

**HEALTH****HE301****HEALTH ACT 1911****HEALTH (CERVICAL CYTOLOGY REGISTER) REGULATIONS 1991**

Made by His Excellency the Governor in Executive Council.

**PART 1 — PRELIMINARY****Citation**

1. These regulations may be cited as the *Health (Cervical Cytology Register) Regulations 1991*.

**Commencement**

2. These regulations shall come into operation on the expiry of 2 months beginning on the day on which they are published in the *Gazette*.

**Interpretation**

3. In these regulations unless the contrary intention appears —

“approved” means approved by the Commissioner;

“cervical cancer” means the malignant growth of human tissue in the uterine cervix which if unchecked is likely to spread to adjacent tissue and beyond its site of origin and which has a tendency to recur;

“cervical cancer test” means a test undertaken to determine whether or not a woman is suffering from cancer of the uterine cervix or any of its precursors and which includes, or consists of, a pathological examination of a specimen from the woman;

“Register” means the Cervical Cytology Register referred to in regulation 5.

**Cervical cancer is a prescribed condition of health**

4. Cervical cancer is prescribed under section 289B of the Act as a condition of health to which Part IXA of the Act applies.

**PART 2 — CERVICAL CYTOLOGY REGISTER****Cervical Cytology Register**

5. (1) There shall be a Register compiled and maintained by the Commissioner to be known as the Cervical Cytology Register.

(2) The Register shall consist of a compilation of results, or copies of results, of cervical cancer tests forwarded to the Commissioner under regulation 9.

**Use of information on Register**

6. (1) The information on the Register shall be used by the Commissioner —

- (a) where possible, to provide for notification to women whose cervical cancer test results are normal, the appropriate time for their next test;
- (b) where possible, to ensure that appropriate procedures are put in place for women whose test results are abnormal;
- (c) to provide a linked record of results for every woman on the Register, which is available in accordance with regulation 7 (1) (b) —
  - (i) to the woman;
  - (ii) to the woman's medical practitioner; and
  - (iii) to a laboratory engaged by, or on behalf of, the woman;
- (d) to provide comparative data from laboratories to encourage consistency of performance; and
- (e) to provide epidemiological data in order to —
  - (i) monitor participation rates and patterns;

- (ii) assist programme planning;
- (iii) provide a data base for use in approved research into cancer, its alleviation and prevention;
- (iv) increase public awareness by the publication of statistical profiles; and
- (v) assist the compilation of comparative data by any national organization approved by the Commissioner.

(2) Data provided under subregulation (1) (e) (iv) or (v) shall not contain any information which enables the identification of any woman in respect of whom data is held on the Register.

#### **Disclosure of information on the Register**

7. (1) A person shall not disclose information on the Register other than —

- (a) with the written consent of any woman to whom the information relates;
- (b) to a medical practitioner or person in charge of a laboratory, engaged by, or on behalf of, the woman to whom the information relates in order to assist those persons —
  - (i) in diagnosis and treatment of the woman; or
  - (ii) to determine when the woman should have her next cervical cancer test;

or

- (c) for the purposes of regulation 6.

(2) A person who contravenes subregulation (1) commits an offence.

### **PART 3 — PROCEDURES FOR DATA COLLECTION**

#### **Woman may object to inclusion of results on Register**

8. (1) Where a person engaged by a woman to carry out a cervical cancer test is informed by that woman that she objects to the results, or copies of the results, of the test being forwarded to the Commissioner and held on the Register, that person shall, in the approved form, inform the person in charge of any laboratory to which a specimen from the woman is sent for pathological examination for the test that the results, or a copy of the results, of the test shall not be forwarded to the Commissioner.

(2) A person who contravenes subregulation (1) commits an offence.

#### **Test results forwarded to Commissioner**

9. (1) Unless informed under regulation 8 (1) that the results, or a copy of the results, of a cervical cancer test shall not be forwarded to the Commissioner, the person in charge of a laboratory shall within 60 days of completing a cervical cancer test, forward the results, or a copy of the results, of the test to the Commissioner in the approved form.

(2) A person who contravenes subregulation (1) commits an offence.

#### **Identifying data may be removed from Register**

10. (1) A woman may at any time request in writing to the Commissioner, that any data held on the Register which identifies her be removed.

(2) The Commissioner shall ensure that a request made under subregulation (1) is complied with as soon as is practicable.

(3) Data relating to, but which does not identify, a woman referred to in subregulation (1) may be retained on the Register.

(4) A person who contravenes subregulation (2) commits an offence.

#### Penalties

11. A person who commits an offence under these regulations is liable to a penalty which is not more than \$1 000 and not less than —

- (a) in the case of a first offence, \$100;
- (b) in the case of a second offence, \$200; and
- (c) in the case of a third or subsequent offence, \$500.

By His Excellency's Command,

L. M. AULD, Clerk of the Council.