



**PB 77 of 2020**

**National Health (Take Home Naloxone Pilot)  
Special Arrangement Amendment (2020  
Measures No. 1) Instrument 2020**

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I, Penny Shakespeare, as delegate of the Minister for Health, make the following instrument.

Dated 24 August 2020

Penny Shakespeare  
Deputy Secretary, Health Resourcing Group  
Department of Health

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# Contents

1	Name.....	1
2	Commencement .....	1
3	Authority.....	1
4	Schedules.....	1
<b>Schedule 1—Amendments</b>		<b>2</b>
	<i>National Health (Take Home Naloxone Pilot) Special Arrangement 2019</i>	2



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## 1 Name

- (1) This instrument is the *National Health (Take Home Naloxone Pilot) Special Arrangement Amendment (2020 Measures No. 1) Instrument 2020*.
- (2) This instrument may also be cited as PB 77 of 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.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. The whole of this instrument	The day after this instrument is registered.	27 August 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Note: This table relates only to the provisions of this instrument as originally made.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 subsection 100(2) 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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—Amendments

### *National Health (Take Home Naloxone Pilot) Special Arrangement 2019*

#### **1 Subsection 25(1)**

Repeal the subsection, substitute:

- (1) The Secretary may, in writing, authorise persons having suitable qualifications and experience to perform any of the Secretary's functions, or exercise any of the Secretary's powers, under the following provisions on behalf of the Secretary:
  - (a) the definitions of ***authorised alternative supplier*** and ***excluded approved supplier*** in section 4 (receiving notices);
  - (b) section 20 and subsection 21(4) (receiving claims for payment);
  - (c) section 22 (determining and paying claims);
  - (d) section 23 (requesting information).

#### **2 At the end of Part 2**

Add:

#### **26 Review by Secretary of decisions of persons authorised under section 25**

##### *Application for review*

- (1) A person who is affected by a decision of a person who is authorised under section 25 may apply to the Secretary for review of the decision.
- (2) An application for review must:
  - (a) be in writing; and
  - (b) be made within:
    - (i) 28 days after the day the decision first came to the notice of the applicant; or
    - (ii) if the Secretary allows a longer period (whether before or after the end of the 28-day period referred to in subparagraph (i))—that longer period.

##### *Review of decision*

- (3) On receiving an application, the Secretary must:
  - (a) review the decision; and
  - (b) affirm, vary or set aside the decision; and
  - (c) if the Secretary sets aside the decision—make a new decision in substitution for the decision set aside.
- (4) The decision (the ***decision on review***) of the Secretary takes effect:
  - (a) on the day specified in the decision on review; or
  - (b) if a day is not specified—on the day the decision on review was made.

*Notice of decision*

- (5) After the Secretary makes a decision under this section, the Secretary must give the applicant a written notice stating the following:
- (a) the terms of the decision;
  - (b) the reasons for the decision.

**3 After Part 2**

Insert:

**Part 3—Application, saving and transitional provisions**

**27 Saving of authorisations—*National Health (Take Home Naloxone Pilot) Special Arrangement Amendment (2020 Measures No. 1) Instrument 2020***

An authorisation that was in force under section 25 immediately before the commencement of the *National Health (Take Home Naloxone Pilot) Special Arrangement Amendment (2020 Measures No. 1) Instrument 2020* has effect, on and after that commencement, as if it had been made under that section as amended by that instrument.

**4 Clause 1 of Schedule 1 (after table item 2)**

Insert:

2A	Naloxone	Injection containing naloxone hydrochloride 400 micrograms in 1 mL ampoule	Injection	Junalox	10
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