

2025

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

ELEVENTH ASSEMBLY

WORKPLACE LEGISLATION AMENDMENT BILL 2025

**EXPLANATORY STATEMENT
and
HUMAN RIGHTS COMPATIBILITY STATEMENT
(*Human Rights Act 2004*, s 37)**

**Presented by
Michael Pettersson MLA
MINISTER FOR SKILLS, TRAINING AND INDUSTRIAL RELATIONS
APRIL 2025**

WORKPLACE LEGISLATION AMENDMENT BILL 2025

This explanatory statement (the statement) relates to the Workplace Legislation Amendment Bill 2025 (the Bill) as presented to the ACT Legislative Assembly. It has been prepared to assist the reader. It does not form part of the Bill and has not been endorsed by the Assembly.

The statement is to be read in conjunction with the Bill. It is not intended to be a comprehensive description of the Bill. What is said about a provision is not to be taken as providing a definitive interpretation of the meaning of a provision, this being a task for the courts.

The Bill **is not** declared a Significant Bill. Significant Bills are bills that have been assessed as likely to have significant engagement of human rights and require more detailed reasoning in relation to compatibility with the *Human Rights Act 2004*.

OVERVIEW OF THE BILL

The *Workers Compensation Act 1951* establishes the regulatory framework for the ACT private sector workers' compensation scheme. The scheme provides statutory workers' compensation entitlements and supports to private sector workers in the event of work-related injury or illness, ensuring access to essential services such as medical treatment, rehabilitation assistance, financial compensation including weekly compensation and lump sum permanent impairment payments.

Currently, workers suffering from work-related silicosis are not entitled to statutory lump sum permanent impairment payments as a result of their silicosis as they are not listed in schedule 1 of the *Workers Compensation Act*.

This Bill seeks to enhance and streamline silica-related workplace injury compensation by extending statutory permanent impairment payments under the ACT workers' compensation scheme to workers suffering from work-related silicosis.

The Bill also contains minor technical amendments to improve the administration of specific industrial relations portfolio ministerial advisory bodies within the ACT as well as afford administrative flexibility to businesses with regard to quarterly reporting under the ACT portable long service scheme.

The Bill amends the following legislation:

- *Workers Compensation Act 1951*
- *Government Procurement Act 2001*
- *Labour Hire Licensing Act 2020*
- *Work Health and Safety Act 2011* and
- *Long Service Leave (Portable Schemes) Act 2009*.

CONSULTATION ON THE PROPOSED APPROACH

Stakeholders consulted include the Chief Minister, Treasury and Economic Development Directorate, the Work Health and Safety Council, licensed insurers, ACT Leave and WorkSafe ACT.

CLIMATE IMPACT

This Bill will not have any climate impact.

CONSISTENCY WITH HUMAN RIGHTS

During the development of the Bill, due regard was given to its compatibility with human rights as set out in the *Human Rights Act 2004* (the HR Act). This Bill is consistent with human rights.

Rights engaged

This Bill engages the following HR Act rights:

- Section 8 – Recognition and equality before the law
- Section 9 – Right to life

Rights promoted

This Bill engages and promotes the following rights:

- Section 8 – Recognition and equality before the law

The right to equality and non-discrimination provides that everyone is entitled to enjoy their rights without discrimination of any kind, and that everyone is equal before the law and entitled to the equal protection of the law without discrimination.

A person is entitled to equal and non-arbitrary enforcement and administration of the law, and a guarantee that laws will be applied in the same manner to all those who may be subject to them. Extension of permanent impairment lump sum payments under the ACT workers' compensation scheme to those who suffer from work-related silicosis promotes this right. It is promoted by recognising that silicosis which is a serious irreversible lung disease caused by inhaling silica dust, is a permanent impairment. This recognition gives parity to workers who suffer from silicosis, consistent with other permanent impairments under the ACT workers' compensation scheme.

- Section 9 – Right to life

The right to life is a fundamental human right enshrined in the HR Act, which emphasises the importance of protecting individuals from risks that may threaten their health, safety, and overall well-being. In the context of respirable crystalline silicosis, this poses a significant health hazard to workers. The particles are naked to the eye and if airborne and inhaled can lead to a range of respiratory diseases including silicosis. The seriousness of silicosis has been recognised on a national scale with all Australian jurisdictions amending work health and safety regulations to ban engineered stone and provide stronger regulation of all materials containing crystalline silica to protect workers from exposure and subsequently developing silicosis.

In certain situations, the right to life obligates the ACT Government to take proactive measures to safeguard individuals from real and immediate threats to their safety. The Bill promotes the right to life by enhancing workers compensation entitlements to those who have suffered silicosis due to poor work conditions. This Bill establishes the inclusion of silicosis as an impairment, to enable workers to access permanent impairment benefits. This ensures an appropriate level of benefits are afforded to workers who experience irreversible lung disease while also bringing the ACT in line with other jurisdictions in their recognition of the need to afford affected workers with lump sum permanent impairment benefit for silicosis.

Rights Limited

The Bill does not place any limitations on a person's human rights.

Workplace Legislation Amendment Bill 2025

Human Rights Act 2004 - Compatibility Statement

In accordance with section 37 of the *Human Rights Act 2004* I have examined the **Workplace Legislation Amendment Bill 2025**. In my opinion, having regard to the Bill and the outline of the policy considerations and justification of any limitations on rights outlined in this explanatory statement, the Bill as presented to the Legislative Assembly is consistent with the *Human Rights Act 2004*.

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Tara Cheyne MLA
Attorney-General

CLAUSE NOTES

Part 1 Preliminary

Clause 1 Name of Act

This clause provides the name of the Act as the Workplace Legislation Amendment Act 2025.

Clause 2 Commencement

This clause provides for commencement of the Act, noting that the Act commences on the 7th day after its notification day save for Part 5. Part 5 commences on either 1 July 2025 or the day after notification, whichever is later.

Clause 3 Legislation amended

This clause provides that the Act amends the:

- *Government Procurement Act 2001*
- *Labour Hire Licensing Act 2020*
- *Long Service Leave (Portable Schemes) Act 2009*
- *Workers Compensation Act 1951*; and
- *Work Health and Safety Act 2011*.

Part 2 Government Procurement Act 2001

Clause 4 Membership of council – Section 22ZB (3) and (4)

This clause provides for a minor and technical amendment to name the registrar, who is a non-voting member, as the chair of the council.

Part 3 Labour Hire Licensing Act 2020

Clause 5 Membership of committee – Section 21 (3) and (4)

This clause provides for a minor and technical amendment to name the commissioner, who is a non-voting member, as the chair of the committee.

Part 4 Long Service Leave (Portable Schemes) Act 2009

Clause 6 Quarterly returns by employers – Section 48A

This Clause provides for a new definition to be inserted for the meaning of *quarter*, to include a period as agreed between the registrar and a particular employer.

Clause 7 Minor changes to levy – employers and voluntary members – Section 56A (1) (b)

This clause provides for a minor and technical amendment to ensure the provision operates as intended, being that the governing board can only make a levy increase of up to 40 basis points within a 12-month period prior to the levy change taking effect.

This amendment removes any confusion in relation to the timing of the 12 months period, ensuring that levy changes are able to be communicated to industry well in advance.

Clause 8 Dictionary, note 2

This clause provides for a minor and technical amendment to provide for the new definition of quarter at the new section 48A.

Clause 9 Dictionary, new definition of quarter

This clause provides for a minor and technical amendment to provide for the new definition of quarter at the new section 48A.

Part 5 Workers Compensation Act 1951

Clause 10 Compensation for permanent injuries – Schedule 1, new item 54

This clause inserts ‘silicosis’ under ‘diseases’ within Schedule 1, effectively expanding compensation for permanent injuries to those that suffer from work-related silicosis.

Part 6 Work Health and Safety Act 2011

Clause 11 Terms of appointment – Schedule 2, new section 2.4 (3)

This clause provides for the minor and technical amendment to the terms of appointment to ensure that it allows the flexibility to appoint a person to be a full member of the council and exclude the period during which an appointment is made for the purposes of an acting member in such consideration.

Notwithstanding this clause, government policy applying to appointments will continue to apply.