



New South Wales

Building Professionals Amendment (Information) Bill 2016

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Building Professionals Act 2005* as follows:

- (a) The Building Professionals Board is authorised to enter into information sharing arrangements with councils, State and Commonwealth agencies and other persons and bodies that may be prescribed by regulations to share information relating to the certification or regulation of, or statutory insurance requirements relating to, building work. The purpose of sharing the information will be to assist the Board and the other party to the arrangement in the exercise of functions relating to the certification or regulation of, or statutory insurance requirements relating to, building work.
- (b) Regulations may be made with respect to the provision of information about certification work, building work and related matters by persons who carry out, or are accredited to carry out, building certification work and other related work.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Building Professionals Act 2005 No 115

Schedule 1 [1] inserts a provision giving effect to the object described in paragraph (a) of the overview.

Schedule 1 [2] inserts a provision giving effect to the object described in paragraph (b) of the overview.



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New South Wales

Building Professionals Amendment (Information) Bill 2016

No. , 2016

A Bill for

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.

The Legislature of New South Wales enacts:

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1 Name of Act

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

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2 Commencement

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

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Schedule 1	Amendment of Building Professionals Act 2005	1
	No 115	2
[1] Section 82A		3
Insert after section 82:		4
82A Exchange of information		5
(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.	6 7 8
(2)	The information to which an arrangement may relate is limited to information that is reasonably necessary to:	9 10
(a)	assist in the exercise of the functions of the Board, or	11
(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.	12 13 14
(3)	Under an arrangement, each party to the arrangement is authorised:	15
(a)	to request and receive information held by another party to the arrangement, and	16 17
(b)	to disclose information to another party to the arrangement.	18
(4)	This section does not:	19
(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	20 21 22
(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.	23 24 25
(5)	The authority to request and receive, or to disclose, information under this section is subject to the <i>Privacy and Personal Information Protection Act 1998</i> and the <i>Health Records and Information Privacy Act 2002</i> .	26 27 28
(6)	In this section:	29
relevant agency	means:	30
(a)	a council, or	31
(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	32 33 34 35
(c)	any other person or body prescribed by the regulations.	36

[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.

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