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c2025-313G

Ind (AG)--Independent (Alex Greenwich)

LEGISLATIVE ASSEMBLY

Workers Compensation Legislation Amendment (Reform and Modernisation) Bill 2025

First print

Proposed amendments

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- ✓ No. 1 **Commencement—whole person impairment for psychological injury**
Page 2, clause 2, line 6. Omit all words on the line. Insert instead—
This Act commences as follows—
(a) for Schedules 1.1[2], [6], [16] and [18] and 2[22]—on 1 July 2026,
(b) for Schedules 1.1[3], [7], [17] and [19] and 2[23]—on 1 July 2027,
(c) for Schedules 1.1[3A], [7A], [17A] and [19A] and 2[23A]—on 1 July 2029,
(d) otherwise—on a day or days to be appointed by proclamation.
- ✓ No. 2 **Omission of Schedule 1.1[1]—amendment of Workers Compensation Act 1987**
Page 3, Schedule 1.1[1], lines 4–7. Omit all words on the lines.
- ✓ No. 3 **Whole person impairment for psychological injury—at least 25%**
Page 3, Schedule 1.1[3], line 17. Omit “25%”. Insert instead “at least 25%”.
- ✓ No. 4 **Whole person impairment for psychological injury—more than 26%**
Page 3, Schedule 1.1[3], line 17. Omit “31%”. Insert instead “more than 26%”.
- ✓ No. 5 **Whole person impairment for psychological injury—at least 28%**
Page 3, Schedule 1.1. Insert after line 17—
[3A] Section 38(9), as inserted by item [2] and amended by item [3]
Omit “more than 26%” wherever occurring. Insert instead “at least 28%”.
- ✓ No. 6 **Omission of Schedule 1.1[4] and [5]—amendment of Workers Compensation Act 1987**
Page 3, Schedule 1.1[4] and [5], lines 18–35. Omit all words on the lines.
- ✓ No. 7 **Whole person impairment for psychological injury—more than 26%**
Page 4, Schedule 1.1[7], line 18. Omit “25%”. Insert instead “at least 25%”.
- ✓ No. 8 **Whole person impairment for psychological injury—more than 26%**
Page 4, Schedule 1.1[7], line 18. Omit “31%”. Insert instead “more than 26%”.

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- ✓ No. 9 **Whole person impairment for psychological injury—at least 28%**
Page 4, Schedule 1.1. Insert after line 18—
[7A] Section 39A(2), as inserted by item [6] and amended by item [7]
Omit “more than 26%” wherever occurring. Insert instead “at least 28%”.
- ✓ No. 10 **Omission of Schedule 1.1[8] and [9]—amendment of Workers Compensation Act 1987**
Pages 4 and 5, Schedule 1.1[8] and [9], line 19 on page 4 to line 11 on page 5. Omit all words on the lines.
- ✓ No. 11 **Omission of Schedule 1.1[11] and [12]—amendment of Workers Compensation Act 1987**
Page 5, Schedule 1.1[11] and [12], lines 19–24. Omit all words on the lines.
- ✓ No. 12 **Whole person impairment for psychological injury—more than 26% and at least 28%**
Page 6, Schedule 1.1[17], lines 1 and 2. Omit all words on the lines. Insert instead—
[17] Section 151DA(1)(a)(i), as inserted by item [16]
Omit the subparagraph. Insert instead—
(i) whether the degree of permanent impairment of the injured worker is—
(A) at least 15% for a physical injury, or
(B) more than 26% for a psychological injury,
[17A] Section 151DA(1)(a)(i)(B), as inserted by item [17]
Omit “more than 26%”. Insert instead “at least 28%”.
- ✓ No. 13 **Degree of permanent impairment/whole person impairment for psychological injury—at least 25%**
Page 6, Schedule 1.1[19], line 29. Omit “25%”. Insert instead “at least 25%”.
- ✓ No. 14 **Degree of permanent impairment/whole person impairment for psychological injury—more than 26%**
Page 6, Schedule 1.1[19], line 29. Omit “31%”. Insert instead “more than 26%”.
- ✓ No. 15 **Degree of permanent impairment/whole person impairment for psychological injury—at least 28%**
Page 6, Schedule 1.1. Insert after line 29—
[19A] Section 151H(2)(b), as inserted by item [18] and amended by item [19]
Omit “more than 26%”. Insert instead “at least 28%”.
- ✓ No. 16 **Omission of Schedule 1.2–1.7—amendment of Workers Compensation Act 1987**
Pages 6–28, Schedule 1.2–1.7, line 30 on page 6 to line 41 on page 28. Omit all words on the lines.
- ✓ No. 17 **Amendment of Schedule 1.8—amendment of Workers Compensation Act 1987**
Pages 29–34, Schedule 1.8, line 2 on page 29 to line 29 on page 34. Omit all words on the lines.
- ✓ No. 18 **Amendment of Schedule 1.8—amendment of Workers Compensation Act 1987**
Page 29, Schedule 1.8. Insert after line 1—
Section 8G Meaning of “relevant event”
Insert after section 8G(c)—
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- (c1) a worker experiencing the death of a person in the worker's care, but only if—
- (i) the death is the result of a traumatic incident, and
 - (ii) there is a real and direct connection between the traumatic incident and the worker's employment, and
 - (iii) the person who dies is under the immediate and primary care of the worker, at the workplace, at the time of the traumatic incident, and
 - (iv) the relationship between the worker and the person who dies is pre-existing, ongoing and close, and
 - (v) the relationship is a requirement of the worker's employment, or

- ✓ No. 19 **Omission of Schedule 1.9—amendment of Workers Compensation Act 1987**
Pages 34–37, Schedule 1.9, line 30 on page 34 to line 8 on page 37. Omit all words on the lines.
- ✓ No. 20 **Amendment of Schedule 1.10—amendment of Workers Compensation Act 1987**
Page 37, Schedule 1.10, lines 10 and 11. Omit all words on the lines. Insert instead—
- Schedule 6 Savings, transitional and other provisions**
- Insert before Part 20, with appropriate part and clause numbering—
- ✓ No. 21 **Amendment of Schedule 1.10—amendment of Workers Compensation Act 1987**
Page 37, Schedule 1.10, line 12. Omit “19R”.
- ✓ No. 22 **Amendment of Schedule 1.10—amendment of Workers Compensation Act 1987**
Page 37, Schedule 1.10, proposed clause 1, line 15. Omit “1”.
- ✓ No. 23 **Amendment of Schedule 1.10—amendment of Workers Compensation Act 1987**
Page 37, Schedule 1.10, proposed clause 1, line 15. Omit “Definitions”. Insert instead “Definition”.
- ✓ No. 24 **Amendment of Schedule 1.10—amendment of Workers Compensation Act 1987**
Page 37, Schedule 1.10, proposed clause 1, lines 19 and 20. Omit all words on the lines.
- ✓ No. 25 **Amendment of Schedule 1.10—amendment of Workers Compensation Act 1987**
Page 37, Schedule 1.10, proposed clause 2, line 21. Omit “2”.
- ✓ No. 26 **Amendment of Schedule 1.10—amendment of Workers Compensation Act 1987**
Page 37, Schedule 1.10, proposed clause 3, line 31. Omit “3”.
- ✓ No. 27 **Amendment of Schedule 1.10—amendment of Workers Compensation Act 1987**
Page 38, Schedule 1.10, proposed clause 3(3), line 4. Omit “[11]”. Insert instead “[13]”.
- ✓ No. 28 **Amendment of Schedule 1.10—amendment of Workers Compensation Act 1987**
Page 38, Schedule 1.10. Insert after line 4—

Whole person impairment—at least 25%

The amendment to section 38 made by the amendment Act, Schedule 1.1[2], and section 39A as inserted by Schedule 1.1[6], apply only to a notification or claim for a primary psychological injury made on or after 1 July 2026.

Whole person impairment—more than 26%

The amendments to sections 38 and 39A made by the amendment Act, Schedule 1.1[3] and [7] apply only to a notification or claim for a primary psychological injury made on or after 1 July 2027.

Whole person impairment—at least 28%

The amendments to sections 38 and 39A made by the amendment Act, Schedule 1.1[3A] and [7A] apply only to a notification or claim for a primary psychological injury made on or after 1 July 2029.

Weekly payments after second entitlement period (after week 130)

The amendment to section 38 made by the amendment Act, Schedule 1.1[2] applies only to a primary psychological injury for which a notification or claim is made on or after 1 January 2027.

✓ No. 29

Amendment of Schedule 1.10—amendment of Workers Compensation Act 1987

Pages 38–40, Schedule 1.10, proposed clauses 4–16, line 5 on page 38 to line 13 on page 40. Omit all words on the lines.

✓ No. 30

Amendment of Schedule 1.10—amendment of Workers Compensation Act 1987

Page 40, Schedule 1.10, proposed clause 17, lines 14–17. Omit all words on the lines. Insert instead—

Limit on payment of compensation

The amendment of section 59A made by the amendment Act, Schedule 1.1[10] applies only to a claim to which Part 1, Division 2, as inserted by the *Workers Compensation Legislation Amendment Act 2025* applies.

✓ No. 31

Amendment of Schedule 1.10—amendment of Workers Compensation Act 1987

Page 40, Schedule 1.10. Insert after line 17—

Review by Chief Psychiatrist

- (1) The Chief Psychiatrist must conduct a review to assess, and report to the Minister and Treasurer about, the effectiveness and appropriateness of PIRS, and alternatives to PIRS, for assessing whole person impairment within the workers compensation scheme.
- (2) The review must be conducted in accordance with terms of reference—
 - (a) determined by the Minister and Treasurer, and
 - (b) tabled in each House of Parliament.
- (3) Without limiting subclause (2), the review must—
 - (a) consider the appropriateness of PIRS as a tool to determine the degree of permanent impairment of injured workers, and
 - (b) develop an alternative tool to determine the degree of permanent impairment of injured workers.
- (4) In undertaking the review, the Chief Psychiatrist must consider—
 - (a) the reliability, robustness and consistency of PIRS and other tools in assessing the degree of permanent impairment of injured workers, and
 - (b) any other matter the Chief Psychiatrist considers relevant.
- (5) The review must commence as soon as practicable after the date of assent to the amendment Act.
- (6) A final report on the outcome of the review must be—

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- (a) tabled in each House of Parliament within 18 months after the date of assent to the amendment Act, and
- (b) given to the expert panel conducting a review under this part.
- (7) In this clause—
- Chief Psychiatrist** means the person appointed to the role of Chief Psychiatrist within the Ministry of Health.
- PIRS** means the assessment tool known as the psychiatric impairment rating scale that is—
- (a) used to assess the level of functional impairment caused by psychiatric conditions and provide a structured approach to evaluating the impact of mental health disorders on an individual's daily life and ability to work, and
- (b) set out in guidelines developed in consultation with relevant medical colleges, other relevant colleges and associations under the 1998 Act, section 377.

Review of workers compensation scheme

The terms of reference for the review of aspects of the workers compensation scheme conducted by the expert panel under this schedule must include consideration of the Chief Psychiatrist's report about the effectiveness and appropriateness of PIRS and alternatives to PIRS.

Joint Select Committee

The Joint Select Committee of the Parliament established to consider the report of the expert panel under this schedule must, in considering the expert panel's report, consider the expert panel's consideration of the Chief Psychiatrist's report about the effectiveness and appropriateness of PIRS and alternatives to PIRS.

✓ No. 32

Amendment of Schedule 1.10—amendment of Workers Compensation Act 1987

Pages 40–43, Schedule 1.10, proposed clauses 18–27, line 18 on page 40 to line 26 on page 43. Omit all words on the lines. Insert instead—

Claims for work injury damages made before 1 January 2027

- (1) This clause applies if, before 1 January 2027, an injured worker—
- (a) makes a claim for lump sum compensation for the injury, and
- (b) serves a pre-filing statement for the injury.
- (2) Section 151H, as in force before the commencement of the amendment Act, Schedule 1.1[18], applies to the worker's injury.
- Note—** In the event of a dispute about a defective pre-filing statement served before 1 January 2027, if there is a finding in favour of the worker, the pre-filing statement is taken to have been served before 1 January 2027.
- (3) In this clause—
- claim for lump sum compensation** means a claim specifically seeking compensation under Part 3, Division 4.

Claims for work injury damages made before 1 January 2027—threshold dispute

- (1) This clause applies if, before 1 January 2027—
- (a) an injured worker makes a claim for lump sum compensation for the injury, and
- (b) a threshold dispute is lodged in the Commission in relation to the claim.

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- (2) Section 151H, as in force before the commencement of the amendment Act, Schedule 1.1[18], applies to the worker's injury.
- (3) For the purposes of calculating when the injured worker must serve a pre-filing statement for the injury, any period during which the threshold dispute is unresolved must not be included.
- (4) In this clause—
claim for lump sum compensation means a claim specifically seeking compensation under Part 3, Division 4.
threshold dispute means—
- (a) a medical dispute about whether the degree of impairment of the injured worker is at least 15%, or
 - (b) a medical dispute about whether the degree of permanent impairment of the injured worker is fully ascertainable, or
 - (c) an appeal in relation to an assessment under—
 - (i) Part 6, or
 - (ii) the 1998 Act, Chapter 7, Part 7.

✓ No. 33 **Amendment of Schedule 2[1]–[21]—amendment of Workplace Injury Management and Workers Compensation Act 1998**

Pages 44–51, Schedule 2[1]–[21], line 3 on page 44 to line 27 on page 51. Omit all words on the lines. Insert instead—

[1] Section 105 Jurisdiction of Commission and Compensation Court

Insert after section 105(3)—

- (3A) Subsection (1) does not prevent the Industrial Relations Commission from dealing with an industrial matter referred to in the *Industrial Relations Act 1996*, section 6(2)(e1) relating to the return to work of an employee who has received a workplace injury.

✓ No. 34 **Amendment of Schedule 2—amendment of Workplace Injury Management and Workers Compensation Act 1998**

Page 51, Schedule 2[23], line 36. Omit “25%”. Insert instead “at least 25%”.

✓ No. 35 **Amendment of Schedule 2—amendment of Workplace Injury Management and Workers Compensation Act 1998**

Page 51, Schedule 2[23], line 36. Omit “31%”. Insert instead “more than 26%”.

✓ No. 36 **Amendment of Schedule 2—amendment of Workplace Injury Management and Workers Compensation Act 1998**

Page 51, Schedule 2. Insert after line 36—

[23A] Section 314(1)(a)(ii), as inserted by item [22] and amended by item [23]

Omit “more than 26%”. Insert instead “at least 28%”.

✓ No. 37 **Amendment of Schedule 2[24]–[40]—amendment of Workplace Injury Management and Workers Compensation Act 1998**

Pages 51–54, Schedule 2[24]–[40], line 37 on page 51 to line 9 on page 54. Omit all words on the lines. Insert instead—

[24] Section 327 Appeal against medical assessment

Omit “principal assessment was made under the 1987 Act, Part 6” from section 327(3)(a).

Insert instead “medical assessment was made under this part”.

[25] Section 327(3A)

Omit “principal assessment” wherever occurring.

Insert instead “medical assessment”.

✓ No. 38

Replacement of Schedule 3[1] and [2]—amendment of Personal Injury Commission Act 2020

Page 55–58, Schedule 3, line 3 on page 55 to line 5 on page 58. Omit all words on the lines. Insert instead—

[1] Section 58 Publication of decisions

Omit “The” from section 58(1). Insert instead “Subject to section 58A, the”.

[2] Section 58A

Insert after section 58—

58A President may restrict disclosures about certain decisions

- (1) The President may make a relevant order if the President is satisfied it is desirable to make the order—
 - (a) because of the confidential nature of evidence or another matter, or
 - (b) for another reason.
- (2) A relevant order—
 - (a) may be made on the President’s own motion or on the application of a party to proceedings, and
 - (b) must be made in accordance with the Commission rules.
- (3) In this section—

relevant order means the following orders—

 - (a) an order prohibiting or restricting the publication or disclosure of details of a decision referred to in section 58(1),
 - (b) an order prohibiting or restricting the publication or disclosure of the following, whether or not the person is a party to proceedings in the Commission or a witness appearing before the Commission—
 - (i) a person’s name,
 - (ii) information, a picture or other material that identifies or is likely to lead to the identification of the person,
 - (c) an order prohibiting or restricting the publication or broadcast of a report, including a sound recording, video recording or transcript, of proceedings in the Commission,
 - (d) an order prohibiting or restricting the publication of evidence given before the Commission, whether in public or private, or of matters contained in documents lodged with the Commission or received in evidence by the Commission,
 - (e) an order prohibiting or restricting the disclosure of the following to some or all of the parties to the proceedings—
 - (i) evidence given before the Commission,

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- (ii) the contents of a document lodged with the Commission or received in evidence by the Commission in relation to the proceedings.

[3] Section 69

Insert after section 68—

69 Review of operation of section 58 in relation to workers compensation matters

- (1) The Minister must review the operation of section 58 in relation to workers compensation matters to determine whether—
- (a) the policy objectives of the section remain valid, and
 - (b) the terms of the section remain appropriate for achieving the objectives.
- (2) The review must be undertaken as soon as practicable after the commencement of this section.
- (3) A report about the outcome of the review must be tabled in each House of Parliament within 12 months after the commencement of this section.

✓ No. 39 **Omission of Schedule 4—amendment of Work Health and Safety Act 2011**
Page 59, Schedule 4, lines 1–36. Omit all words on the lines.

✓ No. 40 **Replacement of Schedule 5—amendment of other legislation**
Page 60, Schedule 5, lines 1–27. Omit all words on the lines. Insert instead—

**Schedule 5 Amendment of Industrial Relations Act 1996
No 17**

Section 163 Rules of evidence and legal formality

Insert after section 163(2)—

- (3) The *Evidence Act 1995*, section 128 is taken to apply to evidence given in proceedings in the Commission, even when the Commission is not required to apply the rules of evidence in the proceedings.
- (4) If it appears to the Commission that a witness or party may have grounds for making an objection under the *Evidence Act 1995*, section 128, as applied by subsection (3), the Commission may satisfy itself that the witness or party is aware of the effect of that section.

c2025-319

Ind (AG)--Independent (Alex Greenwich)

LEGISLATIVE ASSEMBLY

Workers Compensation Legislation Amendment (Reform and Modernisation) Bill 2025

First print

Proposed amendment

No. 1 **Whole person impairment**

Page 5, Schedule 1.1[13] and [14], lines 25–28. Omit all words on the lines.