

2025

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Skills, Training and Industrial Relations)

Workplace Legislation Amendment Bill 2025 (No 3)

Contents

	Page
Part 1	
Preliminary	
1 Name of Act	2
2 Commencement	2
3 Legislation amended	2
Part 2	
Dangerous Substances Act 2004	
4 Inspectors	
New section 207 (1) (c)	3

Part 3 Long Service Leave Act 1976

5	Manner of payment for leave Section 8 (4)	4
6	Pay in lieu of long service leave New section 11A (4) and (5)	4
7	New section 12A	4
8	Section 13C	5
9	Dictionary, new definitions	9

Part 4 Long Service Leave (Portable Schemes) Act 2009

10	Who is an <i>employer</i> ? Section 7 (1) (a)	10
11	Declarations by Minister—additional coverage of Act Section 12 (4) (b)	10
12	Warning to be given Section 76B (1)	10
13	Payment for leave—building and construction industry Schedule 1, section 1.9 (3)	11
14	What is the <i>services industry</i> ? Schedule 2, section 2.1 (1) (a) (i)	11
15	What is <i>services work</i> ? Schedule 2, section 2.2 (1), definition of <i>services work</i> , paragraph (a)	11
16	Schedule 2, section 2.2 (5)	12
17	Payments for leave—services industry Schedule 2, section 2.9 (3)	12
18	Payments for leave—community sector industry Schedule 3, section 3.10 (3)	12
19	Payments for leave—security industry Schedule 4, section 4.10 (3)	13
20	Dictionary, new definitions	13

Part 5	Public Sector Workers Compensation Fund Act 2018	
21	Payments from PSWC fund banking accounts Section 12 (c)	14
22	Functions of PSWC commissioner New section 19 (ca)	14
Part 6	Workers Compensation Act 1951	
23	Living outside Australia Section 44 (2)	15
24	Special provisions for HIV/AIDS Section 60	15
25	New part 4.9	15
26	Inspectors New section 188 (3)	17
27	Medical referees Section 201 (1) and (2)	17
28	New chapter 22	17
29	Dictionary, definition of <i>inspector</i>	18
Part 7	Work Health and Safety Act 2011	
30	What is a <i>notifiable incident</i> Section 35, definition of <i>notifiable incident</i>	19
31	Sections 36 and 37	19
32	Duty to notify of notifiable incidents Section 38 (1)	22
33	Section 39 heading	23
34	Section 39 (1) and note	23
35	Section 39 (2)	23
36	Section 39 (3)	24
37	Section 39 (4)	24
38	New section 39A	24
39	Limitation period for prosecutions Section 232 (2)	25
40	Dictionary, note 2	25

		Page
Schedule 1	Technical amendments	26
Part 1.1	Dangerous Substances Act 2004	26
Part 1.2	Long Service Leave Act 1976	26
Part 1.3	Long Service Leave (Portable Schemes) Act 2009	26
Part 1.4	Workers Compensation Act 1951	28
Part 1.5	Work Health and Safety Act 2011	29

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Workplace Legislation Amendment Bill 2025 (No 3)

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 3)*.

4 **2 Commencement**

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

- 7 • section 3
8 • part 6 (Workers Compensation Act 1951)
9 • schedule 1, part 1.4 (Workers Compensation Act 1951).

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

12 (2) Part 5 (Public Sector Workers Compensation Fund Act 2018)
13 commences on 1 March 2026.

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

16 **3 Legislation amended**

17 This Act amends the following legislation:

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

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

5 (c) the work health and safety commissioner.

Part 3 Long Service Leave Act 1976

5 Manner of payment for leave Section 8 (4)

omit

6 Pay in lieu of long service leave New section 11A (4) and (5)

insert

(4) An employer commits an offence if the employer—

(a) is required to pay an amount under subsection (2); and

(b) does not pay the amount within 90 days after the day the person's employment ceases.

Maximum penalty: 50 penalty units.

(5) An offence against this section is a strict liability offence.

7 New section 12A

in part 3, insert

12A Definitions—pt 3

In this part:

at premises includes in or on the premises.

occupier, of premises, includes—

(a) a person an authorised officer believes on reasonable grounds to be the occupier of the premises; and

(b) a person apparently in charge of the premises.

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

8 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).

9 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.

1 **Part 4** **Long Service Leave (Portable**
2 **Schemes) Act 2009**

3 **10 Who is an employer?**
4 **Section 7 (1) (a)**

5 *substitute*

6 (a) either—

7 (i) for the hairdressing and beauty services industry or the
8 accommodation and food services industry—conducts
9 business in the ACT for the predominant purpose of
10 engaging in the industry; or

11 (ii) for any other industry—engages, in any way and to any
12 extent, in the industry in the ACT; and

13 **11 Declarations by Minister—additional coverage of Act**
14 **Section 12 (4) (b)**

15 *omit*

16 **12 Warning to be given**
17 **Section 76B (1)**

18 *substitute*

19 (1) Before making a requirement of a person under section 76, an
20 inspector must warn the person about the effect of—

21 (a) section 76 (3); and

22 (b) section 76A.

13 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.

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

omit

cleaning services industry

substitute

contract cleaning services industry

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

omit

cleaning services

substitute

contract cleaning services

16 Schedule 2, section 2.2 (5)

substitute

(5) In this section:

ANZSIC—see section 2.1 (2).

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

**17 Payments for leave—services industry
Schedule 2, section 2.9 (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.

**18 Payments for leave—community sector industry
Schedule 3, section 3.10 (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.

1 **19** **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 **20** **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 5** **Public Sector Workers**
2 **Compensation Fund Act 2018**

3 **21** **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 **22** **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 6 Workers Compensation Act 1951

23 Living outside Australia Section 44 (2)

omit

a medical referee certifies that

24 Special provisions for HIV/AIDS Section 60

omit

25 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.

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

insert

- (3) The regulator is also an inspector.

27 **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.

28 **New chapter 22**

insert

**Chapter 22 Transitional—Workplace
Legislation Amendment
Act 2025 (No 3)**

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 3)*, section 25 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 **29 Dictionary, definition of *inspector***6 *substitute*7 *inspector* means an inspector under section 188.

Part 7 Work Health and Safety Act 2011

30 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.

31 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 **32 Duty to notify of notifiable incidents**
22 **Section 38 (1)**

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

- 1 **33 Section 39 heading**
- 2 *substitute*
- 3 **39 Duty to preserve incident sites and evidence**
- 4 **34 Section 39 (1) and note**
- 5 *substitute*
- 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 **35 Section 39 (2)**
- 19 *omit*
- 20 subsection (1)
- 21 *substitute*
- 22 this section,

Section 36

- 1 **36 Section 39 (3)**
- 2 *omit*
- 3 Subsection (1)
- 4 *substitute*
- 5 This section
- 6 **37 Section 39 (4)**
- 7 *omit*
- 8 **38 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 **39** **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 **40** **Dictionary, note 2**

10 *insert*

- 11 • doctor
12 • enrolled nurse
13 • nurse

Schedule 1 Technical amendments

(see s 3)

Part 1.1 Dangerous Substances Act 2004

[1.1] 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 1.2 Long Service Leave Act 1976

[1.2] 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 1.3 Long Service Leave (Portable Schemes) Act 2009

[1.3] 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 **[1.4] Section 73 (1) (a)**

2 *omit*

3 *is*

4 *substitute*

5 *are*

6 **Explanatory note**

7 This amendment corrects a minor typographical error.

8 **[1.5] 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 **[1.6] Section 79H (2), note**

15 *omit*

16 **Explanatory note**

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

18 **[1.7] 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 1.4 Workers Compensation Act 1951

[1.8] 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.

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

substitute

- section 147A (Compulsory insurance—offences)

Explanatory note

This amendment corrects a cross-reference.

Part 1.5 Work Health and Safety Act 2011

[1.10] 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.

[1.11] 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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