



New South Wales

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

## Contents

---

		Page
	1 Name of Act	2
	2 Commencement	2
<b>Schedule 1</b>	<b>Amendment of Work Health and Safety Act 2011 No 10</b>	<b>3</b>

*This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

*Legislative Assembly*

*Clerk of the Legislative Assembly*



New South Wales

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

No. \_\_\_\_\_, 2026

---

### **A Bill for**

An Act to amend the *Work Health and Safety Act 2011* in relation to digital work systems.

---

***EXAMINED***

*Speaker*

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.*

*Legislative Council*

*Clerk of the Parliaments*

---

**The Legislature of New South Wales enacts—**

1

**1 Name of Act**

2

This Act is the *Work Health and Safety Amendment (Digital Work Systems) Act 2026*.

3

**2 Commencement**

4

This Act commences on a day or days to be appointed by proclamation.

5

<b>Schedule 1</b>	<b>Amendment of Work Health and Safety Act 2011</b>	1
	<b>No 10</b>	2
<b>[1] Section 4 Definitions</b>		3
	Insert in alphabetical order—	4
	<i>digital work system</i> means an algorithm, artificial intelligence, automation or online platform.	5 6
<b>[2] Section 19 Primary duty of care</b>		7
	Insert after section 19(3)(c)—	8
	(c1) the health and safety of workers is not put at risk from the use of digital work systems by the business or undertaking, and	9 10
<b>[3] Section 21A</b>		11
	Insert after section 21—	12
<b>21A Duties of persons conducting businesses or undertakings involving digital work systems</b>		13 14
	(1) A person conducting a business or undertaking must ensure, so far as is reasonably practicable, that the health and safety of a worker is not put at risk from the allocation of work by a digital work system used by the business or undertaking.	15 16 17 18
	(2) A person conducting a business or undertaking must consider whether the allocation of work by or using a digital work system creates or results in any of the following risks—	19 20 21
	(a) excessive or unreasonable workloads for workers at work in the business or undertaking,	22 23
	(b) the use of excessive or unreasonable metrics to assess and track the performance of workers at work in the business or undertaking,	24 25
	(c) excessive or unreasonable monitoring or surveillance of workers at work in the business or undertaking,	26 27
	(d) unlawful discriminatory practices or decision-making in the conduct of the business or undertaking.	28 29
	<b>Note—</b> If a dispute arises about the exercise or purported exercise by a WHS entry permit holder of a right of entry, Part 7, Division 6 provides for how to deal with the dispute. In particular, section 142 provides that the Industrial Relations Commission may deal with the dispute in any manner the Commission thinks fit.	30 31 32 33
<b>[4] Section 118 Rights that may be exercised while at workplace</b>		34
	Insert after section 118(1)(a)—	35
	(a1) require the relevant person conducting a business or undertaking to provide the WHS entry permit holder with reasonable assistance to access and inspect a digital work system relevant to the suspected contravention,	36 37 38 39
<b>[5] Section 118(2)</b>		40
	Omit “subsection (1) (d) to allow”. Insert instead “subsection (1)(a1) or (d) to assist, or allow,”.	41 42
<b>[6] Section 118(2A)</b>		43
	Insert after section 118(2)—	44

(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 is subject to guidelines made by the regulator under section 118A.	1 2 3 4
[7]	<b>Section 118(3)</b>	5
	Omit “subsection (1) (d)”. Insert instead “subsection (1)(a1) or (d)”.	6
[8]	<b>Section 118A</b>	7
	Insert after section 118—	8
<b>118A</b>	<b>Guidelines about reasonable assistance to access or inspect digital work systems</b>	9 10
	For section 118(1)(a1) and (2A), the regulator must issue, and publish on the regulator’s website, guidelines 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 relevant to suspected contraventions of this Act.	11 12 13 14 15
[9]	<b>Section 276D</b>	16
	Insert after section 276C—	17
<b>276D</b>	<b>Review of provisions about digital work systems</b>	18
(1)	If the Minister is satisfied the Model Work Health and Safety laws developed by Safe Work Australia deal with substantially the same subject matter as the relevant provisions, the Minister must review the relevant provisions to determine whether—	19 20 21 22
(a)	the policy objectives of the relevant provisions remain valid, and	23
(b)	the terms of the relevant provisions remain appropriate for achieving the objectives, and	24 25
(c)	the Model Work Health and Safety laws provide a higher standard of health and safety for workers than the relevant provisions, and	26 27
(d)	the relevant provisions are appropriate, having regard to the Model Work Health and Safety laws.	28 29
(2)	The review must be undertaken as soon as practicable after the Minister is satisfied the Model Work Health and Safety laws developed by Safe Work Australia deal with substantially the same subject matter as the relevant provisions.	30 31 32 33
(3)	In this section—	34
	<i>relevant provisions</i> means the amendments made to this Act by the <i>Work Health and Safety Amendment (Digital Work Systems) Act 2026</i> .	35 36