

EXPLANATORY STATEMENT

National Health Act 1953

National Health (IVF/GIFT Program) Special Arrangement Amendment Instrument 2015

PB 32 of 2015

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).

Purpose

The purpose of this legislative instrument, made under subsections 100(1) and 100(2) of the Act, is to amend the *National Health (IVF/GIFT Program) Special Arrangement 2011* (PB 93 of 2011) (the IVF/GIFT Special Arrangement), to provide that the IVF/GIFT Special Arrangement does not apply to a medication chart prescription.

The amendment is consequential to a change to the *National Health (Pharmaceutical Benefits) Regulations 1960* (the Regulations), as amended by the *National Health (Pharmaceutical Benefits) Amendment (Medication Chart Prescriptions) Regulation 2015* on 1 April 2015.

The Regulations provide for a transitional period for Pharmaceutical Benefits Scheme (PBS) and Repatriation PBS (RPBS) hospital medication chart prescriptions. This supports testing through trial access. The transitional period also allows further time to consider the use of the hospital medication chart prescription under the IVF/GIFT Special Arrangement.

Consultation

Since the announcement of the PBS Medication Charts for Public and Private Hospitals measure in 2014, the Department of Health has undertaken an extensive consultation process involving all key health stakeholders. These consultations indicate widespread and strong support for the trial of the PBS Hospital Medication Chart and amendments required to the Regulations and associated legislative instruments to support the measure. Consulted stakeholders include States and Territories, Australian Private Hospital Association, Society of Hospital Pharmacists of Australia, Pharmaceutical Society of Australia, Pharmacy Guild of Australia, Australian Medical Association, Cancer Voices Australia, Consumers Health Forum of Australia, National Prescribing Service, the Australian Commission on Safety and Quality in Health Care, and the National E-Health Transition Authority.

Similarly, the Department of Human Services has received strong support from a range of stakeholders for the implementation of paperless (electronic) claiming of PBS/RPBS medicines. This includes support for transitional arrangements to ensure stakeholder readiness for the implementation of paperless PBS/RPBS claiming.

This instrument commences on 1 April 2015.

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

Statement of Compatibility with Human Rights

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

National Health (IVF/GIFT Program) Special Arrangement Amendment Instrument 2015

This 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 Instrument

The purpose of this legislative instrument, made under subsections 100(1) and (2) of the *National Health Act 1953* (the Act), is to amend the *National Health (IVF/GIFT Program) Special Arrangement 2011 (PB 93 of 2011)* (the Special Arrangement), to provide that the Special Arrangement does not apply to a medication chart prescription.

The amendment is consequential to a change to the *National Health (Pharmaceutical Benefits) Regulations 1960* (the Regulations), as amended by the *National Health (Pharmaceutical Benefits) Amendment (Medication Chart Prescriptions) Regulation 2015* on 1 April 2015.

The Regulations provide for a transitional period for hospital medication chart prescriptions. This allows testing through trial access. The transitional period also allows further time to consider the use of the Pharmaceutical Benefits Scheme (PBS) and Repatriation PBS hospital medication chart prescription under the Special Arrangement.

Human rights implications

This instrument engages Articles 2 and 12 of the International Covenant on Economic, Social and Cultural Rights, 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 PBS assists with advancement of these human rights by providing for subsidised access to medicines. Staged access to the PBS hospital medication chart prescription balances the increased efficiencies to be obtained from access with a careful staged access approach to implementation.

Conclusion

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

Kim Bessell
Assistant Secretary
Pharmaceutical Access Branch
Pharmaceutical Benefits Division
Department of Health