

## EXPLANATORY STATEMENT

*National Health Act 1953*

*National Health (Remote Area Aboriginal Health Services Program) Amendment Special Arrangement 2020 (No. 1)*

PB 64 of 2020

### **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 Area Aboriginal Health Services Program) Amendment Special Arrangement 2020 (No. 1)* (the Amendment Instrument) amends the *National Health (Remote Area Aboriginal Health Services Program) Special Arrangement* (PB 107 of 2017) (the Special Arrangement). The Amendment Instrument increases the bulk handling fee and the patient specific medicine supply fee that is payable to an approved pharmacist or an approved hospital authority in respect of the supply of a pharmaceutical benefit to an approved Aboriginal Health Service in accordance with the Special Arrangement.

On and from 1 July 2020, the bulk handling fee is increasing from \$3.08 to \$3.12 and the patient specific medicine supply fee is increasing from \$4.84 to \$4.91 in accordance with (WCI9).

The Amendment Instrument also replaces reference to the Sixth Community Pharmacy Agreement (PB 64 of 2015) with the Seventh Community Pharmacy Agreement (PB 66 of 2020) commencing on 1 July 2020.

The Special Arrangement provides for the supply to remote Aboriginal Health Services of pharmaceutical benefits.

### **Consultation**

No consultation was required as the 2010-11 Federal Budget provided for the annual indexation of the Remote Area Aboriginal Health Services Program handling fee and is indexed annually in accordance with the WCI9. As part of the 2017-2018 Budget process Government agreed for Services Australia (formerly the Department of Human Services) to implement an ongoing process for payment to approved pharmacists and approved hospital authorities of the patient specific medicine supply fee and is indexed annually in accordance with the WCI9. Therefore, the Amendment Instrument is minor and machinery in nature.

### **Commencement**

The legislative instrument commences on 1 July 2020.

This Instrument is a legislative instrument for the purpose of the *Legislation 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 Area Aboriginal Health Services Program) Amendment Special Arrangement 2020 (No. 1)***

This Disallowable 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 Disallowable Legislative Instrument**

The *National Health (Remote Area Aboriginal Health Services Program) Amendment Special Arrangement 2020 (No. 1)* (the Amendment Instrument) amends the *National Health (Remote Area Aboriginal Health Services Program) Special Arrangement* (PB 107 of 2017) (the Special Arrangement). The Amendment Instrument increases the bulk handling fee and the patient specific medicine supply fee that is payable to an approved pharmacist or an approved hospital authority in respect of the supply of a pharmaceutical benefit to an approved Aboriginal Health Service in accordance with the Special Arrangement.

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#### **Human rights implications**

The Amendment Instrument engages Article 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 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. The Special Arrangement ensures more ready and equitable access to PBS medicines for Aboriginal and Torres Strait Islander people through the section 100 arrangement under the *National Health Act 1953* (the 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 Disallowable Legislative Instrument is compatible with human rights because it advances the protection of human rights.