

2025

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Skills, Training and Industrial Relations)

Workplace Legislation Amendment Bill 2025 (No 2)

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(Minister for Skills, Training and Industrial Relations)

Workplace Legislation Amendment Bill 2025 (No 2)

A Bill for

An Act to amend workplace legislation, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Workplace Legislation Amendment Act 2025 (No 2)*.

4 **2 Commencement**

5 (1) The following provisions commence on the day after this Act's
6 notification day:

- 7 • section 3
8 • part 7 (Workers Compensation Act 1951)
9 • schedule 1 (Workers Compensation Act 1951—Other amendments)
10 • schedule 2, part 2.4 (Workers Compensation Act 1951).

11 *Note* The naming and commencement provisions automatically commence on
12 the notification day (see [Legislation Act](#), s 75 (1)).

13 (2) Part 6 ([Public Sector Workers Compensation Fund Act 2018](#))
14 commences on 1 March 2026.

15 (3) The remaining provisions commence on the 7th day after this Act's
16 notification day.

17 **3 Legislation amended**

18 This Act amends the following legislation:

- 19 • [Dangerous Substances Act 2004](#)
20 • [Evidence \(Miscellaneous Provisions\) Act 1991](#)
21 • [Long Service Leave Act 1976](#)
22 • [Long Service Leave \(Portable Schemes\) Act 2009](#)
23 • [Public Sector Workers Compensation Fund Act 2018](#)
24 • [Workers Compensation Act 1951](#)
25 • [Work Health and Safety Act 2011](#).

1 **Part 2 Dangerous Substances Act 2004**

2 **4 Inspectors**
3 **New section 207 (1) (c)**

4 *insert*

5 (c) the work health and safety commissioner.

1 **Part 3** **Evidence (Miscellaneous**
2 **Provisions) Act 1991**

3 **5** **Meaning of *sexual offence proceeding*—ch 4**
4 **Section 41, definition of *sexual offence proceeding*, new**
5 **paragraphs (d) and (e)**

6 *insert*

7 (d) a proceeding for an offence against any of the following
8 provisions of the *Work Health and Safety Act 2011* if the offence
9 involves a suspected or alleged sexual assault or any other act of
10 a sexually offensive, intimidating or humiliating nature:

11 (i) section 31 (Negligence or reckless conduct—category 1);

12 (ii) section 32 (Failure to comply with health and safety
13 duty—category 2);

14 (iii) section 33 (Failure to comply with health and safety
15 duty—category 3); or

16 (e) a proceeding for an offence against the *Work Health and Safety*
17 *Act 2011*, section 38 (1) if the notifiable incident involves a
18 sexual assault incident, within the meaning of that Act,
19 section 37A.

20 **6** **New section 41A**

21 *in part 4.1, insert*

22 **41A** **References to accused people—sexual offence**
23 **proceedings under Work Health and Safety Act 2011**

24 (1) This section applies to a proceeding mentioned in section 41,
25 definition of *sexual offence proceeding*, paragraph (d) or (e).

1 (2) A reference to an accused person in the following provisions includes
2 a person who is suspected or alleged to have committed the sexual
3 assault or other act of a sexually offensive, intimidating or
4 humiliating nature to which the proceeding relates:

- 5 (a) section 47 (1);
6 (b) section 60 (6) (a) and (b);
7 (c) section 68 (5) (a) and (b);
8 (d) section 76 (2);
9 (e) section 80C.

10 **7 Section 42, definition of *complainant***

11 *substitute*

12 ***complainant***, in relation to a proceeding for an offence—

- 13 (a) means a person—
14 (i) against whom the offence is alleged, or has been found, to
15 be committed; and
16 (ii) for a family violence offence proceeding—who is also a
17 family member of the accused person; and
18 (b) for a sexual offence proceeding for an offence against the *Work*
19 *Health and Safety Act 2011*—includes a person against whom a
20 sexual assault or an act of a sexually offensive, intimidating or
21 humiliating nature is suspected or alleged, or has been found, to
22 have been committed.

23 ***premises*** includes any land, structure or vehicle and any part of land,
24 a structure or a vehicle.

11 Section 13C*substitute***13C Powers of authorised officer to enter premises**

- (1) For this Act, an authorised officer may—
- (a) at any reasonable time, enter premises that the authorised officer believes on reasonable grounds are a workplace; or
 - (b) at any reasonable time, enter premises that the public is entitled to use or that are open to the public (whether or not on payment of money); or
 - (c) at any time, enter premises with the occupier's consent.
- (2) However, subsection (1) (a) and (b) does not authorise entry into a part of the premises that is being used only for residential purposes.
- (3) For the purpose of seeking consent to enter a building or other structure on the premises, an authorised officer may, without the occupier's consent, enter any land that forms part of the premises.
- (4) To remove any doubt, an authorised officer may enter premises under subsection (1) without payment of an entry fee or other charge.
- (5) An authorised officer may enter the premises with 1 or more people who, in the opinion of the authorised officer, have knowledge or skills that could assist the authorised officer to carry out their functions.

13CA Production of identity card

An authorised officer must not remain at premises entered under this part if the officer does not produce their identity card when asked by the occupier.

- 1 **13CB Consent to entry**
- 2 (1) When seeking consent to entry under section 13C (1) (c) (Powers of
- 3 authorised officer to enter premises), an authorised officer must—
- 4 (a) produce the officer’s identity card; and
- 5 (b) tell the occupier—
- 6 (i) the purpose of the entry; and
- 7 (ii) that anything found under this part may be used as
- 8 evidence in court; and
- 9 (iii) that consent may be refused.
- 10 (2) If the occupier consents, the authorised officer must ask the occupier
- 11 to sign a written acknowledgment of consent stating—
- 12 (a) that the occupier was told—
- 13 (i) the purpose of the entry; and
- 14 (ii) that anything found under this part may be used as
- 15 evidence in court; and
- 16 (iii) that consent may be refused; and
- 17 (b) that the occupier consented to the entry; and
- 18 (c) the time and date consent was given.
- 19 (3) If the occupier signs an acknowledgment of consent, the authorised
- 20 officer must immediately give a copy to the occupier.
- 21 (4) A court must find that an occupier did not consent if—
- 22 (a) a question arises in a proceeding before the court about whether
- 23 the occupier consented to the authorised officer entering the
- 24 premises under this part; and
- 25 (b) an acknowledgment of consent is not produced in evidence; and
- 26 (c) it is not proved that the occupier consented to the entry.

1 **13CC Power to obtain, inspect and copy information**

2 (1) An authorised officer may, in writing, direct a person to give the
3 officer information, a document or other thing within a stated
4 reasonable period if the information, document or thing is reasonably
5 required by the officer for this Act.

6 (2) An authorised officer who enters premises under this part may do 1 or
7 more of the following in relation to the premises or anyone at the
8 premises:

9 (a) examine anything;

10 (b) take images, make audio or video recordings or any other kind
11 of record;

12 (c) if reasonably required by the authorised officer to exercise a
13 power under this part, direct the occupier or anyone at the
14 premises to do 1 or more of the following:

15 (i) give information, a document or other thing (including
16 information, a document or a thing not at the premises);

17 (ii) produce a document or other thing (including a document
18 or other thing not at the premises);

19 (iii) answer a question;

20 (iv) give the authorised officer reasonable help to exercise a
21 power under this part.

22 *Note* The [Legislation Act](#), s 171 deals with the application of client legal
23 privilege.

24 (3) A person must take all reasonable steps to comply with a direction
25 given under subsection (1) or (2) (c).

26 Maximum penalty: 50 penalty units.

- 1 **13CD Abrogation of privilege against self-incrimination**
- 2 (1) If an authorised officer directs a person to answer a question or to
- 3 give information, a document or other thing under this part, the person
- 4 is not excused from complying with the direction on the ground that
- 5 doing so may—
- 6 (a) tend to incriminate the person; or
- 7 (b) expose the person to civil penalty.
- 8 (2) However, any information, document or thing obtained, directly or
- 9 indirectly, because of the person’s compliance with the direction is
- 10 not admissible in evidence against the person in a civil or criminal
- 11 proceeding, other than a proceeding for an offence arising out of the
- 12 false or misleading nature of the information, document or thing.
- 13 **13CE Warning to be given**
- 14 (1) Before directing a person under section 13CC, an authorised officer
- 15 must warn the person about the effect of—
- 16 (a) section 13CC (3); and
- 17 (b) section 13CD.
- 18 (2) It is not an offence for an individual to fail to comply with a direction
- 19 on the ground that the question, information or document might tend
- 20 to incriminate the individual, unless the individual was first given the
- 21 warning in subsection (1) (b).

12 Dictionary, new definitions

insert

at premises, for part 3 (Administration and enforcement)—see section 12A.

occupier, of premises, for part 3 (Administration and enforcement)—see section 12A.

premises, for part 3 (Administration and enforcement)—see section 12A.

Long Service Leave (Portable Schemes) Act 2009

substitute

- (a) either—

- (i) for the hairdressing and beauty services industry or the accommodation and food services industry—conducts business in the ACT for the predominant purpose of engaging in the industry; or
- (ii) for any other industry—engages, in any way and to any extent, in the industry in the ACT; and

omit

substitute

- (1) Before making a requirement of a person under section 76, an inspector must warn the person about the effect of—
 - (a) section 76 (3); and
 - (b) section 76A.

16 Payment for leave—building and construction industry
Schedule 1, section 1.9 (3)

substitute

(3) The authority must pay an applicant any amount payable under subsection (2)—

(a) if agreed between the worker and the authority—in the 14-day period before the day the long service leave starts; or

(b) in any other case—within 21 days after the day the worker's application was made.

17 What is the *services industry*?
Schedule 2, section 2.1 (1) (a) (i)

omit

cleaning services industry

substitute

contract cleaning services industry

18 What is *services work*?
Schedule 2, section 2.2 (1), definition of *services work*, paragraph (a)

omit

cleaning services

substitute

contract cleaning services

1 **19 Schedule 2, section 2.2 (5)**

2 *substitute*

3 (5) In this section:

4 *ANZSIC*—see section 2.1 (2).

5 *contract cleaning services industry*—see section 2.1 (1) (a) (i).

6 **20 Payments for leave—services industry**
7 **Schedule 2, section 2.9 (3)**

8 *substitute*

9 (3) The authority must pay an applicant any amount payable under
10 subsection (2)—

11 (a) if agreed between the worker and the authority—in the 14-day
12 period before the day the long service leave starts; or

13 (b) in any other case—within 21 days after the day the worker’s
14 application was made.

15 **21 Payments for leave—community sector industry**
16 **Schedule 3, section 3.10 (3)**

17 *substitute*

18 (3) The authority must pay an applicant any amount payable under
19 subsection (2)—

20 (a) if agreed between the worker and the authority—in the 14-day
21 period before the day the long service leave starts; or

22 (b) in any other case—within 21 days after the day the worker’s
23 application was made.

1 **22** **Payments for leave—security industry**
2 **Schedule 4, section 4.10 (3)**

3 *substitute*

4 (3) The authority must pay an applicant any amount payable under
5 subsection (2)—

6 (a) if agreed between the worker and the authority—in the 14-day
7 period before the day the long service leave starts; or

8 (b) in any other case—within 21 days after the day the worker's
9 application was made.

10 **23** **Dictionary, new definitions**

11 *insert*

12 *accommodation and food services industry*—see schedule 2,
13 section 2.1 (1) (a) (iii).

14 *hairdressing and beauty services industry*—see schedule 2,
15 section 2.1 (1) (a) (ii).

1 **Part 6** **Public Sector Workers**
2 **Compensation Fund Act 2018**

3 **24** **Payments from PSWC fund banking accounts**
4 **Section 12 (c)**

5 *substitute*

6 (c) the reasonable costs of the PSWC commissioner in exercising
7 the commissioner's functions under this Act, including costs of
8 remuneration, allowances and office accommodation;

9 **25** **Functions of PSWC commissioner**
10 **New section 19 (ca)**

11 *insert*

12 (ca) conducting and supporting initiatives and activities to prevent
13 and reduce the risk of injury to employees of the Territory;

Part 7 Workers Compensation Act 1951

26 Living outside Australia Section 44 (2)

omit

a medical referee certifies that

27 Special provisions for HIV/AIDS Section 60

omit

28 New part 4.9

insert

Part 4.9 Payments to families of deceased workers

84A Application—pt 4.9

- (1) This part applies to the death of a worker that arises out of, or in the course of, the worker's employment.
- (2) This part does not apply to a worker's death prescribed by regulation.

84B Payments to families of deceased workers

- (1) On application by a family member of a worker made within 3 months after the death of the worker, the employer must pay the family member—
 - (a) for the deceased worker's domestic partner—\$10 000 cpi indexed; or
 - (b) for any other family member—\$5 000 cpi indexed.

- 1 (2) An employer must, within 48 hours after the employer receives the
2 application, give the application to the licensed insurer liable to
3 indemnify the employer for the payment.
- 4 (3) The employer must pay the family member the amount mentioned in
5 subsection (1) within 7 days after the day the employer receives the
6 application.
- 7 (4) The employer may refuse to pay a family member if the employer has
8 already paid a total of \$50 000 cpi indexed to other family members
9 under this part.
- 10 (5) In this section:
- 11 *family member*, of a deceased worker, means—
- 12 (a) any of the following people who, in the 6 months before the
13 worker's death, lived with the worker:
- 14 (i) a domestic partner;
- 15 (ii) a child or stepchild;
- 16 (iii) a parent or step-parent; or
- 17 (b) any other person prescribed by regulation.

18 **84C Effect of payment**

19 A payment made to a person under this part—

- 20 (a) is not an admission of liability by the employer or the insurer for
21 the death of the worker; and
- 22 (b) is not recoverable from the person, unless the person was not
23 entitled to the payment; and
- 24 (c) does not affect a claim for compensation or compensation
25 payable under this Act in relation to the worker's death.

29 **Inspectors**
New section 188 (3)

insert

- (3) The regulator is also an inspector.

30 **Medical referees**
Section 201 (1) and (2)

substitute

- (1) The regulator may appoint a doctor as a medical referee for this Act.

Note For laws about appointments, see the [Legislation Act](#), pt 19.3.

- (2) The regulator may appoint a doctor as a medical referee only if satisfied that the doctor has the experience and expertise to adequately perform the duties of a medical referee.

31 **New chapter 22**

insert

**Chapter 22 Transitional—Workplace
Legislation Amendment
Act 2025 (No 2)**

274 Application of pt 4.9

Part 4.9 (Payments to families of deceased workers) applies only to the death of a worker that happens on or after the later of—

- (a) 1 January 2026; and
(b) the day the *Workplace Legislation Amendment Act 2025 (No 2)*, section 28 commences.

1 **275 Expiry—ch 22**

2 This chapter expires 12 months after the day it commences.

3 *Note* A transitional provision is repealed on its expiry but continues to have
4 effect after its repeal (see [Legislation Act](#), s 88).5 **32 Dictionary, definition of *inspector***6 *substitute*7 *inspector* means an inspector under section 188.

Part 8 Work Health and Safety Act 2011

33 What is a *notifiable incident* Section 35, definition of *notifiable incident*

substitute

notifiable incident means any of the following arising out of the conduct of a business or undertaking:

- (a) the death of a person;
- (b) a serious injury or illness of a person;
- (c) a dangerous incident;
- (d) a sexual assault incident.

34 Sections 36 and 37

substitute

36 What is a *serious injury or illness*—pt 3

(1) In this part:

serious injury or illness, in relation to a person, means—

- (a) an injury or illness that would ordinarily require the person to have immediate treatment as an in-patient of a hospital, whether or not treatment is available or sought; or
- (b) any of the following injuries or illnesses if a person would ordinarily seek immediate treatment, whether or not treatment is available or sought:
 - (i) the amputation of a body part;
 - (ii) a serious eye injury;
 - (iii) a serious burn;

- 1 (iv) the separation of skin from an underlying tissue, such as
2 degloving or scalping;
- 3 (v) a spinal injury, including a fracture of 1 or more vertebrae;
- 4 (vi) a fracture of the pelvis, the skull or other facial bones;
- 5 (vii) another serious bone fracture;
- 6 (viii) a serious crush injury;
- 7 (ix) the loss of a bodily function;
- 8 (x) serious lacerations; or
- 9 (c) a serious head injury or illness, including any head injury or
10 illness resulting from—
- 11 (i) a significant blow, knock or other shock to the person's
12 head, whether or not immediate treatment is sought; or
- 13 (ii) repeated blows, knocks or shocks to the person's head; or
- 14 (d) an injury or illness for which the person seeks treatment from a
15 relevant registered health professional within 48 hours after
16 exposure to a substance; or
- 17 (e) an injury or illness prescribed by regulation.
- 18 (2) A regulation may prescribe that an injury or illness is not a serious
19 injury or illness for this part.
- 20 (3) In this section:
- 21 *relevant registered health professional* means—
- 22 (a) a doctor; or
- 23 (b) an enrolled nurse; or
- 24 (c) a nurse; or

- 1 (d) a person registered under the *Health Practitioner Regulation*
2 *National Law (ACT)* to practise in the paramedicine profession
3 (other than as a student).

4 **37 What is a *dangerous incident*—pt 3**

- 5 (1) In this part:

6 *dangerous incident* means any of the following incidents, in relation
7 to a workplace, that immediately or imminently exposes a person to
8 a serious risk to the person's health and safety:

- 9 (a) an uncontrolled escape, spillage or leakage of a substance;
10 (b) an uncontrolled fire, implosion or explosion, including an
11 electrical explosion or an arc flash explosion;
12 (c) an uncontrolled escape of gas or steam;
13 (d) an uncontrolled escape of a pressurised substance;
14 (e) an electric shock;
15 (f) the fall or release from a height of a thing;
16 (g) the collapse, overturning, failure or malfunction of, or damage
17 to, plant that is required to be authorised for use in accordance
18 with a regulation;
19 (h) a mobile plant incident;
20 (i) the collapse or partial collapse of a structure;
21 (j) the collapse or failure of an excavation or of any shoring
22 supporting an excavation;
23 (k) the inrush of water, mud or gas in workings, in an underground
24 excavation or tunnel;
25 (l) the interruption of the main system of ventilation in an
26 underground excavation or tunnel;
27 (m) a serious fall;

- 1 (n) another incident prescribed by regulation.
- 2 (2) A regulation may prescribe that an incident is not a dangerous
3 incident for this part.
- 4 (3) In this section:
- 5 ***mobile plant*** means plant designed to move or be moved, either
6 autonomously or under the direct or remote control of an operator.
- 7 ***mobile plant incident*** means an incident in which—
- 8 (a) mobile plant overturns or partially overturns; or
- 9 (b) mobile plant collides with a person or thing; or
- 10 (c) a person is pinned to the ground or another thing by mobile
11 plant; or
- 12 (d) a person is ejected from mobile plant; or
- 13 (e) mobile plant malfunctions; or
- 14 (f) mobile plant that is ordinarily controlled directly or remotely by
15 an operator moves while not under control.
- 16 ***serious fall*** means a person falling, or the risk of a person falling—
- 17 (a) from 1 level to a lower level; or
- 18 (b) into a hole, trench, pit or void; or
- 19 (c) into a body of water; or
- 20 (d) onto a dangerous surface or object.

21 **35 Duty to notify of notifiable incidents**
22 **Section 38 (1)**

23 *omit*
24 arising out of the conduct of the business or undertaking

1	36	Section 39 heading
2		<i>substitute</i>
3	39	Duty to preserve incident sites and evidence
4	37	Section 39 (1) and note
5		<i>substitute</i>
6	(1)	The person with management or control of a workplace at which a
7		notifiable incident has occurred must, so far as reasonably
8		practicable, ensure—
9	(a)	the site where the incident occurred is preserved until released
10		by an inspector; and
11	(b)	evidence of the incident, including electronic and digital records
12		and witness details, is preserved.
13		Maximum penalty: tier D monetary penalty.
14	Note	Strict liability applies to each physical element of this offence (see
15		s 12A).
16	(1A)	To remove any doubt, an inspector may release the whole or any part
17		of the site under subsection (1) (a).
18	38	Section 39 (2)
19		<i>omit</i>
20		subsection (1)
21		<i>substitute</i>
22		this section,

Section 39

- 1 **39 Section 39 (3)**
- 2 *omit*
- 3 Subsection (1)
- 4 *substitute*
- 5 This section
- 6 **40 Section 39 (4)**
- 7 *omit*
- 8 **41 New section 39A**
- 9 *in part 3, insert*
- 10 **39A Person conducting business or undertaking and person**
- 11 **with management or control of workplace to notify each**
- 12 **other of notifiable incidents**
- 13 (1) A person with a duty under section 38 must, immediately after
- 14 becoming aware of the notifiable incident activating the duty, ensure
- 15 a person with a corresponding duty under section 39 is notified of the
- 16 incident.
- 17 Maximum penalty: tier D monetary penalty.
- 18 *Note* Strict liability applies to each physical element of this offence (see
- 19 s 12A).
- 20 (2) A person with a duty under section 39 must, immediately after
- 21 becoming aware of the notifiable incident activating the duty, ensure
- 22 a person with a corresponding duty under section 38 is notified of the
- 23 incident.
- 24 Maximum penalty: tier D monetary penalty.
- 25 *Note* Strict liability applies to each physical element of this offence (see
- 26 s 12A).

1 **42** **Limitation period for prosecutions**
2 **Section 232 (2)**

3 *substitute*

4 (2) A proceeding for an offence may be brought after the end of the
5 applicable limitation period in subsection (1) with the leave of the
6 court.

7 (2A) The court may grant leave under subsection (2) only if satisfied that
8 it is in the interests of justice.

9 **43** **Dictionary, note 2**

10 *insert*

- 11 • doctor
12 • enrolled nurse
13 • nurse

Schedule 1 Workers Compensation Act 1951—Other amendments

(see s 3)

[1.1] Section 145K

substitute

145K Requirement to hold self-insurer licence

- (1) An employer, other than a prescribed employer, must hold a self-insurer licence unless the employer holds a compulsory insurance policy with a licenced insurer.
- (2) A prescribed employer must hold a self-insurer licence for any workers who are not prescribed workers unless the prescribed employer holds a compulsory insurance policy with a licensed insurer for the workers.

[1.2] Section 145S (1) (b)

substitute

(b) is not—

- (i) the holder of a compulsory insurance policy with a licensed insurer; or
- (ii) a prescribed employer that employs only prescribed workers; and

[1.3] Section 145S (1), note

omit

[1.4] New section 147 (2) (e)

before the note, insert

- (e) the employer is a prescribed employer and employs only prescribed workers.

[1.5] Section 166A (2) and note

substitute

- (2) The DI fund must meet the cost of compensation to an injured worker if—

- (a) the employer of the injured worker does not have a compulsory insurance policy to cover the worker for the claim; or
- (b) the employer is a prescribed employer and the injured worker is a prescribed worker.

Note An injured worker who was a director of the employer at the time of the injury may not make a claim against the fund, unless the injured worker is a prescribed worker and the employer is a prescribed employer (see s 170 (3)).

[1.6] Section 166A (4) and note

substitute

- (4) The DI fund must meet the cost of an employer's liability that arises independently of this Act in relation to an injury to, or the death of, a territory worker of the employer by paying an amount that satisfies or discharges the liability to a person entitled to that amount if—

- (a) the employer of the worker does not have a compulsory insurance policy to cover the liability; or

- 1 (b) the employer is a prescribed employer and the territory worker
2 is a prescribed worker.

3 *Note* An injured worker who was a director of the employer at the time of the
4 injury may not make a claim against the fund, unless the injured worker
5 is a prescribed worker and the employer is a prescribed employer (see
6 s 170 (3)).

7 **[1.7] New division 8.2.2A**

8 *insert*

9 **Division 8.2.2A DI fund and prescribed employers etc**

10 **166J Determination about DI fund objects, prescribed**
11 **employers and workers**

12 (1) The Executive may determine the objects of the DI fund
13 for the purpose of an employer and worker mentioned in
14 section 166A (2) (b) and (4) (b), including any requirements for the
15 operation of the fund, including in relation to the following:

16 (a) the class of employer that may apply to be a prescribed
17 employer;

18 (b) the class of worker that is a prescribed worker;

19 (c) how an employer may apply to be a prescribed employer;

20 (d) the conditions with which a prescribed employer must comply;

21 (e) the maximum period for which an employer may be a prescribed
22 employer.

23 (2) A determination is a notifiable instrument.

24 **166K Determination of fees for prescribed employers**

25 (1) The Executive may determine fees payable by a prescribed employer
26 in relation to the administration of the DI fund under this part.

27 (2) A determination is a disallowable instrument.

1 **166L Application to be prescribed employer**

2 (1) An employer who employs prescribed workers may apply to the
3 Minister to be a prescribed employer for a particular period.

4 (2) The employer must give the Minister, with the application—

5 (a) a statement of the employer's estimate for the particular period;
6 and

7 (b) any other information prescribed by regulation.

8 (3) In this section:

9 *employer's estimate*, for the particular period, means the employer's
10 estimate of the following:

11 (a) the number of prescribed workers to be employed by the
12 employer in the period;

13 (b) the total wages to be paid to prescribed workers in the period;

14 (c) the number of paid and unpaid prescribed workers who will
15 work for the employer in the period;

16 (d) the approximate amount of time each paid and unpaid prescribed
17 worker will work for the employer in the period.

18 **166M Assessment of application to be prescribed employer**

19 (1) The Minister must approve an employer's application to be a
20 prescribed employer for a particular period if the employer—

21 (a) employs prescribed workers; and

22 (b) has given the Minister the information mentioned in
23 section 166L (2).

24 (2) The period for which the Minister approves an employer's application
25 must not be longer than the period mentioned in section 166J (1) (e).

(3) The Minister may decide that a prescribed employer is no longer a prescribed employer if the employer breaches a condition mentioned in section 166J (1) (d).

(4) The Minister must tell the employer, in writing, of their decision made under subsection (3).

166N Application of amendments before commencement

(1) This section applies if the Minister approves an employer's application to be a prescribed employer on or after the commencement day but before the end of February 2026.

(2) This Act, as amended by the *Workplace Legislation Amendment Act 2025 (No 2)*, schedule 1, applies to the prescribed employer and any worker of the employer who would on or after the commencement day be a prescribed worker in relation to an injury suffered by the worker.

(3) In this section:

commencement day means the day the *Workplace Legislation Amendment Act 2025 (No 2)*, schedule 1 commences.

[1.8] Section 170 (3) (b)

substitute

(b) the employer—

(i) did not hold a compulsory insurance policy that applies to the injured worker for the injury; or

(ii) is not a prescribed employer and the injured worker is not a prescribed worker.

1 **[1.9] Dictionary, new definitions**

2 *insert*

3 *prescribed employer* means an employer approved by the Minister
4 under section 166M to be a prescribed employer.

5 *prescribed worker* means a worker who is determined to be a
6 prescribed worker by the Executive under section 166J (1).

Schedule 2 Technical amendments

(see s 3)

Part 2.1 Dangerous Substances Act 2004

[2.1] Sections 207 (2), notes and 210, notes

substitute

Note For laws about appointments, see the [Legislation Act](#), pt 19.3.

Explanatory note

This amendment updates standard notes in line with current legislative drafting practice.

Part 2.2 Long Service Leave Act 1976

[2.2] Sections 13 (1), notes and 13A, notes

substitute

Note For laws about appointments, see the [Legislation Act](#), pt 19.3.

Explanatory note

This amendment updates standard notes in line with current legislative drafting practice.

Part 2.3 Long Service Leave (Portable Schemes) Act 2009

[2.3] Section 71, notes

substitute

Note For laws about appointments, see the [Legislation Act](#), pt 19.3.

Explanatory note

This amendment updates standard notes in line with current legislative drafting practice.

1 **[2.4] Section 73 (1) (a)**

2 *omit*

3 *is*

4 *substitute*

5 *are*

6 **Explanatory note**

7 This amendment corrects a minor typographical error.

8 **[2.5] Section 76 (2), new note 2**

9 *insert*

10 *Note 2* The [Legislation Act](#), s 171 deals with the application of client legal
11 privilege.

12 **Explanatory note**

13 This amendment inserts a standard note in line with current legislative drafting practice.

14 **[2.6] Section 79H (2), note**

15 *omit*

16 **Explanatory note**

17 This amendment omits a note in line with current legislative drafting practice.

18 **[2.7] Section 79N (1), notes**

19 *substitute*

20 *Note* For laws about appointments, see the [Legislation Act](#), pt 19.3.

21 **Explanatory note**

22 This amendment updates standard notes in line with current legislative drafting practice.

Part 2.4 Workers Compensation Act 1951

[2.8] Section 166C, notes etc

omit the following notes

- section 166C, notes
- section 188 (1), notes
- section 201 (1), note

substitute

Note For laws about appointments, see the [Legislation Act](#), pt 19.3.

Explanatory note

This amendment updates standard notes in line with current legislative drafting practice.

[2.9] Section 202 (1), 1st dot point

substitute

- section 147A (Compulsory insurance—offences)

Explanatory note

This amendment corrects a cross-reference.

Part 2.5 Work Health and Safety Act 2011

[2.10] Section 156, notes etc

omit the following notes

- section 156, notes
- schedule 2, section 2.21 (1), notes
- schedule 2, section 2.31 (1), notes

substitute

Note For laws about appointments, see the [Legislation Act](#), pt 19.3.

Explanatory note

This amendment updates standard notes in line with current legislative drafting practice.

[2.11] Schedule 2, section 2.31 (3), note

omit

Explanatory note

This amendment omits a note in line with current legislative drafting practice.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2 September 2025.

2 Notification

Notified under the [Legislation Act](#) on 2025.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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