

Western Australia

Health (Cervical Cytology Register) Regulations 1991

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THE TEXT OF THE LEGISLATION FOLLOWS

Health (Cervical Cytology Register) Regulations 1991

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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 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,

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or consists of, a pathological examination of a specimen from the woman;

“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 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 CEO under regulation 9; or
 - (b) disclosed to the 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 CEO —
 - (a) where possible, to provide for notification to women whose cervical cancer test results are normal, the appropriate time for their next test; and
 - (b) where possible, to ensure that appropriate procedures are put in place for women whose test results are abnormal; and
 - (c) to provide a linked record of results for every woman on the Register, which is available —
 - (i) to the woman; and
 - (ii) to the persons referred to in subregulation (3) for the purpose of assisting in the diagnosis or treatment of the woman or determining when she should have her next cervical cancer test;and
 - (d) to provide comparative data from laboratories to encourage consistency of performance; and

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- (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 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.
- (3) The record of results for a woman is available to the following people —
 - (a) a medical practitioner who is, or was formerly, the woman's medical practitioner;
 - (b) a nurse who is, or was formerly, engaged by the woman to conduct a cervical cancer test;
 - (c) a person in charge of a laboratory engaged by or on behalf of the woman;
 - (d) a member of the staff at —
 - (i) the practice at which a medical practitioner or nurse referred to in paragraph (a) or (b) practices; or
 - (ii) a laboratory referred to in paragraph (c).

*[Regulation 6 amended in Gazette 15 Dec 2006 p. 5623;
2 Oct 2007 p. 4963-4.]*

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; or
 - [(b) deleted]*
 - (c) for the purposes of regulation 6; or
 - (d) in accordance with an authorisation under subregulation (1a).
- (1a) The 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 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; 2 Oct 2007 p. 4964.]

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 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 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 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 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 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 CEO, that any data held on the Register which identifies her be removed.
- (2) The 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* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about 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 Health (Cervical Cytology Register) Regulations 1991 as at 2 Apr 2004		
<i>Health (Cervical Cytology Register) Amendment Regulations 2006</i>	21 Feb 2006	21 Feb 2006
<i>Health (Cervical Cytology Register) Amendment Regulations (No. 2) 2006</i>	15 Dec 2006 p. 5622-3	15 Dec 2006
<i>Health (Cervical Cytology Register) Amendment Regulations 2007</i>	2 Oct 2007 p. 4963-4	r. 1 and 2: 2 Oct 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 3 Oct 2007 (see r. 2(b))