



Australian Government

Department of Health  
and Aged Care

***Inquiry into the National Occupational  
Respiratory Disease Registry Bill 2023 and  
the National Occupational Respiratory  
Disease Registry (Consequential  
Amendments) Bill 2023***

Submission from the Department of Health and Aged Care  
to the Senate Community Affairs Legislation Committee Inquiry into the  
National Occupational Respiratory Disease Registry Bill 2023 and the  
National Occupational Respiratory Disease Registry (Consequential  
Amendments) Bill 2023

**14 August 2023**

## Contents

<b>Introduction</b> .....	3
<b>Bill Overview</b> .....	3
<b>Actions in response to the emergence of accelerated silicosis</b> .....	4
National Dust Disease Taskforce.....	4
All of Governments’ Response to the Final Report of the National Dust Disease Taskforce .....	4
Further action announced in 2023 .....	5
Introduction of the National Occupational Respiratory Disease Registry Bill .....	6
<b>Consultation overview</b> .....	6

## **Introduction**

The Department of Health and Aged Care welcomes the opportunity to make a submission to the Senate Community Affairs Legislation Committee Inquiry into the National Occupational Respiratory Disease Registry Bill 2023 and the National Occupational Respiratory Disease Registry (Consequential Amendments) Bill 2023.

The National Occupational Respiratory Disease Registry Bill 2023 creates a legislative framework to establish and manage the National Occupational Respiratory Disease Registry. The National Registry will capture and share data on the incidence of occupational respiratory diseases, causative exposures and respiratory health data, to assist in detecting new and emerging threats to worker's respiratory health and assist in targeting and monitoring the effectiveness of interventions and prevention strategies.

The National Occupational Respiratory Disease Registry (Consequential Amendments) Bill 2023 amends the *Freedom of Information Act 1982* to ensure that personal information of the medical practitioner, patient and workplace identifying information will be exempt from disclosure.

The bills were first introduced in the House of Representatives on 21 June 2023. On 3 August 2023 the Senate Standing Committee for Selection of Bills tabled its eighth report of 2023. The report recommended that the provisions of the bills be referred to the Senate Community Affairs Legislation Committee for inquiry and report by 30 August 2023. On 4 August 2023 the Senate Community Affairs Legislation Committee Secretariat wrote to the Secretary of the Department inviting a submission to the Committee's inquiry on the Bills.

## **Bill Overview**

The Bill will establish the National Registry which will provide for the collection, use, storage and disclosure of information relating to occupational respiratory diseases in Australia.

The Bill will put in place arrangements to capture and share data on the incidence of occupational respiratory diseases and their respiratory disease-causing agents. This includes the last and main places where exposures are believed to have occurred including the place of business, industry, occupation and job task, as well as respiratory health data, to assist in detecting new and emerging threats to worker's respiratory health.

This information will aid the detection of new and emerging threats to workers' respiratory health and will assist in targeting and monitoring the effectiveness of interventions and prevention strategies and inform actions including research into causes and trends to reduce further worker exposure.

The Bill will also assist in preventing further worker exposure to respiratory disease-causing agents by providing critical information to State and Territory health agencies and Work Health and Safety agencies on the occurrence of disease in a workplace.

The Bill delivers on a recommendation of the National Dust Disease Taskforce to strengthen the evidence base by establishing a registry, with an initial focus on mandatory reporting of silicosis, and voluntary reporting of other occupational respiratory diseases. The National Registry is a key action in response to the increase in silicosis in stonemasons working on engineered stone benchtops.

The Bill will require the Commonwealth Chief Medical Officer to publish certain information about notifications made to the Registry each year and provide other information on occupational respiratory disease.

### **Actions in response to the emergence of accelerated silicosis**

#### **National Dust Disease Taskforce**

The past decade has seen the re-emergence of silicosis, an entirely preventable occupational respiratory disease, that was prevalent in Australia in the 1940s to 1960s. The re-emergence of silicosis has been mostly driven by the popularity of engineered stone material which has been available in Australia since the early 2000s.

In 2019, the Taskforce was asked to develop a national approach to the prevention, early identification, control and management of occupational dust diseases. While acknowledging the significant actions of Safe Work Australia and jurisdictional Work Health and Safety regulators to improve education and awareness of the risks and enforce compliance with Work Health and Safety laws, the Taskforce advised further action was necessary. The [Taskforce's final report](#) outlines a comprehensive program of work designed to fundamentally address the risks facing workers in industries that generate hazardous dust such as silica, with an immediate focus on the engineered stone industry.

#### **All of Governments' Response to the Final Report of the National Dust Disease Taskforce**

On 4 April 2022, the [All of Governments' Response to the Final Report of the National Dust Disease Taskforce](#) was publicly released. The Response outlines a commitment from the Commonwealth and State and Territory governments to reducing incidents of silicosis and other dust diseases among workers and increase the quality of life for people affected and their families.

The Department is progressing several key initiatives as part of the Response including:

- Funding of grant activities that includes developing training materials to support the diagnosis and classification of silicosis for radiologists; and targeted education and

training for physicians and other health care professionals on the diagnosis and management of workers affected by silicosis and occupational respiratory diseases.

- Developing a National Silicosis Prevention Strategy and Action Plan to establish a coordinated, national, whole of government focus to prevent silicosis.
- Improving awareness of the risks of silicosis.
- Providing better coordinated support to people with silicosis and their families.
- Developing a research forum to strengthen the dust diseases evidence base.
- Establishing a National Rapid Response Protocol.

### Further action announced in 2023

The Commonwealth, states and territories continue to progress actions to eliminate silicosis and silica-related diseases, and to increase the quality of life of those already impacted and their families.

On 28 February 2023, Work Health and Safety Ministers agreed to a range of further actions to address silica exposure<sup>1</sup>. This includes:

- Delivery of national awareness and behaviour change initiatives, in partnership with employers and unions.
- Stronger regulation of high-risk crystalline silica processes for all materials (including engineered stone) across all industries. This includes additional training requirements; a requirement to conduct air monitoring and report workplace exposure standard exceedances to the relevant regulator; and scoping new and updated model Codes of Practice for at-risk industries. In developing the regulations, Safe Work Australia is requested to further consider definitions to minimise any unintended consequences.
- Further analysis and consultation on a prohibition of the use of engineered stone under the model Work Health and Safety laws, including consideration of silica content levels and other risk factors and including consideration of a national licensing system for products that are not subject to a ban or legacy products. Safe Work Australia is requested to finalise a report on these matters as quickly as possible and within 6 months at the latest.

Through the Budget 2023-24, the Commonwealth announced \$10 million over 4 years from 2023-24 to further support action within the Employment and Workplace Relations portfolio.

The Budget package supports further awareness activities, to be delivered through Safe Work Australia's Social Partners. This funding is aimed at persons conducting a business of

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<sup>1</sup> Work Health and Safety Ministers' Meeting – 28 February 2023 Communique - <https://www.dewr.gov.au/work-health-and-safety/resources/work-health-and-safety-ministers-meeting-28-february-2023>.

undertaking (PCBUs) and workers to improve understanding of the risks and subsequent implementation of good work practices in managing silica dust within the workplace.

The announcement also includes the proposed expansion of the remit of the Asbestos Safety and Eradication Agency to include silicosis and other silica related diseases and additional funding for the Department of Employment and Workplace Relations to support continued progress on silica, including consideration of an import ban.

### **Introduction of the National Occupational Respiratory Disease Registry Bill**

The establishment of a National Registry is a critical component of the actions identified by the Taskforce, a key commitment made by the Commonwealth in the Response and complementary to the actions being progressed across all jurisdictions to address silicosis and other occupational respiratory diseases.

The Bill includes a legislative framework to establish and manage a National Registry to record the diagnosis of occupational respiratory diseases and capture respiratory health data to aid the detection of new and emerging threats to workers' respiratory health and prevent further exposure.

The capturing of information on respiratory diseases believed to have been occupationally caused or exacerbated at a national level is essential to strengthen the evidence base for a strategic national approach and direct actions by Commonwealth, state and territory bodies to reduce further exposure and disease.

### **Consultation overview**

Extensive consultation was undertaken with representatives from the peak medical professional bodies as well as from each State and Territory government to inform the scope, design, content and operation of the National Registry.

The establishment of the National Registry was recommended by the Taskforce and supports a range of other dust disease related initiatives. The Taskforce established the Registry Steering Committee to advise on the scope, design, contents and operation of the National Registry. The Registry Steering Committee comprised representatives from peak medical professional bodies, clinicians, researchers and one member from each jurisdiction representing either Health or Work Health and Safety agencies.

Following the Taskforce's endorsement of the scope and design in early 2021, the Department has progressed the development of both the legislative and Information Technology elements of the Registry. The scope and design of the National Registry

reflected in the Bill is based upon the materials considered by the Taskforce and developed by a Registry Steering Committee<sup>2</sup>.

Targeted consultation on an exposure draft of both bills was undertaken in November 2022. This consultation included peak medical and professional bodies, Commonwealth bodies, State and Territory Health and Work Health and Safety bodies and Industry and worker representative bodies. Stakeholder responses:

- Reaffirmed strong support for the collection of information on occupational respiratory diseases to support both an understanding of the occurrence of disease in Australia but also direct action to prevent further exposure and disease.
- Expressed some desire for the list of prescribed occupational respiratory diseases (i.e. those for which notification is mandatory) to be broader, either initially or in the near future.
- Highlighted the potential burden that reporting to the National Registry will have on physicians and desire to ensure information required is limited to that necessary to achieve the National Registry's objectives, to ensure obligations can be met in the most efficient way.

Following consultation on drafts of the bills, amendments were incorporated to address issues raised by key stakeholders.

The Bill seeks to establish a National Registry which balances the burden of reporting by physicians, through the identification of minimum notification requirements and additional information data that may be collected, with the benefits of understanding the incidence of disease and the industries, occupations, job tasks and workplaces where exposure may have occurred.

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<sup>2</sup> The National Dust Disease Taskforce's Registry Steering Committee was comprised of representatives from peak medical professional bodies, clinicians, researchers and one member from each jurisdiction representing either Health or Work Health and Safety agencies.