

c2025-109E
GRNS--The Greens

LEGISLATIVE COUNCIL

Workers Compensation Legislation Amendment Bill 2025

Second print

Proposed amendments

- No. 1 **Weekly payments after second entitlement period (after week 130)**
Page 3, Schedule 1.1[2] and [3], lines 8–17. Omit all words on the lines.
- No. 2 **Cessation of weekly payments after 5 years**
Page 3, Schedule 1.1[4] and [5], lines 18–33. Omit all words on the lines. Insert instead—
[4] Section 39 Cessation of weekly payments after 5 years
Omit the section.
- No. 3 **Cessation of weekly payments after 130 weeks—primary psychological injuries**
Pages 3 and 4, Schedule 1.1[6] and [7], line 34 on page 3 to line 16 on page 4. Omit all words on the lines.
- No. 4 **Limit on payment of compensation**
Pages 4 and 5, Schedule 1.1[8], line 17 on page 4 to line 3 on page 5. Omit all words on the lines. Insert instead—
[8] Section 59A Limit on payment of compensation
Omit the section.
- No. 5 **Cessation of weekly payments after 130 weeks—primary psychological injuries**
Page 5, Schedule 1.1[9] and [10], lines 4–14. Omit all words on the lines.
- No. 6 **Special provisions for primary psychological injuries and secondary psychological injuries**
Page 5, Schedule 1.1[13] and [14], lines 21–24. Omit all words on the lines.
- No. 7 **Time not to run for commencement of proceedings in certain cases**
Page 5, Schedule 1.1[16], line 29. Omit “any”. Insert instead “either”.
- No. 8 **Time not to run for commencement of proceedings in certain cases**
Page 5, Schedule 1.1[16], lines 34 and 35. Omit “for a physical injury or 25% for a psychological injury”.

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- No. 9 **Time not to run for commencement of proceedings in certain cases**
Page 5, Schedule 1.1[17], lines 38 and 39. Omit all words on the lines.
- No. 10 **No damages unless permanent impairment at certain threshold**
Page 6, Schedule 1.1[18], proposed section 151H(2), lines 11–13. Omit all words on the lines.
Insert instead—
 (2) The threshold for the degree of permanent impairment is at least 15%.
- No. 11 **No damages unless permanent impairment at certain threshold**
Page 6, Schedule 1.1[19], lines 26 and 27. Omit all words on the lines.
- No. 12 **Single assessment**
Pages 8–18, Schedule 1.3[5], line 17 on page 8 to line 28 on page 18. Omit all words on the lines.
- No. 13 **Further principal assessment–degree of deterioration (alternate to be moved only if amendment no 13 unsuccessful)**
Page 16, Schedule 1.3[5], line 7. Omit “10”. Insert instead “5”.
- No. 14 **Further principal assessment–degree of deterioration (alternate to be moved only if amendment no 13 unsuccessful)**
Page 16, Schedule 1.3[5], line 10. Omit “35”. Insert instead “30”.
- No. 15 **Commutation**
Pages 24–26, Schedule 1.5, line 2 on page 24 to line 33 on page 26. Omit all words on the lines.
Insert instead—

Sections 87D–87K

Omit the sections. Insert instead—

87D Principles for commutation of compensation

The following principles apply to the workers compensation legislation—

- (a) workers should be entitled to exit the workers compensation scheme on a fair and reasonable basis with minimal constraints,
- (b) negotiations about degrees of impairment resulting from injuries should be permitted,
- (c) all injured workers may exit the scheme by choosing a lump sum in place of periodic or other payments, subject to the appropriate process under the regulations,
- (d) parties to a claim for an injury causing permanent impairment should be able to negotiate the degree of whole person impairment for the purposes of determining the quantum of compensation for the permanent impairment.

- No. 16 **Excessive work demands**
Page 30, Schedule 1.8[3], proposed section 8B, lines 31–34. Omit all words on the lines. Insert instead “demands that are beyond the lawful and reasonable expectations of the worker’s role.”.
- No. 17 **Relevant event**
Page 32, Schedule 1.8[3], proposed section 8G. Insert after line 8—
 (h1) being subjected to management action that is—
 (i) not taken in a reasonable way, or

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- (ii) not reasonable in all the circumstances, or
 - (h2) being subjected to discrimination on the grounds of—
 - (i) age, or
 - (ii) disability, or
 - (iii) religion, or
 - (iv) gender, or
 - (v) sexuality, or
 - (vi) political or social views, or

No. 18 **Traumatic incident**

Page 32, Schedule 1.8[3], proposed section 8J, line 22. Insert “or animal” after “a person”.

No. 19 **Traumatic incident**

Page 32, Schedule 1.8[3], proposed section 8J(a)(i), line 23. Insert “or threat” after “an act”.

No. 20 **Vicarious trauma**

Page 32, Schedule 1.8[3], proposed section 8K, line 30. Insert “a singular or” after “impact of”.

No. 21 **Matters to be considered in determining excessive work demands**

Page 33, Schedule 1.8[3], proposed section 8M. Insert after line 20—
(g1) work health and safety requirements,

No. 22 **Connection between relevant events, employment and primary psychological injuries**

Page 33, Schedule 1.8[3], proposed section 8O(c), line 39. Omit “the main contributing factor”.
Insert instead “a substantial contributing factor”.

No. 23 **No compensation for psychological injury caused by reasonable actions of employer**

Page 34, Schedule 1.8[5], lines 19–25. Omit all words on the lines. Insert instead “injury if the psychological injury was predominantly caused by reasonable management action taken or proposed to be taken by an employer in relation to a worker.”.

No. 24 **Definition of suitable employment**

Page 35, Schedule 1.9. Insert after line 5—

[2A] Section 32A Definitions

Omit section 32A(1), definition of *suitable employment*, paragraph (b).

No. 25 **Reasonable and necessary**

Page 35, Schedule 1.9[6]–[9], lines 25–37. Omit all words on the lines.

No. 26 **Medical or related treatment (alternate to be moved only if amendment no 26 unsuccessful)**

Page 35, Schedule 1.9. Insert before line 29—

[6A] Section 60(2B)–(2D)

Insert after section 60(2A)—

(2AB) The worker’s employer must approve or deny a request for payment for reasonably necessary treatment or services referred to in subsection (1) within 5 business days after the employer receives the request, unless further information is reasonably required.

(2AC) In determining whether the treatment or services were reasonably necessary, the opinion of the injured worker’s treating medical

practitioner must be given primary weight unless contradicted by the opinion of a specialist medical practitioner after a physical examination of the worker.

- (2AD) The denial of a request must be supported by a peer-reviewed opinion of a specialist medical practitioner and include written reasons given, or otherwise accessible, to the worker and the worker's treating medical practitioner.

No. 27 **Underinsurance**

Page 37, Schedule 1.9[20], proposed section 173AA, line 1. Omit "**large**".

No. 28 **Underinsurance**

Page 37, Schedule 1.9[20], proposed section 173AA(1), line 3. Omit "A large". Insert instead "An".

No. 29 **Underinsurance**

Page 37, Schedule 1.9[20], proposed section 173AA(1), line 4. Omit "large".

No. 30 **Underinsurance**

Page 37, Schedule 1.9[20], proposed section 173AA(1)(a), line 6. Omit "large".

No. 31 **Underinsurance**

Page 37, Schedule 1.9[20], proposed section 173AA(1)(b), line 9. Omit "large".

No. 32 **Directions to insurers regarding contraventions**

Page 37, Schedule 1.9. Insert after line 21—

[21] Section 195

Insert after section 194—

195 Directions to insurers regarding contraventions

- (1) If the Authority is satisfied an insurer has contravened the insurer's licence, the Workers Compensation Acts or a requirement made by the Authority under the Workers Compensation Acts, the Authority may issue a written direction requiring the insurer to—
 - (a) refrain from conduct contravening the licence, the Workers Compensation Acts or the other requirement, or
 - (b) take action to comply with, or to prevent or remedy a contravention of, the licence, the Workers Compensation Acts or the other requirement, or
 - (c) take other action prescribed by the regulations.
- (2) An insurer must comply with a direction issued to the insurer under this section.
Maximum penalty—1,000 penalty units.
- (3) It is a condition of an insurer's licence under this Act that the insurer must comply with a direction issued to the insurer under this section.
- (4) The Authority must, as soon as practicable after issuing a direction under this section, publish on the Authority's website a statement of—
 - (a) the effect of the direction, and

(b) the reasons for issuing the direction.

(5) In this section—

Workers Compensation Acts includes instruments made under the Workers Compensation Acts.

No. 33 **Protection from unfair dismissal**

Page 37, Schedule 1.9. Insert before line 22—

[22] Section 248, heading

Omit “6 months”. Insert instead “12 months”.

[23] Section 248(2)(a)

Omit “6 months”. Insert instead “12 months”.

[24] Section 248(2A) and (2B)

Insert after section 248(2)—

(2A) It is presumed that an employer of an injured worker will not dismiss the worker while the worker is still undergoing treatment or rehabilitation for the injury, even if the relevant period has expired.

(2B) For subsection (2A), if an employer dismisses an injured worker while the worker is still undergoing treatment or rehabilitation, the burden of proof rests on the employer to prove the dismissal was not because the worker is not fit for employment as a result of the injury.

No. 34 **Amendments apply only to injuries first notified after assent**

Page 37, Schedule 1.10, lines 34–42. Omit all words on the lines. Insert instead—

Despite any other provision of the Workers Compensation Acts, the amendments made by the amendment Act apply only to injuries for which a notice of a work injury damages claim was made on or after the date of assent to the amendment Act.

No. 35 **Existing claims for whole person impairment injuries**

Page 38, Schedule 1.10, lines 2–9. Omit all words on the lines. Insert instead—

- (1) The whole person impairment amendments do not apply to a worker who—
- (a) notified an injury before the date of assent to the amendment Act, and
 - (b) makes a claim for lump sum compensation before 1 July 2026.

No. 36 **Transitional provision for death benefit disputes**

Page 40, Schedule 1.10. Insert after line 8—

Death benefit disputes

The amendment made by the amendment Act, Schedule 1.2 to insert Part 3, Division 1A does not apply to a death occurring before 1 August 2015.

No. 37 **Reasonable and necessary**

Page 40, Schedule 1.10, lines 26–40. Omit all words on the lines.

No. 38 **Lump sum compensation for psychological injuries**

Pages 40 and 41, Schedule 1.10, line 42 on page 40 to line 5 on page 41. Omit all words on the lines. Insert instead—

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- (1) The amendments to section 65A made by the amendment Act do not apply to a worker who—
- (a) notified an injury before the date of assent to the amendment Act, and
 - (b) makes a claim for lump sum compensation before 1 July 2026.
- No. 39 **Existing claims in relation to primary psychological injuries**
Page 41, Schedule 1.10, lines 22–26. Omit all words on the lines. Insert instead—
- (1) Section 151H, as substituted by the amendment Act, does not apply to a worker who—
- (a) notified an injury before the date of assent to the amendment Act, and
 - (b) makes a claim for lump sum compensation, and
 - (c) before 1 July 2026—
 - (i) makes a claim for lump sum compensation, and
 - (ii) serves a pre-filing statement.
- No. 40 **Review**
Page 42, Schedule 1.10, line 29. Omit “Treasurer and”.
- No. 41 **Reasonable and necessary**
Page 47, Schedule 2[12], proposed section 280AD, line 34. Omit “reasonable and necessary”. Insert instead “reasonably necessary”.
- No. 42 **Reasonable and necessary**
Page 51, Schedule 2[17], lines 1 and 2. Omit all words on the lines.
- No. 43 **Reasonable and necessary**
Page 51, Schedule 2[21], lines 20 and 21. Omit all words on the lines.
- No. 44 **What constitutes threshold dispute**
Page 51, Schedule 2[22], lines 26–28. Omit all words on the lines. Insert instead “is at least 15%”.
- No. 45 **What constitutes threshold dispute**
Page 51, Schedule 2[23], lines 29 and 30. Omit all words on the lines.