



# **Work Health and Safety Amendment (Information Sharing and Other Measures) Regulations 2023**

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I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 26 October 2023

David Hurley  
Governor-General

By His Excellency's Command

Tony Burke  
Minister for Employment and Workplace Relations

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## 1 Name

This instrument is the *Work Health and Safety Amendment (Information Sharing and Other Measures) Regulations 2023*.

## 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 day after this instrument is registered.	31 October 2023

Note: This table relates only to the provisions of this instrument as originally made.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 the *Work Health and Safety Act 2011*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## Schedule 1—Amendments

### Part 1—Information sharing

#### *Work Health and Safety Regulations 2011*

##### 1 Regulation 702

Repeal the regulation, substitute:

##### **702 Confidentiality of information—authorisation relating to administration or enforcement of other Acts**

For paragraph 271A(3)(b) of the Act, the following Acts, as in force from time to time, are prescribed:

- (a) each Act of a State that is a corresponding WHS law;
- (b) each Act of a Territory that is a corresponding WHS law;
- (c) the Rail Safety National Law set out in the Schedule to the *Rail Safety National Law (South Australia) Act 2012* (SA) and applying, with or without modification, in a State or Territory under the following:
  - (i) the *Rail Safety (Adoption of National Law) Act 2012* (NSW);
  - (ii) the *Rail Safety National Law Application Act 2013* (Vic.);
  - (iii) the *Rail Safety National Law (Queensland) Act 2017* (Qld);
  - (iv) the *Rail Safety National Law (South Australia) Act 2012* (SA);
  - (v) the *Rail Safety National Law (Tasmania) Act 2012* (Tas.);
  - (vi) the *Rail Safety National Law (ACT) Act 2014* (ACT);
  - (vii) the *Rail Safety (National Uniform Legislation) Act 2012* (NT);
- (d) the *Rail Safety National Law (WA) Act 2015* (WA);
- (e) the Heavy Vehicle National Law set out in the Schedule to the *Heavy Vehicle National Law Act 2012* (Qld) and applying, with or without modification, in a State or Territory under the following:
  - (i) the *Heavy Vehicle (Adoption of National Law) Act 2013* (NSW);
  - (ii) the *Heavy Vehicle National Law Application Act 2013* (Vic.);
  - (iii) the *Heavy Vehicle National Law Act 2012* (Qld);
  - (iv) the *Heavy Vehicle National Law (South Australia) Act 2013* (SA);
  - (v) the *Heavy Vehicle National Law (Tasmania) Act 2013* (Tas.);
  - (vi) the *Heavy Vehicle National Law (ACT) Act 2013* (ACT);
- (f) the *Sex Discrimination Act 1984* (Cth).

##### 2 After Part 9 of Chapter 12

Insert:

### Part 11—General

Note: Part 11 makes transitional arrangements relating to Chapter 11 of these Regulations. The numbering of these Divisions and Subdivisions matches the Parts and Divisions of Chapter 11.

## **Division 11.3—Miscellaneous**

### **758 Using or sharing information for administration or enforcement of Acts**

Regulation 702, as substituted by the *Work Health and Safety Amendment (Information Sharing and Other Measures) Regulations 2023*, applies to the disclosure of information, or the giving of access to a document or the use of information or a document on or after the commencement of those regulations, whether the information was obtained, or access to the document was gained, before, on or after that commencement.

## Part 2—Model WHS law amendments

### *Work Health and Safety Regulations 2011*

#### **3 Subregulation 5(1) (subparagraph (e)(iii) of the definition of boiler)**

Omit “AS 2593:2004”, substitute “AS 2593:2021”.

#### **4 Regulation 15 (note)**

Omit “AS 2593:2004, but equipment must be certified in compliance with AS 2593:2004”, substitute “AS 2593:2021, but equipment must be certified in compliance with AS 2593:2021”.

#### **5 Paragraph 144(1)(d)**

Omit “AS 2832.1:2004”, substitute “AS 2832.1:2015”.

#### **6 Regulation 163**

Omit “AS/NZS 3012:2010” (wherever occurring), substitute “AS/NZS 3012:2019”.

#### **7 At the end of Chapter 4**

Add:

## **Part 4.9—Processing engineered stone containing crystalline silica**

### **184A Duty to prevent uncontrolled processing of engineered stone**

- (1) A person conducting a business or undertaking must not process, or direct or allow a worker to process, engineered stone unless the processing of the stone is controlled.

Penalty:

- (a) In the case of an individual—\$6 000.  
(b) In the case of a body corporate—\$30 000.

Note: Section 12F of the Act provides that strict liability applies to each physical element of each offence under the Act, unless otherwise stated. The reference in section 12F of the Act includes these Regulations.

- (2) In subregulation (1), processing of engineered stone is *controlled* if:
- (a) at least 1 of the following systems is used while the engineered stone is processed:
- (i) a water delivery system that supplies a continuous feed of water over the stone being processed to suppress the generation of dust;
- (ii) an on-tool extraction system;
- (iii) a local exhaust ventilation system; and
- (b) each worker who is processing engineered stone is provided with respiratory protective equipment.
- (3) In this regulation:



***engineered stone:***

- (a) means an artificial product that:
  - (i) contains crystalline silica; and
  - (ii) is created by combining natural stone materials with other chemical constituents such as water, resins or pigments; and
  - (iii) undergoes a process to become hardened; but
- (b) does not include the following:
  - (i) concrete and cement products;
  - (ii) bricks, pavers and other similar blocks;
  - (iii) ceramic and porcelain wall and floor tiles;
  - (iv) roof tiles;
  - (v) grout, mortar and render;
  - (vi) plasterboard.

***processing***, in relation to engineered stone, means using power tools or other mechanical plant to cut, grind, trim, sand, abrasive polish or drill the engineered stone.

***respiratory protective equipment*** means personal protective equipment that:

- (a) is designed to prevent a person wearing the equipment from inhaling airborne contaminants; and
- (b) complies with AS/NZS 1716:2012 (Respiratory protective devices).

Note: Regulations 44 and 46 apply to the use of personal protective equipment, including the respiratory protective equipment provided under paragraph (2)(b) of this regulation.

## **8 Subregulation 221(2) (definition of *harness*)**

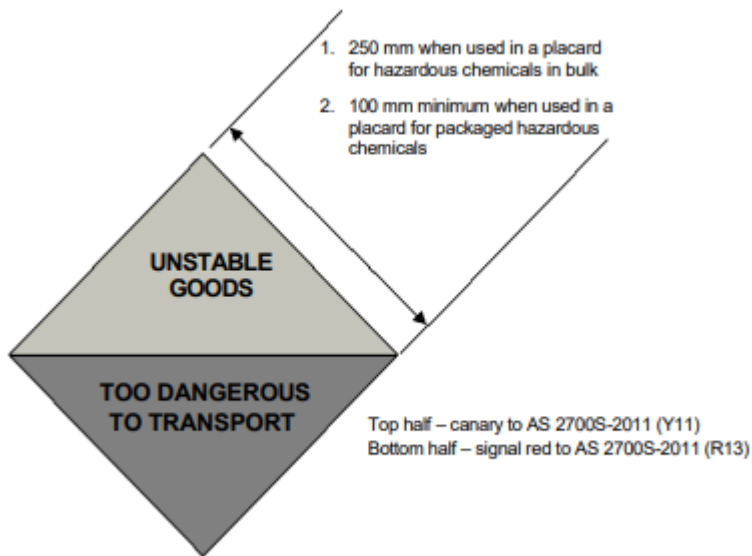
Omit “AS/NZS 1891.1:2007 (Industrial fall-arrest systems—Harnesses and ancillary equipment)”, substitute “AS/NZS 1891.1:2020 (Personal equipment for work at height—Manufacturing requirements for full body combination and lower body harnesses)”.

## **9 Subclause 3(3) of Schedule 13 (definition of *red*)**

Omit “AS 2700S–1996”, substitute “AS 2700S–2011”.

## **10 Subclause 5(3) of Schedule 13 (Figure 13.3)**

Repeal the figure, substitute:



**Figure 13.3 Label for unstable explosive, organic peroxide type A or self-reactive substance type A**