

**INQUIRY INTO PROPOSED CHANGES TO LIABILITY AND  
ENTITLEMENTS FOR PSYCHOLOGICAL INJURY IN NEW  
SOUTH WALES**

**Organisation:** AEU NSW Teachers Federation

**Date Received:** 15 May 2025

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## New South Wales Teachers Federation

a branch of the Australian Education Union  
AEU NSW Teachers Federation Branch ABN 86 600 150 697



15 May 2025

In reply please quote: 401/2025/AF/bm

The Hon. Greg Donnelly, MLC  
Committee Chair  
Standing Committee on Law and Justice

Dear Mr Donnelly,

**Re: Inquiry into proposed changes to liability and entitlements for psychological injury in New South Wales**

The Australian Education Union NSW Teachers Federation Branch (the Federation) writes in relation to the above matter.

The Federation greatly appreciates the opportunity to come before you, Chair, and the other members of the Committee, at tomorrow's public hearing.

At the outset, the Federation places on record its strong support and endorsement of the submission to the Committee provided by Unions NSW on behalf of its affiliates and their members.

This is a critical matter for the Federation's membership.

The NSW Treasurer's proposed changes have the potential to significantly impact the capacity to, and way in which, mental health injuries suffered at work are assessed and supported across the public education system.

There are better ways to fix the system than cutting support for injured workers. Mental health injuries are real.

In both public schools and TAFE, the NSW government since its election has publicly committed to initiatives to address the burnout of teachers and to reverse the sky-rocketing resignation rates of teachers, amongst other measures.

This follows the evidence of the State Insurance Regulatory Authority (SIRA) previously before this Committee that the number one cause of teachers' psychological injuries from burnout is "work pressure".

Suddenly cutting support for teachers whose mental health is suffering would be a massive betrayal and would undermine the gains achieved so far in addressing the significant challenges to end the teacher shortage and to the rebuilding TAFE.

The Federation cannot ignore the evidence that the NSW Treasurer's attack on mental health support is gendered. Of the Federation's approximately 60,000 members, 80% are women.

It is our women members who will suffer the most from these changes:

- Thresholds for serious psychological injury are proposed to more than double in order to be eligible to receive income support and medical benefits, drastically impacting the long-term care and support for teachers who sustain mental health injuries at work;

- The proposed new definition of psychological injury excludes a number of current psychosocial hazards identified by Safework NSW, as well as the Department of Education and TAFE NSW;
- Teachers will be required to have a finding from either the NSW Industrial Relations Commission or the existing jurisdiction at the Fair Work Commission before being able to make a claim for Bullying, Harassment (including Sexual Harassment), denying teachers access to immediate and early medical interventions to support their mental health, which could seriously undermine their return-to-work outcomes;
- A new definition of reasonable management action further limiting the scope of compensable injuries; and
- Limited medical benefits only for work pressure claims, a significant cause of the burnout being experienced by teachers and acknowledged by the NSW government.

The Federation looks forward to appearing before the Committee tomorrow to provide further details on the impacts of these proposed changes on our members, including case studies where possible, and their ability to deliver quality teaching and learning for our students across NSW public schools and TAFE.

Ms Amber Flohm, Deputy President, is the Officer with responsibility for this matter.

Yours sincerely

**Maxine Sharkey**  
**General Secretary**