

c2025-268
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LEGISLATIVE COUNCIL

Workers Compensation Legislation Amendment Bill 2025

Second print

Proposed amendments

- No. 1 **Excessive work demands**
Page 29, Schedule 1.8[2], line 16. Omit all words on the line.
- No. 2 **Vicarious trauma**
Page 30, Schedule 1.8[2], line 7. Omit all words on the line.
- No. 3 **Meaning of bullying**
Page 30, Schedule 1.8[3], proposed section 8A, lines 26–28. Omit all words on the lines. Insert instead—

In this Act, **bullying**, in relation to a worker, means an individual or a group of individuals repeatedly acting with the deliberate intent of harming or intimidating a worker or group of workers of which the worker is a member.
- No. 4 **Excessive work demands**
Page 30, Schedule 1.8[3], proposed section 8B, lines 29–34. Omit all words on the lines.
- No. 5 **Meaning of psychological injury**
Page 31, Schedule 1.8[3], proposed section 8D, lines 2–4. Omit all words on the lines. Insert instead—

(1) In this Act, **psychological injury**, in relation to a worker, means an injury that is a mental or psychiatric disorder, diagnosed by a medical practitioner in accordance with the latest version of the *Diagnostic and Statistical Manual of Mental Disorders*, that causes significant behavioural, cognitive or psychological dysfunction.

(2) Psychological injury does not include anxiety disorder arising from responsibilities, pressures or safety concerns of a worker's employment that are reasonably regarded as inherent to that employment, causing the worker persistent and expected levels of worry.
- No. 6 **Meaning of racial harassment**
Page 31, Schedule 1.8[3], proposed section 8E, lines 6–10. Omit all words on the lines. Insert instead—

In this Act, **racial harassment**, in relation to a worker, means an act that is—

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- (a) engaged in by a person who knows, or should reasonably know, that the act is reasonably likely in all the circumstances to humiliate or intimidate the worker, and
- (b) done because of the race, colour or ethnic origin of the worker.
- No. 7 **Meaning of reasonable management action**
Page 31, Schedule 1.8[3], proposed section 8F(2). Insert after line 35—
- (m1) changes to work hours or responsibilities to maintain the financial viability of the employer,
- (m2) resolution of interpersonal disagreements or disputes,
- (m3) resolution of personal matters not related to the worker's employment duties,
- No. 8 **Meaning of reasonable management action**
Page 31, Schedule 1.8[3], proposed section 8F(2)(n), line 37. Omit "(n)". Insert instead "(m3)".
- No. 9 **Vicarious trauma**
Page 32, Schedule 1.8[3], proposed section 8G(d), line 4. Omit all words on the line.
- No. 10 **Excessive work demands**
Page 32, Schedule 1.8[3], proposed section 8G(h), line 8. Omit all words on the line.
- No. 11 **Meaning of sexual harassment**
Page 32, Schedule 1.8[3], proposed section 8I, lines 15–18. Omit all words on the lines. Insert instead—
- In this Act, *sexual harassment*, in relation to a worker, means an act that a person knows, or should reasonably know, is—
- (a) an unwelcome sexual advance to the worker, or
- (b) an unwelcome request for the worker to engage in sexual activity, or
- (c) other unwelcome conduct of a sexual nature in relation to the worker.
- No. 12 **Vicarious trauma**
Page 32, Schedule 1.8[3], proposed section 8K, lines 29–32. Omit all words on the lines.
- No. 13 **Excessive work demands**
Page 32, Schedule 1.8[3], proposed section 8L, lines 34 and 35. Omit “, excessive work demands”.
- No. 14 **Excessive work demands**
Page 32, Schedule 1.8[3], proposed section 8L, line 37. Omit “, excessive work demands”.
- No. 15 **Excessive work demands**
Page 33, Schedule 1.8[3], proposed section 8M, lines 1–24. Omit all words on the lines.
- No. 16 **Vicarious trauma**
Page 33, Schedule 1.8[3], proposed section 8N, lines 25–30. Omit all words on the lines.
- No. 17 **Connection between employment and primary psychological injuries**
Page 33, Schedule 1.8[3], proposed section 8O(c), lines 39 and 40. Omit all words on the lines. Insert instead—
- (c) employment is the main cause of the primary psychological injury.
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No. 18 **Objects of 1987 Act**

Page 34, Schedule 1.9. Insert after line 30—

[1AA] Section 2AA

Insert after section 2—

2AA Objects of Act

The objects of this Act are as follows—

- (a) to reduce the incidence of accidents, diseases and injuries in the workplace,
- (b) to ensure injured workers have access to appropriate compensation payments, occupational rehabilitation and early return to work opportunities,
- (c) to ensure the costs of the workers compensation scheme are contained to minimise the burden on businesses,
- (d) to ensure fair and reasonable treatment of permanently injured workers assessed as being unable to return to work,
- (e) to maintain a fully-funded workers compensation scheme, ensuring the traditional role of workers compensation for physically injured workers is not jeopardised,
- (f) to promote a culture of workplace resilience to minimise the number and cost of psychological injuries,
- (g) for the purposes set out in paragraphs (a)–(f)—to improve the health and safety of persons at work and reduce the social and economic costs to the community of accident and injury compensation.

No. 19 **Joint Select Committee**

Page 43, Schedule 1.10, line 26. Omit “scheme.”. Insert instead—

scheme, and

- (iii) ways of eliminating medical, legal and other forms of fraud impacting the scheme.

No. 20 **Joint Select Committee**

Page 43, Schedule 1.10, line 30. Omit all words on the line. Insert instead—

- (b) 3 members of the Legislative Council consisting of—
 - (i) 1 Government member, and
 - (ii) 1 Opposition member, and
 - (iii) 1 crossbench member.

No. 21 **Joint Select Committee**

Page 43, Schedule 1.10, lines 31 and 32. Omit all words on the lines. Insert instead—

- (3) The Chairperson of the Joint Select Committee must be the member of the Committee who is the crossbench member of the Legislative Council.

No. 22 **Excessive work demands**

Page 46, Schedule 2[11], proposed section 264B(1)(b), line 8. Omit all words on the line.

No. 23 **Excessive work demands**

Page 46, Schedule 2[11], proposed section 264B(2)(b), line 13. Omit all words on the line.

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- No. 24 **Excessive work demands**
Page 46, Schedule 2[12], proposed Division 3A, line 19. Omit “, **excessive work demands**”.
- No. 25 **Excessive work demands**
Page 46, Schedule 2[12], proposed section 280AB, line 30. Omit all words on the line.
- No. 26 **Excessive work demands**
Page 50, Schedule 2[13], line 28. Omit all words on the line.
- No. 27 **Excessive work demands**
Page 50, Schedule 2[13], line 32. Omit “, excessive work demands”.