

# **TASMANIAN PHARMACY AUTHORITY**

## **APPLICATION FOR PREMISES EXEMPTIONS POLICY**

ABN 34 562 572 269

### **Background**

Section 71J of the *Pharmacy Control Act 2001* (Act) makes provision for the Authority to exempt a premises from registration requirements. That section states:

#### **71J. Premises exempt from registration requirements**

- (1) The Authority, by instrument in writing, may exempt any premises used for the purposes of a pharmacy business from the requirement to be registered as pharmacy business premises.
- (2) An exemption may be granted on the Authority's own initiative, at the written request of the Director of Public Health or on an application by or on behalf of a pharmacist.
- (3) An application under subsection (2) is to be –
  - (a) on the approved form (PE)
  - (b) lodged with the Authority
  - (c) accompanied by the prescribed application fee; and
  - (d) supported by such information or evidence as the Authority requires.
- (4) The Authority may waive all or part of the fee.
- (5) An exemption may be granted –
  - (a) for individual premises or a class of premises; and
  - (b) unconditionally or on conditions.
- (6) Without limiting subsection (5)(b), the conditions of an exemption may restrict its operation according to matters or limitations, whether as to time, circumstance or otherwise, specified in the instrument of exemption.
- (7) A person must not engage in the practice of pharmacy contrary to a condition of an exemption under this section.  
Penalty: Fine not exceeding 25 penalty units.
- (8) The Authority may revoke an exemption if it is satisfied on reasonable grounds that the exemption is no longer justified or required.
- (9) In determining whether to grant or revoke an exemption the Authority is to have regard to the prescribed criteria, if any.
- (10) The Authority may publicise exemptions and their revocation in the *Gazette* and in such other ways as the Authority thinks fit having regard to the nature of the exemptions.

### **Exemptions Criteria**

Section 71J3(A) of the Act makes provision for the Authority to prescribe criteria. The Authority has resolved that the following criteria be adopted for individual applications for exemption:

1. The application must be on the approved form (PE)
2. The application must cover a specific timeframe
3. There must be public benefit
4. The application must be consistent with the objectives of the Act
5. Each application would be considered on a case by case basis.