

Passed by both Houses



New South Wales

# Building Professionals Amendment (Information) Bill 2016

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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,*

*, 2016*



New South Wales

## **Building Professionals Amendment (Information) Bill 2016**

Act No , 2016

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An Act to amend the *Building Professionals Act 2005* with respect to the provision and exchange of information about the regulation, certification and statutory insurance of building work.

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*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.*

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Building Professionals Amendment (Information) Act 2016*.

**2 Commencement**

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

## Schedule 1      **Amendment of Building Professionals Act 2005 No 115**

### [1]    **Section 82A**

Insert after section 82:

#### **82A    Exchange of information**

- (1) The Board may enter into an arrangement with one or more relevant agencies for the purpose of sharing or exchanging information held by the Board or the agencies.
- (2) The information to which an arrangement may relate is limited to information that is reasonably necessary to:
  - (a) assist in the exercise of the functions of the Board, or
  - (b) assist in the exercise of any functions of the relevant agency or agencies in connection with certification or regulation of, or statutory insurance requirements relating to, building work.
- (3) Under an arrangement, each party to the arrangement is authorised:
  - (a) to request and receive information held by another party to the arrangement, and
  - (b) to disclose information to another party to the arrangement.
- (4) This section does not:
  - (a) require the Board to provide information to a relevant agency only in accordance with an arrangement under this section if that information can otherwise be lawfully provided, or
  - (b) limit the operation of any other Act or law under which a relevant agency is authorised or required to request and receive, or disclose, information to another person or body.
- (5) The authority to request and receive, or to disclose, information under this section is subject to the *Privacy and Personal Information Protection Act 1998* and the *Health Records and Information Privacy Act 2002*.
- (6) In this section:

**relevant agency** means:

  - (a) a council, or
  - (b) an agency of the State, or of the Commonwealth or another State or Territory, that exercises functions under an enactment with respect to certification or regulation of, or statutory insurance requirements relating to, building work, or
  - (c) any other person or body prescribed by the regulations.

**[2] Section 94 Regulations**

Insert after section 94 (2) (i):

- (j) the provision of information to the Board about certification work, building work and related matters by persons who carry out certification work, accreditation holders and certifying authorities.