



National Health Amendment (Immunisation) Bill 2006

Rhonda Jolly
Social Policy Section

Contents

Purpose.....	2
Background.....	2
Basis of policy commitment	2
Immunise Australia	2
Position of significant interest groups/press commentary	3
Pros and cons	4
ALP/Australian Democrat/Greens/Family First policy position/commitments	4
Financial implications.....	4
Main provisions	4
Schedule 1—Amendment of <i>National Health Act 1953</i>	4
Concluding comments	5
Endnotes.....	5

National Health Amendment (Immunisation) Bill 2006

Date introduced: 21 June 2006

House: House of Representatives

Portfolio: Health and Ageing

Commencement: On Royal Assent

Purpose

The purpose of the National Health Amendment (Immunisation) Bill is to amend the *National Health Act 1953* (the Act) to allow the provision of goods and services that are associated with, or incidental to the provision or administration of designated vaccines for preventable diseases.

These goods and services could not be provided under the Act following amendments to the Act made by the *National Health Amendment (Immunisation Program) Act 2005*.¹

Background

Basis of policy commitment

Immunise Australia

Australia has had a long standing commitment to mass childhood immunisation programs. However, in 1997 in response to continuing interest and significant concern about regular outbreaks of vaccine preventable diseases due to inadequate immunisation rates,² the government introduced a national, state and territory initiative, the Immunise Australia Program.

Under this program, government spending on vaccines has increased from \$13 million in 1996 to \$292 million in 2005-06.³

Immunise Australia has included a range of initiatives specifically focussed at increasing Australia's childhood immunisation rates in order to reduce incidence and if possible, interrupt transmission of vaccine preventable diseases.

Under Immunise Australia, which includes a National Immunisation Program, roles and responsibilities of the Australian, state and territory governments that were developed under the 1993 National Immunisation Strategy have remained. The Australian Government provides funding to state and territory governments to purchase vaccines,

Warning:

This Digest was prepared for debate. It reflects the legislation as introduced and does not canvass subsequent amendments.

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

which the states and territories in turn provide free of charge to providers to administer to target populations.⁴

According to the Explanatory Memorandum for the National Health Amendment (Immunisation) Bill, a recent amendment to the Act under the *National Health Amendment (Immunisation Program) Act 2005* did not give the Minister for Health and Ageing power to continue arrangements with states and territories for assistance in procuring goods and services related to vaccine provision. These include arrangements for example relating to vaccine storage and delivery.

This amendment also prevented the Australian Government from providing funding under the Act for essential pre- or post-vaccine requirements under current arrangements⁵ (for example, the pre vaccination test for Q fever vaccine).⁶

The National Health Amendment (Immunisation Program) Act 2005

The government introduced amendments to the Act under the *National Health Amendment (Immunisation Program) Act 2005* (the Immunisation Act) following the 2005/06 Budget, which transferred responsibility for providing advice on funding for vaccines under the National Immunisation Program from Australian Technical Advisory Group on Immunisation (ATAGI) to the Pharmaceutical Benefits Advisory Committee (PBAC) which advises government on pharmaceuticals for listing on the Pharmaceutical Benefits Scheme. The ATAGI retained its responsibility for making recommendations on technical and scientific elements of the National Immunisation Program.⁷

In making this change, the government argued that the PBAC, which considers the clinical and cost effectiveness and safety of medicines compared to alternative treatments⁸ was a more logical body for making decisions about funding, noting that the PBAC was a world leader using rigorous evidence based assessments in developing funding recommendations.⁹

Position of significant interest groups/press commentary

There was some controversy surrounding changes introduced under the Immunisation Act. The Chairman of the ATAGI resigned, for example. This was reportedly because the government failed to consult with ATAGI about the changes.¹⁰

Additionally, the Opposition argued that the Immunisation Bill amounted to a political payback to ATAGI, as the Group's recommendation in 2002 for funding of pneumococcal vaccine had led to political embarrassment for the government.¹¹

(ATAGI had recommended the pneumococcal vaccine for inclusion on the Australian Standard Vaccination Schedule in 2002, but the government decided not to include it in the National Immunisation Program, citing a worldwide shortage in vaccine supply. After considerable media attention, the government reversed its decision).¹²

Warning:

This Digest was prepared for debate. It reflects the legislation as introduced and does not canvass subsequent amendments.

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

It appears these issues are not relevant in the context of this Bill.

This Bill has not attracted interest group or press commentary.

Pros and cons

The Bill continues an existing funding arrangement between the Australian Government and the states and territories which ensures that the national vaccination program is resourced.

It is unlikely that objections will be encountered to these funding arrangements, which allow the states to fund providers they consider appropriate to supply vaccines.

There may be some remote possibility that the Bill could trigger further debate about the financial pressures of health spending for state and territory budgets. It is more likely that such a debate would be activated by higher profile issues such as federal funding for hospitals, however.

ALP/Australian Democrat/Greens/Family First policy position/commitments

Labor, the Australian Democrats and the Greens have not commented publicly on the proposed change under this Bill. As there were no further comments from Labor regarding the ATAGI issue on the appointment in October 2005 of a reconstituted Group, it is most likely that the issue of 'political payback' will also not resurface.¹³

Financial implications

The Bill will have no financial impact. It will allow current financial funding arrangement with states and territories to continue.¹⁴

Main provisions

Schedule 1—Amendment of *National Health Act 1953*

The following amendment proposed by the Bill relates to the *National Health Act 1953*.

Item 1 repeals the existing section 9B of the Act and inserts a new section 9B, under which the Minister may arrange for the provision of designated vaccines and goods and services that are associated with, or incidental to the provision or administration of designated vaccines.

Warning:

This Digest was prepared for debate. It reflects the legislation as introduced and does not canvass subsequent amendments.

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

Concluding comments

As noted above, it appears unlikely there will be controversy surrounding the passage of this Bill. It is a minor amendment that preserves current Australian government and state and territory financial arrangements for the continuation of activities such as vaccine storage and distribution.¹⁵

Endnotes

1. *Explanatory Memorandum*, p. 1.
2. Department of Health and Ageing website. Immunise Australia page. Accessed 29 June 2006: <http://www.health.gov.au/internet/wcms/publishing.nsf/Content/health-pubhlth-strateg-immunis-index.htm>.
3. Tony Abbott, Minister for Health and Ageing, 'Government Childhood Immunisation Programs', *Press Release* 14 March 2005. Accessed 29 June 2006: <http://www.health.gov.au/internet/ministers/publishing.nsf/Content/health-mediarel-yr2005-ta-abb024.htm?OpenDocument&yr=2005&mth=3>
4. Tony Abbott, Minister for Health and Ageing. (National Health Amendment (Immunisation) Bill 2006', House of Representatives, *Debates*, 21 June 2006. p. 1.
5. *Explanatory Memorandum*, p. 1.
6. Department of Health and Ageing website, Immunise Australia, National Q Fever Management Program Information Sheet. Accessed 29 June 2006: <http://www.immunise.health.gov.au/qfact.pdf>
7. Department of Health and Ageing website, Australian Technical Advisory Group on Immunisation page. Accessed 29 June 2006: <http://www.health.gov.au/internet/wcms/Publishing.nsf/Content/health-pubhlth-strateg-immunis-termfofr.htm>.
8. Department of Health and Ageing, see: http://www.health.gov.au/internet/wcms/publishing.nsf/Content/health-pbs-general-list_on_pbac.htm.
9. Christopher Pyne, Parliamentary Secretary to the Minister for Health and Ageing, 'National Health Amendment (Immunisation Program) Bill 2005', House of Representatives, *Debates*, 14 September 2005. p. 3.
10. B. Nogrady, '[Vax group head quits after restructure](#)', *Australian Doctor*, 17 June 2005, p. 2.
11. Julia Gillard, Press Release, 9 August 2005.
12. See, for example, M. King, 'Children are dying but Howard refuses to help', *Courier-Mail*, 13 April 2004, p. 13; L. Gooch, 'Australia 'dropped the ball' on vaccine', *The Age*, 14 May 2005, p. 5; J. Frenkel, 'Political games with children', *Herald-Sun*, 11 May 2004, p. 19.

Warning:

This Digest was prepared for debate. It reflects the legislation as introduced and does not canvass subsequent amendments.

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

13. Tony Abbott, Minister for Health and Ageing, *Press Release* 21 October 2005.
14. *Explanatory Memorandum*, p. 1.
15. Tony Abbott, Minister for Health and Ageing, *Debates*, op. cit., p. 2.

Warning:

This Digest was prepared for debate. It reflects the legislation as introduced and does not canvass subsequent amendments.

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

© Copyright Commonwealth of Australia 2006

Except to the extent of the uses permitted under the *Copyright Act 1968*, no part of this publication may be reproduced or transmitted in any form or by any means including information storage and retrieval systems, without the prior written consent of the Department of Parliamentary Services, other than by senators and members of the Australian Parliament in the course of their official duties.

This brief has been prepared to support the work of the Australian Parliament using information available at the time of production. The views expressed do not reflect an official position of the Parliamentary Library, nor do they constitute professional legal opinion.

Members, Senators and Parliamentary staff can obtain further information from the Parliamentary Library on (02) 6277 2429.

Warning:

This Digest was prepared for debate. It reflects the legislation as introduced and does not canvass subsequent amendments.

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.