

**Reprint
as at 1 July 2013**



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,

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This Act is administered by the Ministry of Health.

to provide a basis for the better direction of programmes for research and for cancer prevention

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

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.
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Notes**1 *General***

This is a reprint of the Cancer Registry Act 1993. The reprint incorporates all the amendments to the Act as at 1 July 2013, as specified in the list of amendments at the end of these notes. Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted.

For a detailed list of the editorial conventions, *see* <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989*

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint (most recent first)*

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

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