

Australian Capital Territory

Work Health and Safety Amendment Regulation 2023 (No 1)

Subordinate Law SL2023-19

The Australian Capital Territory Executive makes the following regulation under the [Work Health and Safety Act 2011](http://www.legislation.act.gov.au/a/2011-35).

Dated 24 August 2023.

Andrew Barr

Chief Minister

Mick Gentleman

Minister



Australian Capital Territory

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1 Name of regulation

This regulation is the *Work Health and Safety Amendment Regulation 2023 (No 1)*.

2 Commencement

 (1) Sections 3 and 9 commence on the day after this regulation’s notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 75 (1)).

 (2) The remaining provisions commence on 27 November 2023.

3 Legislation amended

This regulation amends the [Work Health and Safety Regulation 2011](http://www.legislation.act.gov.au/sl/2011-36).

4 New division 3.2.11

insert

Division 3.2.11 Psychosocial risks

55A Meaning of psychosocial hazard—div 3.2.11

For this division, 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—div 3.2.11

For this division, a psychosocial risk is a risk to the health or safety of a worker or other person arising from a psychosocial hazard.

55C Duty to manage psychosocial risk

A person conducting a business or undertaking must manage psychosocial risks in accordance with part 3.1 (Managing risks to health and safety).

Note [WHS Act](https://www.legislation.act.gov.au/a/2011-35/)—s 19 (see s 9).

55D Psychosocial risks—control measures

 (1) A person conducting a business or undertaking must implement control measures to—

 (a) eliminate psychosocial risks so far as is reasonably practicable; and

 (b) if it is not reasonably practicable to eliminate psychosocial risks—minimise the risks so far as is reasonably practicable.

 (2) In determining the control measures to implement, the person must have regard to all relevant matters, including—

 (a) the duration, frequency or severity of the exposure of workers and other persons to any 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 section:

workers’ accommodation means premises to which the [Act](https://www.legislation.act.gov.au/a/2011-35), section 19 (4) applies.

Note [WHS Act](https://www.legislation.act.gov.au/a/2011-35/)—s 19 (see s 9).

5 Section 144 (1), definition of *electrical equipment*, paragraph (a) (iv) and note

omit

AS 2832.1:2004

substitute

AS 2832.1:2015

6 Section 163

omit

AS/NZS 3012:2010

substitute

AS/NZS 3012:2019

7 Section 221 (2), definition of *harness*

omit

AS/NZS 1891.1:2007 (Industrial fall-arrest systems and devices—Harnesses and ancillary equipment)

substitute

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

8 Section 221 (2), note

omit

AS/NZS 1891.1:2007

substitute

AS/NZS 1891.1:2020

9 Section 418A (1), new definition of *engineered stone*

insert

***engineered stone*** means a stone that is artificially produced by combining natural stone that contains crystalline silica with other materials such as resin and pigment.

10 Schedule 13, section 13.3 (3), definition of *red* and note

omit

AS 2700S-1996

substitute

AS 2700S-2011

11 Schedule 13, section 13.5, figure 13.3

substitute



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

12 Dictionary, definition of *boiler*, paragraph (b) (iii) (C) and note

omit

AS 2593:2004

substitute

AS 2593:2021

13 Dictionary, new definitions

insert

psychosocial hazard, for division 3.2.11 (Psychosocial risks)—see section 55A.

psychosocial risk, for division 3.2.11 (Psychosocial risks)—see section 55B.

Endnotes

1 Notification

 Notified under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) on 28 August 2023.

2 Republications of amended laws

 For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au/).

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