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GOVERNMENT USES PROCESS TO TRY AND COVER-UP ONGOING DISCRIMINATION

In another example of the Morrison Government's use of process to avoid having to take action to help the most vulnerable in the community, the Department of Health has released draft terms of reference for a protracted 18-month "medical experts" review of the Opiate Dependency Treatment (ODT) Program rather than address the ongoing illegal discrimination perpetrated against these patients by bureaucrats, pharmacists and clinicians, as approved by Minister Hunt.

"Better Access Australia laments that while Minister Hunt consults medical experts on how to continue to avoid upholding the law, a further 1500 people will die as a result of their opioid addiction waiting for someone in Government to do the right thing and end the financial discrimination of ODT program for which there is no legal basis.

"Over the past eight months Greens Senator Rachel Siewert has brought public awareness to the ongoing discrimination of the Pharmaceutical Benefits Scheme's (PBS) forcible charging of significant and uncapped out of pocket costs for people accessing the ODT Program and the removal of their rights to the protections of the PBS's legislated safety net and co-payments.

"This led to Minister Hunt's department consulting on the legal instrument it intended to register to enshrine these out-of-pocket costs and removal of their PBS safety net access, only to shelve the proposal when it was pointed out the program contravened the Government's Disability Discrimination Act and therefore would also not meet the Parliamentary Scrutiny Act.

"Rather than heed the request of the patient groups to dual-list the medicines on the program so pharmacists could be properly remunerated and patients could have their rights and protections under the National Health Act restored without delay, the Minister announced a review to "kick the can down the road" for someone else to deal with. Just in time for the Senate Community Affairs Committee budget estimates hearings this week – bureaucratic manoeuvring 101."

The Review has announced with great fanfare that the Australian Government "*will continue to support state and territory governments to deliver opioid dependence treatment programs by continuing to fund the full cost of medicines for the treatment of opioid dependence*" during the review.

"This is not about supporting the state and territory governments – it is about patient access to medicines that have already been found to be cost effective treatments as recently as 2019.



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“What this review announcement has failed to disclose once again is that for over 75% of the 50,000 patients accessing PBS medicines through the program, the Government in announcing it will continue to strip them of their rights to the PBS safety net, strip them of the protections of the PBS co-payments, refuse to pay pharmacists for their dispensing services and tell pharmacists and clinicians to charge uncapped unregulated out of pocket costs in excess of \$200 a month, all without any legal document that gives them the right to do so.”

The majority of patients are on the ODT program because of medicines prescribed to them by doctors through the PBS. If they stay on these medicines of addiction, they can have the full protections of the PBS and even have access to support programs like Staged Supply. Try and address the addiction caused by the PBS and the Government considers that pharmacists should be paid by patients not the Government.

“Imagine if the system treated patients with cancer and diabetes this way – there would be outrage from the community and the industry. As always, the silence is deafening.

“The legality of this program is being reviewed by the Parliament’s Standing Committee on Delegated Legislation. BAA welcomes their review of the legal basis of this discrimination and hopes their scrutiny will lead to change.

“When our country has never been more focussed on the value of health to our well-being and economy we now call on all sides of politics to demand that Australia’s PBS treat everyone and every disease equally. Every life does matter. And deliberate discrimination by the Government against one patient group is not acceptable.

“BAA calls on the Australian Parliament, and in particular the Senate Community Affairs Committee to recognise the cynical nature of the Government’s actions on this issue and to exercise their powers of accountability on behalf of all Australians who demand and deserve a better health system.

“It is time for the ODT Program patients to be afforded the same protections of the National Health Act and access to the PBS as every other patient accessing a medicine subsidised by the Government. No more process and excuses – just action.”

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