

**SUPPLEMENTARY GAZETTE**



**THE SOUTH AUSTRALIAN  
GOVERNMENT GAZETTE**

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**All instruments appearing in this gazette are to be considered official, and obeyed as such**

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## GOVERNOR'S INSTRUMENTS

### APPOINTMENTS

Department of the Premier and Cabinet  
Adelaide, 25 August 2023

Her Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Adelaide Festival Centre Trust, pursuant to the provisions of the Adelaide Festival Centre Trust Act 1971:

Member: from 25 August 2023 until 24 August 2026  
Penelope Zoe Griggs

By command,

ANASTASIOS KOUTSANTONIS, MP  
For Premier

23ART0021CS

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Department of the Premier and Cabinet  
Adelaide, 25 August 2023

Her Excellency the Governor in Executive Council has been pleased to appoint Nicolle Shelley Rantanen to the Office of Public Trustee for a period from 25 August 2023 and expiring on 12 July 2026 - pursuant to the Public Trustee Act 1995.

By command,

ANASTASIOS KOUTSANTONIS, MP  
For Premier

AGO0154-23CS

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Department of the Premier and Cabinet  
Adelaide, 25 August 2023

Her Excellency the Governor in Executive Council has been pleased to appoint Alice Frances Cashen as Deputy Electoral Commissioner for a term commencing on 5 October 2023 and expiring 1 year after polling day of the general election second occurring after the appointment - pursuant to the Electoral Act 1985.

By command,

ANASTASIOS KOUTSANTONIS, MP  
For Premier

AGO0151-23CS

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## PROCLAMATION

South Australia

# **Tobacco and E-Cigarette Products (Tobacco Product Prohibitions) Amendment Act (Commencement) Proclamation 2023**

## **1—Short title**

This proclamation may be cited as the *Tobacco and E-Cigarette Products (Tobacco Product Prohibitions) Amendment Act (Commencement) Proclamation 2023*.

## **2—Commencement of Act**

The *Tobacco and E-Cigarette Products (Tobacco Product Prohibitions) Amendment Act 2023* (No 15 of 2023) comes into operation on 31 August 2023.

## **Made by the Governor**

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

## REGULATIONS

South Australia

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

under the *Work Health and Safety Act 2012*

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## Contents

### Part 1—Preliminary

- 1 Short title
- 2 Commencement

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

- 3 Amendment of regulation 5—Definitions
  - 4 Amendment of regulation 15—References to standards
  - 5 Insertion of Chapter 3 Part 2 Division 11
    - Division 11—Psychosocial risks
      - 55A Meaning of psychosocial hazard
      - 55B Meaning of psychosocial risk
      - 55C Managing psychosocial risks
      - 55D Control measures
  - 6 Amendment of regulation 238—Operation of amusement devices and passenger ropeways
  - 7 Amendment of regulation 242—Log book and manuals for amusement devices
- 

## 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

No 92 of 2023



South Australia

# Tobacco and E-Cigarette Products (Prescribed Requirements) Amendment Regulations 2023

under the *Tobacco and E-Cigarette Products Act 1997*

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## Contents

### Part 1—Preliminary

- 1 Short title
- 2 Commencement

### Part 2—Amendment of *Tobacco and E-Cigarette Products Regulations 2019*

- 3 Insertion of regulations 3B and 3C
    - 3B Prescribed packaging requirements
    - 3C Possession of certain tobacco products—prescribed quantity
- 

## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Tobacco and E-Cigarette Products (Prescribed Requirements) Amendment Regulations 2023*.

### 2—Commencement

These regulations come into operation on the day on which the *Tobacco and E-Cigarette Products (Tobacco Product Prohibitions) Amendment Act 2023* comes into operation.

## Part 2—Amendment of *Tobacco and E-Cigarette Products Regulations 2019*

### 3—Insertion of regulations 3B and 3C

After regulation 3A insert:

#### **3B—Prescribed packaging requirements**

For the purposes of paragraph (b) of the definition of *prescribed packaging requirements* in section 4(1) of the Act, Parts 2 and 9 of the *Competition and Consumer (Tobacco) Information Standard* made under the *Competition and Consumer Act 2010* of the Commonwealth are prescribed.

#### **3C—Possession of certain tobacco products—prescribed quantity**

For the purposes of section 33(3) of the Act, the prescribed quantity of a prescribed tobacco product is—

- (a) in the case of cigarettes—50 cigarettes; or
- (b) in any other case—50 grams or more of a prescribed tobacco product.

**Editorial note—**

As required by section 10AA(2) of the *Legislative Instruments Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

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

No 93 of 2023

South Australia

# Legislative Instruments (Postponement of Expiry) Regulations 2023

under the *Legislative Instruments Act 1978*

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## Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Postponement of expiry for 1 year—regulations made before 1 January 2013
- 5 Expiry of obsolete regulations

Schedule 1—Postponement of expiry

Schedule 2—Expiry of obsolete regulations

Schedule 3—Repeal of *Legislative Instruments (Postponement of Expiry) Regulations 2022*

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### 1—Short title

These regulations may be cited as the *Legislative Instruments (Postponement of Expiry) Regulations 2023*.

### 2—Commencement

These regulations come into operation on the day on which they are made.

### 3—Interpretation

In these regulations—

*Act* means the *Legislative Instruments Act 1978*.

### 4—Postponement of expiry for 1 year—regulations made before 1 January 2013

The expiry under Part 3A of the Act of the regulations listed in Schedule 1 is postponed for a period of 1 year commencing on 1 September 2023.

### 5—Expiry of obsolete regulations

The regulations listed in Schedule 2 will expire under the Act on 1 September 2023.

**Schedule 1—Postponement of expiry**

*Administration and Probate Regulations 2009*  
*Anangu Pitjantjatjara Yankunytjatjara Land Rights Regulations 2010*  
*Animal Welfare Regulations 2012*  
*Architectural Practice (Election) Regulations 2010*  
*Architectural Practice (General) Regulations 2010*  
*Assisted Reproductive Treatment Regulations 2010*  
*Births, Deaths and Marriages Registration Regulations 2011*  
*Building and Construction Industry Security of Payment Regulations 2011*  
*Building Work Contractors Regulations 2011*  
*Carrick Hill Trust Regulations 2012*  
*City of Adelaide (Elections and Polls) Regulations 2010*  
*City of Adelaide (Members Allowances and Benefits) Regulations 2010*  
*Classification (Publications, Films and Computer Games) Regulations 2011*  
*Community Titles Regulations 2011*  
*Controlled Substances (Poisons) Regulations 2011*  
*Conveyancers Regulations 2010*  
*Criminal Investigation (Extraterritorial Offences) Regulations 2010*  
*Cross-border Justice Regulations 2009*  
*Crown Land Management Regulations 2010*  
*Daylight Saving Regulations 2009*  
*Education and Early Childhood Services (Registration and Standards) Regulations 2011*  
*Electoral Regulations 2009*  
*Electricity (General) Regulations 2012*  
*Emergency Management Regulations 2009*  
*Employment Agents Registration Regulations 2010*  
*Energy Products (Safety and Efficiency) Regulations 2012*  
*Environment Protection Regulations 2009*  
*Expiation of Offences Regulations 2011*  
*Explosives Regulations 2011*  
*Fair Trading (Pre-paid Funerals Industry Code) Regulations 2011*  
*Fair Trading Regulations 2010*  
*Fair Work (General) Regulations 2009*  
*Fair Work (Representation) Regulations 2009*  
*Family and Community Services Regulations 2009*

*Family Relationships Regulations 2010*  
*Fisheries Management (Lakes and Coorong Fishery) Regulations 2009*  
*Gas Regulations 2012*  
*Harbors and Navigation (Alcohol and Drug Testing) Regulations 2009*  
*Harbors and Navigation Regulations 2009*  
*Health Practitioner Regulation National Law (South Australia) Regulations 2010*  
*Health Services Charitable Gifts Regulations 2011*  
*Hydroponics Industry Control Regulations 2010*  
*Intervention Orders (Prevention of Abuse) Regulations 2011*  
*Irrigation Regulations 2009*  
*Land Agents Regulations 2010*  
*Land and Business (Sale and Conveyancing) Regulations 2010*  
*Land Tax Regulations 2010*  
*Land Valuers Regulations 2010*  
*Liquor Licensing (General) Regulations 2012*  
*Local Government (Elections) Regulations 2010*  
*Local Government (Financial Management) Regulations 2011*  
*Local Government (Members Allowances and Benefits) Regulations 2010*  
*Marine Parks (Zoning) Regulations 2012*  
*Mental Health Regulations 2010*  
*Motor Vehicles Regulations 2010*  
*National Parks and Wildlife (Hunting) Regulations 2011*  
*National Parks and Wildlife (Parking) Regulations 2012*  
*National Parks and Wildlife (Protected Animals—Marine Mammals) Regulations 2010*  
*Opal Mining Regulations 2012*  
*Outback Communities (Administration and Management) Regulations 2010*  
*Parliament (Joint Services) (Retention Entitlement) Regulations 2012*  
*Passenger Transport Regulations 2009*  
*Plumbers, Gas Fitters and Electricians Regulations 2010*  
*Primary Industry Funding Schemes (Grain Industry Fund) Regulations 2012*  
*Primary Produce (Food Safety Schemes) (Egg) Regulations 2012*  
*Public Corporations (Lotteries Commission—Tax and Other Liabilities) Regulations 2012*  
*Public Corporations (Distribution Lessor Corporation) Regulations 2010*  
*Public Corporations (Generation Lessor Corporation) Regulations 2010*  
*Public Corporations (Southern Select Super Corporation) Regulations 2012*

*Public Corporations (StudyAdelaide) Regulations 2011*  
*Public Corporations (Transmission Lessor Corporation) Regulations 2010*  
*Public Sector (Honesty and Accountability) Regulations 2010*  
*Public Sector Regulations 2010*  
*Public Trustee Regulations 2010*  
*Rail Safety National Law (South Australia) (Drug and Alcohol Testing) Regulations 2012*  
*Rail Safety National Law (South Australia) (Transitional Arrangements) Regulations 2012*  
*Real Property Regulations 2009*  
*Recreation Grounds Regulations 2011*  
*Renmark Irrigation Trust Regulations 2009*  
*Residential Tenancies Regulations 2010*  
*Retail and Commercial Leases Regulations 2010*  
*Roxby Downs (Local Government Arrangement) Regulations 2012*  
*Safe Drinking Water Regulations 2012*  
*Second-hand Vehicle Dealers Regulations 2010*  
*Security and Investigation Industry Regulations 2011*  
*Serious and Organised Crime (Unexplained Wealth) Regulations 2010*  
*Small Business Commissioner Regulations 2012*  
*South Australian Housing Trust Regulations 2010*  
*South Australian Ports (Disposal of Maritime Assets) Regulations 2012*  
*South Australian Public Health (Notifiable and Controlled Notifiable Conditions) Regulations 2012*  
*Spent Convictions Regulations 2011*  
*Summary Procedure (Restraining Orders) Regulations 2011*  
*Superannuation Funds Management Corporation of South Australia Regulations 2010*  
*Supported Residential Facilities Regulations 2009*  
*TAFE SA Regulations 2012*  
*Trustee Regulations 2011*  
*Water Industry Regulations 2012*  
*Witness Protection Regulations 2012*  
*Work Health and Safety Regulations 2012*

## **Schedule 2—Expiry of obsolete regulations**

*Business Names Registration (Transitional Arrangements) Regulations 2012*  
*South Australian Public Health (Cervical and Related Cancer Screening) Regulations 2012*  
*WorkCover Corporation (Claims Management—Contractual Arrangements) Regulations 2012*

### **Schedule 3—Repeal of *Legislative Instruments (Postponement of Expiry) Regulations 2022***

The *Legislative Instruments (Postponement of Expiry) Regulations 2022* are repealed.

**Editorial note—**

As required by section 10AA(2) of the *Legislative Instruments Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

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

No 94 of 2023

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