



National Occupational Respiratory Disease Registry Determination 2024

I, Professor Paul Kelly, Commonwealth Chief Medical Officer, make the following determination.

Dated 29 February 2024

Professor Paul Kelly
Commonwealth Chief Medical Officer

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Part 1—Preliminary

1 Name

This instrument is the *National Occupational Respiratory Disease Registry Determination 2024*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The later of: (a) the day after this instrument is registered; and (b) the day the <i>National Occupational Respiratory Disease Registry Act 2023</i> commences. However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur.	22 May 2024 (paragraph (b) applies)

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under subsections 12(4) and 31(2) of the *National Occupational Respiratory Disease Registry Act 2023*.

4 Definitions

Note: A number of expressions included in this instrument are defined in the Act, including the following:

- (a) additional notification information;
- (b) minimum notification information;
- (c) occupational respiratory disease;
- (d) prescribed medical practitioner;
- (e) respiratory disease-causing agents.

In this instrument:

Act means the *National Occupational Respiratory Disease Registry Act 2023*.

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Department of Veterans' Affairs means the Department that is administered by the Minister who administers the *Veterans' Entitlements Act 1986*.

individual healthcare provider means an individual who:

- (a) has provided, provides, or will provide, healthcare; or
- (b) is registered by a registration authority as a member of a particular health profession.

multidisciplinary team means a group of persons, including at least 3 individual healthcare providers from different disciplines, who provide input to the management of the care needs of a patient.

Part 2—Information for the National Registry

Division 1—Minimum notification information

5 Purpose of this Division

For the purposes of paragraph 12(4)(b) of the Act, this Division determines information for the purposes of subsection 12(2) of the Act (minimum notification information) in relation to an individual (in this Division called the **relevant individual**) who has been diagnosed with, or is being treated for, an occupational respiratory disease (in this Division called the **relevant disease**).

6 General information in relation to the individual

The information in relation to the relevant individual is as follows:

- (a) the individual's name;
- (b) the individual's date of birth;
- (c) the individual's sex (if provided by the individual);
- (d) at least one of the following:
 - (i) the individual's healthcare identifier (within the meaning of the *Healthcare Identifiers Act 2010*);
 - (ii) the individual's medicare number (within the meaning of Part VII of the *National Health Act 1953*);
 - (iii) the number (if any) allocated to the individual by the Department of Veterans' Affairs;
- (e) if the individual has died—the individual's date of death (if known);
- (f) the individual's Indigenous status (if provided by the individual);
- (g) the individual's country of birth (if provided by the individual);
- (h) the languages spoken at home by the individual (if provided by the individual);
- (i) if the individual usually lives in Australia—the individual's postal address in Australia;
- (j) if the individual does not usually live in Australia—that the individual usually lives outside Australia;
- (k) the individual's telephone number;
- (l) the individual's email address (if provided by the individual);
- (m) whether the individual has consented to either or both of the following:
 - (i) the notification to the Commonwealth Chief Medical Officer, under subsection 15(1), 16(1) or 17(1) of the Act, of minimum notification information in relation to the individual;
 - (ii) the correction or updating, under subsection 15(4) or 17(3) of the Act, of minimum notification information in relation to the individual that was included in the National Registry under section 14, 15, 16 or 17 of the Act;
- (n) if the individual has consented to an action referred to in subparagraph (m)(i) or (ii) of this section:

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- (i) the date the consent was given; and
- (ii) whether the individual has withdrawn that consent and, if so, the date the consent was withdrawn.

Note: For the purposes of subparagraph (m)(ii), consent is required for the correction or updating of information under subsection 15(4) or 17(3) of the Act if the changes to be made are not minor or technical (see subsections 15(5) and 17(4) of the Act).

7 Information in relation the individual's exposure to respiratory disease-causing agents

Information this section determines

- (1) This section determines information in relation to the exposure of the relevant individual to respiratory disease-causing agents that are likely to have caused or contributed to the relevant disease.

Total number of years of exposure to respiratory disease-causing agents

- (2) The total number of years of the individual's exposure to the respiratory disease-causing agents (if provided by the individual) is determined.

Information in relation to last exposure to respiratory disease-causing agents

- (3) The information in relation to the relevant individual's last exposure to the respiratory disease-causing agents is as follows:
 - (a) the length of time since the individual's last exposure to the agents (if provided by the individual);
 - (b) the industry in which the individual's last exposure to the agents occurred and whether the individual is still working in the industry (if provided by the individual);
 - (c) the occupation in which the individual's last exposure to the agents occurred (if provided by the individual);
 - (d) the main job task being performed by the individual when the last exposure to the agents occurred (if provided by the individual);
 - (e) if the individual's last exposure to the agents occurred in Australia—the State or Territory where that exposure occurred, and the following information in relation to the business or employer for whom the individual was working when that exposure occurred:
 - (i) the name of the business or employer (if provided by the individual);
 - (ii) a telephone number and email address for the business or employer (if provided by the individual);
 - (iii) the street address of the relevant office in the State or Territory for the business or employer or, if there is no such office, the head office for the business or employer (if provided by the individual);
 - (iv) whether the individual is still working for the business or employer;
 - (f) if the individual's last exposure to the agents did not occur in Australia—that the individual's last exposure to the agents occurred outside Australia.

Information in relation to main exposure to respiratory disease-causing agents

- (4) The information in relation to the relevant individual's main exposure to the respiratory disease-causing agents is as follows:
- (a) the length of time since the individual's main exposure to the agents (if provided by the individual);
 - (b) the industry in which the individual's main exposure to the agents occurred and whether the individual is still working in the industry (if provided by the individual);
 - (c) the occupation in which the individual's main exposure to the agents occurred (if provided by the individual);
 - (d) the main job task being performed by the individual when the main exposure to the agents occurred (if provided by the individual);
 - (e) if the individual's main exposure to the agents occurred in Australia—the State or Territory where that exposure occurred, and the following information in relation to the business or employer for whom the individual was working when that exposure occurred:
 - (i) the name of the business or employer (if provided by the individual);
 - (ii) a telephone number and email address for the business or employer (if provided by the individual);
 - (iii) the street address of the relevant office in the State or Territory for the business or employer or, if there is no such office, the head office for the business or employer (if provided by the individual);
 - (iv) whether the individual is still working for the business or employer;
 - (f) if the individual's main exposure to the agents did not occur in Australia—that the individual's main exposure to the agents occurred outside Australia.

8 Information in relation to the diagnosed occupational respiratory disease

The information in relation to the relevant disease with which the relevant individual has been diagnosed is as follows:

- (a) the name of the disease;
- (b) in relation to the respiratory disease-causing agents that are likely to have caused or contributed to the disease—the main agent and a secondary agent (if known);
- (c) the date the individual was diagnosed with the disease;
- (d) whether a multidisciplinary team was consulted or otherwise involved in the diagnosis of the individual with the disease;
- (e) the types of medical tests used to diagnose the individual with the disease;
- (f) if the disease is silicosis—a copy of the report prepared in relation to the computed tomography scan used to diagnose the disease, and the date the scan was performed;
- (g) the individual's level of lung impairment indicated by the lung function values referred to in one (or both) of the following subparagraphs, and the date the values were tested:
 - (i) actual and predicted forced expiratory volume in 1 second and forced vital capacity (if provided by the individual);

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- (ii) actual and predicted diffusing capacity of the lungs for carbon monoxide and alveolar volume (if provided by the individual);
- (h) the likelihood, in the notifying prescribed medical practitioner's opinion, that the disease was caused or exacerbated, in whole or in part, by the individual's work or workplace.

9 Information in relation to the notifying prescribed medical practitioner

- (1) This section determines information in relation to a prescribed medical practitioner who:
 - (a) diagnoses the relevant individual with, or is treating the relevant individual for, the relevant disease; and
 - (b) is notifying the Commonwealth Chief Medical Officer of information in relation to the relevant individual under Division 3 of Part 2 of the Act.
- (2) The information in relation to the prescribed medical practitioner is as follows:
 - (a) the name of the medical practitioner;
 - (b) a telephone number and work email address for the medical practitioner;
 - (c) the email address the medical practitioner uses to access the service known as myGovID;
 - (d) the specialty in which the medical practitioner is registered as a specialist;
 - (e) the name and street address of the organisation or practice where the medical practitioner works;
 - (f) the date the relevant individual became a patient of the medical practitioner;
 - (g) if the medical practitioner ceases to treat the individual for the relevant disease—the date of, and reason for, the cessation of treatment by the medical practitioner.

Division 2—Additional notification information

10 Purpose of this Division

For the purposes of paragraph 12(4)(c) of the Act, this Division determines information for the purposes of subsection 12(3) of the Act (additional notification information) in relation to an individual (in this Division called the **relevant individual**) who has been diagnosed with, or is being treated for, an occupational respiratory disease (in this Division called the **relevant disease**).

11 General information in relation to the individual and information about medical tests

- (1) The information in relation to the relevant individual is as follows:
 - (a) the individual's height and weight;
 - (b) the individual's smoking history;
 - (c) the individual's current employment status and, if the individual is not currently working, the date the individual's last employment ceased;
 - (d) the individual's current job title or, if the individual is not currently working, the individual's last job title;
 - (e) whether the individual has consented to either or both of the following:
 - (i) the notification to the Commonwealth Chief Medical Officer, under subsection 14(5), 15(3), 16(3) or 17(2) of the Act, of additional notification information in relation to the individual;
 - (ii) the correction or updating, under subsection 15(4) or 17(3) of the Act, of additional notification information in relation to the individual that was included in the National Registry under section 14, 15, 16 or 17 of the Act;
 - (f) if the individual has consented to an action referred to in subparagraph (e)(i) or (ii) of this subsection:
 - (i) the date the consent was given; and
 - (ii) whether the individual has withdrawn that consent and, if so, the date the consent was withdrawn.

Note: For the purposes of subparagraph (e)(ii), consent is required for the correction or updating of information under subsection 15(4) or 17(3) of the Act if the changes to be made are not minor or technical (see subsections 15(5) and 17(4) of the Act).

- (2) The information about any medical tests performed for the relevant individual in relation to the relevant disease is as follows:
 - (a) the type of medical test;
 - (b) the date of the test;
 - (c) the results of the test or a copy of a report prepared in relation to the test.

12 Information in relation to the individual's occupational history of exposure to respiratory disease-causing agents

- (1) This section determines information in relation to each occupational position (however described) or role in which the relevant individual was working when

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the individual was likely to have been exposed to respiratory disease-causing agents that are likely to have caused or contributed to the relevant disease.

- (2) The information in relation to each occupational position or role is as follows:
- (a) the industry and occupation in which the relevant individual was working while in the position or performing the role;
 - (b) the individual's job title while working in the position or performing the role;
 - (c) the dates, or period during which, the individual was working while in the position or performing the role;
 - (d) the average number of hours each week that the individual was working while in the position or performing the role;
 - (e) whether the exposure to the respiratory disease-causing agents was likely to have occurred at:
 - (i) the main workplace where the individual worked while in the position or performing the role; or
 - (ii) another location where the individual was performing a job task for the purposes of the individual's work in the position or role;
 - (f) the following information in relation to the likely exposure to respiratory disease-causing agents referred to in paragraph (e):
 - (i) the main agent and a secondary agent to which the individual was likely to have been exposed;
 - (ii) the main job task being performed by the individual when the exposure to the agents was likely to have occurred;
 - (iii) whether the individual was using respiratory protective equipment while performing that job task and, if so, the type of equipment used;
 - (iv) the ventilation and other control measures (if any) in place where the individual was performing the job task.

Note: For the purposes of subparagraph (iv), examples of control measures include performing a job task outside and using water sprays or extraction filters to reduce the number of particles in the air.

Part 3—Fees for disclosure of protected information

13 Method for determining the amount of a fee

- (1) For the purposes of paragraph 31(2)(b) of the Act, this section determines the method for working out the amount of the fee that may be charged in relation to the disclosure of protected information to a person under section 21 or 22 of the Act by a contracted service provider in response to a specific request by the person.

Note: For *contracted service provider*, see section 8 of the Act.

- (2) The amount of the fee is worked out by multiplying the relevant hourly rate by the total number of hours spent by the contracted service provider to disclose the information (including extracting the information from the National Registry for the purposes of the disclosure and preparing the information for disclosure).
- (3) For the purposes of subsection (2), if the total number of hours spent by the contracted service provider to disclose the information is not a whole number of hours, the total number of hours is to be rounded to the nearest hour (rounding half an hour upwards).
- (4) For the purposes of subsection (2), the *relevant hourly rate* is as follows:
- (a) in relation to the disclosure of information to be used for the purposes of research—\$49.50;
 - (b) in relation to the disclosure of information in the form of a tailored report for a State or Territory authority—\$66.00.

Note: For *research* and *State or Territory authority*, see section 8 of the Act.