

South Australia

## South Australian Health Commission (Pregnancy Outcome Statistics) Regulations 1999

under the *South Australian Health Commission Act 1976*

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Schedule 1—Pregnancy outcome information

Schedule 2—Information relating to congenital abnormalities

Legislative history

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#### 1—Short title

These regulations may be cited as the *South Australian Health Commission (Pregnancy Outcome Statistics) Regulations 1999*.

#### 2—Commencement

These regulations come into operation on the day on which they are made.

#### 3—Revocation

The *Health Commission (Perinatal Statistics) Regulations 1986* (see *Gazette* 20.2.1986 p344) are revoked.

#### 4—Interpretation

- (1) In these regulations—

**authorised person** means a person, or the members from time to time of a specified group or body, authorised by the Governor to have access to confidential information under section 64D(1) of the Act;

**baby** means a baby whether born dead or alive, but does not include a baby who does not achieve a gestational age of 20 weeks or a birth weight of 400 grams;

**confidential information** has the same meaning as in section 64D of the Act;

*congenital abnormality* means an abnormality of prenatal origin, including structural, genetic and chromosomal abnormalities and biochemical defects, but not including minor malformations that do not require medical treatment;

*medical practitioner* has the same meaning as in the *Medical Practitioners Act 1983*;

*midwife* has the same meaning as in the *Nurses Act 1999*;

*nurse* has the same meaning as in the *Nurses Act 1999*.

- (2) For the purposes of these regulations, if a baby is born at a place other than a hospital, the *person in charge of the birth* is—
- (a) if a medical practitioner supervises, attends or assists the birth or attends the baby or its mother immediately following the birth—the medical practitioner;
  - (b) if there is more than one such medical practitioner—the medical practitioner primarily responsible;
  - (c) if no medical practitioner supervises, attends or assists the birth or attends the baby or its mother immediately following the birth but a midwife does so—the midwife;
  - (d) if there is more than one such midwife—the midwife primarily responsible.

## 5—Provision of pregnancy outcome information

- (1) The following persons must provide the Minister with so much of the information required by Schedule 1 as is applicable in the particular circumstances:
- (a) if a baby is born at a place other than a hospital—the person in charge of the birth;
  - (b) if a baby is born in a hospital—the person responsible for the management of the hospital;
  - (c) if, within 28 days after its birth, a baby or its mother or both a baby and its mother are admitted to a hospital—the person responsible for the management of the hospital.
- (2) For the purposes of subregulation (1), the applicable information must be forwarded to the Minister—
- (a) in the case of a baby that has not been discharged from hospital within 28 days after its birth—within seven days after the baby's discharge; or
  - (b) in any other case—within 30 days after the birth of the baby.
- (3) If, within 28 days after the birth of a baby at a place other than a hospital, the baby or its mother or both the baby and its mother are admitted to a hospital—
- (a) the person in charge of the birth must, within two days after the admission, forward to the person responsible for the management of the hospital so much of the information required by Schedule 1 as is applicable up to the time of the admission; and
  - (b) subregulation (1) applies to both the person in charge of the birth and the person responsible for the management of the hospital.

- (4) If, within 28 days after the birth of a baby, the baby or its mother or both the baby and its mother are transferred from one hospital (the *transferor hospital*) to another (the *transferee hospital*)—
- (a) the person responsible for the management of the transferor hospital must, within two days after the transfer, forward to the person responsible for the management of the transferee hospital so much of the information required by Schedule 1 as is applicable up to the time of the transfer; and
  - (b) subregulation (1) applies to both the person responsible for the management of the transferor hospital and the person responsible for the management of the transferee hospital.

## **6—Notification of later diagnosis of congenital abnormality**

If a congenital abnormality is diagnosed in a child before the child's fifth birthday and there are reasonable grounds to believe that it has not previously been diagnosed, the following persons must, within 30 days of the diagnosis, notify the Minister of the diagnosis and forward to the Minister the information required by Schedule 2:

- (a) in the case of a diagnosis made in a hospital—the person responsible for the management of the hospital;
- (b) in any other case—the medical practitioner who made the diagnosis.

## **7—Obligation of medical practitioner etc to provide information**

A medical practitioner, midwife or nurse who—

- (a) supervised, attended or assisted with the birth of a baby; or
- (b) attended a baby or its mother within 28 days after the birth of the baby,

must, when requested by a person who is required by these regulations to provide the Minister or a hospital with information, supply to that person such of the information required to be provided as is known to the medical practitioner, midwife or nurse.

## **8—How information to be provided**

Information required to be provided by these regulations must be provided—

- (a) in writing (either personally or by post); or
- (b) in an electronic form acceptable to the Department, so long as a printed copy of the information can be produced if required.

## **9—Confidentiality**

- (1) Subject to this regulation, a person must not in any circumstances (including proceedings before any court, tribunal or board) divulge confidential information obtained directly or indirectly as a result of a disclosure made under these regulations. Maximum penalty: Division 8 fine.
- (2) Subregulation (1) does not prevent a person disclosing confidential information to—
  - (a) an authorised person; or
  - (b) a person providing technical, administrative or secretarial assistance to an authorised person.

- (3) A person must not, when appearing as a witness in any proceedings before a court, tribunal or board, be asked, and, if asked, is not required to answer, any question directed at obtaining confidential information obtained by that person directly or indirectly as a result of a disclosure made under these regulations and any such information volunteered by such a person is not admissible in any proceedings.

## Schedule 1—Pregnancy outcome information

The information required for the purposes of regulation 5 is set out in the following table:

<b>Subject</b>	<b>Details required</b>
1 The baby's birth	<p>Family name (if different from the birth mother's family name)</p> <p>Place of birth</p> <ul style="list-style-type: none"><li>• if the baby was born in a hospital—the name of the hospital</li><li>• if the baby was born in some other place—the name, or a description of, that place (eg: birthing unit/centre, at home etc)</li></ul> <p>Case record number of the baby</p> <p>Date and time of birth</p> <p>Sex of the baby</p> <p>If the baby's birth was a multiple birth—</p> <ul style="list-style-type: none"><li>• the number of babies born</li><li>• the baby's birth order</li></ul> <p>Birth weight</p> <p>Gestation at birth</p> <p>Apgar scores (1 minute and 5 minutes)</p> <p>The time taken to establish regular breathing</p> <p>If resuscitation was required at delivery, the type of resuscitation used</p> <p>Details of any condition occurring during the birth (eg: a dislocation, fracture, nerve injury etc)</p>

<b>Subject</b>	<b>Details required</b>
	<p>If a congenital abnormality was apparent soon after birth, details of—</p> <ul style="list-style-type: none"> <li>• the baby's name</li> <li>• each congenital abnormality diagnosed</li> <li>• the family history of any congenital abnormalities present in the baby's parents, siblings or other specified relatives</li> <li>• the address of the mother during the first 16 weeks of pregnancy</li> <li>• the exposure of the baby's parents to possible teratogens</li> <li>• whether any prenatal diagnostic tests were carried out and (if so) the results of those tests</li> <li>• the name and signature (and date of signature) of the notifying doctor</li> <li>• the name and address of the obstetrician and midwife (if different from the notifier)</li> </ul> <p>Details of medical treatments provided to the baby after birth (eg: treatments such as oxygen therapy for a period greater than 4 hours, phototherapy for jaundice, intravenous therapy etc)</p> <p>Details of nursery care required and, if the baby was transferred to intensive care, whether this was for a congenital abnormality</p> <p>Details of the outcome of the baby (eg: fetal death, baby discharged alive, baby still in hospital 28 days after birth, neonatal death etc)</p> <p>If the baby was transferred from one hospital to another, details of the date this occurred and the baby's destination</p> <p>Date of final discharge (or death) of the baby</p>
2 The baby's birth mother	<p>Name</p> <p>Address</p> <p>Case record number</p> <p>Date of birth</p> <p>Race</p> <p>Country of birth</p> <p>Type of patient (ie hospital/public patient or private patient)</p> <p>Marital status</p> <p>Occupation</p> <p>Details of the outcomes of any previous pregnancies (eg: number of livebirths, stillbirths, neonatal deaths, miscarriages, ectopic pregnancies or terminations)</p>

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Schedule 1—Pregnancy outcome information

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<b>Subject</b>	<b>Details required</b>
3 The pregnancy resulting in the baby's birth	<p>Details of the pregnancy previous to the pregnancy resulting in the baby's birth, including—</p> <ul style="list-style-type: none"><li>• the outcome</li><li>• the date of delivery or termination (whether by miscarriage or otherwise)</li></ul> <p>Details of the method of delivery of the baby born (if any) immediately previous to this baby's birth</p> <p>Number of caesarean sections (if any) the mother has undergone</p> <p>Date of last menstrual period</p> <p>Intended place of birth</p> <p>Details of any antenatal care received (eg: type of care, number of visits etc)</p> <p>Details of the mother's tobacco smoking during pregnancy</p> <p>Details of any medical conditions of the mother present in this pregnancy (eg: anaemia, epilepsy, diabetes etc)</p> <p>Details of any obstetric complications of the mother (eg: threatened miscarriage, antepartum haemorrhage etc)</p> <p>Details of medical and surgical procedures performed during the pregnancy (eg: medical procedures such as ultrasound examinations and surgical procedures such as amniocentesis, cordocentesis etc)</p> <p>Date of admission to hospital</p> <p>Date of—</p> <ul style="list-style-type: none"><li>• discharge</li><li>• transfer to another hospital</li><li>• death</li></ul>
4 The labour, delivery of the baby and puerperium	<p>Details of the onset of labour (eg: spontaneous, no labour, induced labour etc)</p> <p>Details of any induction or augmentation of labour (including the reason for the induction)</p> <p>Details of the presentation of the baby prior to delivery (eg: breech, vertex, brow etc)</p> <p>Details of the method of delivery of the baby (eg: normal spontaneous, forceps, caesarean etc)</p> <p>If the baby was delivered by caesarean section, the reason for so doing</p> <p>Details of any complications of the labour, delivery and puerperium (eg: fetal distress, retained placenta, cord prolapse etc)</p> <p>Details of any cardiotocograph (CTG) or fetal scalp pH taken during labour</p>

Subject	Details required
	<p>Details of the perineal status after delivery (eg: intact, tear, episiotomy etc)</p> <p>Details of any analgesia given for the labour (eg: nitrous oxide and oxygen, narcotic, epidural etc)</p> <p>Details of any anaesthesia given for the delivery (eg: pudendal, epidural, spinal, general etc)</p>
5 The baby's birth father	Occupation

## Schedule 2—Information relating to congenital abnormalities

The information required for the purposes of regulation 6 is set out in the following table:

Matter	Details required
1 The child	<p>Name and address</p> <p>Place of birth</p> <ul style="list-style-type: none"> <li>• if the child was born in a hospital—the name of the hospital and (if available) the child's case record number</li> <li>• if the child was born in some other place—the name, or a description of, that place (eg: birthing unit/centre, at home etc)</li> </ul> <p>Date of birth</p> <p>If the child is receiving treatment in a hospital—the case record number from the hospital</p> <p>If the child was not born in South Australia but elsewhere in Australia—the State where the child was born</p> <p>Sex of the child</p> <p>If the child's birth was a multiple birth—</p> <ul style="list-style-type: none"> <li>• the number of babies born</li> <li>• the child's birth order</li> </ul> <p>The name, address and contact telephone number of any medical practitioner caring for the child</p> <p>If the child is deceased, the date of death and details of any autopsy performed</p>
2 The diagnosis	Details of each type of congenital abnormality present
3 The child's family	<p>Details of the child's birth mother, including her—</p> <ul style="list-style-type: none"> <li>• name (and, if there has been a name change, her previous name)</li> <li>• date of birth</li> <li>• race</li> </ul> <p>Details of any exposure to possible teratogens of the child's birth parents</p> <p>Details of the family history of any congenital abnormalities in relatives</p>

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<b>Matter</b>	<b>Details required</b>
4 The notifier	Name Address Designation Date of notification



## Legislative history

### Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Revocation of regulations

The *South Australian Health Commission (Pregnancy Outcome Statistics) Regulations 1999* were revoked by Sch 3 cl 1(i) of the *Health Care Regulations 2008* on 1.7.2008.

### Principal regulations and variations

Year	No	Reference	Commencement
1999	185	<i>Gazette 16.9.1999 p1168</i>	16.9.1999: r 2
2000	167	<i>Gazette 6.7.2000 p40</i>	6.7.2000: r 2

### Provisions varied

Provision	How varied	Commencement
r 5		
r 5(1)	varied by 167/2000 r 3(a)	6.7.2000
r 5(2)	varied by 167/2000 r 3(b)	6.7.2000
r 6	varied by 167/2000 r 4	6.7.2000
r 7	varied by 167/2000 r 5	6.7.2000
r 8	varied by 167/2000 r 6	6.7.2000