

NORTHERN TERRITORY OF AUSTRALIA
PUBLIC HEALTH (CERVICAL CYTOLOGY REGISTER) AMENDMENT
REGULATIONS 2007

Subordinate Legislation No. 28 of 2007

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 28 of 2007*

Public Health (Cervical Cytology Register) Amendment Regulations 2007

I, EDWARD JOSEPH EGAN, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Public Health Act*.

Dated 15 August 2007.

E. J. EGAN
Administrator

By His Honour's Command

P. R. HENDERSON
Minister for Employment, Education and Training
acting for the
Minister for Health

* Notified in the *Northern Territory Government Gazette* on 22 August 2007.

1. Citation

These Regulations may be cited as the *Public Health (Cervical Cytology Register) Amendment Regulations 2007*.

2. Regulations amended

These Regulations amend the *Public Health (Cervical Cytology Register) Regulations*.

3. Amendment of regulation 2 (Interpretation)

- (1) Regulation 2, heading

omit, substitute

Definitions

- (2) Regulation 2

omit

Regulations, unless the contrary intention appears –

substitute

Regulations:

- (3) Regulation 2, definitions "abnormal", "cervical material", "cervical smear", "pathology request form", "refusal of consent marker" and "test results"

omit

- (4) Regulation 2

insert (in alphabetical order)

"abnormal", for a test result, means the test detects a potential precursor of cancer of the cervix;

"cervical examination" means an examination of the cervix or of cervical material, and includes the taking of cervical material by cervical smear or other means;

"cervical material" means tissue taken from the cervix;

"cervical smear" means a process for taking cervical material from a woman to determine whether or not the woman has cancer of the cervix or a precursor to cancer of the cervix;

"National Cervical Screening Program" means the National Cervical Screening Program as revised and renamed from time to time;

"recommendation", see regulation 2A;

"refusal of consent marker" means a clearly visible marker placed on a request form to indicate that:

- (a) a woman has refused to consent to her details being recorded in the Register; and
- (b) the details are not to be provided to the Chief Health Officer;

"request form" means an approved form relating to a cervical examination;

"test results" means the results of a cervical examination.

4. New regulations 2A and 2AA

After regulation 2

insert

2A. Recommendations

A reference in this Act to a recommendation of a specialist is a reference to a recommendation recorded in the Register that is made by:

- (a) a person registered as a medical practitioner under the *Health Practitioners Act*; or
- (b) a person in charge of a laboratory.

2AA. Application of Regulations

These Regulations apply only to the recording of details relating to a woman who has a postal address within the Territory.

5. Amendment of regulation 4 (Purpose of Register)

- (1) Regulation 4

omit

National Program for the Prevention of Cancer of the Cervix

substitute

National Cervical Screening Program

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(2) Regulation 4(a)

omit, substitute

- (a) notification, after the expiration of the appropriate interval since the date a cervical examination was carried out on a woman, to the woman that the due date for a cervical examination has passed; and

(3) Regulation 4(b) and (c), at the end

insert

and

(4) Regulation 4(e)(i)

omit

National Program for the Prevention of Cancer of the Cervix

substitute

National Cervical Screening Program

(5) Regulation 4(e)(ii)(A)

omit

cervical material taken

substitute

a cervical examination

(6) Regulation 4(e)(ii)(B)

omit

in respect of her

6. Repeal and substitution of regulations 5 to 7

Regulations 5 to 7

repeal, substitute

5. Determination of appropriate interval

(1) The Chief Health Officer must, having regard to the National Cervical Screening Program:

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- (a) determine the appropriate interval between the date a cervical examination is carried out on a woman that has normal test results and the date cervical material should next be taken by cervical smear from the woman; and
 - (b) for each type of abnormal test result, determine the appropriate interval between the date a cervical examination is carried out on a woman that has the type of abnormal result and the date:
 - (i) cervical material should next be taken from the woman; or
 - (ii) some other recommended course of action should be taken.
- (2) The Chief Health Officer must determine the appropriate interval for notifying a woman for regulation 8(1)(b), which is the sum of:
- (a) the appropriate interval determined under subregulation (1)(a); and
 - (b) the period the Chief Health Officer considers reasonable to wait after the expiration of that interval before sending the notification.
- (3) The Chief Health Officer must, for each type of abnormal test result, determine the appropriate interval for notifying a woman for regulation 8(2)(b), which is:
- (a) if no recommendation about the period within which a course of action be taken has been made by the specialist reporting on the cervical examination – the sum of:
 - (i) the appropriate interval determined under subregulation (1)(b); and
 - (ii) the period the Chief Health Officer considers reasonable to wait after the expiration of that interval before sending the notification; or
 - (b) if a recommendation about the period within which a course of action be taken has been made by the specialist reporting on the cervical examination – the sum of:
 - (i) the recommended period; and
 - (ii) the period the Chief Health Officer considers reasonable to wait after the expiration of the recommended period before sending the notification.
- (4) The appropriate interval for notifying a health practitioner for regulation 9(1)(b) is the appropriate interval determined under subregulation (1)(a).

(5) The appropriate interval for notifying a health practitioner for regulation 9(2)(b) is:

- (a) if no recommendation about the period within which a course of action be taken has been made by the specialist reporting on the cervical examination – the appropriate interval determined under subregulation (1)(b); or
- (b) if a recommendation about the period within which a course of action be taken has been made by the specialist reporting on the cervical examination – the recommended period.

6. Duties of health practitioners

(1) A health practitioner who carries out a cervical examination on a woman must, at the time of carrying out the examination, inform the woman:

- (a) about the existence of the Register, the purpose of the Register and the nature of the details that may be recorded in the Register; and
- (b) that she may refuse to consent to her details being recorded in the Register; and
- (c) that her details may be provided to the Chief Health Officer so that they may be recorded in the Register unless she refuses to consent to the recording of the details in the Register.

(2) The woman may refuse to consent to the recording of her details in the Register by written certificate signed by the woman.

(3) The health practitioner must place a refusal of consent marker on the request form for the cervical examination if the woman does not consent to the recording of her details in the Register in accordance with subregulation (2).

(4) However, the health practitioner must not place a refusal of consent marker on the request form in any other circumstances.

(5) If a woman consents to the recording of her details in the Register:

- (a) a health practitioner who is taking cervical material from the woman must enter the details specified in paragraphs (a) and (b)(i), (ii) and (iii) of the Schedule (but only to the extent to which the health practitioner is able to ascertain those details at the consultation) on the request form; and
- (b) a health practitioner who is conducting another type of cervical examination on the woman may enter the details specified in paragraphs (a) and (b)(i), (ii), (iii), (v) and (vii) on the request form.

(6) If a woman consents to the recording of her details in the Register, a health practitioner who takes cervical material from the woman and sends the request form directly to a laboratory outside the Territory must, within 60 days of receiving test results for the request form, provide the Chief Health Officer with the following details for recording in the Register:

- (a) any details entered on the request form;
- (b) the other details relating to the cervical examination that are provided by the laboratory.

7. Duties of persons in charge of laboratory

(1) The person in charge of a laboratory within the Territory must, within 60 days of receiving test results relating to a woman, provide the Chief Health Officer with the following details relating to the woman for recording in the Register:

- (a) any details entered on the request form by a health practitioner under regulation 6(5);
 - (b) the other details relating to the cervical examination.
- (2) Subregulation (1):
- (a) applies whether or not the pathological examinations take place within the Territory; and
 - (b) does not apply if a refusal of consent marker has been placed on the relevant request form.

Maximum penalty: \$1 000.

7. Amendment of regulation 8 (Notification that appropriate interval expired)

(1) Regulation 8(1)

omit

in respect of a woman

substitute

relating to a woman

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(2) Regulation 8(1)(a)

omit, substitute

(a) the last recorded test results relating to the woman were normal;
and

(3) Regulation 8(1)(b)

omit

in respect of

substitute

for

(4) Regulation 8(1)

omit (all references)

her next cervical

substitute

a cervical

(5) Regulation 8(2)

omit

in respect of a woman

substitute

relating to a woman

(6) Regulation 8(2)(a)

omit

in respect of the woman

substitute

relating to the woman

- (7) Regulation 8(2)(b)

omit

in respect of

substitute

for

- (8) Regulation 8(2)

omit (all references)

further

- (9) Regulation 8(2)

omit

a person in charge of the laboratory where the cervical material in respect of the test results were examined

substitute

the specialist reporting on the cervical examination to which the test results relate

8. Amendment of regulation 9 (Notification of health practitioners)

- (1) Regulation 9(1)

omit

in respect of a woman

substitute

relating to a woman

- (2) Regulation 9(1)(a)

omit, substitute

- (a) the last recorded test results relating to the woman were normal;
and

- (3) Regulation 9(1)(b)

omit

in respect of

substitute

for

- (4) Regulation 9(1)

omit

the cervical smear

substitute

the cervical examination to which the test results relate

- (5) Regulation 9(1)

omit (all references)

her next cervical

substitute

a cervical

- (6) Regulation 9(2)

omit

in respect of a woman

substitute

relating to a woman

- (7) Regulation 9(2)(a)

omit

in respect of the woman

substitute

relating to the woman

- (8) Regulation 9(2)(b)

omit

in respect of

substitute

for

- (9) Regulation 9(2)(d)

omit

material was taken

substitute

examination to which the test results relate was carried out

- (10) Regulation 9(2)

omit (all references)

further

- (11) Regulation 9(2)

omit

the person in charge of the laboratory where the cervical material in respect of the test results were examined

substitute

the specialist reporting on the cervical examination

- (12) Regulation 9, at the end

insert

(3) In this regulation, a reference to a clinic or medical centre where a cervical examination was carried out does not include a laboratory where any cervical material taken was examined.

9. Amendment of regulation 11 (Confidentiality of information)

Regulation 11(1), penalty provision

omit, substitute

Maximum penalty: \$1 000.

10. Amendment of regulation 12 (Request for release of information relating to self)

Regulation 12

omit

A woman in respect of whom details have been recorded in the Register

substitute

If a woman's details have been recorded in the Register, the woman

11. Amendment of Schedule

(1) Schedule

omit

all the words from "The details" to "Register are – "

substitute

The details that must be recorded in the Register relating to a woman who has had a cervical examination are:

(2) Schedule, paragraph (b)

omit

the following details in respect of the cervical material:

substitute

the following details about the cervical examination:

(3) Schedule, paragraph (b)(i)

omit, substitute

- (i) date the cervical examination was carried out and the procedures used;

- (4) Schedule, paragraph (b)(ii)
omit
cervical material was taken
substitute
cervical examination was carried out
- (5) Schedule, paragraph (b)(iii)
omit
took the cervical material
substitute
carried out the cervical examination
- (6) Schedule, paragraph (b)(iv)
omit
the cervical material
substitute
any cervical material
- (7) Schedule, paragraph (b)(v)
omit
in respect of the cervical material
- (8) Schedule, paragraph (b)(vii)
omit
of cervical material are abnormal, the –
substitute
are abnormal, the following details:
- (9) Schedule, paragraph (b)(vii)(A)
omit
further

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- (10) Schedule, paragraph (b)(vii)(A) and (B)

omit

person in charge of the laboratory where the cervical material was examined

substitute

specialist reporting on the cervical examination

- (11) Schedule, paragraph (b)(vii)(C)

omit

and