



14 April 2021

The Hon Greg Hunt MP  
Minister for Health and Aged Care  
Parliament House  
CANBERRA ACT 2600

Via email: [Minister.Hunt.DLO@health.gov.au](mailto:Minister.Hunt.DLO@health.gov.au)

Dear Minister,

**Status of the special arrangement for the Opiate Dependency Treatment program**

I am writing, on behalf of the Senate Standing Committee for the Scrutiny of Delegated Legislation (the committee) in relation to the status of the special arrangement for the Opiate Dependency Treatment (ODT) program made under section 100 of the *National Health Act 1953* (the Act).

On 8 March 2021, the committee received correspondence from Better Access Australia in relation to this matter, in which Better Access Australia has suggested that the special arrangement for the ODT program has been inappropriately made as a non-legislative instrument. Better Access Australia also notes that other special arrangements made under section 100 of the Act have been registered as legislative instruments on the Federal Register of Legislation. Please see attached a copy of the correspondence from Better Access Australia.

In addition, the committee is aware of evidence given by Department of Health officials at a Senate Estimates hearing on 24 March 2021; during which officials explained that work to create a legislative instrument for the ODT program has commenced.

Noting that the committee is strictly concerned with matters relating to the technical scrutiny of delegated legislation, the committee has resolved to write to you to seek your advice in relation to the status of the special arrangement for the ODT program. As a legislative scrutiny committee, the committee does not form a view in relation to the policy intention underpinning the special arrangement.

**The committee requests your advice as to why the special arrangement for the ODT program made under section 100 of the *National Health Act 1953* was made as a non-legislative instrument; and further, why the department has undertaken to create a legislative instrument for the ODT program.**

To facilitate the committee's timely consideration of the matters above, the committee would appreciate your response by 30 April 2021.

If you have any questions or concerns, please contact the committee's secretariat on (02) 6277 3066, or by email to [sdlc.sen@aph.gov.au](mailto:sdlc.sen@aph.gov.au).

Thank you for your assistance with this matter.

Yours sincerely,

**Senator the Hon Concetta Fierravanti-Wells**

**Chair**

**Senate Standing Committee for the Scrutiny of Delegated Legislation**