



470-781

**THE HON NICOLA ROXON MP
MINISTER FOR HEALTH AND AGEING**

The Hon John Murphy MP
Chair
Standing Committee on Petitions
Parliament House
CANBERRA ACT 2600

Dear Mr Murphy

Thank you for your letter of 30 May 2011 regarding a petition submitted for the consideration of the Standing Committee on Petitions by the citizens of New South Wales and citizens of all other state and territories, concerning access to the supply of Pharmaceutical Benefits Scheme (PBS) medicines by an approved pharmacist.

I note that Airport Guardian Pharmacy was not approved to supply medicines subsidised under the PBS as it is not the required distance from the nearest approved pharmacy, as specified in the Pharmacy Location Rules (the Rules). The purpose of the Rules is to ensure that all Australians have access to medicines subsidised under the PBS through an effective, efficient and well-distributed community pharmacy network.

In certain situations I have a discretionary power to approve a pharmacist to supply PBS medicines under the *National Health Act 1953* (the Act) where the application of the Rules will result in a community being left without reasonable access to PBS medicines, and it is in the public interest to do so. As you are aware, the pharmacists of Airport Guardian Pharmacy requested that I exercise my discretionary power and approve the supply of PBS medicines at the pharmacy.

In deciding whether the community has reasonable access to the supply of pharmaceutical benefits I examined a range of factors including why the pharmacists' application did not satisfy the requirements of the Rules, the characteristics and circumstances of the travellers and workers of the Sydney Airport, Terminal 2, the community's current level of access to the supply of pharmaceutical benefits and other factors that were relevant to this matter.

In this instance, I have made my decision in relation to Airport Guardian Pharmacy's application, in accordance with the required statutory timeframes. There are no provisions in the Act for me to reconsider my decision.

I trust that the above information is of assistance.

Yours sincerely

NICOLA ROXON