

EXPLANATORY STATEMENT

NATIONAL HEALTH ACT 1953

NATIONAL HEALTH (REMOTE ABORIGINAL HEALTH SERVICES PROGRAM) SPECIAL ARRANGEMENTS AMENDMENT INSTRUMENT 2014 (NO. 2)

PB 99 of 2014

Authority

Subsection 100(1) of the *National Health Act 1953* (the Act) enables the Minister to make special arrangements for the supply of pharmaceutical benefits. Subsection 100(2) of the Act provides that the Minister may vary or revoke a special arrangement made under subsection 100(1).

Subsection 100(3) of the Act provides that Part VII of the Act, and instruments made for the purposes of Part VII, have effect subject to a special arrangement made under subsection 100(1).

Purpose

This legislative instrument is made under subsections 100(1) and 100(2) of the Act, is to amend the *National Health (Remote Aboriginal Health Services Program) Special Arrangements Instrument 2010* (PB 65 of 2010) (the Special Arrangement). This Special Arrangement provides for the supply to remote Aboriginal Health Services of pharmaceutical benefits.

The purpose of the amendment is to exclude certain conditions relating to the approval of a person as an approved pharmacist from applying in circumstances relating to supplies made under the Remote Aboriginal Health Services Programme.

A provision by provision description of this instrument is contained in the [Attachment](#).

Consultations

The Department of Health has not consulted on this change, which is of a minor nature.

This Instrument is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

ATTACHMENT

***PROVISION BY PROVISION DESCRIPTION OF THE NATIONAL HEALTH
(REMOTE ABORIGINAL HEALTH SERVICES PROGRAM) SPECIAL
ARRANGEMENTS AMENDMENT INSTRUMENT 2014 (NO. 2)***

Section 1 Name of Instrument

This section provides this Instrument is named the *National Health (Remote Aboriginal Health Services Program) Special Arrangements Amendment Instrument 2014 (No. 2)*. It may be cited as PB 99 of 2014.

Section 2 Commencement

This section provides that this Instrument commences on 1 December 2014.

Section 3 Amendments to PB 65 of 2010

This section provides that Schedule 1 amends the Special Arrangement.

Schedule 1 Amendments

Item 1 inserts a new section 10 stating that subsection 8(3) of the conditions of approval for approved pharmacists made under paragraph 92A(1)(f) of the Act does not apply to the supply of a pharmaceutical benefit under this arrangement.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

National Health (Remote Aboriginal Health Services Program) Special Arrangements Amendment Instrument 2014 (No. 2)

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

The purpose of this legislative instrument, made under subsections 100(1) and 100(2) of the Act, is to amend the *National Health (Remote Aboriginal Health Services Program) Special Arrangement Instrument 2010* (PB 65 of 2010) (the Special Arrangement), to exclude certain conditions relating to the approval of a person as an approved pharmacist from applying in circumstances relating to the supply of pharmaceutical benefits under the Remote Aboriginal Health Services Programme.

Human rights implications

This legislative instrument engages Article 2 and 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) by assisting with the progressive realisation by all appropriate means of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

The Pharmaceutical Benefits Scheme (PBS) is a benefit scheme which assists with advancement of this human right by providing for subsidised access by patients to medicines. This Special Arrangement ensures more ready and equitable access to PBS medicines for Indigenous Australians through the Section 100 Supply of PBS Medicines to Remote Area Aboriginal Health Services (RAAHS) Program. The RAAHS Program addresses three identified barriers that Aboriginal and Torres Strait Islander people living in remote communities experience in accessing essential medicines, being geographical, cultural and financial.

Conclusion

This Legislative Instrument is compatible with human rights because it advances the protection of human rights.

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