

Health (National Cervical Screening Programme) Amendment Bill

Second reading

Legislative Statement

The Health (National Cervical Screening Programme) Amendment Bill (the Bill) amends Part 4A of the Health Act 1956 (the Act).

The primary changes relate to section 112 of Part 4A of the Health Act in order to enable National Cervical Screening Programme Register (the Register) to be directly accessed by staff for the purpose of conducting their work. These staff include health professionals who provide services to participants along the cervical screening pathway and include laboratory and colposcopy staff and associated administration staff, and screening support services staff.

The existing offence provisions that apply to the disclosure of information from the Register have been amended to reflect the introduction of direct access to the Register. A new offence will be created for amending the Register without the authorisation of the National Cervical Screening Programme manager.

The amendments are needed because Part 4A of the Health Act did not anticipate the information technology that is now available.

The relevant provisions of the Privacy Act 1993, the Health Information Privacy Code 1994, health professional regulatory constraints as well as employment and contract law are unaltered by the amendments. The National Cervical Screening Programme manager retains administrative control over granting secure access to the Register and access to the Register will remain an auditable activity.

Currently health providers in primary care need to wait for clinical information to be faxed to them by authorised Register staff, and access to the Register for laboratory and colposcopy staff needs to be authorised by the Director-General of Health. The amendments would enable direct (look-up) access to the Register for these groups, and for this access to be incorporated into the future re-design of the Register.

Several minor amendments to the Bill as introduced are proposed by the Select Committee report:

- amendments to the definitions of 'diagnostic test', 'screening test' and 'specimen'.
- a change to the new section 112J (4) (d) relating to the disclosure of information for the purpose of enabling the compilation and publication of non-identifiable statistics from the Register. The change is to use the phrase "*unless the disclosure is prohibited by*" instead of the phrase "*in accordance with*".
- a consequential change to the Health (Cervical Screening (Kaitiaki)) Regulations 1995 so it is consistent with the definition used in the principal Act.

The Committee also recommended adding clause 6A so as to require the Ministry of Health's data use to be subject to the approval of the Kaitiaki Group as outlined in the Kaitiaki Regulations. Risks were identified with the proposed new clause 6A and so a Supplementary Order Paper (SOP) is being introduced to meet the intent of changes proposed by the Health Committee to the fullest extent possible but mitigate the identified risks.

