

LEGISLATIVE COUNCIL

Work Health and Safety Amendment (Digital Work Systems) Bill 2026

Second print

Proposed amendments

No. 1 Notice to be given of intention to exercise power under section 118(1)(a1)—consequential amendment for amendment no. 2

Page 3, Schedule 1. Insert after line 33—

[3A] Section 117 Entry to inquire into suspected contraventions

Insert at the end of the section—

Note— At least 48 hours, but no more than 14 days, notice must be given if a WHS entry permit holder proposes to exercise the power under section 118(1)(a1) to require a person conducting a business or undertaking to provide the WHS entry permit holder with reasonable assistance to access and inspect a digital work system. See section 118(2A)(a).

No. 2 Notice to be given of intention to exercise power under section 118(1)(a1)

Page 4, Schedule 1[6], lines 1–4. Omit all words on the lines. Insert instead—

- (2A) The WHS entry permit holder's power under subsection (1)(a1) to require a relevant person conducting a business or undertaking to provide the WHS entry permit holder with reasonable assistance—
- (a) may be exercised only if the WHS permit entry holder has, during business hours, given the relevant person notice of the proposed entry at least 48 hours, and not more than 14 days, before the entry, and
 - (b) is subject to guidelines made by the regulator under section 118A.

No. 3 Content of guidelines

Page 4, Schedule 1[8], proposed section 118A. Insert after line 15—

- (2) Without limiting subsection (1), the guidelines must provide for the following—
- (a) the protection of confidential, proprietary and personal information in a digital work system accessed or inspected by a WHS entry permit holder,
 - (b) the secure handling, storage and non-disclosure of information obtained from a digital work system accessed or inspected by a WHS entry permit holder,
 - (c) processes for determining the most appropriate workplace for the right of entry to be exercised under section 117 for the purpose of requiring

a relevant person conducting a business or undertaking to provide a WHS entry permit holder with reasonable assistance to access and inspect a digital work system.

- (3) The guidelines may include industry-specific requirements about the power of WHS entry permit holders to require persons conducting a business or undertaking to provide reasonable assistance to access and inspect digital work systems under section 118(1)(a1).