

**AUSTRALASIAN PARLIAMENTARY COUNSEL'S COMMITTEE**

**CHAIR OF SAFE WORK AUSTRALIA**

**Model Work Health and Safety Regulations (Engineered Stone) Amendment  
2023**

**REPORT OF THE AUSTRALASIAN PARLIAMENTARY COUNSEL'S COMMITTEE**

On 17 March 2022, officers of Safe Work Australia provided instructions to the Australasian Parliamentary Counsel's Committee to draft legislation on this matter.

A copy of the draft legislation that has been settled with the officers is attached.

A handwritten signature in black ink, appearing to read 'A. O'Callaghan'.

Annette O'Callaghan  
NSW Parliamentary Counsel  
Secretary, Australasian Parliamentary Counsel's Committee

11 April 2023

Ref: pcc-586, d7

# **Model Work Health and Safety Regulations (Engineered Stone) Amendment 2023**

## **Contents**

1.	Citation	1
2.	Regulations amended	1
3.	Regulation 5 amended	1
4.	Regulation 15 amended	1
5.	Regulation 91A amended	2
6.	Regulation 144 amended	2
7.	Regulation 163 amended	2
8.	Part 4.9 inserted	2
9.	Regulation 221 amended	5
10.	Regulation 242 amended	5
11.	Schedule 11 amended	5
12.	Schedule 13 clause 3 amended	5
13.	Schedule 13 clause 5 amended	6
14.	Appendix amended	6



# Model Work Health and Safety Regulations (Engineered Stone) Amendment 2023

## 1. Citation

These regulations are the *Model Work Health and Safety Regulations (Engineered Stone) Amendment 2023*.

## 2. Regulations amended

These regulations amend the *Model Work Health and Safety Regulations*.

## 3. Regulation 5 amended

In regulation 5(1) in the definition of *boiler* paragraph (e)(iii) delete “AS 2593:2004” and insert:

AS 2593:2021

## 4. Regulation 15 amended

In regulation 15(2), note 1 delete “AS 2593:2004, but equipment must be certified in compliance with AS 2593:2004” and insert:

AS 2593:2021, but equipment must be certified in compliance with AS 2593:2021

r. 5

---

**5. Regulation 91A amended**

In regulation 91A(3) delete “given” and insert:

give

**6. Regulation 144 amended**

In regulation 144(1)(d) delete “AS 2832.1:2004” and insert:

AS 2832.1:2015

**7. Regulation 163 amended**

In regulation 163(1), (2) and (3) delete “AS/NZS 3012:2010”  
(each occurrence) and insert:

AS/NZS 3012:2019

**8. Part 4.9 inserted**

After regulation 184 insert:

**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.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(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

**r. 8**

---

- (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 subregulation (2)(b).

**9. Regulation 221 amended**

In regulation 221(2) delete “AS/NZS 1891.1:2007 (Industrial fall-arrest systems—Harnesses and ancillary equipment),” and insert:

AS/NZS 1891.1:2020 (Personal equipment for work at height—Manufacturing requirements for full body combination and lower body harnesses),

**10. Regulation 242 amended**

In regulation 242(1A)(h)(iii) delete “notice: and” and insert:

notice; and

**11. Schedule 11 amended**

In Schedule 11 table 11.1 note 2 delete “aerosols..” and insert:

aerosols.

**12. Schedule 13 clause 3 amended**

In Schedule 13 clause 3(3) delete “AS 2700S–1996” and insert:

AS 2700S–2011

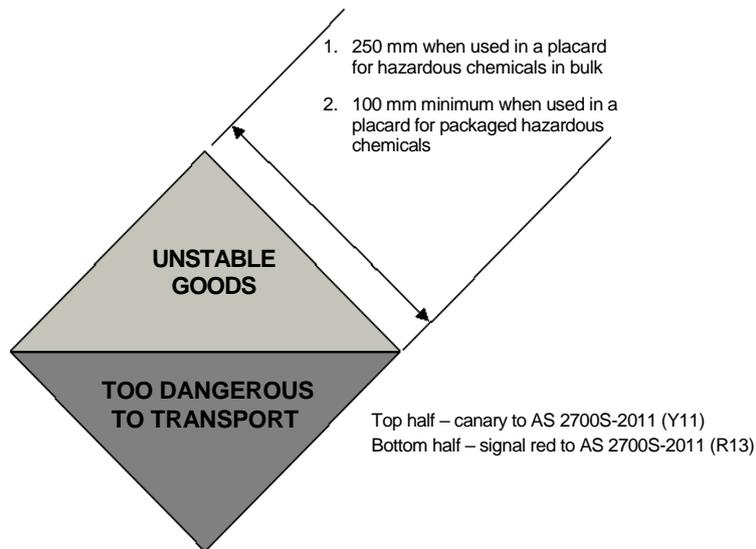
r. 13

---

**13. Schedule 13 clause 5 amended**

In Schedule 13 clause 5(3) delete Figure 13.3 and insert:

---



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

**14. Appendix amended**

In the Appendix delete “convictions..” and insert:

convictions.