

South Australia

# **Work Health and Safety (Psychosocial Risks) Amendment Regulations 2023**

under the *Work Health and Safety Act 2012*

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## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *Work Health and Safety (Psychosocial Risks) Amendment Regulations 2023*.

### **2—Commencement**

These regulations come into operation 4 months after the day on which they are made (see *Legislative Instruments Act 1978* section 10AA).

## **Part 2—Amendment of *Work Health and Safety Regulations 2012***

### **3—Amendment of regulation 5—Definitions**

Regulation 5(1)—after the definition of *proposed major hazard facility* insert:

*psychosocial hazard*—see regulation 55A;

*psychosocial risk*—see regulation 55B;

## 4—Amendment of regulation 15—References to standards

Regulation 15—after its present contents insert:

**Note—**

A person is only required to comply with an Australian Standard or Australian/New Zealand Standard that is applied, adopted or incorporated by, or otherwise referred to in, a regulation to the extent the regulation provides, whether expressly or by necessary implication.

For example, in regulation 5, definition of *boiler*, there is an exception in paragraph (e)(iii). The definition does not require a person to comply with AS 2593:2004, but equipment must be certified in compliance with AS 2593:2004 in order to fall within that particular exception.

The reference to an Australian Standard in this case is part of a description of equipment excluded from the definition of *boiler*. As a result, the equipment is not covered by particular provisions of these regulations relating to high risk work.

## 5—Insertion of Chapter 3 Part 2 Division 11

Chapter 3 Part 2—after Division 10 insert:

### Division 11—Psychosocial risks

#### 55A—Meaning of psychosocial hazard

A *psychosocial hazard* is a hazard that—

- (a) arises from, or relates to—
  - (i) the design or management of work; or
  - (ii) a work environment; or
  - (iii) plant at a workplace; or
  - (iv) workplace interactions or behaviours; and
- (b) may cause psychological harm (whether or not it may also cause physical harm).

#### 55B—Meaning of psychosocial risk

A *psychosocial risk* is a risk to the health or safety of a worker or other person arising from a psychosocial hazard.

#### 55C—Managing psychosocial risks

A person conducting a business or undertaking must manage psychosocial risks in accordance with Chapter 3 Part 1.

**Note—**

WHS Act—section 19 (see regulation 9).

#### 55D—Control measures

- (1) This regulation applies to a person conducting a business or undertaking who implements control measures to manage psychosocial risks in accordance with Chapter 3 Part 1.

- (2) In determining the control measures to implement, the person must have regard to all relevant matters, including—
- (a) the duration, frequency and severity of the exposure of workers and other persons to the psychosocial hazards; and
  - (b) how the psychosocial hazards may interact or combine; and
  - (c) the design of work, including job demands and tasks; and
  - (d) the systems of work, including how work is managed, organised and supported; and
  - (e) the design and layout, and environmental conditions, of the workplace, including the provision of—
    - (i) safe means of entering and exiting the workplace; and
    - (ii) facilities for the welfare of workers; and
  - (f) the design and layout, and environmental conditions, of workers' accommodation; and
  - (g) the plant, substances and structures at the workplace; and
  - (h) workplace interactions or behaviours; and
  - (i) the information, training, instruction and supervision provided to workers.
- (3) In this regulation—
- workers' accommodation*** means premises to which section 19(4) of the Act applies.

## **6—Amendment of regulation 238—Operation of amusement devices and passenger ropeways**

Regulation 238—after subregulation (2) insert:

- (3) The reference in subregulation (1) to instruction and training in the proper operation of a device or ropeway includes a reference to instruction and training in carrying out the checks and operation required under subregulation (2)(a) and (b).

## **7—Amendment of regulation 242—Log book and manuals for amusement devices**

- (1) Regulation 242(1)(a)—delete paragraph (a) and substitute:
- (a) the log book for the amusement device records the details required under subregulation (1a); and
- (2) Regulation 242—after subregulation (1) insert:
- (1a) The log book for an amusement device must record—
    - (a) for each occasion on which the device is erected, details (including the date) of the erection; and

- (b) for each occasion on which the device is stored, details of the storage; and
- (c) details of the maintenance of the device; and
- (d) for each day on which the device is operated, the number of hours for which it is operated; and
- (e) the total number of hours for which the device has ever been operated; and
- (f) details of any faults, or other matters relevant to the safety of the device, identified during its operation; and
- (g) the following details for each person who operates the device:
  - (i) the person's name;
  - (ii) whether the person has been provided with instruction and training in the proper operation of the device;
  - (iii) for each occasion on which instruction or training in the proper operation of the device is provided to the person—
    - (A) the date; and
    - (B) a summary of the instruction or training; and
    - (C) the name and qualifications of the instructor or trainer; and
- (h) details of each statutory notice issued in relation to the device, including—
  - (i) the date on which the notice was issued; and
  - (ii) the reasons for issuing the notice; and
  - (iii) any action taken in response to the notice; and
  - (iv) for a notice given under a corresponding WHS law—the location of the device when the notice was issued.

**Note—**

See also regulation 238(2)(c)

- (3) Regulation 242(2)(a)—delete paragraph (a) and substitute:
    - (a) the log book for the amusement device; and
  - (4) Regulation 242—after subregulation (2) insert:
    - (3) The person with management or control of an amusement device at a workplace must make the log book for the device available to any person to whom the person relinquishes control of the device.
- Maximum penalty:

- (a) In the case of an individual—\$1 250.
  - (b) In the case of a body corporate—\$6 000.
- (4) In this regulation—  
*statutory notice* means—
  - (a) an improvement notice, prohibition notice or infringement notice; or
  - (b) an improvement notice, prohibition notice or infringement notice under a corresponding WHS law.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 25 August 2023

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