



## **BILL ABOLISHING THE PROTECTIONS OF S135A OF THE NATIONAL HEALTH ACT SHOULD BE IMMEDIATELY WITHDRAWN**

Better Access Australia (BAA) is committed to advocating for improved access to health and continuity of care for all Australians. This is why BAA has written to health minister Greg Hunt calling for the withdrawal of a Bill that has raised serious concerns amongst stakeholders over the implications for access to medicines in Australia.

The government's [National Health Amendment \(Pharmaceutical Benefits Transparency and Cost Recovery\) Bill 2021](#) will give it the power to publish any information it receives from a sponsor in a submission to the Pharmaceutical Benefits Advisory Committee (PBAC). The PBAC is the statutory committee that provides advice to government on medicines that should be reimbursed on the PBS.

"BAA supports transparency in Australia's health technology assessment processes but remains concerned about the unintended consequences of this Bill. Statements by individual companies about the implications of these amendments for timely access to medicines in an international reference pricing economy must not be ignored."

Nothing in the past week reassures us about the intent and consequences of this Bill which:

- ✘ provides no caveats on the information submitted to the PBAC that can be released by the Department of Health;
- ✘ delivers no reciprocity of transparency and accountability for the Government, the Department of Health and its advisory committees;
- ✘ is inconsistently applied to one sector and committee over others; and,
- ✘ provides no appeal mechanism other than the federal court as the actions of the PBAC are exempted from review by the Administrative Appeals Tribunal.

The sudden move to introduce this Bill, without stakeholder consultation and consideration of the unintended consequences, is perplexing given it stands in stark contrast to the Government's stated commitment to access as reflected in its direction to establish the current [parliamentary inquiry into approval processes for new drugs and novel medical technologies](#).

Given the potential serious implications of this Bill, BAA would expect this initiative to have been a priority for consultation as part of the continually delayed National Medicines Policy (NMP) review.

"Withdrawing the Bill and providing for full consultation including a clear commitment to the Government's own transparency improvements is a must. If we are going to improve the system, let's do it properly and across the broader HTA system, not just the PBAC," said BAA.

"BAA has made a number of recommendations for reciprocity in transparency the Government should be introducing as part of any new legislation, including full publication of all HTA committee and subcommittee agendas, improved appeal mechanisms for all advice from HTA committees and greater consumer engagement. A copy of our letter can be found [here](#).

"BAA supports transparency in government decision making but this Bill is not it. It is time for the system to engage with more than the usual suspects and allow the broader community to have a say in the future of their medicine and technology access system.

"The sooner the NMP review is commenced the better. This and other measures should be part of a system-wide reform program to future proof our HTA, not another ad-hoc modification with consequences not yet tested."

**BETTER HEALTH, DISABILITY AND SOCIAL SERVICES – BETTER ACCESS AUSTRALIA**

19 APRIL 2021

For more information on our current projects, visit [www.betteraccessaustralia.org.au](http://www.betteraccessaustralia.org.au).  
For media inquiries please contact [tdavies@betteraccessaustralia.org.au](mailto:tdavies@betteraccessaustralia.org.au)