

Insight aims to provide useful information, links and tips in the areas of Risk Management, Work Health and Safety, Business Continuity Management, and other areas relating to management systems and corporate governance.

What can we expect in the New Year...

As we approach the end of the year, we start to think about what is in store for 2023.

Across the various industries we support, there seems to be an overall 'busy-ness' (tending toward being overworked) as the level of work surges back following the impacts from the COVID pandemic and severe weather events.

Looking at the legislative and WHS Policy changes that are in the pipeline:

- The WHS (Psychological Risks) Amendment Regulation 2022 commences on the 1st of April next year. It amends the [Work Health and Safety Regulation 2011](#) and requires that PCBUs address psychosocial risks through the application of risk management and the use of the hierarchy of controls. The accompanying explanatory notes outline that the amendment aims to reduce and prevent the incidence of work-related psychosocial injuries, provide clarity on the duties to manage psychological health and ensure that higher-order controls are implemented (so far as is reasonably practicable).
- The new *Managing the risk of psychosocial hazards at work* Code of Practice is also scheduled to take effect on the 1st of April. It is similar to the Safework Australia Code of Practice, but it includes more detail relating to the selection of effective controls.
- The Code of Practice for managing the exposure to respirable crystalline silica dust will take effect a month later (1st May). Queensland is leading the nation on this issue so we can expect some promotion of the detail and requirements as we approach May.
- The recommendations relating to the amendments to Qld's Electrical Safety Legislation are still under consideration at Ministerial level. No set timeframe has been provided (at this stage) for expected sign-off.

- There is the current five-yearly review of the Queensland [WHS Act](#) being led by Craig Allen, former DDG of Queensland OIR. This review is examining the effectiveness of the key components of the Act in achieving its objectives, with the focus on consultation.
- And there has been nothing further at this stage on the Heads of Workers' Compensation Authorities (HWCA) review of the Self-Insurers National Audit Tool (potentially to be finalised next year).



While these changes will keep us all on our toes next year, we will also be watching for key learnings from the recently appointed new independent Work Health and Safety (WHS) Prosecutor, Mr Simon Nicholson. It will be interesting to see his approach to prosecutions and enforcement.

We also posed the 'what's in store for us in 2023?' question to a number of Queensland's preeminent WHS legal minds with some interesting feedback in terms of things that they saw would be on the agenda in 2023:

- **Understanding and enforcing the psychosocial regulations** – probably the biggest challenge from a regulator and legal perspective will be WHSQ's approach to enforcing psychosocial regulations. NSW and other states are about 12 months ahead of QLD on this, but with the Code of Practice being 'mandatory' in QLD it will be

interesting to explore *how to comply*. There will, in all likelihood, be a massive increase in psychosocial investigations and it should be noted that WHSQ have engaged some psychologists as Inspectors.

- **Sexual harassment as a 'WHS issue'** – there will be a continued focus on this, as evidenced by the recent federal budget which committed over \$40 million over four years to implement a range of recommendations from the *2020 Respect@Work Report* on workplace sexual harassment, including education and compliance activities to prevent harassment. This will coincide and interface with the introduction of reforms at a federal level to introduce a positive duty on PCBUs to eliminate sexual harassment.
- **Occupation Violence** – it is speculated that there will be a surge in matters relating to workplace occupational violence, and it will be interesting to see how the regulator responds.
- **Learnings from the MSF Sugar industrial manslaughter case** – initiated by the previous WHS Prosecutor, there will be value in watching how this case proceeds under the new Prosecutor.
- **Upstream duty holders** – There is a feeling that more 'upstream' duty holders (designers, suppliers etc.) will be investigated and prosecuted.
- **Further growth in cooperation between regulators around Australia.**

While there are a certainly a number of things for us all to think about in the New Year, we would

encourage that as the year comes to a close, we all take some time to take stock and reflect, to celebrate the wins, reflect on the learnings and appreciate where we are (and that there are some holidays just around the corner).

Please [contact QRMC](#) for more information.

Holiday Wishes



This edition of Insight is the final for 2022. The first edition in the New Year will be issued in February 2023.

QRMC Risk Management Pty Ltd will be closing over the Christmas period, from close of business Friday 16 December, reopening Monday 9 January 2023.

QRMC wishes all our clients, supporters and readers a relaxing, happy and safe holiday season. We look forward to your company in the New Year!