

CANCER REGISTRY BILL

EXPLANATORY NOTE

Aim of the Bill

The bill aims to ensure that all incidences of cancer are reported to the Director-General of Health for recording on the Cancer Registry. Research and prevention programmes cannot be accurately targeted without a complete record of the incidence of cancer.

Historical Background

Cancer statistics have been compiled in New Zealand since 1930, and collated nationally since 1939. Originally, this work was done by the forerunner of the Cancer Society, the New Zealand Branch of the British Empire Cancer Campaign Society (Inc). However, the responsibility for compiling the statistics was transferred to the Department of Statistics in 1946, and to the Department of Health in 1948. Since 1948 a Cancer Registry has been maintained within the Health Statistical Services in the Department of Health.

Present Legal Position

There is no general obligation to supply reports of cancer cases to the Cancer Registry. The law does allow hospitals and those working in them to supply information requested by the Director-General of Health for statistical purposes, but does not oblige them to do so. The present situation is that reporting is not consistent.

The Bill's solution

The Bill makes reporting obligatory. It imposes the obligation to report on the person in charge of the place where a cancer test is conducted. Appropriate protections are given to those who supply the information, and safeguards are included to protect the confidentiality of the information.

Clause by Clause Analysis

Clause 1 relates to the Short Title and commencement of the Bill.

Clause 2 defines certain terms used in the Bill.

Clause 3 provides the duty of the Director-General of Health to continue to maintain the Cancer Registry.

Clause 4 obliges the person in charge of the place where a cancer test is undertaken to send the report of that test to the Director-General.

Clause 5 protects from civil or criminal liability persons acting under the authority of the Act.

Clause 6 provides for the secrecy of information in reports sent to the Director-General.

Clause 7 provides for the making of regulations, in particular as to the time limit for sending reports to the Director-General.

Chris Fletcher

CANCER REGISTRY

ANALYSIS

Title	5. Protection of persons acting under authority of Act
1. Short Title and commencement	6. Secrecy of information obtained by Director-General
2. Interpretation	7. Regulations
3. Maintenance of Cancer Registry	
4. Reporting of cancer	

A BILL INTITLED

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

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Cancer Registry Act 1992.

10 (2) This Act shall come into force on the 1st day of October 1992.

2. Interpretation—In this Act, unless the context otherwise requires,—

15 “Cancer” means a malignant growth of human tissue which if unchecked is likely to spread to adjacent tissue or beyond its place of origin and which may have the propensity to recur; and, without limiting the generality of the foregoing, includes carcinoma, sarcoma, any mixed tumour, leukaemia, any type of lymphoma, and melanoma:

20 “Cancer test” means an examination or a test that is undertaken to determine whether or not a person has cancer and that is—

(a) A pathological examination of a specimen from the person; or

(b) Any other examination or test used to diagnose cancer:

“Director-General” means the Director-General of Health under the Health Act 1956.

3. Maintenance of Cancer Registry—The Director-General of Health shall maintain a Cancer Registry. 5

4. Reporting of cancer—The person in charge of any place where a cancer test is undertaken shall, when the test indicates that a person has cancer, cause the report on that test to be sent within the prescribed time to the Director-General. 10

5. Protection of persons acting under authority of Act—(1) No person who does any act for purposes connected with his or her duties under this Act shall be under any civil or criminal liability in respect of such act, whether on the ground of want of jurisdiction, or mistake of law or fact, or on any other ground, unless he or she acted in bad faith or without reasonable care. 15

(2) No proceedings, civil or criminal, shall be brought against any person in any Court in respect of any such act except by leave of a Judge of the High Court; and such leave shall not be granted unless the Judge is satisfied that there is substantial ground for the contention that the person against whom it is sought to bring the proceedings has acted in bad faith or without reasonable care. 20

(3) Notice of any application under **subsection (2)** of this section shall be given to the person against whom it is sought to bring the proceedings concerned, and that person shall be entitled to be heard against the application. 25

(4) Leave to bring such proceedings shall not be granted unless application for the leave is made within 6 months after the act complained of, or, in the case of a continuance of injury or damage, within 6 months after the cessation of the injury or damage. 30

(5) In granting leave to bring any such proceedings, the Judge may limit the time within which the leave may be exercised. 35

6. Secrecy of information obtained by Director-General—(1) No person who receives any information under this Act in the course of his or her employment shall disclose that information to any other person except for the purpose of— 40

- (a) The proper performance of his or her functions in the course of his or her employment; or
 - (b) The investigation of any alleged crime or of any proceedings in respect of any alleged crime; or
 - 5 (c) The giving of evidence in any proceedings.
- (2) Every person who discloses any such information in contravention of **subsection (1)** of this section commits an offence and is liable on summary conviction to a fine not exceeding \$2,000.

10 **7. Regulations**—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 time within which a report on a cancer test shall be sent to the Director-General:
- 15 (b) Providing quality standards for the collection of information:
- (c) Providing for such other matters as are contemplated by or necessary for giving full effect to this Act and for its due administration.