

TASMANIA

PUBLIC HEALTH AMENDMENT (CERVICAL SCREENING) BILL 2009

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**PUBLIC HEALTH AMENDMENT (CERVICAL
SCREENING) BILL 2009**

*(Brought in by the Minister for Health, the Honourable
Larissa Tahireh Giddings)*

A BILL FOR

An Act to amend the *Public Health Act 1997*

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Public Health Amendment (Cervical Screening) Act 2009*.

2. Commencement

This Act commences on a day to be proclaimed.

3. Principal Act

In this Act, the *Public Health Act 1997** is referred to as the Principal Act.

*No. 86 of 1997

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4. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended as follows:

- (a) by omitting the definition of “Cervical Cytology Register” and substituting the following definition:

“Cervical Screening Register” means the register maintained under Division 1 of Part 7;

- (b) by inserting the following definition after the definition of “cooling tower”:

“corresponding register” means a register that –

- (a) is established under a law of the Commonwealth, another State or a Territory; and
- (b) contains information of a kind held on the Cervical Screening Register;
- (c) by inserting the following definition after the definition of “health officer”:

“HPV vaccination information” means information contained in the National HPV Vaccination Program Register;

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- (d) by inserting the following definition after the definition of “medical officer of health”:

“Medicare Australia” means the body of that name established by the *Medicare Australia Act 1973* of the Commonwealth;

- (e) by inserting the following definition after the definition of “multiple-use building”:

“National HPV Vaccination Program Register” means the register of that name established and kept under section 9BA of the *National Health Act 1953* of the Commonwealth;

- (f) by inserting the following definition after the definition of “packet”:

“personal information”, for a person on the Cervical Screening Register, means the person’s name, address, contact details and Medicare number;

5. Part 7, Division 1: Heading amended

Division 1 of Part 7 of the Principal Act is amended by omitting “*Cytology*” from the heading to that Division and substituting “*Screening*”.

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6. Section 137 amended (Cervical Screening Register)

Section 137 of the Principal Act is amended by omitting “Cytology” and substituting “Screening”.

7. Sections 137A and 137B inserted

After section 137 of the Principal Act, the following is inserted in Division 1:

137A. Contents of Cervical Screening Register

The Director may record the following kinds of information about a person in the Cervical Screening Register:

- (a) the person’s personal information;
- (b) the person’s date of birth;
- (c) the history of the person’s cervical cancer tests and the results of those tests;
- (d) the history of the person’s cervical cancer treatment;
- (e) HPV vaccination information relating to the person.

137B. Sharing of information about cervical screening

- (1) The information to be recorded in the Cervical Screening Register about a

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person may be obtained from one or more of the following sources:

- (a) the person;
 - (b) a medical practitioner or registered nurse engaged by the person;
 - (c) a person in charge of a laboratory engaged by, or on behalf of, the person;
 - (d) the person responsible for keeping the National HPV Vaccination Program Register;
 - (e) a person responsible for keeping a corresponding register;
 - (f) Medicare Australia.
- (2) The Director may provide information recorded in the Cervical Screening Register about a person to one or more of the following for a purpose specified in section 138(a), (b), (c), (ca) or (cb):
- (a) the person;
 - (b) a medical practitioner or registered nurse engaged by the person;
 - (c) a person in charge of a laboratory engaged by, or on behalf of, the person;

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- (d) the person responsible for keeping the National HPV Vaccination Program Register;
- (e) a person responsible for keeping a corresponding register;
- (f) Medicare Australia.

8. Section 138 amended (Use of information on Cervical Screening Register)

Section 138 of the Principal Act is amended as follows:

- (a) by omitting “is to” and substituting “may”;
- (b) by omitting “Cytology” and substituting “Screening”;
- (c) by omitting paragraphs (a), (b) and (c) and substituting the following paragraphs:
 - (a) to ensure that the information held about a person on the Register is up to date;
 - (b) to provide notification in respect of a person on the Register who may –
 - (i) be overdue for a cervical cancer test; or

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- (ii) need to have a cervical cancer test repeated because of a technically unsatisfactory test result; or
 - (iii) require appropriate medical investigation or treatment because of an abnormal cervical cancer test result;
- (c) to provide information, including a cervical cancer test result, for a person on the Register to assist in –
 - (i) the making of a diagnosis; or
 - (ii) the recommendation of treatment for the person; or
 - (iii) the determination of the time when the person should have the next cervical cancer test;
- (ca) to provide general information to persons on the Register about the role and functions of the Register, cervical screening and cervical cancer prevention;
- (cb) to provide information for the purposes of the National HPV

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Vaccination Program Register or
for the purposes of maintaining a
corresponding register;

- (d) by inserting in paragraph (e)(ii) “or the
development of national guidelines” after
“planning”.

**9. Section 139 amended (Disclosing information in
Cervical Screening Register)**

Section 139 of the Principal Act is amended as
follows:

- (a) by omitting “Cytology” and substituting
“Screening”;
- (b) by omitting paragraphs (b) and (c) and
substituting the following paragraphs:
- (b) the information is provided by the
Director in accordance with
section 137B(2); or
- (c) the information is provided for a
purpose specified in
section 138(d) or (e) and does not
disclose the personal information
of a person on the Register.

10. Section 140 amended (Objection to inclusion in Cervical Screening Register)

Section 140(1)(b) of the Principal Act is amended by omitting “Cytology” and substituting “Screening”.

11. Section 142 amended (Removal of identifying data from Cervical Screening Register)

Section 142 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Cytology” and substituting “Screening”;
- (b) by omitting from subsection (3) “Cytology” and substituting “Screening”.

12. Schedule 3 amended (Savings and transitional)

Clause 6 of Schedule 3 to the Principal Act is amended by omitting “Cytology” second occurring and substituting “Screening”.

13. Repeal of Act

This Act is repealed on the ninetieth day from the day on which it commences.