

2019

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

PUBLIC HEALTH AMENDMENT REGULATION 2019 (No 1)

SL2019-2

EXPLANATORY STATEMENT

**Presented by
Meegan Fitzharris MLA
Minister for Health and Wellbeing**

PUBLIC HEALTH AMENDMENT REGULATION 2019 (No 1)

SL2019-2

Amendment to the Public Health Regulation 2000

Overview

The National Cancer Screening Register (NCSR) enables a single electronic record for each person in Australia participating in cervical and bowel screening. The National Cervical Screening Program is a joint Australian, State and Territory Government program that forms part of the National Register. The NCSR has replaced the previous arrangement of separate State and Territory cervical screening registers, including the ACT Cervical Cytology Register.

The Commonwealth *National Cancer Screening Register Act 2016* establishes the authority to implement and maintain a NCSR for the collection, storage, analysis and reporting of screening program data. The Australian Capital Territory, along with all other Australian jurisdictions, has transitioned to the NCSR as part of the renewed National Cervical Screening Program.

The Public Health Regulation 2000 is a subordinate law made under the *Public Health Act 1997*. Part 3 of the Public Health Regulation 2000 – *Cervical cytology register* contains the enabling provisions for an ACT cervical cytology register to be established, used and monitored. Part 3 also sets out the reporting requirements for the ‘person responsible’ that oversees the ACT cervical cytology register. The functions of the relevant Minister and the Chief Health Officer as set out in Part 3 of the Public Health Regulation 2000 rely upon the ACT having a cervical cytology register in place.

Following the ACT’s transition to the NCSR the ACT Cervical Cytology Register has been decommissioned. ACT screening data previously captured by the ACT Cervical Cytology Register has been securely archived in accordance with the *Territory Records Act 2002*. As the functions outlined in Part 3 of the Public Health Regulation 2000 are no longer required, Part 3 is to be omitted and references in the Regulation to cervical screening are to be amended accordingly.

Purpose

The purpose of this Regulation is to amend the Public Health Regulation 2000 by omitting Part 3 Cervical cytology register and omitting or substituting definitions or provisions that relate to cervical screening in the Dictionary as these provisions are no longer required.

The NCSR gives the legislative authority to maintain and operate a national cancer screening register incorporating ACT screening data, therefore there is no need for any underpinning regulation for this function in the ACT. The Regulation removes ambiguity in the ACT legislation in relation to the ACT’s role and responsibility under the cooperative agreement between the Australian Government and all State and Territory Governments in relation to cervical screening.

Outline of amendments

Clause 1 – Name of regulation

This clause outlines that the regulation is the *Public Health Amendment Regulation 2019 (No 1)*.

Clause 2 – Commencement

This clause outlines that the regulation commences on the day after its notification, according to the *Legislation Act 2001* (section 75).

Clause 3 – Legislation amended

This clause outlines that the regulation amends the Public Health Regulation 2000.

Clause 4 – Part 3

This clause omits Part 3 of the Public Health Regulation 2000 as Part 3 is no longer required.

Clause 5 – Dictionary

This clause omits the definitions of:

- abnormal
- cervical cancer
- cervical cytology register
- cervical smear
- cervical tissue

from the dictionary as these definitions are no longer required.

Clause 6 – Dictionary, definition of laboratory

This clause substitutes the definition of *laboratory* to omit references to ‘examinations of cervical smears’ and ‘examinations of cervical tissue’ as these references are no longer required.

Clause 7 – Dictionary, definition of test results

This clause omits the definition of *test results* from the dictionary as this definition is no longer required.