NORTHERN TERRITORY OF AUSTRALIA

PUBLIC HEALTH (CERVICAL CYTOLOGY REGISTER) REGULATIONS

TABLE OF PROVISIONS

Regulation

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NORTHERN TERRITORY OF AUSTRALIA

Regulations 1996, No. 3*

Regulations under the *Public Health Act*

I, KEITH JOHN AUSTIN ASCHE, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Public Health Act*.

Dated 31 January 1996.

K.J.A. ASCHE
Administrator

PUBLIC HEALTH (CERVICAL CYTOLOGY REGISTER) REGULATIONS

1. CITATION

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

2. INTERPRETATION

In these Regulations, unless the contrary intention appears -

"abnormal", in relation to a test result, means a test result that indicates abnormal cell growth in the cervix of the uterus;

"appropriate interval" means the appropriate interval referred to in regulation 5(1), (2), (3), (4) or (5), as the case requires;

"cervical material" means tissue taken from the cervix to determine whether or not a woman has cancer of the cervix or a precursor to cancer of the cervix;

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

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* Notified in the *Northern Territory Government Gazette* on 9 February 1996.

"details" means the details specified in the Schedule;

"health practitioner" means a person who -

(a) is registered as a medical practitioner under the *Medical Act*;

(b) is a nurse within the meaning of the *Nursing Act*; or

(c) holds a certificate of registration under the *Health Practitioners and Allied Professionals Registration Act* in the category of health practice of Aboriginal health work;

"laboratory" means a place where cervical material is accepted for pathological examination;

"pathology request form" means a pathology request form relating to a pathological (cytology) examination or a pathological (histology) examination of cervical material;

"person in charge of a laboratory" includes a person authorised by a person in charge of a laboratory;

"reference code" means the series of alphanumeric symbols entered into the Register in place of the name of a health practitioner or a clinic, medical centre or laboratory wherever there is a reference to the health practitioner or the clinic, medical centre or laboratory;

"refusal of consent marker" means a clearly visible marker that may be placed on a pathology request form to indicate that a woman has refused to consent to the details in respect of her being recorded in the Register and that the details are not to be provided to the Chief Medical Officer;

"Register" means the Cervical Cytology Register established and maintained under regulation 3(1);

"test results" means the results of a pathological (cytology) examination or a pathological (histology) examination of cervical material.

3. CERVICAL CYTOLOGY REGISTER

(1) The Chief Medical Officer shall cause to be established and maintained, in any form (including an electronic form) or combination of forms he or she thinks appropriate, a register to be known as the Cervical Cytology Register.

(2) Subject to these Regulations, the Chief Medical Officer shall cause to be recorded in the Register the details specified in the Schedule and provided to him or her under these Regulations by a health practitioner or a person in charge of a laboratory.

4. PURPOSE OF REGISTER

The purpose of the Register is to ensure the effective implementation of the National Program for the Prevention of Cancer of the Cervix and, in so doing, to facilitate the -

(a) notification, after the expiration of the appropriate interval since the date cervical material was taken from a woman, to the woman that the due date for the taking of further cervical material from her, or some other course of action as a consequence of an abnormal test result, has passed;

(b) establishment of a record of the course of action taken, including the treatment implemented, as a consequence of an abnormal test result;

(c) monitoring of test results to encourage consistency of performance of health practitioners and laboratories;

(d) promotion of the health and well being of women whose test results are abnormal; and

(e) provision of data -

(i) to assess participation in the National Program for the Prevention of Cancer of the Cervix within the Territory;

(ii) that will assist to design a strategy to increase public awareness and encourage women to -

(A) have cervical material taken at the appropriate interval; and

(B) consent to details in respect of her being recorded in the Register;

(iii) where approved by the Chief Medical Officer -

(A) for use in research programs for the prevention and treatment of cancer of the cervix;

(B) for the compilation of information in statistical form; and

(iv) to a health practitioner who is being consulted by, or who is treating, a woman for cancer of the cervix or a precursor to cancer of the cervix, or to a person in charge of a laboratory where the pathological examination of cervical material is being carried out, where he or she requires the data for the purposes of the consultation, treatment or examination.

5. DETERMINATION OF APPROPRIATE INTERVAL

(1) The Chief Medical Officer shall, with reference to the national policy in respect of cancer of the cervix of the Department of Human Services and Health of the Commonwealth of Australia, determine the period of time which, in his or her view, is the appropriate interval between the date cervical material which has normal test results is taken by cervical smear from a woman and the date cervical material is next to be taken by cervical smear from that woman.

(2) The Chief Medical Officer shall determine the period of time which is the appropriate interval for the purposes of giving notification to a woman under regulation 8(1), which period shall comprise of the aggregate of -

(a) the appropriate interval determined under subregulation (1); and

(b) the period of time he or she considers reasonable to wait after the expiration of the period referred to in paragraph (a) before sending the notification.

(3) The Chief Medical Officer shall, for each known type of abnormal test result, determine the period of time which is the appropriate interval for the purposes of giving notification to a woman under regulation 8(2), which period shall comprise of the aggregate of -

(a) the period of time within which the person in charge of the laboratory where the cervical material was examined has recommended that further cervical material, or another course of action, be taken; and

(b) the period of time he or she considers reasonable to wait after the expiration of the period referred to in paragraph (a) before sending the notification.

(4) The appropriate interval for the purposes of giving notification to a health practitioner under regulation 9(1) is the appropriate interval determined under subregulation (1).

(5) The appropriate interval for the purposes of giving notification to a health practitioner under regulation 9(2) is the period of time within which the person in charge of the laboratory where the cervical material was examined has recommended that further cervical material, or another course of action, be taken.

6. DUTIES OF HEALTH PRACTITIONERS

(1) A health practitioner who takes cervical material from a woman shall, at the time of taking the cervical material, inform the woman -

(a) about the existence of the Register, the purpose of the Register and the nature of the details that are to be recorded in the Register;

(b) that she may refuse to consent to the details in respect of her being recorded in the Register; and

(c) that the details in respect of her will be provided to the Chief Medical Officer so that they may be recorded in the Register unless she refuses to consent to the recording of the details in the Register,

and the woman shall consent, or refuse to consent, to the recording of the details in respect of her in the Register.

(2) The refusal to consent of a woman under subregulation (1) shall be by written certificate signed by the woman.

(3) Where a woman does not consent to the recording of the details in respect of her in the Register, but in no other circumstance, the health practitioner shall place a refusal of consent marker on the pathology request form in respect of the cervical material taken from the woman.

(4) Where a woman consents to the recording of the details in respect of her in the Register, the health practitioner shall enter the details specified in clauses (a) and (b)(i), (ii) and (iii) of the Schedule (but only those which he or she is able to ascertain at the consultation) on the pathology request form.

(5) Where a health practitioner sends a pathology request form directly to a laboratory outside the Territory, he or she shall, within 60 days of receiving the test results in respect of the pathology request form, unless a refusal of consent marker has been placed on the pathology request form, provide the Chief Medical Officer with the details which have been entered on the pathology request form for recording in the Register in respect of the woman to whom the test results relate.

7. DUTIES OF PERSONS IN CHARGE OF LABORATORY

(1) The person in charge of a laboratory within the Territory (whether the pathological examinations take place within the Territory or outside it) shall, within 60 days of receiving test results, unless a refusal of consent marker has been placed on the relevant pathology request form, provide the Chief Medical Officer with the details for recording in the Register in respect of the woman to whom the test results relate.

(2) A reference in subregulation (1) to the details to be provided to the Chief Medical Officer is, in respect of details specified in clauses (a) and (b)(i), (ii) and (iii) of the Schedule, a reference to only as many of those details as are entered on the pathology request form by the health practitioner.

(3) A person who contravenes or fails to comply with this regulation is guilty of an offence.

Penalty: $1,000.

8. NOTIFICATION THAT APPROPRIATE INTERVAL EXPIRED

(1) Where the details recorded in the Register in respect of a woman indicate that -

(a) the test results in respect of the last recorded cervical smear in relation to the woman were normal; and

(b) the appropriate interval in respect of this subregulation has expired,

the Chief Medical Officer shall cause reasonable steps to be taken to notify the woman that the recommended date to have her next cervical smear has passed and, unless she has since done so, recommend that she have her next cervical smear as soon as practicable.

(2) Where the details recorded in the Register in respect of a woman indicate that -

(a) the last recorded test results in respect of the woman were abnormal; and

(b) the appropriate interval in respect of this subregulation has expired,

the Chief Medical Officer shall cause reasonable steps to be taken to notify the woman that the recommended date to have further cervical material taken from her, or to have undertaken another course of action recommended by a person in charge of the laboratory where the cervical material in respect of the test results were examined, has passed and, unless she has since done so, recommend that she have further cervical material taken, or complete that other course of action, as soon as practicable.

9. NOTIFICATION OF HEALTH PRACTITIONERS

(1) Where the details recorded in the Register in respect of a woman indicate that -

(a) the test results in respect of the last recorded cervical smear in relation to the woman were normal; and

(b) the appropriate interval in respect of this subregulation has expired,

the Chief Medical Officer shall cause reasonable steps to be taken to notify a health practitioner who is responsible for the management of the clinic or medical centre where the cervical smear was carried out that the recommended date for the woman to have her next cervical smear has passed and, unless the woman has done so, recommend that the woman be advised to have her next cervical smear as soon as practicable.

(2) Where the details recorded in the Register in respect of a woman indicate that -

(a) the last recorded test results in respect of the woman were abnormal; and

(b) the appropriate interval in respect of this subregulation has expired,

the Chief Medical Officer shall cause reasonable steps to be taken to notify -

(c) the health practitioner, who appears from the details to be treating the woman; or

(d) a health practitioner who is responsible for the management of the clinic or medical centre where the cervical material was taken,

that the recommended date for the woman to have further cervical material taken from her, or to have undertaken another course of action recommended by the person in charge of the laboratory where the cervical material in respect of the test results were examined, has passed and, unless the woman has done so, recommend that the health practitioner advise the woman to have further cervical material taken from her, or complete that other course of action, as soon as practicable.

10. RESTRICTION OF LIABILITY

No action, suit or other proceeding lies against the Territory, an employee or an agent of the Territory for any loss or injury directly or indirectly suffered as a result of a failure to send or to receive a notification under regulation 8 or 9.

11. CONFIDENTIALITY OF INFORMATION

(1) Subject to subregulation (2), it is an offence for a person to disclose to another, except for a purpose related to the carrying out of these Regulations or where the disclosure is required by law, any information required to be provided to the Chief Medical Officer under regulation 6 or 7 which has come to his or her knowledge in the performance of a function connected with or incidental to the carrying out of these Regulations, unless the woman to whom the information relates consents in writing to the disclosure.

Penalty: $1,000.

(2) The Chief Medical Officer may make information provided under regulation 6 or 7 publicly available in a statistical form that does not identify the women to whom the information relates.

12. REQUEST FOR RELEASE OF INFORMATION RELATING TO SELF

A woman in respect of whom details have been recorded in the Register may make a request in writing to the Chief Medical Officer for the disclosure to her of all information recorded in the Register that relates to her, and the Chief Medical Officer shall, as soon as practicable after receipt of the request, cause only the information recorded in the Register that relates to the woman alone to be disclosed to her.

13. CORRECTION OF, AND REMOVAL OF DETAILS FROM, REGISTER

(1) Where the Chief Medical Officer is satisfied that a record in the Register contains an error or mis-statement in, or an omission from, a detail, he or she -

(a) may correct the Register by causing the true detail to be recorded in association with the relevant detail; and

(b) having made the correction, shall -

(i) sign his or her name, and write the date on which the correction was made, immediately under or alongside the correction; or

(ii) where the Register is kept in an electronic form, enter in association with the correction identifying symbols equivalent to his or her signature and the date.

(2) A woman, who has consented to details being recorded in the Register, may make a request in writing to the Chief Medical Officer to erase or remove from the Register all details that identify her, and the Chief Medical Officer shall, as soon as practicable after receipt of the request, cause all details that could reasonably enable the woman to be identified to be erased or removed from the Register.

SCHEDULE

Regulation 3(2)

DETAILS TO BE RECORDED IN REGISTER

The details relating to a woman who has had cervical material taken from her which are to be recorded in the Register are -

(a) the following personal details:

(i) full name;

(ii) former names or aliases, if any;

(iii) postal address;

(iv) date of birth;

(v) aboriginality; and

(b) the following details in respect of the cervical material:

(i) date the cervical material was taken and whether taken by a cervical smear or some other process;

(ii) reference code of the clinic or medical centre where the cervical material was taken;

(iii) reference code of the health practitioner who took the cervical material;

(iv) reference code of the laboratory where the cervical material was examined;

(v) test results in respect of the cervical material;

(vi) date of the test results;

(vii) where the test results of cervical material are abnormal, the -

(A) course of action (whether the taking of further cervical material or another course of action) recommended to be taken by the person in charge of the laboratory where the cervical material was examined;

(B) period of time within which the person in charge of the laboratory where the cervical material was examined has recommended that the course of action be taken;

(C) course of action in fact taken; and

(D) treatment implemented.