



# **National Health Legislation (Closing the Gap— PBS Co-payment Program) (Repeal and Consequential Amendments) Instrument 2026**

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I, Sarah Norris, as delegate of the Minister for Health and Ageing, make the following instrument.

Dated 25 February 2026

Sarah Norris  
Assistant Secretary  
Community Access Programs Branch  
Technology Assessment and Access Division  
Department of Health, Disability and Ageing

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## 1 Name

- (1) This instrument is the *National Health Legislation (Closing the Gap—PBS Co-payment Program) (Repeal and Consequential Amendments) Instrument 2026*.
- (2) This instrument may also be cited as PB 28 of 2026.

## 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 April 2026.	1 April 2026

Note: This table relates only to the provisions of this instrument as originally made.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 section 100 of the *National Health Act 1953*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

### ***National Health (Closing the Gap — PBS Co-payment Program) Special Arrangement 2016***

#### **1 The whole of the instrument**

Repeal the instrument.

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## Schedule 2—Amendments

### *National Health (Botulinum Toxin Program) Special Arrangement 2025*

#### **1 Section 6 (definitions of CTG registered patient and CTG Special Arrangement)**

Repeal the definitions, substitute:

*CTG registered patient* has the same meaning as in the CTG Special Arrangement.

*CTG Special Arrangement* means the *National Health (Closing the Gap—PBS Co-payment Program) Special Arrangement 2026*.

#### **2 Subsection 18(1)**

Omit “11(1), (2), (3) and (4) (co-payment reduction etc.) and section 13”, substitute “10(1), (2) and (3) (co-payment reduction etc.), section 11 (value for safety net purposes) and section 12”.

#### **3 Paragraph 18(2)(a)**

Repeal the paragraph, substitute:

- (a) a special arrangement supply (within the meaning of the CTG Special Arrangement) of a pharmaceutical benefit is taken to be a reference to the special arrangement supply mentioned in subsection (1); and

#### **4 At the end of paragraph 18(2)(b)**

Add “mentioned in subsection (1)”.

#### **5 Subsection 18(3)**

Repeal the subsection (including the note), substitute:

- (3) However, the notes to subsections 10(2) and (3) of the CTG Special Arrangement do not apply in relation to the special arrangement supply mentioned in subsection (1).

Note: The notes to subsections 10(2) and (3) of the CTG Special Arrangement relate to suppliers making claims for payment under the CTG Special Arrangement. Claims for payment in relation to the special arrangement supply mentioned in subsection (1) are instead dealt with under section 19 of this instrument.

### *National Health (Efficient Funding of Chemotherapy) Special Arrangement 2024*

#### **6 Section 5 (definitions of CTG registered patient and CTG Special Arrangement)**

Repeal the definitions, substitute:

*CTG registered patient* has the same meaning as in the CTG Special Arrangement.

*CTG Special Arrangement* means the *National Health (Closing the Gap—PBS Co-payment Program) Special Arrangement 2026*.

## **7 Subsections 36(3A) and 37(3A)**

Omit “11(1)”, substitute “10(1)”.

## **8 Subsection 40(2)**

Omit “11(1), (2), (3) and (4) (co-payment reduction etc.) and section 13”, substitute “10(1), (2) and (3) (co-payment reduction etc.), section 11 (value for safety net purposes) and section 12”.

## **9 Subsection 40(3)**

Omit “a supply of a pharmaceutical benefit under the CTG Special Arrangement”, substitute “a special arrangement supply (within the meaning of the CTG Special Arrangement) of a pharmaceutical benefit”.

## **10 Subsection 40(4)**

Repeal the subsection (including the note), substitute:

- (4) However, the notes to subsections 10(2) and (3) of the CTG Special Arrangement do not apply in relation to the relevant supply under this instrument.

Note: The notes to subsections 10(2) and (3) of the CTG Special Arrangement relate to CTG suppliers making claims for payment under the CTG Special Arrangement. Claims for payment in relation to the relevant supply under this instrument are instead dealt with under section 26 of this instrument.

## **11 Subsection 41(2)**

Omit “11(1), (2), (3) and (4) (co-payment reduction etc.)”, substitute “10(1), (2) and (3) (co-payment reduction etc.) and section 11 (value for safety net purposes)”.

## **12 Subsection 41(4)**

Omit “13”, substitute “12”.

## **13 Subsection 41(5)**

Omit “a supply of a pharmaceutical benefit under the CTG Special Arrangement”, substitute “a special arrangement supply (within the meaning of the CTG Special Arrangement) of a pharmaceutical benefit”.

## **14 Subsection 41(6)**

Repeal the subsection (including the note), substitute:

- (6) However, the notes to subsections 10(2) and (3) of the CTG Special Arrangement do not apply in relation to the relevant supply under this instrument.

Note: The notes to subsections 10(2) and (3) of the CTG Special Arrangement relate to CTG suppliers making claims for payment under the CTG Special Arrangement. Claims for payment in relation to the relevant supply under this instrument are instead dealt with under section 26 of this instrument.

## ***National Health (Growth Hormone Program) Special Arrangement 2025***

### **15 Section 6 (definitions of CTG registered patient and CTG Special Arrangement)**

Repeal the definitions, substitute:

***CTG registered patient*** has the same meaning as in the CTG Special Arrangement.

***CTG Special Arrangement*** means the *National Health (Closing the Gap—PBS Co-payment Program) Special Arrangement 2026*.

### **16 Subsection 24(2)**

Omit “11(1), (2), (3), (3E) and (4) (co-payment reduction etc.) and section 13”, substitute “10(1), (2), (3) and (10) (co-payment reduction etc.), section 11 (value for safety net purposes) and section 12”.

### **17 Paragraph 24(3)(a)**

Repeal the paragraph, substitute:

- (a) a special arrangement supply (within the meaning of the CTG Special Arrangement) of a pharmaceutical benefit is taken to be a reference to the special arrangement supply mentioned in subsection (1); and

### **18 At the end of paragraph 24(3)(b)**

Add “mentioned in subsection (1)”.

### **19 Subsection 24(4)**

Repeal the subsection (including the note), substitute:

- (4) However, the notes to subsections 10(2) and (3) of the CTG Special Arrangement do not apply in relation to the special arrangement supply mentioned in subsection (1).

Note: The notes to subsections 10(2) and (3) of the CTG Special Arrangement relate to suppliers making claims for payment under the CTG Special Arrangement. Claims for payment in relation to the special arrangement supply mentioned in subsection (1) are instead dealt with under section 25 of this instrument.

## ***National Health (Highly Specialised Drugs Program) Special Arrangement 2021***

### **20 Section 6 (definitions of CTG registered patient and CTG Special Arrangement)**

Repeal the definitions, substitute:

**CTG registered patient** has the same meaning as in the CTG Special Arrangement.

**CTG Special Arrangement** means the *National Health (Closing the Gap—PBS Co-payment Program) Special Arrangement 2026*.

## 21 Subsection 34B(1)

Omit “11(1), (2), (3), (3E) and (4) (co-payment reduction etc.) and section 13”, substitute “10(1), (2), (3) and (10) (co-payment reduction etc.), section 11 (value for safety net purposes) and section 12”.

## 22 Subsection 34B(2)

Omit “a supply of a pharmaceutical benefit under the CTG Special Arrangement”, substitute “a special arrangement supply (within the meaning of the CTG Special Arrangement) of a pharmaceutical benefit”.

## 23 Subsection 34B(3)

Repeal the subsection (including the note), substitute:

- (3) However, the notes to subsections 10(2) and (3) of the CTG Special Arrangement do not apply in relation to the relevant supply under this Special Arrangement.

Note: The notes to subsections 10(2) and (3) of the CTG Special Arrangement relate to CTG suppliers making claims for payment under the CTG Special Arrangement. Claims for payment in relation to the relevant supply under this Special Arrangement are instead dealt with under Part 4 of this Special Arrangement.

## *National Health (IVF Program) Special Arrangement 2025*

### 24 Section 6 (definitions of **CTG registered patient** and **CTG Special Arrangement**)

Repeal the definitions, substitute:

**CTG registered patient** has the same meaning as in the CTG Special Arrangement.

**CTG Special Arrangement** means the *National Health (Closing the Gap—PBS Co-payment Program) Special Arrangement 2026*.

## 25 Subsection 15(2)

Omit “11(1), (2), (3), (3E) and (4) (co-payment reduction etc.) and section 13”, substitute “10(1), (2), (3) and (10) (co-payment reduction etc.), section 11 (value for safety net purposes) and section 12”.

## 26 Paragraph 15(3)(a)

Repeal the paragraph, substitute:

- (a) a special arrangement supply (within the meaning of the CTG Special Arrangement) of a pharmaceutical benefit is taken to be a reference to the special arrangement supply mentioned in subsection (1); and

**27 At the end of paragraph 15(3)(b)**

Add “mentioned in subsection (1)”.

**28 Subsection 15(4)**

Repeal the subsection (including the note), substitute:

- (4) However, the notes to subsections 10(2) and (3) of the CTG Special Arrangement do not apply in relation to the special arrangement supply mentioned in subsection (1).

Note: The notes to subsections 10(2) and (3) of the CTG Special Arrangement relate to suppliers making claims for payment under the CTG Special Arrangement. Claims for payment in relation to the special arrangement supply mentioned in subsection (1) are instead dealt with under section 16 of this instrument.