

1994

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY

PUBLIC HEALTH (CERVICAL CYTOLOGY) REGULATIONS

EXPLANATORY MEMORANDUM

Circulated by authority of

Mr Terry Connolly, Minister for Health

Public Health (Cervical Cytology) Regulations

Outline

The Public Health (Cervical Cytology) Regulations are made under the Public Health Act 1928.

The purpose of the Regulations is to develop protocols for the establishment of the cervical cytology register, to ensure that the role of health practitioners and laboratories is clear, to protect the privacy of the women whose cervical smears are being recorded and to encourage those women to have regular smears for the prevention of onset of cervical cancer. The composition and functions of the cervical cytology register management committee are also included in the Regulations.

Financial Considerations

The Regulations do not involve any additional expenditure by the agency. The cost of advertising to inform consumers and health providers of the Regulations will be met from existing resources.

Clause Notes

Clause 1 Citation

The Regulations will be cited as the Public Health (Cervical Cytology) Regulations.

Clause 2 Commencement

Regulations 1 and 2 commence on the day on which these Regulations are notified in the Gazette. The remaining provisions commence on a day or respective days fixed by the Minister by notice in the Gazette.

Clause 3 Interpretation

The Regulations provide a definition of "abnormal" in relation to test results, "cervical cancer", "Cervical Cytology Register", "cervical smear", "cervical material", "health practitioner", "identification code" with respect to a health practitioner or laboratory, "laboratory" for pathological examinations of cervical smears or cervical material, "management committee", "member" of the named committee, "pathology request form" relating to an examination of a cervical smear or cervical material, "refusal of consent marker" in relation to a cervical smear being entered onto the Register, "registered", "registrable particulars" for the Register, "test results" in relation to a woman's cervical smear or cervical material and "woman" meaning one who is ordinarily resident in the Territory.

Clause 4 Obligations of health practitioner and person in charge of laboratory

This clause outlines the obligations of the health practitioner with respect to the registration of a woman's name and particulars on the Register. A health practitioner

will attach a refusal marker on the pathology request form should a woman express her refusal to consent to registration.

The duties of the person in charge of the pathology laboratory are also outlined. He/she will send the registrable particulars of a woman to the Medical Officer of Health as soon as practicable after the examination of the cervical smear or material, unless a refusal marker is attached to the relevant pathology request form.

Clause 5 Protection of persons in control of laboratories

This clause outlines the protection accorded laboratory personnel when sending registrable particulars to the Medical Officer of Health in accordance with Clause 4.

Clause 6 Cervical Cytology Register

The Medical Officer of Health is responsible for maintaining the Register and entering the registrable particulars provided under Clause 4.

Clause 7 Use of particulars on Cervical Cytology Register

This clause outlines how the particulars entered on the Register are to be used. They will be used:

- * to remind women that they are overdue for a repeat smear, should they not already be recorded on the Register as having it. This reminder will occur one year after the recommended time for a repeat has elapsed as determined by the Medical Officer of Health or, in a case where an abnormal smear has been recorded, when a reasonable time has elapsed after the laboratory recommended a further smear should be taken. The Medical Officer of Health will be responsible for reminding the woman and, in the case of a woman who had an abnormal smear, notifying the woman's health practitioner that a repeat smear is overdue;

- * to establish a history of individual test results for access by the laboratory and the woman's health practitioner to compare changes since the last smear was tested;

- * to monitor test results to encourage consistency of performance between laboratories (quality assurance);

- * to provide data to the national cervical cancer prevention program for research and comparative purposes and to assist in developing relevant, appropriate strategies/programs for increasing public awareness of the value of having regular cervical smears. National organisations requiring data for comparative research must be approved by instrument by the Minister for Health.

Clause 8 Disclosure of identifying information - women

This clause outlines a penalty of \$500 for anyone who discloses without reasonable excuse, particulars on the Register which identify any individual woman. The reasonable excuse provision is to protect staff within the unit when revealing a woman's name in order to carry out Register functions. This does not apply to the disclosure of data to the laboratory at which the smear was examined or the health practitioner who took the smear or material. A woman may also apply in writing for details of her own particulars.

Clause 9 Disclosure of identifying information - health practitioners and laboratories

This clause outlines a penalty of \$500 for anyone who discloses without reasonable excuse, particulars on the Register which identify any individual health practitioner or laboratory.

Clause 10 Deletion of material on Cervical Cytology Register

When a woman requests in writing, that particulars which identify her be removed from the Register, the Medical Officer of Health will do so as soon as practicable.

Clause 11 Registrable particulars

The following particulars with respect to a woman and her cervical smear or cervical material are registrable:

- * her full name and any previous name;
- * her date of birth;
- * her postal address;
- * the date the smear or material was taken;
- * the identification code of the laboratory that examined the smear or material;
- * the identification code of the health practitioner who took the smear or material;
- * her test results
- * in relation to a smear with abnormal test results, the period of time within which the laboratory that examined the smear recommends the health practitioner who took the smear should take another smear.

Clause 12 Establishment of a Management Committee

The Medical Officer of Health is responsible for establishing and maintaining a management committee for the Register.

Clause 13 Constitution

This clause outlines the composition of the management committee.

Clause 14 Functions

This clause outlines the functions of the management committee and the obligations of the Medical Officer of Health to consider advice given by them.

Clause 15 Powers

The powers of the management committee are described in this clause.

Clause 16 Terms of appointment

The terms of appointment for members of the management committee are outlined in this clause.

Clause 17 Appointment of Chairperson and Deputy Chairperson

This clause outlines the appointment of office holders for the management committee.

Clause 18 Resignation

Instructions for resignation are outlined in this clause.

Clause 19 Termination of appointment

This clause outlines conditions under which the Medical Officer of Health may terminate an appointment to the management committee.

Clause 20 Acting Members

This clause outlines the way the Medical Officer of Health may appoint acting members to the management committee.

Clause 21 Meetings

The frequency of management committee meetings are outlined in this clause.

Clause 22 Procedure at meetings

This clause outlines management committee meeting procedures.

Clause 23 Conduct of affairs

The conduct of affairs of the management committee is outlined in this clause.