

Pae Ora (Healthy Futures) (Provision of Breast Cancer Screening Services) Amendment Bill

Member's Bill

Explanatory note

General policy statement

Breast cancer is the most common cancer in New Zealand women. The current scope for free breast cancer screening in New Zealand is between ages 45 and 69 which is currently 5 years less for older women compared to Australia, the US and Canada which screen to age 74. Estimates suggest that increasing the older screening age by 5 years may detect an extra 65 women with breast cancer every year. This bill recognises the importance of breast cancer in New Zealand women by introducing, for the first time, breast cancer screening into primary legislation alongside cervical screening. This bill extends routine free breast cancer screening for New Zealand women by extending the screening age from 69 to 74 while also future proofing breast cancer screening for future changes in scope, frequency and eligibility.

Clause by clause analysis

Clause 1 is the title clause.

Clause 2 is the commencement clause and provides for the Bill to come into force on the day after Royal assent.

Clause 3 identifies the Pae Ora (Health Futures) Act 2022 as the Act being amended by the Bill).

Clause 4 amends section 45, which requires the Minister to prepare and determine a Women's Health Strategy. The amendment requires the Women's Health Strategy to include breast cancer screening when it sets out the priorities for services and health sector improvements relating to the health of women.

Clause 5 inserts *new Part 3A* into the principal Act to require all women aged between 45 to 74 years to be provided with publicly funded breast cancer screening once every two years. This clause does not limit or affect any requirement to provide

breast cancer screening services more widely or frequently, if it is based on medical need. For example, an eligible woman who has been diagnosed with breast cancer would still be able to receive more frequent breast cancer screening through her health care provider.

Dr Shane Reti

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Pae Ora (Healthy Futures) (Provision of Breast Cancer Screening Services) Amendment Act **2023**.

2 Commencement

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This Act comes into force on the day after the date on which it receives the Royal assent.

3 Principal Act

This Act amends the Pae Ora (Healthy Futures) Act 2022.

4 Section 45 amended (Women’s Health Strategy)

In section 45(3)(c), after “workforce development” insert “and breast cancer screening”.

5 New Part 3A inserted (Provision of free breast cancer screening)

After section 93, insert:

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**Part 3A
Provision of breast cancer screening services**

93A Purpose of this Part

- (1) The purpose of this Part is to provide women between 45 and 74 years with access to regular breast cancer screening.
- (2) This Part applies despite anything to the contrary in any funding agreement or other instrument.

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93B Interpretation

In this part, unless context requires otherwise,—

eligible woman means a woman between 45 and 74 years who belongs to a class of eligible people specified in regulations made under 102 of this Act.

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93C Breast cancer screening to be provided

- (1) Every eligible woman is entitled to be provided with publicly funded breast cancer screening once every two years.
- (2) This section does not limit or affect any requirement, based on medical need, to:
 - (a) provide more frequent breast cancer screening to an eligible woman; or
 - (b) provide breast cancer screening for a person who is not an eligible woman; or
 - (c) vary the provision of breast cancer screening to an eligible woman who is diagnosed with breast cancer.

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93D Obligation to ensure breast cancer screening is available

The Minister must enter into a funding agreement with Health New Zealand or other providers to ensure that sufficient breast cancer screening facilities are available in each locality to enable each eligible woman to receive publicly funded breast cancer screening.

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