



New South Wales

# Work Health and Safety Amendment (Silica Worker Register) Regulation 2024

under the

Work Health and Safety Act 2011

Her Excellency the Governor, with the advice of the Executive Council, has made the following regulation under the *Work Health and Safety Act 2011*.

Minister for Work Health and Safety

## Explanatory note

The object of this regulation is to amend the *Work Health and Safety Regulation 2017* to—

- (a) set out the information a person conducting a business or undertaking involved in high risk processing of crystalline silica substances (*CSS*) must give to SafeWork NSW for the silica worker register, and
- (b) make it a penalty notice offence to fail to give the required information to SafeWork NSW, and
- (c) authorise the use of information on the silica worker register for certain purposes.

This regulation is made under the *Work Health and Safety Act 2011*, including sections 243, 273A, 273B and 276, the general regulation-making power.

## **Work Health and Safety Amendment (Silica Worker Register) Regulation 2024**

under the

Work Health and Safety Act 2011

### **1 Name of regulation**

This regulation is the *Work Health and Safety Amendment (Silica Worker Register) Regulation 2024*.

### **2 Commencement**

This regulation commences on 1 March 2025.

## Schedule 1      **Amendment of Work Health and Safety Regulation 2017**

### [1]    **Part 8A.4**

Insert after Part 8A.3—

### **Part 8A.4 Silica worker register**

#### **529K    Information for inclusion on silica worker register—the Act, s 273A**

- (1) This clause applies to a person conducting a business or undertaking carrying out, or directing or allowing a worker to carry out, the processing of a CSS that is high risk.
- (2) The person conducting a business or undertaking must give the following information to SafeWork NSW for inclusion on the silica worker register—
  - (a) the following information about each worker carrying out the processing of a CSS that is high risk—
    - (i) name,
    - (ii) date of birth,
    - (iii) phone number,
    - (iv) email address,
    - (v) residential address,
  - (b) the following information about the person conducting a business or undertaking—
    - (i) name or, if the person conducts the business or undertaking under a business name, business name,
    - (ii) Australian Business Number,
    - (iii) phone number,
    - (iv) email address,
    - (v) business address,
    - (vi) if the person must hold a policy of insurance under the *Workers Compensation Act 1987*—the number of the current policy of insurance,
  - (c) the location of the processing of a CSS that is high risk,
  - (d) the date the processing of a CSS that is high risk commences.

**Note—** See the Act, section 268 for offences relating to giving false or misleading information.

- (3) The person conducting a business or undertaking must give the information as soon as reasonably practicable and no more than 14 days from the date the processing of a CSS that is high risk commences.
- (4) The person conducting a business or undertaking is not required to give the information in subclause (2)(a) if SafeWork NSW notifies the person the information is already in the silica worker register.

#### **529L    Use of information on silica worker register**

For the Act, section 273B(3)(b), information on the silica worker register may be used for the following purposes—

- (a) to monitor and enforce compliance with the following—

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# public consultation draft

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Schedule 1 Amendment of Work Health and Safety Regulation 2017

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- (i) the Act and this regulation,
  - (ii) the *Workers Compensation Act 1987*,
  - (iii) the *Workplace Injury Management and Workers Compensation Act 1998*,
- (b) to assist or support a corresponding regulator or WorkSafe Victoria to monitor and enforce compliance with the following—
  - (i) a corresponding WHS law,
  - (ii) the *Occupational Health and Safety Act 2004* of Victoria,
- (c) to give advice, information, education and training in relation to work health and safety,
- (d) to provide health monitoring services to eligible workers.

**[2] Schedule 18A Penalty notice offences**

Omit “Section 38(1)” from the table, under the heading **Offences under the Act**.

Insert instead “Sections 38(1) and 273A(2)”.