



Checklist for application for registration as a Recognised Corporate or Trustee Pharmacy Services Provider

This checklist is **intended as a guide only** to assist with the completion of your application for registration as a recognised corporate or trustee pharmacy services provider. It is not intended to be exhaustive.

This checklist should also be read in conjunction with the PRASA's 'Guidelines for the operation of pharmacy premises by pharmacy services providers' and the *Health Practitioner Regulation National Law (South Australia) Act 2010* (SA) ("**the Act**") and *Health Practitioner Regulation National Law (South Australia) Regulations 2010* ("**the Regulations**").

Completing this checklist does not guarantee that your application will be approved by the PRASA.

If you are unsure about any aspect of this checklist, you may wish to obtain independent legal advice before submitting your application.

Applicants should read the following notes provided on the following pages prior to completing the checklist.

1. Recognised Corporate Pharmacy Services Providers

Pursuant to s 26(3) of the Act, a 'recognised corporate pharmacy services provider' may include:

- a) a pharmacist controlled company;
- b) a friendly society;
- c) a company that carried on a pharmacy business on 1 August 1942 and has continued to do so since that date.

A 'pharmacist controlled company' is defined under the Act (s 26(1)(a)-(c)) as a company within the meaning of the Corporations Act 2001 (Cth) in which:

- a) at least 1 director is a pharmacist; and
- b) every director is either a pharmacist or a prescribed relative of a pharmacist; and
- c) each shareholder in the company is:
 - o a pharmacist or a prescribed relative of a pharmacist; or
 - o a recognised corporate pharmacy services provider; or
 - o a recognised trustee pharmacy services provider;

AND in which:

a pharmacist (or more than one pharmacists together) is entitled to control the exercise of at least 50% of the voting power:

- o at meetings of the directors of the company; or
- o attached to voting shares issued by the company.

A 'prescribed relative' is defined in the Act (s 26(1)) as a parent, spouse, domestic partner, child, grandchild, brother or sister of the registered pharmacist.

2. Recognised Trustee Pharmacy Services Providers

Pursuant to the Act (s 26(4)), a recognised trustee pharmacy services provider is a 'pharmacist controlled trust'.

A 'pharmacist controlled trust' is defined in the Act (s 26) as including a trust in which each trustee is:

- a) a pharmacist; or
- b) a prescribed relative of a pharmacist (as long as at least one other trustee is a pharmacist); or
- c) a pharmacist controlled company.

[see Note 1, above, for the definition of a ‘pharmacist controlled company’ and ‘prescribed relative’]

It should also be noted that the Act prohibits any person from owning or holding a proprietary interest in a pharmacy business unless they are:

- a) a pharmacist; or
- b) a prescribed relative of a pharmacist who holds a proprietary interest in the pharmacy business; or
- c) a recognised corporate pharmacy services provider; or
- d) a recognised trustee pharmacy services provider; or
- e) a partner in a partnership that carries on the business and in which every partner falls into either of the classes of persons listed in (a)-(d) above.

Under the Act (s 26), a proprietary interest is defined as a legal or beneficial interest and **includes** an interest as a trustee or beneficiary of a trust.

1. Companies			
[NOTE: Complete this checklist if you are applying for registration as a recognised corporate pharmacy services provider.			
Applicants must include with their application an ASIC extract of the applicant. Where the applicant has corporate shareholders, an ASIC extract of each corporate shareholder must also be provided. Each ASIC extract must be dated no more than 48 hours prior to the submission of the application]			
About the directors			
a.	Is at least one director of the applicant company (‘the company’) a pharmacist? <i>[If the answer is “No”, the company is not a pharmacist controlled company and may not be eligible to be registered as a recognised corporate pharmacy services provider].</i>	Yes	No
b.	If the company has more than one director, is each director of the company either a pharmacist or a prescribed relative of a pharmacist? <i>[If answer is “No”, then the company is not a pharmacist controlled company and may not be eligible to be registered as a recognised corporate pharmacy services provider].</i>	Yes	No
c.	Is a pharmacist (or more than one pharmacist together) entitled to control at least 50% of the voting power at a directors meeting of the company? <i>[If the answer to <u>both</u> question c and question e is “No”, then the company is not a pharmacist controlled company and may not be eligible to be registered as a recognised corporate pharmacy services provider].</i>	Yes	No

About the shareholders			
d.	<p>Is each shareholder of the company either:</p> <ul style="list-style-type: none"> • a pharmacist; or • a prescribed relative of a pharmacist; or • a recognised corporate pharmacy services provider; or • a recognised trustee pharmacy services provider? <p><i>[If the answer is “No”, then the company is not a pharmacist controlled company and may not be eligible to be registered as a recognised corporate pharmacy services provider].</i></p>	Yes	No
e.	<p>Is a pharmacist (or more than one pharmacist together) entitled to control at least 50% of the voting power attached to voting shares issued by the company?</p> <p><i>[If the answer to <u>both</u> question c and question e is “No”, then the company is not a pharmacist controlled company and may not be eligible to be registered as a recognised corporate pharmacy services provider].</i></p>	Yes	No
f.	<p>Does each shareholder of the company own their shareholding legally and beneficially?</p> <p><i>[If answer is “No”, then the company arrangements may not comply with the ownership requirements of the Act].</i></p>	Yes	No

2. Recognised Trustee Pharmacy Services Providers

[NOTE: Complete this checklist if you are applying for registration as a recognised trustee pharmacy services provider.

Each application must be accompanied by a copy of the trust deed for the trust.

Where a trust has a corporate trustee or any corporate beneficiaries, applicants must also include with their application a current ASIC extract (dated **no more than 48 hours prior to the submission of the application**) for each corporate trustee or beneficiary]

a.	<p>Is each trustee of the trust either:</p> <ul style="list-style-type: none"> • a registered pharmacist; or • a prescribed relative of a registered pharmacist (where at least 1 other trustee is a registered pharmacist) , or 	Yes	No
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	<ul style="list-style-type: none"> • a pharmacist controlled company? <p><i>[If the answer to any of the above is “No”, then the trust may not be a pharmacist controlled trust and will not be eligible to be registered as a recognised trustee pharmacy services provider].</i></p>		
b.	<p>Does the trust deed allow for the appointment of a trustee that is not:</p> <ul style="list-style-type: none"> • a registered pharmacist; or • a prescribed relative of a registered pharmacist (where at least 1 other trustee is a registered pharmacist); or • a pharmacist controlled company? <p><i>[If the answer to any of the above is “Yes”, then the trust may not be a pharmacist controlled trust and will not be eligible to be registered as a recognised trustee pharmacy services provider].</i></p>	Yes	No
c.	<p>Are the beneficiaries listed in the trust deed the same as the beneficiaries named in your application for registration of a recognised trustee pharmacy services?</p> <p>If the answer is “No”, the PRASA will require further information.</p> <p>Please provide further information in the space below:</p> <hr/> <hr/>	Yes	No
d.	<p>Does the trust deed allow or provide for anyone other than the following classes of persons to be a beneficiary?</p> <ul style="list-style-type: none"> a) a pharmacist; or b) a prescribed relative of a pharmacist who holds a proprietary interest in the pharmacy business; or c) a recognised corporate pharmacy services provider; or d) a recognised trustee pharmacy services provider <p><i>[If answer is “Yes”, then the trust arrangements may not comply with the ownership requirements of the Act].</i></p>	Yes	No