

c2025-103H

Ind (AG)--Independent (Alex Greenwich)

LEGISLATIVE ASSEMBLY

Workers Compensation Legislation Amendment Bill 2025

First print

Proposed amendments

No. 1 **Excessive work demands**

Page 33, Schedule 1.8[3], proposed section 8M. Insert after line 20—

- (g1) repeated and serious contraventions of the *Work Health and Safety Act 2011* and the regulations made under that Act and any other relevant work health and safety requirements,

No. 2 **Psychological injuries—reasonable management action**

Page 34, Schedule 1.8[5], proposed section 11A(1), line 16. Omit “a significant cause of the psychological injury was”. Insert instead “the psychological injury was predominantly caused by”.

No. 3 **Provision for HIV/AIDS**

Pages 35 and 36, Schedule 1.9[10], line 35 on page 35 to line 5 on page 36. Omit all words on the lines.

No. 4 **Firefighters**

Page 38, Schedule 1.10, line 30. Insert “, including firefighters employed by Forestry Corporation of New South Wales, National Parks and Wildlife Service and Transport for NSW” after “firefighter”.

No. 5 **Existing claims for whole person impairment injuries**

Page 38, Schedule 1.10. Insert after line 6—

Existing claims for whole person impairment injuries

- (1) The whole person impairment amendments do not apply to a worker who has done the following—
- (a) notified an injury before the date of assent to the amendment Act,
 - (b) made a claim for lump sum compensation,
 - (c) lodged a pre-filing statement before 1 July 2026.
- Note—** In the event of a dispute about the claim, if there is a finding in favour of the worker, the pre-filing statement is taken to have been lodged before 1 July 2026.
- (2) In this clause—

claim for lump sum compensation means a claim specifically seeking compensation under Part 3, Division 4.

whole person impairment amendments means the amendments made to this Act by the amendment Act, Schedule 1.1.

No. 6 **Lump sum compensation for psychological injuries**

Page 40, Schedule 1.10, lines 34–39. Omit all words on the lines. Insert instead—

- (1) The amendments to section 65A made by the amendment Act do not apply to a worker who has done the following—
 - (a) notified an injury before the date of assent to the amendment Act,
 - (b) made a claim for lump sum compensation,
 - (c) lodged a pre-filing statement before 1 July 2026.

Note— In the event of a dispute about the claim, if there is a finding in favour of the worker, the pre-filing statement is taken to have been lodged before 1 July 2026.

No. 7 **Existing claims in relation to primary psychological injuries**

Page 41, Schedule 1.10, lines 14–28. Omit all words on the lines. Insert instead—

- (1) Section 151H, as substituted by the amendment Act, does not apply to a worker who has done the following—
 - (a) notified an injury before the date of assent to the amendment Act,
 - (b) made a claim for lump sum compensation,
 - (c) lodged a pre-filing statement before 1 July 2026.

Note— In the event of a dispute about the claim, if there is a finding in favour of the worker, the pre-filing statement is taken to have been lodged before 1 July 2026.

- (2) In this clause—

claim for lump sum compensation means a claim specifically seeking compensation under Part 3, Division 4.

No. 8 **Review of workers compensation scheme**

Page 42, Schedule 1.10, lines 24–28. Omit all words on the lines. Insert instead—

- (1) The Treasurer and Ministers must jointly ensure a review of aspects of the workers compensation scheme, including the sustainability of the scheme, is conducted by an expert panel.
- (2) The expert panel must consist of—
 - (a) at least 1 expert nominated by Unions NSW, and
 - (b) at least 1 expert nominated by Business NSW, and
 - (c) at least 1 expert nominated by the Government, and
 - (d) the Mental Health Commissioner appointed under the *Mental Health Commission Act 2012*, and
 - (e) an Australian lawyer—
 - (i) who the Treasurer and Ministers are satisfied has significant expertise in the workers compensation scheme, and
 - (ii) who is nominated by the Government.
- (3) The terms of reference for the review must be determined by the Government in consultation with Unions NSW and Business NSW.
- (4) Without limiting subclause (3), the terms of reference must include consideration of the following—

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- (a) whether the amendments to the workers compensation scheme made by the *Workers Compensation Legislation Amendment Act 2025* have—
 - (i) improved the sustainability of the scheme, and
 - (ii) facilitated workers returning to paid employment, and
 - (iii) reduced the costs of insurance in relation to workers compensation,
 - (b) whether the amendments made by the *Workers Compensation Legislation Amendment Act 2025*, Schedule 1.1 to increase the degree of permanent impairment required for a worker to be entitled to weekly payments for a primary psychological injury after week 130 remain appropriate.

No. 9 **Personal Injury Commission**

Page 56, Schedule 4. Insert after line 1—

4.1A Personal Injury Commission Rules 2021

Rule 132A

Insert after rule 132—

132A Review of operation of rule 132

- (1) The Privacy Commissioner must review the operation of rule 132 to determine—
 - (a) whether the rule is being appropriately used, and
 - (b) the impact of the publication of publishable decisions, without the use of the powers provided by the rule, on the privacy and future employment prospects of claimants.
- (2) The review must be undertaken as soon as practicable after the commencement.
- (3) A report on the outcome of the review must be given to the Minister within 12 months after the commencement.
- (4) The Minister must ensure the report is tabled in each House of Parliament as soon as practicable after the Minister receives the report.
- (5) In this rule—

commencement means the commencement of the *Workers Compensation Legislation Amendment Act 2025*, Schedule 4.1A.