



ANALYSIS

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| Title
1. Short Title and commencement
2. Interpretation
3. Act to bind the Crown
4. Maintenance of Cancer Registry
5. Reporting of cancer | 6. Director-General may require supply of further information
7. Protection against actions
8. Offences
9. Regulations |
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1993, No. 102

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

[28 September 1993]

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 1993.

(2) This Act shall come into force on the 1st day of 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) of this definition, 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) of this section—

- (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 of this Act 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.

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) of this Act.

(2) Nothing in subsection (1) of this section applies in respect of proceedings for an offence against section 8 of this Act.

8. Offences—Every person commits an offence and is liable on summary 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) of this Act; or
- (b) Knowingly supplies information that is false or misleading in purported compliance with section 5 or section 6 (2) of this Act.

9. 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 form and manner in which reports are to be made to the Director-General under section 5 of this Act;
 - (b) Prescribing the time within which reports are to be made to the Director-General under section 5 of this Act;
 - (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.
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This Act is administered in the Ministry of Health.
