

Mr. Elton Humphery
Committee Secretary
Community Affairs Committee

Health Legislation Amendment Bill 2005

Dear Mr Humphery,

We thank you for this opportunity to present our concerns in relation to the Health Legislation Amendment Bill 2005 presented by The Honourable Chris Pyne Parliamentary Secretary to the Minister for Health and Ageing on behalf of The Honourable Tony Abbott.

The second set of changes (item 5) propose the insertion of a new power in the Health Insurance Act (HIA) to allow the Minister to determine, by legislative instrument, that Medicare benefits are not payable for certain services rendered in specified circumstances. The new power proposed by this item raises several important issues.

The Australian Reproductive Health Alliance and Marie Stopes International share the concerns expressed by Labor Health Spokesperson Julia Gillard and the sentiments expressed by Australian Democrats Leader Lyn Allison that this bill may be used by the Health Minister to further his attacks on women's sexual and reproductive rights. We seek greater clarification as to;

1. Why existing regulation making powers are considered to be inadequate and
2. What mechanisms the Minister intends to use to inform decisions regarding the worthiness of adding or removing items from Medicare.

We are deeply concerned that a politician with no medical knowledge is being given the power to decide what is and is not available to Australians without the requirement to seek advice best medical practice. Adopting legislation that allows the Health Minister to decide what operations and procedures should be rebateable under Medicare strikes at the very heart of the universality of Medicare, and when considering the Minister's publically held stance on abortion and contraception this has the potential to greatly impact on the right of all Australian's to adequate health care, primarily reproductive health care.

While ARHA and Marie Stopes International respect the right of Minister's to hold their own personal views on issues such as abortion, it is essential that they do not allow those views to impact on their Ministerial responsibilities less the line of separation between church and state becomes even more blurred. The Prime Minister, John Howard has publically stated that "in the end these things ought to be matters between individuals and medical advisers". We hope that this bill does not allow medical advice to be ignored or over ruled in such circumstances.



Christina Richards
Chief Executive Officer
Australian Reproductive Health Alliance



Suzanne Dvorak
Chief Executive Officer
Marie Stopes International