

# Professor Bruce Armstrong AM FAA

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## **Senate Community Affairs Legislation Committee for inquiry into the National Cancer Screening Register Bill 2016**

I am a retired university academic and public health physician. I have had substantial experience in public health administration having been, among other things, Director of Health Research and Planning, Health Department of WA (1977-79); Commissioner of Health, Health Department of Western Australia (1988-90); Director of the Australian Institute of Health and Welfare (1994-95); and inaugural chair of the board of the Bureau of Health Information, a NSW statutory health corporation (2009-16). I am a world authority in the field of cancer epidemiology and have a particular interest in the efficacy, effectiveness and delivery of cancer screening services. I was extensively involved in research and other activities leading up to the establishment of the National Cervical Screening Program and had executive responsibility at Cancer Council NSW for the team that developed the NSW Pap Test Register; I chaired the Cancer Council WA committee that called for (successfully) establishment of pilot breast cancer screening in WA and was a member of the AHMAC appointed committee whose report led to national pilot studies and, ultimately, the introduction of Australian Breast Cancer Screening Program; I chaired the working group of the then National Cancer Screening Advisory Committee that developed the bowel cancer screening policy, which was implemented in national pilot studies and ultimately the National Bowel Cancer Screening Program; it was the impetus of a publicly reported lecture I gave in 2011 that stimulated Prostate Cancer Foundation of Australia and Cancer Council Australia to fund development of Clinical Practice Guidelines for PSA Testing and Early Management of Test-Detected Prostate Cancer, which NHMRC has approved; I led the process of developing the PSA testing chapter for these Guidelines; and in late 2014, I chaired the International Agency for Research on Cancer's expert working group that developed Volume 15, on Breast Cancer Screening, in its series of Handbooks on Cancer Prevention. I retired from my position as Professor of Public Health at the University of Sydney in mid-2013 and now hold the honorary positions of Emeritus Professor at the University of Sydney and Adjunct Professor at the University of WA.

I have familiarised myself with the National Cancer Screening Register Bill 2016 and I am aware of the AusTender Contract Notice View CN3347179 that announced on 3<sup>rd</sup> June 2016 that Telstra Corporation Ltd was awarded a five-year (4<sup>th</sup> May 2016 to 30<sup>th</sup> Jun 2021), \$220m contract for the provision and management of the National Cancer Screening Register for which the Bill creates the legal framework.

It is so far unprecedented, to my knowledge, that the contract for provision and management of any screening register in Australia has been awarded to a stock-market-listed public corporation. Invariably such registers have been provided, managed or both by a directly government controlled entity or by a not-for-profit, non-government organisation with a primary interest in cancer control. I believe that this has been the case because of the perception that the operations of these entities would be largely, if not completely, free of conflict between the public interest in the registers' operations and any private interest the managing entities might have.

For-profit, stock-market-listed corporations, such as Telstra Corporation Ltd, have an irresolvable conflict of interest with the public interest due to the responsibility of their directors, under the Corporations Act 2001, to act in good faith in the interests of the company (effectively their shareholders). It will undoubtedly be in the best interests of Telstra Corporation Ltd to develop and manage the cancer screening registers in compliance with the National Cancer Screening Register Act 2016, if the Bill is passed, and with its contract with the Commonwealth Department of Health. There are, however, many ways in which Telstra Corporation Ltd could act, for example when staffing and resourcing register operations, that would put the Corporation's interest ahead of the public interest; and it would be obliged to act this way because of the Directors' (and therefore management's) responsibility to the Corporation and its shareholders under the Corporation's Act.

The Bill is silent as to the kind of "person" who might be engaged by the Commonwealth or an Authority of the Commonwealth to develop or manage the screening register. Ideally, it would require the "person" engaged for these purposes would be legally (and practically) able to act in the public interest at all times when developing and managing the register.