

# Cancer (Central Registers) Bill

## EXPLANATORY MEMORANDUM

### Outline

This Bill amends the *Cancer Act 1958* to facilitate the establishment of a central Registry for Cervical Cytology under the auspices of the Victorian Cytology (Gynaecological) Service.

The Registry is to be set up to provide a comprehensive data base for Pap. smear tests undertaken in Victoria. The Registry will play an important role in providing epidemiological data and the evaluation of screening programmes and other strategies aimed at reducing the incidence of the disease.

It will also assist in the development, implementation and assessment of initiatives to reduce morbidity and mortality among women because of cervical cancer.

Among other things, the Bill—

- (a) protects the confidentiality of information maintained by the Registry; and
- (b) vests in those tested the right to prevent their results being sent to the Registry, and to have identifying material deleted.

Provision is made in the Bill for the establishment of similar registers in the future to record the results of tests for other types of cancer.

Several unrelated amendments to the *Cancer Act* are also proposed in the Bill to make the role of the Victorian Cancer Registry established under section 60 of the Act more effective.

### Clause Notes

*Clause 1* describes the purposes of the Act.

*Clause 2* provides for the commencement of the Act on a day or days to be proclaimed.

*Clause 3* identifies the *Cancer Act 1958* as being the Principal Act.

*Clause 4* amends the heading of Part III of the Principal Act. It goes on, in accordance with modern drafting practice, to repeal the table of Parts and Divisions in section 1.

*Clause 5* amends the definitions in section 59 of the Principal Act.

The new definitions of “cancer test”, “medical practitioner” and “prescribed register” to be inserted by the clause are essentially technical.

However, the aim of the amendments to the definition of “cancer” is to improve the effectiveness of the Victorian Cancer Registry maintained by the Anti-Cancer Council under section 60 of the Act.

The proposed amendments extend the existing definition to encompass certain cancers of uncertain behaviour, and some benign tumours (e.g. of the brain and bladder) which are currently excluded from the scope of the legislation.

The effect is to bring such cancers within the ambit of the reporting mechanisms of the Principal Act, and, in particular, to require incidences of such cancers to be notified to the Victorian Cancer Registry.

*Clause 6* makes several amendments to section 60 of the Principal Act.

Paragraphs (a) and (c) are machinery changes resulting from the proposed insertion of a new section 61 by clause 7.

Paragraph (b) is unrelated to those amendments and is designed to simplify the reporting of cancers to the Victorian Cancer Registry under the existing provisions of the Act.

Under section 60 (2), pathologists must report cases of cancer to the Registry in the "prescribed form".

This entails the completion of the form prescribed by the Cancer (Reporting) Regulations 1981.

Following discussions between the Anti-Cancer Council and the Royal College of Pathologists, it is proposed to streamline the reporting requirements by enabling pathologists to send a copy of their pathology report to the Registry rather than having to complete a form of notification.

This will not only reduce the workload on pathologists, but also avoid the problem of transcription errors.

With this in mind, proposed new sub-section (2A) will enable a pathologist to either report in the "prescribed form" or to send to the Registry a copy of, or an extract from, his or her pathology report. Proposed new sub-section (2B) indemnifies any pathologist who opts for the latter alternative.

Clause 7 inserts a new section 61 into the Principal Act to facilitate the development of registers of cancer tests undertaken in Victoria.

The initial register to be established under the new section will be a Registry for Cervical Cytology.

It is intended that information collated by the Registry for Cervical Cytology as well as other registries constituted under the new provision will be supplied on a voluntary basis.

The new section is, therefore, enabling and protects the confidentiality of information maintained on a register.

It also vests in patients, or people who have been tested for cancer, the right to prevent test results being sent to a register, and to have any identifying information on a register deleted.

The clause goes on to list the functions of an organization that maintains a register.

These include following up positive results and sending reminder notices when subsequent tests are due.

The organisation concerned will also have the capacity to compile statistics, and to publish statistical information provided it does not identify the persons to whom it relates.

An organisation that maintains a register is deemed to be a provider of a health service for the purposes of the *Health Services (Conciliation and Review) Act 1987*.