

PARLIAMENTARY INQUIRY QUESTION ON NOTICE

Department of Health

Senate Select Committee on COVID-19

Australian Government's Response to the COVID-19 Pandemic

22 May 2020

PDR Number: IQ20-000250

The establishment of Therapeutic Goods (Medicines – Hydroxychloroquine and Chloroquine) (COVID-19 Emergency) Exemption 2020

Written

Senator : Katy Gallagher

Question

Is this claim by Mr Clive Palmer true: "On 2 April 2020, Caroline Edwards, Acting Secretary for the Department of Health, as a delegate of the Minister for Health, established the Therapeutic Goods (Medicines – Hydroxychloroquine and Chloroquine) (COVID-19 Emergency) Exemption 2020. The exemption allowed the Palmer Foundation to make the acquisitions for the sole purpose of donating all the drugs acquired for the free use of the Australian people."

If so:

(a) did the Minister or the department communicate with Mr Palmer or his representatives before the instrument was made.

(b) was the instrument made to allow Mr Palmer to import hydroxychloroquine.

(c) did the instrument allow Mr Palmer to import hydroxychloroquine.

If not: What steps has the Australian Government taken to correct the record.

Answer:

Yes. On 2 April, the A/g Secretary granted exemption under s18A of the *Therapeutic Goods Act 1989* for hydroxychloroquine (and chloroquine) to be added to the National Medicine Stockpile for potential use in COVID-19 prophylaxis and therapy without the requirement for the medicines to be TGA registered, or registered for these indications. The medicines would be made available for release from the National Medical Stockpile on the decision of the Chief Medical Officer for either clinical trials or patient treatment under certain conditions.

- (a) On 20 March 2020 Mr Palmer contacted the Minister and the Department to offer to seek sources of hydroxychloroquine and if he was successful in doing so to donate these to the National Medical Stockpile. On 30 March 2020 the Department wrote to Mr Palmer indicating that a new instrument was proposed to be made under s18A of the Act to facilitate donation to (or purchase by) the Stockpile of particular medicines.
- (b) No. It was one of three Emergency Exemptions allowing the purchase or donation of various prospective therapies.
- (c) No permit is required under the Customs Prohibited Imports Regulations (1956) for hydroxychloroquine to be imported into Australia.