



TASMANIA

**PUBLIC HEALTH AMENDMENT (CERVICAL CYTOLOGY)
ACT 1993**

No. 19 of 1993

TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Principal Act
4. Section 3 amended (Interpretation)
5. Part IVA inserted
 - Part IVA—Cervical Cytology
 - 53A—Cervical Cytology Register
 - 53B—Use of information on Cervical Cytology Register
 - 53C—Prohibition on disclosing information in Cervical Cytology Register
 - 53D—Woman may object to inclusion on Cervical Cytology Register
 - 53E—Cervical cancer test results provided to Secretary
 - 53F—Removal of identifying data from Cervical Cytology Register
6. Section 142 amended (Regulations)



**PUBLIC HEALTH AMENDMENT (CERVICAL
CYTOLOGY) ACT 1993**

No. 19 of 1993

AN ACT to amend the *Public Health Act 1962*

[Royal Assent 12 May 1993]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title

1—This Act may be cited as the *Public Health Amendment (Cervical Cytology) Act 1993*.

Commencement

2—This Act commences on a day to be proclaimed.

Principal Act

3—In this Act, the *Public Health Act 1962** is referred to as the Principal Act.

Section 3 amended (Interpretation)

4—Section 3 of the Principal Act is amended by inserting after the definition of “burial of the dead” the following definitions:—

“**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 Cytology Register**” means the register maintained under section 53A;

“**cervical cancer test**” means a test which—

(a) is undertaken to determine whether or not a woman is suffering from cancer of the uterine cervix or any of its precursors; and

(b) includes, or consists of, a pathological examination of a specimen from the woman;

Part IVA inserted

5—After Part IV of the Principal Act, the following Part is inserted:—

PART IVA**CERVICAL CYTOLOGY****Cervical Cytology Register**

53A—(1) The Secretary of the Department must compile and maintain the Cervical Cytology Register.

* No. 75 of 1962. Amended by No. 55 of 1965, No. 35 of 1966, Nos. 86 and 87 of 1968, No. 37 of 1970, Nos. 35, 54 and 75 of 1973, No. 72 of 1974, Nos. 16 and 21 of 1976, No. 46 of 1977, No. 63 of 1978, No. 9 of 1982, No. 46 of 1983, Nos. 29 and 100 of 1984, No. 116 of 1985, Nos. 4 and 17 of 1989, No. 5 of 1990 and Nos. 4, 27, 43 and 46 of 1991.

- (2) The Cervical Cytology Register is to consist of—
- (a) a compilation of the results, or copies of the results, of cervical cancer tests provided under section 53E; and
 - (b) such details relating to each woman on the Register as the Secretary of the Department considers appropriate.

Use of information on Cervical Cytology Register

53B—(1) The Secretary of the Department must use the information contained in the Cervical Cytology Register as follows:—

- (a) where possible, to provide for notification to women whose cervical cancer test results are normal of the appropriate time for their next cervical cancer test;
- (b) where possible, to ensure that appropriate follow-up procedures are put in place for women whose cervical cancer test results are abnormal;
- (c) where possible, to provide a linked record of cervical cancer test results for every woman on the Register which is available, subject to section 53C, to the woman, her medical practitioner and a laboratory engaged by, or on behalf of, the woman;
- (d) to provide comparative data from laboratories to encourage consistency of performance;
- (e) to provide epidemiological data in order to—
 - (i) monitor participation rates and patterns; and
 - (ii) assist programme planning; and

- (iii) provide a data base for use in research into cancer, its alleviation and its prevention; and
- (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 Secretary.

(2) Data provided under subsection (1) (e) (iv) or (v) must not contain any information which enables the identification of any woman in respect of whom information is kept in the Cervical Cytology Register.

Prohibition on disclosing information in Cervical Cytology Register

53C—A person must not disclose information contained in the Cervical Cytology Register which relates to a woman on that Register except where—

- (a) the woman has consented, in writing, to the disclosure; or
- (b) the information is provided to the woman's medical practitioner or to the person-in-charge of a laboratory engaged by, or on behalf of, the woman for the purpose of assisting that medical practitioner or person in one or more of the following matters:—
 - (i) the making of a diagnosis;
 - (ii) the treatment of the woman;
 - (iii) the determination of the time when the woman should have her next cervical cancer test; or
- (c) the information is provided for a purpose specified in section 53B (1), other than section 53B (1) (e) (iv) or (v).

Penalty: Fine not exceeding 10 penalty units.

Woman may object to inclusion on Cervical Cytology Register

53D—If a woman informs a person she has engaged to carry out a cervical cancer test that she objects to the results, or copies of the results, of the test being provided to the Secretary of the Department and held in the Register, that person must notify, in writing, 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 are not to be provided to the Secretary.

Penalty: Fine not exceeding 10 penalty units.

Cervical cancer test results provided to Secretary

53E—(1) Within 60 days after the completion of a cervical cancer test, the person-in-charge of the laboratory that completed the test must provide to the Secretary of the Department, in a form approved by the Secretary, the results, or a copy of the results, of the test.

Penalty: Fine not exceeding 10 penalty units.

(2) Subsection (1) does not apply in relation to a cervical cancer test if the person-in-charge of the laboratory that completed the test has received a notice provided under section 53D in respect of that test.

Removal of identifying data from Cervical Cytology Register

53F—(1) A woman may at any time, in writing, request the Secretary of the Department to ensure the removal from the Cervical Cytology Register of any data that identifies her.

(2) The Secretary of the Department must comply with a request made under subsection (1) without any undue delay.

(3) Data which relates to, but does not identify, a woman who has made a request under subsection (1) may be retained in the Cervical Cytology Register.

Section 142 amended (Regulations)

6—Section 142 of the Principal Act is amended by inserting the following subsection after subsection (7B):—

(7C) The regulations may prescribe all matters and things that are necessary or convenient for the purpose of carrying out and giving effect to Part IVA.

*[Second reading presentation speech made in:—
House of Assembly on 27 April 1993
Legislative Council on 29 April 1993]*