

Repatriation Pharmaceutical Benefits Scheme (No. R43/2013)

FRLI: F2013L02009

Portfolio: Veterans' Affairs

Tabled: House of Representatives and Senate, 4 December 2013

Summary of committee concerns

2.167 The committee seeks clarification of the objective of the amendments in the instrument relating to pharmaceutical reimbursement provisions and further information on the impact the amendments will have on those affected by them.

Overview

2.168 This instrument sets out the circumstances in which the Repatriation Commission may arrange for pharmaceutical benefits to be provided to veterans or their dependents at a concessional rate. The instrument replaces the Repatriation Pharmaceutical Benefits Scheme (1995 No. 12).

Compatibility with human rights

Statement of compatibility

2.169 The statement of compatibility states that the instrument promotes the right to health by ensuring that veterans or their dependants could receive certain medications more quickly and are more likely to receive the correct medications through better medication management.

2.170 Without explicit reference to a particular measure or measures, the statement of compatibility also states that some measures in the instrument could be considered 'as not totally favouring the people in question' and that:

[r]efinements to the method of calculating the pharmaceutical allowance could mean a person receives less pharmaceutical reimbursement than before the new Scheme. But this change was necessary to protect the public revenue by preventing unintended payments.¹

2.171 The statement discusses the five year limit to be imposed in relation to the consideration of co-payments and the limitations that will apply to authorised nurse practitioners and authorised midwives in regard to the prescribing of medicines under the Repatriation Pharmaceutical Benefits Scheme.

2.172 The statement of compatibility concludes that the instrument is compatible with the right to health 'because it promotes that right and the conditions it imposes on the payment of the pharmaceutical reimbursement and prescribing of medicines

1 Statement of compatibility, p 6.

under authorised nurse practitioners and authorised midwives are considered reasonable in the circumstances.¹²

Committee view on compatibility

2.173 The committee notes that the refinements to the method of calculating the pharmaceutical allowance appear to have the potential to reduce the level of benefit available to previously eligible persons. However, the statement of compatibility does not set out any further explanation as to the specific objective of the measure, including why this change is necessary, other than to protect the public revenue by preventing unintended payments. Further, the statement of compatibility does not identify what impact the amendments will have on previously eligible persons. Nor does the explanatory statement contain this material. As a result, the committee is unable to assess the compatibility of the changes with human rights.

2.174 The committee intends to write to the Minister for Veterans' Affairs to seek further clarification as to the objective of the changes to the method of calculating the pharmaceutical allowance and the impact the changes will have on those affected.

2 Statement of compatibility, p 2.