

EXPLANATORY STATEMENT

National Health Act 1953

*National Health (Remote Aboriginal Health Services Program) Special Arrangements
Amendment Instrument 2012 (No. 3)*

PB 102 of 2012

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 of the Act, have effect subject to a special arrangement made under subsection 100(1).

Purpose

The *National Health (Remote Aboriginal Health Services Program) Special Arrangements Instrument 2010* (PB 65 of 2010) (the Special Arrangement), makes special arrangements for the supply of Pharmaceutical Benefits Scheme (PBS) medicines to remote Aboriginal Health Services. Section 5 of PB 65 of 2010 sets out the pharmaceutical benefits that are available under the Special Arrangement; section 9 provides for payments to approved pharmacists and approved hospital authorities who supply pharmaceutical benefits to Aboriginal Health Services under the Special Arrangement.

This Amendment Instrument inserts headings for section 5 and section 9 to reinstate the headings as they had appeared prior to being inadvertently omitted from PB 65 of 2010 by amendment instrument No. 2 of 2012 (PB 87 of 2012) which commenced on 1 October 2012.

Consultation

The changes made by this Instrument are minor and machinery in nature. No consultation was undertaken.

This Instrument commences upon registration.

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 (Remote Aboriginal Health Services Program) Special Arrangements
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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 Arrangements Instrument 2010* (PB 65 of 2010) (the Special Arrangement).

This Instrument amends PB 65 of 2010 to reinstate headings for section 5 and section 9 which were inadvertently omitted by amendment instrument No. 2 of 2012 (PB 87 of 2012) from 1 October 2012.

Human rights implications

This legislative instrument engages Articles 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 and is part of the Australian Government's Closing the Gap reform agenda. Closing the Gap is a commitment by all Australian governments to improve the lives of Indigenous Australians, and in particular provide a better future for Indigenous children.

Conclusion

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

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