

Passed by both Houses



New South Wales

Work Health and Safety Amendment (Information Exchange) Bill 2020

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2020



New South Wales

Work Health and Safety Amendment (Information Exchange) Bill 2020

Act No _____, 2020

An Act to amend the *Work Health and Safety Act 2011* to authorise the Secretary of the Ministry of Health to provide information to the regulator established by that Act; and for other purposes.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Work Health and Safety Amendment (Information Exchange) Act 2020*.

2 Commencement

This Act commences on the date of assent to this Act.

3 Amendment of Work Health and Safety Act 2011 No 10

(1) Section 271B

Insert after section 271A—

271B Provision of information from Health Secretary to regulator

- (1) The Secretary of the Ministry of Health is authorised to provide information to the regulator if the Secretary considers the provision of the information is necessary to enable the regulator to exercise the regulator's functions under this Act.
- (2) Without limiting subsection (1), the Secretary of the Ministry of Health must, as soon as practicable after being notified under the *Public Health Act 2010* about the following, provide to SafeWork NSW the information contained in the notification—
 - (a) cases of occupational dust diseases,
 - (b) deaths resulting from occupational dust diseases.
- (3) Information is not required to be provided under subsection (2) if the information is about—
 - (a) a disease or condition that is included on a register under Part 6 of the *Public Health Act 2010*, or
 - (b) a disease or condition prescribed by the regulations.
- (4) Information may be provided in accordance with this section despite any prohibition in, or the need to comply with any requirement of, any Act or other law.
- (5) In this section—

occupational dust disease means—

 - (a) a dust disease set out in Schedule 1 to the *Workers' Compensation (Dust Diseases) Act 1942*, or
 - (b) any other respiratory disease or condition prescribed by the regulations.

271C Dust Diseases Register

- (1) SafeWork NSW must ensure a register is kept of the information provided under section 271B(2), other than information prescribed by the regulations.
- (2) Subject to the regulations, the register is to be kept in the form approved by SafeWork NSW.
- (3) The purposes of the register are—

- (a) to monitor and analyse the incidence of occupational dust diseases that are required to be notified under section 271B(2), and
 - (b) to enable information about the diseases and conditions to be exchanged with a Public Service agency.
- (4) The register is to be known as the Dust Diseases Register.

271D SafeWork NSW must report to Minister

- (1) As soon as practicable after the end of each financial year, but no later than 30 September, SafeWork NSW must ensure the Minister is given a report stating—
- (a) the number of cases of occupational dust diseases notified to SafeWork NSW under section 271B during the financial year, and
 - (b) the number of deaths resulting from occupational dust diseases notified to SafeWork NSW under section 271B during the financial year, and
 - (c) the types of diseases or conditions recorded in the Dust Diseases Register during the financial year, and
 - (d) the actions SafeWork NSW has taken to implement the purposes of the register, and
 - (e) any other information about a disease or condition recorded in the register that SafeWork NSW considers appropriate.
- (2) However, SafeWork NSW must not include personal information or health information in the report.
- (3) The Minister must, as soon as practicable after receiving the report, cause it to be tabled in the Legislative Assembly.
- (4) In this section—

financial year means the period of 12 months ending at the end of 30 June in each year.

health information has the same meaning as in the *Health Records and Information Privacy Act 2002*.

personal information has the same meaning as in the *Privacy and Personal Information Protection Act 1998*.

271E SafeWork NSW to publish information on website

- (1) SafeWork NSW must publish on its website—
- (a) each report provided to the Minister under section 271D, and
 - (b) the number of cases of occupational dust diseases notified to SafeWork NSW under section 271B during a financial year, and
 - (c) the number of deaths resulting from occupational dust diseases notified to SafeWork NSW under section 271B during a financial year, and
 - (d) the types of diseases or conditions recorded in the Dust Diseases Register for each financial year, and
 - (e) any other information prescribed by the regulations.
- (2) SafeWork NSW must keep the information published under subsection (1) up to date.

271F National register of dust diseases

- (1) The provisions of this Division, other than sections 268–271A, 271B(1) and 272–273, expire on a day prescribed by the regulations.
- (2) The Minister may recommend the making of a regulation under this section only if satisfied that a national register has been established to monitor the prevalence of dust diseases and conditions.

(2) **Section 276A**

Insert before section 276B—

276A Case-finding study

- (1) SafeWork NSW must ensure that a case-finding study is carried out—
 - (a) to investigate respirable crystalline silica exposure in the manufactured stone industry, and
 - (b) to gather information to improve the identification and assessment of workers at risk of exposure.
- (2) A report on the findings of the study must be completed on or before 1 July 2021.