

2017  
THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY

PUBLIC HEALTH AMENDMENT REGULATION 2017 (No 1)  
Subordinate Law SL2017–36

EXPLANATORY STATEMENT

## Overview

The *National Cancer Screening Register Act 2016* establishes the authority to implement and maintain a new National Cancer Screening Register to replace the current eight state and territory cervical screening registers, including the ACT Cervical Cytology Register.

The purpose of this Regulation is to amend Part 3 of the Public Health Regulation 2000 to facilitate a phased transition from the ACT Cervical Cytology Register to the National Cancer Screening Register. Phase one of the transition commences on 1 December 2017. Phase two is scheduled to commence from March 2018.

### 1 Name of Regulation

This clause specifies that the name of the Regulation is the Public Health Amendment Regulation 2017 (No 1).

### 2 Commencement

This clause provides for the Regulation to commence on 1 December 2017.

### 3 Legislation amended

This clause provides that the Regulation amends the Public Health Regulation 2000.

### 4 Part 3 heading

This clause amends the name of *Part 3 – Cervical Cytology* to *Part 3 – Cervical cytology register*.

### 5 Division 3.1 heading

This clause removes the existing Division 3.1 heading – *Cervical cytology register*.

### 6 Section 22, definitions

This clause removes the following definitions from the Public Health Regulation 2000:

*management committee* – this committee is maintained by the Chief Health Officer under section 31 to monitor and advise on the use, role and maintenance of the ACT Cervical Cytology Register. With the transition to the National Cancer Screening Register from 1 December 2017, this committee will no longer be required;

*pathology request form* – from 1 December 2017, requests for a pathological (cytology) examination of a cervical smear or a pathological (histology) examination of cervical material will be provided to the National Cancer Screening Register. Reference in the Regulation to a *pathology request form* will therefore no longer be required;

*refusal of consent marker* – refers to a marker that could be placed on a pathology request form to indicate that the cervical cancer information about the woman was not to be registered on the cervical cancer register. From 1 December 2017, pathology requests will be provided to the National Cancer Screening Register. Reference in the Regulation to a *refusal of consent marker* will therefore no longer be required;

*registrable information* – from 1 December 2017, registrable information will be provided to the National Cancer Screening Register. Reference in the Regulation to *registrable information* will therefore no longer be required.

## **7 Sections 23 and 24**

This clause removes sections 23 and 24 from the Public Health Regulation 2000.

Section 23 requires that the Chief Health Officer inform each woman from whom a cervical smear or cervical tissue is to be taken of her right to choose not to participate in the cervical cancer prevention program, and that failure to participate in the program will not affect her right to have the smear of tissue taken. From 1 December 2017, this obligation will be removed from the Chief Health Officer. The National Cancer Screening Register will come into operation from this date and establish its own 'refusal of consent' procedures.

Section 24 requires that a laboratory must, after a woman's cervical smear or cervical tissue is examined, send the registrable information to the Chief Health Officer, unless a refusal of consent marker is attached to the pathology request form. From 1 December 2017, laboratories will be required to send registrable information to the National Cancer Screening Register. Removing Section 24 will avoid any potential duplication in reporting.

## **8 Section 25(2)**

Section 25(2) requires that the Chief Health Officer enters registrable information into the ACT Cervical Cytology Register. From 1 December 2017, the ACT Cervical Cytology Register will be maintained to allow participants to add or update their personal information. However, the Register will not receive registrable information from this date.

## **9 Section 26(1)(a)**

This clause amends the terminology used under Section 26(1)(a) from *have another smear taken to undertake cervical screening*. This is a minor technical amendment.

## **10 Section 26(1)(d)(ii)**

This clause amends the terminology used under Section 26(1)(d)(ii) from *having a cervical smear taken to undertaking cervical screening*. This is a minor technical amendment.

## **11 Section 26(2)**

Section 26(2) requires that the Chief Health Officer must notify a woman if she is overdue to have her next cervical smear taken. From 1 December 2017, this obligation will be removed from the Chief Health Officer. The National Cancer Screening Register will come into operation from this date and establish its own notification procedures.

## **12 Section 26(3)**

This clause amends the terminology used under Section 26(3) from *the woman's next smear to the woman's next cervical screening*. This is a minor technical amendment.

## **13 Section 26(3)(b)**

This clause amends the terminology used under Section 26(3)(b) from *next smear should be taken to next screening should be undertaken*. This is a minor technical amendment.

## **14 Section 26(3)(c)**

This clause amends the terminology used under Section 26(3)(c) from *had a further smear taken to undertaken further screening*. This is a minor technical amendment.

## **15 New section 26(7)**

In the period between 1 December 2017 and March 2018, the data contained within the ACT Cervical Cytology Register will be migrated to the National Cancer Screening Register. Once successfully migrated, the ACT Cervical Cytology Register will cease operation and be archived in accordance with records management legislation and policies.

This clause inserts a new Section 26(7) to allow participants to change their personal information in the ACT Cervical Cytology Register until such time as migration to the National Cancer Screening Register has been completed, and the ACT Cervical Cytology Register ceases operation.

## **16 New section 27(4)**

This clause defines *pathology request form*, as referred to in Section 27(2)(a). This is now the only reference to *pathology request form* included in the Regulation.

## **17 Division 3.2**

This clause removes Division 3.2 of the Regulation. Division 3.2 sets out with the constitution, functions, appointments and procedures of the management committee responsible for monitoring and advising on the use, role and maintenance of the ACT Cervical Cytology Register. With the transition to the National Cancer Screening Register from 1 December 2017, this committee will no longer be required.

## **18 Dictionary**

This clause removes the following definitions from the dictionary:

*management committee* – this committee is maintained by the Chief Health Officer under section 31 to monitor and advise on the use, role and maintenance of the ACT Cervical Cytology Register. With the transition to the National Cancer Screening Register from 1 December 2017, this committee will no longer be required;

*member* – means a member of the management committee, referred to above;

*pathology request form* – from 1 December 2017, requests for a pathological (cytology) examination of a cervical smear or a pathological (histology) examination of cervical material will be provided to the National Cancer Screening Register. Reference in the Regulation to a *pathology request form* will therefore no longer be required;

*refusal of consent marker* – refers to a marker that could be placed on a pathology request form to indicate that the cervical cancer information about the woman was not to be registered on the cervical cancer register. From 1 December 2017, pathology requests will be provided to the National Cancer Screening Register. Reference in the Regulation to a *refusal of consent marker* will therefore no longer be required;

*registrable information* – from 1 December 2017, registrable information will be provided to the National Cancer Screening Register. Reference in the Regulation to *registrable information* will therefore no longer be required.