner means: 1. a pharmacist;
2. a partnership of which all partners are pharmacists;
3. a corporation of which all shareholders and directors are pharmacists;
4. an Aboriginal health service or friendly society that has been granted an exemption by the Minister

Pharmacist means a person registered under the Health Practitioner Regulation National Law to practise in the pharmacy profession (other than as a student).Pursuant to the *HPA* a person must not own or exercise **any** control over a pharmacy business unless they are an authorised business owner, unless the person was and continues to be the owner of a pharmacy business prior to 23 February 2005.If a trust is involved in the ownership of a pharmacy business (e.g. the authorised pharmacy business owner is acting as a trustee) a copy of the relevant trust deed(s) must be submitted to the Pharmacy Premises Committee for review. A pharmacy trust must not have as a trustee or beneficiary a person or company unless that person or company is:* 1. a registered pharmacist; or
	2. a partnership of which all partners are registered pharmacists; or
	3. a company registered under the Corporations Act -
		1. whose directors are all registered pharmacists, and
		2. in which all shares and beneficial and legal interest in those shares are held by registered pharmacists

For pharmacy entities formed after 23 February 2005 **all** pharmacists must maintain general registration as a pharmacist in accordance with Health Practitioner Regulation National Law. Failure to do so can result in the practitioner being forced to sell their portion of the pharmacy. The following registration status is considered by the Pharmacy Premises Committee to not be registered as a pharmacist:* Non practising.
* Prohibited.
* Cancelled.
* Suspended.

As a guide, the Pharmacy Premises Committee will itself only consider fixed trusts or unit trusts in which all trustees and beneficiaries are registered pharmacists. If a corporate trustee or beneficiary is involved, all directors and shareholders of the trustee or beneficiary are registered pharmacists and the beneficial and legal interests of all beneficiaries interests are held by registered pharmacists. If another form of trust is proposed it would have to be considered by legally qualified advisors and the cost would be borne by the applicant. The Pharmacy Premises Committee could not give any assurances as to the time such an application would take to be determined. Further information can be sought from PG1 Pharmacy Premises Committee Guidance on Trusts. |

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| **PHARMACY SERVICE** |
| Pursuant to the *HPA* an authorised pharmacy service provider means an organisation that operates:1. an Aboriginal health service;
2. a pharmacy service that is part of a public hospital; or
3. a pharmacy that is part of a defence force facility.
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| **NOTIFICATION TO THE PHARMACY PREMISES COMMITTEE** |
| 1. **Detail of Owner(s) for Pharmacy Businesses**
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| A person who commences, acquires, or changes an ownership interest in a pharmacy business or pharmacy service must advise the Pharmacy Premises Committee of that interest or of any change at least 28 days prior to the proposed change. The advice must be provided using the ***Change of Ownership Form*** including a declaration that the premises meet the minimum standards prescribed by the Pharmacy Premises Committee.  |
| 1. **Details of an Aboriginal Health Service**
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| An Aboriginal Health Service (granted an exemption under the HPA by the Minister) which acquires or varies their ownership interest in a pharmacy business must advise the Pharmacy Premises Committee of that change at least 28 days prior to the proposed change. The advice must be provided using the ***Change of Ownership Form,*** including a declaration that the premises meet the minimum standards prescribed by the Pharmacy Premises Committee. In addition each year the Aboriginal Health Service must provide the Pharmacy Premises Committee details of each director and the chief executive officer as outlined in the ***Fit and Proper Person Standard****.* |
| 1. **Details of the Pharmacist-in-Charge**
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| The owner of a pharmacy business or pharmacy service must in accordance with Clause 7(2), Schedule 7 of the *HPA* notify the Pharmacy Premises Committee in writing of who has been appointed as the pharmacist-in-charge of that pharmacy business or pharmacy service as soon as practicable after the appointment has been made.Maximum Penalty 20 penalty units for individuals and 500 penalty units for a body corporate |
| 1. **Administration of a Pharmacy Business**
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| Pharmacy businesses entering in to administration may do so either voluntarily or by involuntary means including:* The death of a pharmacist proprietor; or
* A person declared bankrupt who owns a pharmacy or part there of; or
* A corporation declared under the *Corporations Act 2001 (Cth)*.

Notification of administration must be as soon as practicable after the event.Premises assessment of pharmacy businesses under administration will be yearly and subject to assessment, businesses will be issued with a conditional Certificate of Compliance as ownership provisions cannot be verified.If the administration of a pharmacy business continues for a period greater than 12 months, administrators must notify the Pharmacy Premises Committee of an extension of administration arrangements. |

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| **EVIDENCE OF COMPLIANCE** |
| A pharmacy business or pharmacy service must advise the Pharmacy Premises Committee when requested to do so, evidence of the following applicable to their circumstances:1. a copy of the partnership agreement; or
2. details of company structure including any trust structure and deed; or
3. statutory evidence of the pharmacy service
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| **FAILURE TO COMPLY** |
| Section 107 of the *HPA* states that a person must not obstruct, hinder, threaten or intimidate an Inspector or the Pharmacy Premises Committee (which is a legal person – it is created as a body corporate which is a legal person) when exercising a power or performing a function of the act. Maximum Penalty 500 penalty units |

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| **DISCLAIMER** |
| In case of any conflict or discrepancy between this document and legislation, the legislation prevails. |