



Veterans' Affairs Pharmaceutical Benefits Schemes Amendment Determination 2020

Instrument 2020 No. R21/MRCC21

I, Darren Chester, Minister for Veterans' Affairs, approve:

- (a) for the purposes of subsection 286(6) of the *Military Rehabilitation and Compensation Act 2004*—the amendments by the Military Rehabilitation and Compensation Commission of the MRCA Pharmaceutical Benefits Scheme in the following determination; and
- (b) for the purposes of subsection 91(5) of the *Veterans' Entitlements Act 1986*—the amendments by the Repatriation Commission of the *Repatriation Pharmaceutical Benefits Scheme* in the following determination.

Dated 6th day of August 2020

...Darren Chester...

Darren Chester
Minister for Veterans' Affairs

We, as delegates of the Military Rehabilitation and Compensation Commission, under subsection 286(5) of the *Military Rehabilitation and Compensation Act 2004*, make the amendments of the MRCA Pharmaceutical Benefits Scheme in the following determination.

Dated 30th day of June 2020

The Seal of the)
Military Rehabilitation and Compensation Commission)
was affixed to this determination)
in the presence of:)

...Elizabeth Cosson...

ELIZABETH COSSON
AM CSC
Chair

...Kate Pope...

KATE POPE
PSM
Member

...Donald Spinks...

DONALD SPINKS
AM
Member

The Repatriation Commission, under subsection 91(4) of the *Veterans' Entitlements Act 1986*, makes the amendments of the *Repatriation Pharmaceutical Benefits Scheme* in the following determination.

Dated 30th day of June 2020

The Seal of the)
Repatriation Commission)
was affixed to this determination)
in the presence of:)

...Elizabeth Cosson...

ELIZABETH COSSON
AM CSC
President

...Kate Pope...

KATE POPE
PSM
Acting Deputy
President

...Donald Spinks...

DONALD SPINKS
AM
Commissioner

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1 Name

This instrument is the *Veterans' Affairs Pharmaceutical Benefits Schemes Amendment Determination 2020*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 July 2020	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the following:

- (a) section 286 of the *Military Rehabilitation and Compensation Act 2004*;
- (b) section 91 of the *Veterans' Entitlements Act 1986*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

MRCAs Pharmaceutical Benefits Scheme

1 Section 3

Definition of ‘accepted disability’:

Omit the reference to a “SRCA disability” and replace with a reference to a “DRCA disability”.

2 Section 3

Definition of ‘Diagnostic Agents’:

Omit the definition.

3 Section 3

Insert:

DRCA disability means an injury (within the meaning of the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988*):

- (a) for which the Military Rehabilitation and Compensation Commission has accepted liability to pay compensation under that Act; and
- (b) for which the person with the injury is entitled to be provided with treatment under Part 3 of Chapter 6 of the Act.

Note 1: In the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988* the definition of *injury* includes a disease (see section 5A of that Act).

Note 2: Section 280A of the Act provides eligibility for treatment of a person with an injury under the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988*.

4 Section 3

Definition of ‘hospital treatment’:

Omit the definition.

5 Section 3

Insert:

relevant streamlined authority code, for a pharmaceutical benefit that is prescribed, means the streamlined authority code that is part of:

- (a) the circumstances determined under paragraph 85(7)(b) of the *National Health Act 1953* for the *Pharmaceutical benefit*; or
- (b) the conditions determined under subsection 85A(2A) of the *National Health Act 1953* for the *Pharmaceutical benefit*.

6 Section 3

Omit the definition of ‘Repatriation Schedule of Pharmaceutical Benefits’ and substitute:

Repatriation Schedule of Pharmaceutical Benefits means all of the content in the *Pharmaceutical Benefits Scheme* for the part with the heading “Repatriation Pharmaceutical Benefits Scheme”.

7 Section 3

Omit the definition of ‘service injury’ and ‘service disease’ and substitute:

service injury and *service disease* have the same meanings given by section 5 of the Act and for a person with a *DRCA disability* means the person’s injury (within the meaning of the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988*) that was caused by, or arose out of, the person’s employment in the Defence Force that is covered by the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988*.

8 Section 3

Omit the definition of ‘Sixth Community Pharmacy Agreement’.

9 Section 3

Omit the definition of a ‘SRCA disability’.

10 Paragraph 11B(4)(a)

Omit the paragraph and substitute:

(a) the authority approval number (if one is given); or

11 Paragraph 11B(4)(b)

Italicize the words “relevant streamlined authority code”.

12 Subsection 11B(5)

Omit the subsection.

13 Subsection 47(1)

Omit the reference to “1 November 2020” and substitute a reference to “1 February 2021”.

14 Schedule 1 — Incorporated documents

Omit the listing for “Sixth Community Pharmacy Agreement”.

Repatriation Pharmaceutical Benefits Scheme

15 Section 3

Definition of ‘accepted disability’:

Omit the reference to a “SRCA disability” and replace with a reference to a “DRCA disability”.

16 Section 3

Definition of ‘Diagnostic Agents’:

Omit the definition.

17 Section 3

Insert:

DRCA disability means an injury (within the meaning of the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988*):

- (a) for which the Military Rehabilitation and Compensation Commission has accepted liability to pay compensation under that Act; and
- (b) for which the person with the injury is eligible to be provided with treatment under Part V of the *Act*.

Note 1: In the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988* the definition of *injury* includes a disease (see section 5A of that Act).

Note 2: Section 85(2A) of the *Act* provides eligibility for treatment of a person with an injury under the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988*.

18 Section 3

Definition of ‘hospital treatment’:

Omit the definition.

19 Section 3

Insert:

relevant streamlined authority code, for a pharmaceutical benefit that is prescribed, means the streamlined authority code that is part of:

- (a) the circumstances determined under paragraph 85(7)(b) of the *National Health Act 1953* for the *Pharmaceutical benefit*; or
- (b) the conditions determined under subsection 85A(2A) of the *National Health Act 1953* for the *Pharmaceutical benefit*.

20 Section 3

Omit the definition of ‘Repatriation Schedule of Pharmaceutical Benefits’ and substitute:

Repatriation Schedule of Pharmaceutical Benefits means all of the content in the *Pharmaceutical Benefits Scheme* for the part with the heading “Repatriation Pharmaceutical Benefits Scheme”.

21 Section 3

Omit the definition of ‘Sixth Community Pharmacy Agreement’ and substitute:

Seventh Community Pharmacy Agreement means the written agreement between the Australian Government and the Pharmacy Guild of Australia called the “Seventh Community Pharmacy Agreement” which relates to the delivery of PBS medicines and related services, being the version of the agreement in the form in which it exists from time to time.

22 Section 3

Omit the definition of a ‘SRCA disability’.

23 Section 3

Omit the definition of ‘war-caused or defence-caused injuries or diseases’ and substitute:

war-caused or defence-caused injuries or diseases means the injuries or diseases described in, respectively, section 9 and 70 of the *Act*; and in relation to a person with a *DRCA disability* means the person’s injury (within the meaning of the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988*) was caused by, or arose out of, the person’s employment in the Defence Force that is covered by the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988*.

24 Paragraph 11B(4)(a)

Omit the paragraph and substitute:

(a) the authority approval number (if one is given); or

25 Paragraph 11B(4)(b)

Italicize the words “relevant streamlined authority code”.

26 Subsection 11B(5)

Omit the subsection.

27 Note (2) to subsection 21A(1)

Omit the Note.

28 Paragraph 21A(2)(b)

Omit the reference to “Sixth Community Pharmacy Agreement” and substitute “Seventh Community Pharmacy Agreement”.

29 Note to subsection 21A(2)

Omit the reference to “clause 4 (Commonwealth price) of the *Sixth Community Pharmacy Agreement*” and substitute “clause 2 (Commonwealth Price) of the *Seventh Community Pharmacy Agreement*”.

30 Subsection 47(1)

Omit the reference to “1 November 2020” and substitute a reference to “1 February 2021”.

31 Schedule 1 — Incorporated documents

Omit the listing for “Sixth Community Pharmacy Agreement” and substitute:

“Seventh Community Pharmacy Agreement”

<https://www1.health.gov.au/internet/main/publishing.nsf/Content/New-7th-Community-Pharmacy-Agreement>

32 Schedule 2 – Pharmaceutical benefits not covered by PBS— continued dispensing (after RPBS item code 02803M)

Omit:

04001N	nystatin	nystatin 100 000 units/g cream, 15 g
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33 Schedule 2 – Pharmaceutical benefits not covered by PBS— continued dispensing (after RPBS item code 04379L)

Omit:

04386W	salicylic acid + lactic acid	salicylic acid 16.7% + lactic acid 16.7% solution, 15 mL
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34 Schedule 2 – Pharmaceutical benefits not covered by PBS— continued dispensing (RPBS item code 04419N, column 3)

Omit: “psyllium hydrophilic mucilloid oral powder (orange-flavoured, sugar-free) 283 g, 1” and substitute “psyllium husk powder 3.4 g/5.9 g powder for oral liquid, 283 g”.

35 Schedule 2 – Pharmaceutical benefits not covered by PBS— continued dispensing (RPBS item code 04422R, column 3)

Omit: “psyllium hydrophilic mucilloid oral powder (non-flavoured) 336 g, 1” and substitute “psyllium husk powder 3.4 g/7 g powder for oral liquid, 336 g”.

36 Schedule 2 – Pharmaceutical benefits not covered by PBS— continued dispensing (RPBS item code 10574M, column 3)

Omit: “sodium chloride 470 mg + potassium chloride 300 mg + glucose monohydrate 3.56 g + sodium acid citrate 530 mg powder for oral liquid, 10 x 4.9 g sachets” and substitute “sodium chloride 470 mg + potassium chloride 300 mg (potassium 4 mmol) + glucose monohydrate 3.56 g + sodium acid citrate 530 mg powder for oral liquid, 10 x 4.9 g sachets”.

37 Schedule 2 – Pharmaceutical benefits not covered by PBS— continued dispensing (after RPBS item code 11404F)

Omit:

11707E	methyl salicylate + menthol + camphor + eucalyptus oil + pine oil	methyl salicylate 20% + menthol 5% + camphor 3.5% + eucalyptus oil 3%
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	pumilio + turpentine oil + peppermint oil + cajuput oil + capsicum annum	+ pine oil pumilio 1% + turpentine oil 1% + peppermint oil 0.5% + cajuput oil 0.5% + capsicum annum 0.15% cream, 100 g
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and substitute:

11707E	methyl salicylate + menthol + camphor + eucalyptus oil + pine oil pumilio + turpentine oil + peppermint oil + cajuput oil + capsicum extract	methyl salicylate 20% + menthol 5% + camphor 3.5% + eucalyptus oil 3% + pine oil pumilio 1% + turpentine oil 1% + peppermint oil 0.5% + cajuput oil 0.5% + capsicum extract 0.15% cream, 100 g
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**38 Schedule 2 – Pharmaceutical benefits not covered by PBS—
continued dispensing (after RPBS item code 11862H)**

Insert:

11959K	salicylic acid + lactic acid	salicylic acid 16.7% + lactic acid 15% solution, 15 mL
12077P	silodosin	silodosin 8 mg capsule, 30
12079R	silodosin	silodosin 4 mg capsule, 30