EXPLANATORY STATEMENT

NATIONAL HEALTH ACT 1953

NATIONAL HEALTH (LISTING OF PHARMACEUTICAL BENEFITS) AMENDMENT (FEBRUARY UPDATE) INSTRUMENT 2025

PB 1 of 2025

Purpose

The purpose of this legislative instrument, made under sections 84AF, 84AK, 85, 85A, 88 and 101 of the *National Health Act 1953* (the Act), is to amend the *National Health (Listing of Pharmaceutical Benefits) Instrument 2024* (PB 26 of 2024) to make changes to the pharmaceutical benefits listed for the purposes of the Pharmaceutical Benefits Scheme (PBS), and related matters.

The *National Health (Listing of Pharmaceutical Benefits) Instrument 2024* determines the pharmaceutical benefits that are on the Schedule of Pharmaceutical Benefits (the PBS Schedule) through declarations of drugs and medicinal preparations, and for ready-prepared benefits: determinations of forms, manners of administration and brands. It also provides for related matters (equivalent brands, responsible persons, prescribing circumstances, maximum quantities, number of repeats, determined quantity and pack quantity, section 100 only status and prescriber bag only status).

Authority

This Instrument exercises various powers in Part VII of the Act, as set out below:

Pharmaceutical benefits listed on the PBS

Subsection 85(2) provides that the Minister may declare drugs and medicinal preparations to which Part VII applies. A drug or medicinal preparation for which there is a declaration in force under subsection 85(2) is a 'listed drug' (subsection 84(1)). Subsections 85(3) and 85(5) respectively provide that the Minister may determine the form or forms of a listed drug and the manner of administration of a form of a listed drug. A listed drug in a determined form with a determined manner of administration for that form is a pharmaceutical item (section 84AB). Subsection 85(6) provides that the Minister may determine a brand of a pharmaceutical item.

The Minister may also determine the responsible person for a brand of a pharmaceutical item (subsection 84AF(1)). Under the provisions of section 84AK the Minister may determine the determined quantity and pack quantity for a brand of a pharmaceutical item.

Prescribing pharmaceutical benefits

Paragraph 85A(2)(a) allows the Minister to determine the maximum quantity or number of units of the pharmaceutical item in a pharmaceutical benefit (or of the pharmaceutical benefit where there is no pharmaceutical item) that may, in one prescription, be directed to be supplied on one occasion. Paragraph 85A(2)(b) also allows the Minister to determine the maximum number of occasions on which the supply of the pharmaceutical benefit may, in one prescription, be directed to be repeated. The maximum quantities and repeats may be determined for all purposes or for particular purposes.

Subsection 85(7) provides that the Minister may determine the circumstances in which a prescription may be written for the supply of a pharmaceutical benefit.

Section 88 provides that the Minister may determine the pharmaceutical benefits that may be prescribed by different classes of prescribers, including medical practitioners (subsection 88(1)), participating dental practitioners (subsection 88(1A)), authorised optometrists (subsection 88(1C)), authorised midwives (subsection 88(1D)) and authorised nurse practitioners (subsection 88(1E)).

Paragraph 88(1EB) provides that the Minister can list pharmaceutical benefits without determining any authorised prescribers for the benefit allowing the benefit to be supplied only.

This legislative instrument is made pursuant to section 88 and subsection 100(2) of the Act.

Supplying pharmaceutical benefits

Subsection 85(2A) provides that the Minister must declare that a particular listed drug can only be provided under a special arrangement under section 100 if the Pharmaceutical Benefits Advisory Committee (PBAC) has recommended under subsection 101(4AAD) that the drug be made available only under special arrangements under section 100.

Subsection 85(2AA) provides that the Minister must declare that a particular listed drug can only be provided under one or more of the prescriber bag provisions if the PBAC has recommended under subsection 101(4AACA) that the drug be made available only under one or more of the prescriber bag provisions.

Subsection 85(6A) provides that the Minister may also determine for the purposes of paragraph 103(2A)(b) that a brand of a pharmaceutical item determined under subsection 85(6) is to be treated as equivalent to one or more other brands of pharmaceutical items.

Paragraph 85(7A) provides that the Minister may determine that a particular pharmaceutical benefit may only be supplied under one or more of the prescriber bag provisions.

Paragraph 85(8)(a) provides that the Minister may determine that a particular pharmaceutical benefit may only be supplied under special arrangements under section 100.

Paragraph 85(8)(b) provides that the Minister may determine that a particular pharmaceutical benefit may only be supplied under special arrangements under section 100 for one or more of the circumstances determined for that pharmaceutical benefit under subsection 85(7).

Variation and revocation

Unless there is an express power to revoke or vary PB 26 of 2024 cited in this Instrument and explanatory statement, subsection 33(3) of the *Acts Interpretation Act 1901* is relied upon to revoke or vary PB 26 of 2024.

Subsection 101(4AAA) allows the Minister to, by legislative instrument, revoke or vary a subsection 85(2) declaration in relation to a drug or medicinal preparation. Advice from the PBAC is required if the effect of the legislative instrument would be that a drug or medicinal preparation would cease to be a listed drug (subsection 101(4AAB)).

Changes to PB 26 of 2024 made by this Instrument

Schedule 1 to this Instrument provides for the addition to the PBS Schedule of the drug selpercatinib, and a form of the listed drug estradiol. It also provides for the deletion of a form of the listed drug colestyramine, and the alteration of circumstances in which prescriptions may be written for the supply of the listed drugs enoxaparin, folic acid, hydroxocobalamin, labetalol, levothyroxine, metformin, methyldopa, methylphenidate, oxycodone, pembrolizumab, saxagliptin with dapagliflozin, temazepam, and tramadol.

Schedule 1 to this Instrument also provides for the following changes:

- the addition of 22 brands of existing pharmaceutical items
- the deletion of 4 brands of existing pharmaceutical items
- the alteration of 2 existing brands of pharmaceutical items
- the alteration of authorised prescribers for 89 existing pharmaceutical items
- the addition of a maximum quantity and number of repeats for a brand of an existing pharmaceutical item
- the addition of 2 responsible persons to the list of responsible persons
- the deletion of 8 pharmaceutical items covered under Supply Only arrangements.

These changes are summarised, by subject matter, in the Attachment.

Consultation

The involvement of interested parties through the membership of the PBAC constitutes a formal and ongoing process of consultation. The PBAC is an independent expert body established by section 100A of the Act which makes recommendations to the Minister about which drugs and medicinal preparations should be available to Australians as pharmaceutical benefits. The PBAC members are appointed following nomination by prescribed organisations and associations from consumers, health economists, practising community pharmacists, general practitioners, clinical pharmacologists and specialists, with at least one member selected from each of those interests or professions. Remaining members are persons whom the Minister is satisfied have qualifications and

experience in a field relevant to the functions of the PBAC, and that would enable them to contribute meaningfully to the deliberations of the PBAC. In addition, an industry nominee has been appointed to the PBAC membership under the PBS Access and Sustainability Package of reforms announced in May 2015. When recommending the listing of a medicine on the PBS, PBAC takes into account the medical conditions for which the medicine has been approved for use in Australia, its clinical effectiveness, safety and cost-effectiveness compared with other treatments.

Pharmaceutical companies are consulted throughout the process of the listing of their medicines on the PBS and in relation to changes to those listings. This includes the company submission to the PBAC and involvement throughout the PBAC process, negotiations or consultation on price, guarantee of supply and agreement to final listing details.

It was considered that further consultation for this Instrument was unnecessary due to the nature of the consultation that had already taken place.

General

A provision-by-provision description of this Instrument is contained in the Attachment.

This Instrument commences on 1 February 2025.

This Instrument is a legislative instrument for the purposes of the *Legislation Act 2003.*

ATTACHMENT

PROVISION-BY-PROVISION DESCRIPTION OF *NATIONAL HEALTH (LISTING OF PHARMACEUTICAL BENEFITS) AMENDMENT (FEBRUARY UPDATE) INSTRUMENT 2025*

Section 1 Name of Instrument

This section provides that the name of the Instrument is the *National Health (Listing of Pharmaceutical Benefits) Amendment (February Update) Instrument 2025* and may also be cited as PB 1 of 2025.

Section 2 Commencement

Subsection 2(1) provides for commencement dates of each of the provisions specified in Column 1 of the table, in accordance with Column 2 of the table. In accordance with Column 2 of the table, Schedule 1 to the Instrument commences on 1 February 2025.

Section 3 Authority

This section specifies that sections 84AF, 84AK, 85, 85A, 88 and 101 of the *National Health Act 1953* provide the authority for the making of this Instrument.

Section 4 Schedules

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

Schedule 1 Amendments

The amendments in Schedule 1 involve the addition of a listed drug, the addition and deletion of forms of listed drugs, the addition and deletion of brands, the alteration of brands for existing pharmaceutical items, the alteration of authorised prescribers for existing pharmaceutical items, the addition of a maximum quantity and number of repeats for a brand of an existing pharmaceutical benefit, the addition of responsible persons to the list of responsible persons, the deletion of pharmaceutical benefits covered under Supply Only arrangements, and the alteration of circumstances for prescribing various pharmaceutical benefits available on the Pharmaceutical Benefits Scheme. These changes are summarised below.

SUMMARY OF CHANGES TO THE PHARMACEUTICAL BENEFITS SCHEME MADE BY SCHEDULE 1 OF THIS INSTRUMENT

Drug Addition

Listed Drug
Selpercatinib

Form Addition

Listed Drug	*Form*
Estradiol	Transdermal patches 390 micrograms, 24 (S19A)

Form Deletion

Listed Drug	*Form*
Colestyramine	Powder for oral suspension 4 g (S19A)

Brand Addition

Listed Drug	*Form and Brand*
Abiraterone	Tablet containing abiraterone acetate 250 mg *(Abiraterone Sandoz)*
	Tablet containing abiraterone acetate 500 mg *(Abiraterone Sandoz)*
Amlodipine	Tablet 10 mg (as besilate) *(APX-AMLODIPINE)*
Calcipotriol with betamethasone	Foam containing calcipotriol 50 micrograms with betamethasone 500 micrograms (as dipropionate) per g, 60 g *(Klarvanta)*
Dapsone	Tablet 100 mg *(DAPSOMED)*
Estradiol	Transdermal patches 780 micrograms, 24 (S19A) *(Estramon (Germany, Sandoz))*
	Transdermal patches 1.17 mg, 24 (S19A) *(Estramon (Germany, Sandoz))*
Fenofibrate	Tablet 48 mg *(Fenofibrate Lupin)*
	Tablet 145 mg *(Fenofibrate Lupin)*
Ganirelix	Injection 250 micrograms (as acetate) in 0.5 mL pre-filled syringe *(ARX Ganirelix)*
Maraviroc	Tablet 150 mg *(Maraviroc Waymade)*
	Tablet 300 mg *(Maraviroc Waymade)*
Paclitaxel, nanoparticle albumin-bound	Powder for I.V. injection containing 100 mg paclitaxel *(nab-PACLITAXEL JUNO)*
Pirfenidone	Tablet 267 mg *(ARX-Pirfenidone)*
Rivaroxaban	Tablet 10 mg *(ARX-Rivaroxaban 10; Rivaroxaban Dr.Reddy's)*
	Tablet 15 mg *(ARX-Rivaroxaban 15; Rivaroxaban Dr.Reddy's)*
	Tablet 20 mg *(ARX-Rivaroxaban 20; Rivaroxaban Dr.Reddy's)*
Ticagrelor	Tablet 90 mg *(ARX-TICAGRELOR; TICALOR)*

Brand Deletion

Listed Drug	*Form and Brand*
Adalimumab	Injection 40 mg in 0.4 mL pre-filled syringe *(Adalicip)*
Mirtazapine	Tablet 45 mg *(NOUMED MIRTAZAPINE)*
Telmisartan	Tablet 40 mg *(NOUMED TELMISARTAN)*
Tenofovir	Tablet containing tenofovir disoproxil maleate 300 mg *(Tenofovir Disoproxil Mylan)*

Brand Alteration

Listed Drug	*Form*	*Brand*
Codeine	Tablet containing codeine phosphate hemihydrate 30 mg	***From:*** *Aspen Pharma Pty Ltd*
		To: *Aspen Pharmacare Australia Pty Ltd*
Dexamfetamine	Tablet containing dexamfetamine sulfate 5 mg	***From:*** *Aspen Pharma Pty Ltd*
		To: *Aspen Pharmacare Australia Pty Ltd*

Authorised Prescriber Alteration

Listed Drug	*Form*	*Authorised Prescriber*	
Aciclovir	Tablet 200 mg	***From:*** MP NP	***To:*** MP NP MW
Amoxicillin	Powder for oral suspension 125 mg (as trihydrate) per 5 mL, 100 mL	***From:*** MP NP	***To:*** MP NP MW
	Powder for oral suspension 250 mg (as trihydrate) per 5 mL, 100 mL	***From:*** MP NP	***To:*** MP NP MW
	Powder for oral suspension 500 mg (as trihydrate) per 5 mL, 100 mL	***From:*** MP NP	***To:*** MP NP MW
	Powder for paediatric oral drops 100 mg (as trihydrate) per mL, 20 mL	***From:*** MP NP	***To:*** MP NP MW
Amoxicillin with clavulanic acid	Powder for oral suspension containing 125 mg amoxicillin (as trihydrate) with 31.25 mg clavulanic acid (as potassium clavulanate) per 5 mL, 75 mL	***From:*** MP NP	***To:*** MP NP MW
	Powder for oral suspension containing 400 mg amoxicillin (as trihydrate) with 57 mg clavulanic acid (as potassium clavulanate) per 5 mL, 60 mL	***From:*** MP NP	***To:*** MP NP MW
	Tablet containing 500 mg amoxicillin (as trihydrate) with 125 mg clavulanic acid (as potassium clavulanate)	***From:*** MP NP	***To:*** MP NP MW
	Tablet containing 875 mg amoxicillin (as trihydrate) with 125 mg clavulanic acid (as potassium clavulanate)	***From:*** MP NP	***To:*** MP NP MW
Azithromycin	Tablet 500 mg (as dihydrate)	***From:*** MP NP	***To:*** MP NP MW
Benzylpenicillin	Powder for injection 3 g (as sodium)	***From:*** MP NP PDP	***To:*** MP NP MW PDP
Cabergoline	Tablet 500 micrograms	***From:*** MP NP	***To:*** MP NP MW
Cefalexin	Granules for oral suspension 125 mg (as monohydrate) per 5 mL, 100 mL	***From:*** MP NP	***To:*** MP NP MW
	Granules for oral suspension 250 mg (as monohydrate) per 5 mL, 100 mL	***From:*** MP NP	***To:*** MP NP MW

Cefazolin	Powder for injection 1 g (as sodium)	***From:*** MP NP	***To:*** MP NP MW
	Powder for injection 2 g (as sodium)	***From:*** MP NP	***To:*** MP NP MW
Ceftriaxone	Powder for injection 500 mg (as sodium)	***From:*** MP NP	***To:*** MP NP MW
	Powder for injection 1 g (as sodium)	***From:*** MP NP	***To:*** MP NP MW
	Powder for injection 2 g (as sodium)	***From:*** MP NP	***To:*** MP NP MW
Codeine with paracetamol	Tablet containing codeine phosphate hemihydrate 30 mg with paracetamol 500 mg	***From:*** MP NP PDP	***To:*** MP NP MW PDP
Diclofenac	Tablet (enteric coated) containing diclofenac sodium 25 mg	***From:*** MP NP	***To:*** MP NP MW
	Tablet (enteric coated) containing diclofenac sodium 50 mg	***From:*** MP NP	***To:*** MP NP MW
Doxycycline	Capsule 100 mg (as hyclate) (containing enteric coated pellets)	***From:*** MP NP	***To:*** MP NP MW
	Tablet 100 mg (as hyclate)	***From:*** MP NP	***To:*** MP NP MW
	Tablet 100 mg (as monohydrate)	***From:*** MP NP	***To:*** MP NP MW
Enoxaparin	Injection containing enoxaparin sodium 20 mg (2,000 I.U. anti-Xa) in 0.2 mL pre-filled syringe	***From:*** MP NP	***To:*** MP NP MW
	Injection containing enoxaparin sodium 40 mg (4,000 I.U. anti-Xa) in 0.4 mL pre-filled syringe	***From:*** MP NP	***To:*** MP NP MW
	Injection containing enoxaparin sodium 60 mg (6,000 I.U. anti-Xa) in 0.6 mL pre-filled syringe	***From:*** MP NP	***To:*** MP NP MW
	Injection containing enoxaparin sodium 80 mg (8,000 I.U. anti-Xa) in 0.8 mL pre-filled syringe	***From:*** MP NP	***To:*** MP NP MW
	Injection containing enoxaparin sodium 100 mg (10,000 I.U. anti-Xa) in 1 mL pre-filled syringe	***From:*** MP NP	***To:*** MP NP MW
	Injection containing enoxaparin sodium 120 mg (12,000 I.U. anti-Xa) in 0.8 mL pre-filled syringe	***From:*** MP NP	***To:*** MP NP MW
	Injection containing enoxaparin sodium 150 mg (15,000 I.U. anti-Xa) in 1 mL pre-filled syringe	***From:*** MP NP	***To:*** MP NP MW
Erythromycin	Capsule 250 mg (containing enteric coated pellets)	***From:*** MP NP	***To:*** MP NP MW
	Powder for oral liquid 200 mg (as ethyl succinate) per 5 mL, 100 mL	***From:*** MP NP	***To:*** MP NP MW

	Powder for oral liquid 400 mg (as ethyl succinate) per 5 mL, 100 mL	***From:*** MP NP	***To:*** MP NP MW
Esomeprazole	Capsule (enteric) 20 mg (as magnesium)	***From:*** MP NP	***To:*** MP NP MW
	Tablet (enteric coated) 20 mg (as magnesium)	***From:*** MP NP	***To:*** MP NP MW
Ferric carboxymaltose	Injection 500 mg (iron) in 10 mL	***From:*** MP NP	***To:*** MP NP MW
	Injection 1000 mg (iron) in 20 mL	***From:*** MP NP	***To:*** MP NP MW
Ferrous fumarate	Tablet 200 mg (equivalent to 65.7 mg iron)	***From:*** MP NP	***To:*** MP NP MW
Ferrous fumarate with folic acid	Tablet 310 mg (equivalent to 100 mg iron)-350 micrograms	***From:*** MP NP	***To:*** MP NP MW
Flucloxacillin	Powder for injection 1 g (as sodium monohydrate)	***From:*** MP NP	***To:*** MP NP MW
	Powder for oral liquid 125 mg (as sodium monohydrate) per 5 mL, 100 mL	***From:*** MP NP	***To:*** MP NP MW
	Powder for oral liquid 250 mg (as sodium monohydrate) per 5 mL, 100 mL	***From:*** MP NP	***To:*** MP NP MW
Folic acid	Tablet 500 micrograms	***From:*** MP NP	***To:*** MP NP MW
	Tablet 5 mg	***From:*** MP NP	***To:*** MP NP MW
Gentamicin	Injection 80 mg (as sulfate) in 2 mL	***From:*** MP NP	***To:*** MP NP MW
Hydroxocobalamin	Injection 1 mg (as acetate) in 1 mL	***From:*** MP NP	***To:*** MP NP MW
	Injection 1 mg (as chloride) in 1 mL	***From:*** MP NP	***To:*** MP NP MW
Indometacin	Suppository 100 mg	***From:*** MP NP	***To:*** MP NP MW
Iron polymaltose complex	Injection 100 mg (iron) in 2 mL	***From:*** MP NP	***To:*** MP NP MW
Labetalol	Tablet containing labetalol hydrochloride 100 mg	***From:*** MP NP	***To:*** MP NP MW
Levonorgestrel	Intrauterine drug delivery system 19.5 mg	***From:*** MP NP	***To:*** MP NP MW
	Intrauterine drug delivery system 52 mg	***From:*** MP NP	***To:*** MP NP MW
Levothyroxine	Tablet containing 50 micrograms anhydrous levothyroxine sodium	***From:*** MP NP	***To:*** MP NP MW
	Tablet containing 75 micrograms anhydrous levothyroxine sodium	***From:*** MP NP	***To:*** MP NP MW
	Tablet containing 100 micrograms anhydrous levothyroxine sodium	***From:*** MP NP	***To:*** MP NP MW
	Tablet containing 125 micrograms anhydrous levothyroxine sodium	***From:*** MP NP	***To:*** MP NP MW

	Tablet containing 200 micrograms anhydrous levothyroxine sodium	***From:*** MP NP	***To:*** MP NP MW
Lidocaine	Injection containing lidocaine hydrochloride monohydrate 50 mg in 5 mL	***From:*** MP NP	***To:*** MP NP MW
Medroxyprogesterone	Injection containing medroxyprogesterone acetate 150 mg in 1 mL pre-filled syringe	***From:*** MP NP	***To:*** MP NP MW
Metformin	Tablet (extended release) containing metformin hydrochloride 500 mg	***From:*** MP NP	***To:*** MP NP MW
	Tablet (extended release) containing metformin hydrochloride 1 g	***From:*** MP NP	***To:*** MP NP MW
	Tablet containing metformin hydrochloride 500 mg	***From:*** MP NP	***To:*** MP NP MW
	Tablet containing metformin hydrochloride 850 mg	***From:*** MP NP	***To:*** MP NP MW
	Tablet containing metformin hydrochloride 1 g	***From:*** MP NP	***To:*** MP NP MW
Methyldopa	Tablet 250 mg (as sesquihydrate)	***From:*** MP NP	***To:*** MP NP MW
Metronidazole	Oral suspension containing metronidazole benzoate 320 mg per 5 mL, 100 mL	***From:*** MP NP PDP	***To:*** MP NP MW PDP
	Tablet 200 mg	***From:*** MP NP	***To:*** MP NP MW
	Tablet 400 mg	***From:*** MP NP	***To:*** MP NP MW
Naloxone	Injection containing naloxone hydrochloride 400 micrograms in 1 mL ampoule	***From:*** MP NP PDP	***To:*** MP NP MW PDP
	Injection containing naloxone hydrochloride 2 mg in 2 mL pre-filled syringe	***From:*** MP NP PDP	***To:*** MP NP MW PDP
	Nasal spray 1.8 mg (as hydrochloride dihydrate) in 0.1 mL single dose unit, 2	***From:*** MP NP PDP	***To:*** MP NP MW PDP
Norethisterone	Tablets 350 micrograms, 28	***From:*** MP NP	***To:*** MP NP MW
Omeprazole	Capsule 20 mg	***From:*** MP NP	***To:*** MP NP MW
	Tablet 10 mg (as magnesium)	***From:*** MP NP	***To:*** MP NP MW
	Tablet 20 mg	***From:*** MP NP	***To:*** MP NP MW
	Tablet 20 mg (as magnesium)	***From:*** MP NP	***To:*** MP NP MW
Oxycodone	Capsule containing oxycodone hydrochloride 5 mg	***From:*** MP NP PDP	***To:*** MP NP MW PDP

	Tablet containing oxycodone hydrochloride 5 mg	***From:*** MP NP	***To:*** MP NP MW
Prochlorperazine	Injection containing prochlorperazine mesilate 12.5 mg in 1 mL	***From:*** MP NP PDP	***To:*** MP NP MW PDP
	Tablet containing prochlorperazine maleate 5 mg	***From:*** MP NP PDP	***To:*** MP NP MW PDP
Promethazine	Injection containing promethazine hydrochloride 50 mg in 2 mL	***From:*** MP NP PDP	***To:*** MP NP MW PDP
Temazepam	Tablet 10 mg	***From:*** MP NP PDP	***To:*** MP NP MW PDP
Tramadol	Capsule containing tramadol hydrochloride 50 mg	***From:*** MP NP PDP	***To:*** MP NP MW PDP
Trimethoprim	Tablet 300 mg	***From:*** MP NP	***To:*** MP NP MW
Valaciclovir	Tablet 500 mg (as hydrochloride)	***From:*** MP NP	***To:*** MP NP MW
Vancomycin	Powder for injection 500 mg (500,000 I.U.) (as hydrochloride)	***From:*** MP PDP	***To:*** MP MW PDP
	Powder for injection 1 g (1,000,000 I.U.) (as hydrochloride)	***From:*** MP PDP	***To:*** MP MW PDP

Maximum Quantity and Number of Repeats Addition

Listed Drug	***Form***	***Brand***	***Maximum Quantity***	***Number of Repeats***
Methotrexate	Tablet 10 mg	*Chexate*	10	5

Responsible Person Addition

Responsible Person
ACCELAGEN PTY LTD *(XE)*
Leo Pharma Pty Ltd *(LG)*

Supply Only – Period Ending

Listed Drug	***Form***
Alirocumab	Injection 75 mg in 1 mL single use pre-filled pen
	Injection 150 mg in 1 mL single use pre-filled pen
Amino acid synthetic formula supplemented with long chain polyunsaturated fatty acids and medium chain triglycerides	Oral powder 400 g (Alfamino)
Carmellose	Eye drops containing carmellose sodium 5 mg per mL, 15 mL
	Eye drops containing carmellose sodium 10 mg per mL, 15 mL

Carmellose with glycerin	Eye drops containing carmellose sodium 5 mg with glycerin 9 mg per mL, 15 mL
Glucose indicator-urine	Test strips, 50 (Diastix)
Niraparib	Capsule 100 mg (as tosilate monohydrate)

Alteration of Circumstances in Which a Prescription May be Written

Listed Drug	*Listed Drug*
Enoxaparin	Methylphenidate
Folic acid	Oxycodone
Hydroxocobalamin	Pembrolizumab
Labetalol	Saxagliptin with dapagliflozin
Levothyroxine	Temazepam
Metformin	Tramadol
Methyldopa	

Documents Incorporated by Reference

Listed Drug	*Document Incorporated*	*Document access*
Selpercatinib	**Approved Product Information/Australian Product Information/TGA-approved Product Information.** The document is incorporated as in force on the day this Instrument takes effect, pursuant to paragraph 14(1)(b) of the *Legislation Act 2003.* This document provides health professionals with a summary of the scientific information relevant to the safe and effective use of a prescription medicine.	TGA-approved Product Information is available for download for free from the TGA website: https://www.tga.gov.au/product-information-0
Pembrolizumab Selpercatinib	**World Health Organization (WHO)/Eastern Cooperative Oncology Group (ECOG) Performance Status/Performance Status Score.** The document is incorporated as in force on the day this Instrument takes effect, pursuant to paragraph 14(1)(b) of the *Legislation Act 2003.* The WHO/ECOG performance status is a standard medical diagnostic tool used to measure how cancer impacts a patient's daily living abilities, by evaluating a patient's level of functioning in terms of their ability to care for themself, daily activity, and physical ability (walking, working, etc.).	The WHO/ECOG Performance Status is available for download for free from the ECOG-ACRIN Cancer Research Group website: https://ecog-acrin.org/resources/ecog-performance-status

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

National Health (Listing of Pharmaceutical Benefits) Amendment (February Update) Instrument 2025

(PB 1 of 2025)

This 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 Instrument

The *National Health (Listing of Pharmaceutical Benefits) Amendment (February Update) Instrument 2025* (the Instrument) amends the *National Health (Listing of Pharmaceutical Benefits) Instrument 2024* (PB 26 of 2024) (the Principal Instrument) which determines the pharmaceutical benefits that are listed on the Schedule of Pharmaceutical Benefits (the Schedule) through declarations of drugs and medicinal preparations, and determinations of forms, manners of administration and brands. It also provides for related matters (responsible persons, prescribing circumstances, schedule equivalence, maximum quantities, number of repeats, determined quantities, pack quantities, section 100 only status and prescriber bag only status).

Human rights implications

The Instrument engages Articles 9 and 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), specifically the rights to social security and health.

The Right to Social Security

The right to social security is contained in Article 9 of the ICESCR. It requires that a country must, within its maximum available resources, ensure access to a social security scheme that provides a minimum essential level of benefits to all individuals and families that will enable them to acquire at least essential health care. Countries are obliged to demonstrate that every effort has been made to use all resources that are at their disposal in an effort to satisfy, as a matter of priority, this minimum obligation.

The UN Committee on Economic Social and Cultural Rights reports that there is a strong presumption that retrogressive measures taken in relation to the right to social security are prohibited under ICESCR. In this context, a retrogressive measure would be one taken without adequate justification that had the effect of reducing existing levels of social security benefits, or of denying benefits to persons or groups previously entitled to them. However, it is legitimate for a Government to re-direct its limited resources in ways that it considers to be more effective at meeting the general health needs of all society, particularly the needs of the more disadvantaged members of society.

The Right to Health

The right to the enjoyment of the highest attainable standard of physical and mental health is contained in Article 12(1) of the ICESCR. The Committee has stated that the right to health is not a right for each individual to be healthy, but is a right to a system of health protection which provides equality of opportunity for people to enjoy the highest attainable level of health.

The Committee reports that the 'highest attainable standard of health' takes into account the country's available resources. This right may be understood as a right of access to a variety of public health and health care facilities, goods, services, programs, and conditions necessary for the realisation of the highest attainable standard of health.

Analysis

The Instrument advances the right to health and the right to social security by providing new drugs, and new forms and brands of existing listed drugs, and ensuring the deletion of forms and brands of listed drugs does not affect access to subsidised medicines. The Pharmaceutical Benefits Scheme (PBS) is a benefit scheme which assists with advancement of these human rights by providing for subsidised access by patients to medicines. The recommendatory role of the Pharmaceutical Benefits Advisory Committee (PBAC) ensures that decisions about subsidised access to medicines on the Schedule are evidence-based. The Instrument includes the addition of a new drug, the addition of a new form of an existing drug, and the addition of 22 new brands across 18 existing forms, which allows for greater patient access to these drugs.

When a sponsor submits a request to delist a drug from the PBS, subsection 101(4AAB) of the *National Health Act 1953* requires that the Minister or their delegate obtain advice from the Pharmaceutical Benefits Advisory Committee (PBAC), an independent and expert advisory body, before varying or revoking declarations under subsection 85(2) so as to delist the drug. In these instances, one of the matters which the PBAC provides advice on is whether the delisting of a drug will result in an unmet clinical need for patients. The PBAC also considers whether the delisting of a form of a drug will result in an unmet clinical need for patients.

Written advice from the PBAC is tabled with the monthly amendments to the Principal Instrument. An unmet clinical need would arise when a currently treated patient population would be left without treatment options once a delisting occurs. Alternative treatment options could include using a different: form, strength or drug. The PBAC considered the delisting of drugs and forms of drugs in the abovementioned instruments would not result in an unmet clinical need, except where indicated for a particular drug or form of drug below. Where the PBAC has identified an unmet clinical need, a Supply Only period has been/will be instituted as outlined below to allow opportunity for patients to transition to an alternative treatment option. The delisting of these items will not affect access to the drugs (or an alternative treatment if required), as affected patients will be able to access alternative medicines through the PBS, and the delisting is unlikely to have an effect on the amount patients pay for those drugs, as co-payment amounts are capped, ensuring their rights to social security are maintained. From 1 January 2024, these amounts are $31.60 for general patients and $7.70 for concession card holders.

Where there are many brands of a listed drug and form, then the delisting of one brand will not adversely affect members of the public as they will be able to obtain any of the other equivalent brands. The delisting of brands in this Instrument will not affect access to the drugs, as affected patients will be able to access equivalent brands, at the same cost. Consequently, the brand delistings in this instrument do not result in an unmet clinical need. Note that delisting of maximum quantities, number of repeats, and pack sizes are equivalent to brand delistings.

The drug alirocumab in the forms injection 75 mg in 1 mL single use pre-filled pen (Praluent), and injection 150 mg in 1 mL single use pre-filled pen (Praluent) were requested to be delisted from the PBS Schedule by the sponsor. The PBAC noted the low number of services in the last financial year and that there are suitable alternatives on the PBS. The PBAC advised the delisting of this product would not result in an unmet clinical need. These items were available on the PBS Schedule under Supply Only arrangements for a period of up to 6 months, allowing patients with a pre-existing valid prescription to access these items pending transition to an alternative treatment option.

The drug amino acid synthetic formula supplemented with long chain polyunsaturated fatty acids and medium chain triglycerides in the form oral powder 400 g (Alfamino) was requested to be delisted from the PBS Schedule by the sponsor. The PBAC noted that a new formulation of Alfamino was listed on the PBS to replace the old formulation. The PBAC advised the delisting of this product would not result in an unmet clinical need. This item was available on the PBS Schedule under Supply Only arrangements for a period of up to 6 months, allowing patients with a pre-existing valid prescription to access this item pending transition to an alternative treatment option.

The drug carmellose in the forms eye drops containing carmellose sodium 5 mg per mL, 15 mL (Refresh Tears Plus) and eye drops containing carmellose sodium 10 mg per mL, 15 mL (Refresh Liquigel) were requested to be delisted from the PBS Schedule by the sponsor. The PBAC noted there are alternative lubricating eye drops available on the PBS. The PBAC advised the delisting of these products would not result in an unmet clinical need. These items were available on the PBS Schedule under Supply Only arrangements for a period of 2 months, allowing patients with a pre-existing valid prescription to access these items pending transition to an alternative treatment.

The drug carmellose with glycerin was requested to be delisted from the PBS Schedule by the sponsor. The PBAC noted there are alternative lubricating eye drops available on the PBS. The PBAC advised the delisting of this product would not result in an unmet clinical need. This item was available on the PBS Schedule under Supply Only arrangements for a period of 2 months, allowing patients with a pre-existing valid prescription to access this item pending transition to an alternative treatment option.

The drug colestyramine in the form powder for oral suspension 4 g (S19A) (Cholestyramine (Ascend, USA)) was requested to be delisted from the PBS Schedule by the sponsor. This item was listed under section 19A of the *Therapeutic Goods Act 1989* to address the shortage of colestyramine in the form sachets containing 4.7 g oral powder (equivalent to 4 g colestyramine), 50. The temporary approval granted in respect of this drug for importation and supply of a medicine not on the Australian Register of Therapeutic Goods lapsed on

30 September 2024. Patient access has not been affected as the approved form of the drug is now available and remains PBS subsidised and accessible for patients.

The drug glucose indicator-urine in the form test strips, 50 (Diastix) was requested to be delisted from the PBS Schedule by the sponsor. The PBAC noted the low number of services in the last financial year and that there is an alternative on the PBS. The PBAC advised the delisting of this product would not result in an unmet clinical need. This item was available on the PBS Schedule under Supply Only arrangements for a period of 6 months, allowing patients with a pre-existing valid prescription to access this item pending transition to an alternative treatment.

The drug niraparib in the form capsule 100 mg (as tosilate monohydrate) (Zejula) was requested to be delisted from the PBS Schedule by the sponsor. There are other substitutable forms of niraparib available on the PBS and the delisting of this product will not result in an unmet clinical need. This item was available on the PBS Schedule under Supply Only arrangements for a period of 6 months, allowing patients with a pre-existing valid prescription to access this item pending transition to an alternative treatment.

Conclusion

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

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