



Western Australia

Health (Cervical Cytology Register) Regulations 1991

Compare between:

[21 Feb 2006, 01-b0-02] and [15 Dec 2006, 01-c0-03]

Western Australia

Health Act 1911

Health (Cervical Cytology Register) Regulations 1991

Part 1 — Preliminary

1. Citation

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

2. Commencement

These regulations shall come into operation on the expiry of 2 months beginning on the day on which they are published in the *Gazette*¹.

3. Interpretation

In these regulations unless the contrary intention appears —

“**approved**” means approved by the ~~Commissioner~~[CEO](#);

“**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;

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“corresponding register” means a register that —

- (a) is established under the law of another State or a Territory; and
- (b) contains information of the kind held on the Register;

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

*[Regulation 3 amended in Gazette 21 Feb 2006 p. 831;
[15 Dec 2006 p. 5623.](#)]*

4. Cervical cancer is a prescribed condition of health

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

5. Cervical Cytology Register

- (1) There shall be a Register compiled and maintained by the ~~Commissioner~~[CEO](#) 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 —
 - (a) forwarded to the ~~Commissioner~~[CEO](#) under regulation 9; or
 - (b) disclosed to the ~~Commissioner~~[CEO](#) by the officer in charge of a corresponding register in accordance with the law of the State or Territory in which that register is established.

*[Regulation 5 amended in Gazette 21 Feb 2006 p. 831-2;
[15 Dec 2006 p. 5623.](#)]*

6. Use of information on Register

- (1) The information on the Register shall be used by the ~~Commissioner~~[CEO](#) —
 - (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;

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- (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~~[CEO](#).

- (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.

[\[Regulation 6 amended in Gazette 15 Dec 2006 p. 5623.\]](#)

7. Disclosure of information on the Register

- (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;
 - (c) for the purposes of regulation 6; or
 - (d) in accordance with an authorisation under subregulation (1a).

- (1a) The ~~Commissioner~~CEO may authorise the disclosure of information on the Register to the person in charge of a corresponding register if —
- (a) the woman to whom the information relates resides in the State or Territory in which the corresponding register is established; and
 - (b) the ~~Commissioner~~CEO is satisfied that the information is to be used solely for a purpose that is the same or substantially similar to the purpose described in regulation 6(1)(b).
- (2) A person who contravenes subregulation (1) commits an offence.

*[Regulation 7 amended in Gazette 21 Feb 2006 p. 832;
[15 Dec 2006 p. 5623.](#)]*

Part 3 — Procedures for data collection

8. Woman may object to inclusion of results on Register

- (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~~[CEO](#) 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~~[CEO](#).
- (2) A person who contravenes subregulation (1) commits an offence.

[Regulation 8 amended in Gazette 15 Dec 2006 p. 5623.]

9. Test results forwarded to ~~Commissioner~~[CEO](#)

- (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~~[CEO](#), 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~~[CEO](#) in the approved form.
- (2) A person who contravenes subregulation (1) commits an offence.

[Regulation 9 amended in Gazette 15 Dec 2006 p. 5623.]

10. Identifying data may be removed from Register

- (1) A woman may at any time request in writing to the ~~Commissioner~~[CEO](#), that any data held on the Register which identifies her be removed.
- (2) The ~~Commissioner~~[CEO](#) 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.

[Regulation 10 amended in Gazette 15 Dec 2006 p. 5623.]

11. Penalties

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.

Notes

- ¹ This is a compilation of the *Health (Cervical Cytology Register) Regulations 1991*. The following table contains information about those regulations and any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Health (Cervical Cytology Register) Regulations 1991</i>	3 Jan 1992 p. 16-19	2 Mar 1992 (see r. 2)
Reprint 1: The <i>Health (Cervical Cytology Register) Regulations 1991</i> as at 2 Apr 2004		
<i>Health (Cervical Cytology Register) Amendment Regulations 2006</i>	21 Feb 2006	21 Feb 2006
<u><i>Health (Cervical Cytology Register) Amendment Regulations (No. 2) 2006</i></u>	<u>15 Dec 2006</u> <u>p. 5622-3</u>	<u>15 Dec 2006</u>