

Version
as at 28 October 2021



Cancer Registry Act 1993

Public Act 1993 No 102
Date of assent 28 September 1993
Commencement see section 1(2)

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An Act to make better provision for the compilation of a statistical record of the incidence of cancer in its various forms, to provide a basis for the better direction of programmes for research and for cancer prevention

Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry of Health.

1 Short Title and commencement

- (1) This Act may be cited as the Cancer Registry Act 1993.
- (2) This Act shall come into force on 1 July 1994.

2 Interpretation

In this Act, unless the context otherwise requires,—

cancer—

- (a) means a malignant growth of human tissue that, if unchecked,—
 - (i) is likely to spread to adjacent tissue or beyond its place of origin; and
 - (ii) may have the propensity to recur; and
- (b) without limiting the generality of paragraph (a), includes carcinoma-in-situ, carcinoma, sarcoma (including Kaposi's sarcoma), any mixed tumour, leukaemia, any type of lymphoma, and melanoma; but
- (c) does not include—
 - (i) any secondary or metastatic cancer, except where the primary cancer is not identified;
 - (ii) any type of cancer that is declared by regulations made under this Act to be a cancer to which this Act does not apply

cancer test means any examination or test (including the examination of any blood, cytological or tissue biopsy specimen, or other material) that is carried out in any pathology laboratory to determine the presence or absence of cancer in any person (including a deceased person)

Director-General means the Director-General of Health.

3 Act to bind the Crown

This Act binds the Crown.

4 Maintenance of Cancer Registry

- (1) The Director-General shall maintain or arrange for the maintenance of a Cancer Registry.
- (2) The purposes of the Cancer Registry are—
 - (a) to provide information on the incidence of, and mortality from, cancer; and
 - (b) to provide a basis for cancer survival studies and research programmes.

5 Reporting of cancer

- (1) Where a cancer test indicates the presence of cancer in any person (including a deceased person), the person in charge of the laboratory where that test was

carried out shall cause a report of that test to be made to the Director-General for the purposes of the Cancer Registry.

- (2) Where a post-mortem examination of any deceased person indicates the presence of cancer in that person, the person who carried out that examination shall cause a report of that examination to be made to the Director-General for the purposes of the Cancer Registry.
- (3) Every report under subsection (1) or subsection (2)—
 - (a) shall be made within the prescribed time; and
 - (b) shall be made in the prescribed form and manner.
- (4) No person is required to make a report under this section with respect to—
 - (a) any cancer test that indicates the presence of cancer in any person (including a deceased person); or
 - (b) any post-mortem examination of any deceased person that indicates the presence of cancer in that person—

if the first-mentioned person has good reason to believe that the presence of that particular cancer in that other person has already been reported to the Director-General, whether in a report made under this section or pursuant to any arrangements that were in place before the commencement of this Act or otherwise.

6 Director-General may require supply of further information

- (1) Where any report made under section 5 is incomplete in any respect by reason that the person making the report does not have available to that person certain information necessary to enable a complete report to be made, the Director-General may, for the purpose of obtaining that information, by notice in writing require any person (being a medical practitioner or the person in charge of any hospital) that the Director-General reasonably believes may have all or any of that information to provide to the Director-General such information as may be specified in the notice.
- (2) Every person to whom a notice is given under this section and who has any of the information specified in that notice shall provide that information within such time, and in such form and manner, as may be specified in the notice.
- (3) In subsection (1), **medical practitioner** means a health practitioner who is, or is deemed to be, registered with the Medical Council of New Zealand continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of medicine.

Section 6(3): added, on 18 September 2004, by section 175(1) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

7 Protection against actions

- (1) No proceedings, civil or criminal, shall lie against any person by reason of that person having made available any information for the purposes of complying with the requirements of section 5 or section 6(2).
- (2) Nothing in subsection (1) applies in respect of proceedings for an offence against section 8.

8 Offences

Every person commits an offence and is liable on conviction to a fine not exceeding \$500 who—

- (a) fails, without reasonable excuse, to comply with the requirements of section 5 or section 6(2); or
- (b) knowingly supplies information that is false or misleading in purported compliance with section 5 or section 6(2).

Section 8: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

9 Regulations

- (1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:
 - (a) prescribing the form and manner in which reports are to be made to the Director-General under section 5:
 - (b) prescribing the time within which reports are to be made to the Director-General under section 5:
 - (c) declaring any type of cancer to be a cancer to which this Act does not apply:
 - (d) providing for such other matters as are contemplated by or necessary for giving full effect to this Act and for its due administration.
- (2) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 9(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Notes

1 *General*

This is a consolidation of the Cancer Registry Act 1993 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Secondary Legislation Act 2021 (2021 No 7): section 3

Criminal Procedure Act 2011 (2011 No 81): section 413

Health Practitioners Competence Assurance Act 2003 (2003 No 48): section 175(1)