
c2025-126C
GRNS--The Greens

LEGISLATIVE COUNCIL

Workers Compensation Legislation Amendment Bill 2025

Second print

Proposed amendments

No. 1 **Injury management plans—obligations of insurers**

Page 44, Schedule 2. Insert after line 6—

[1A] Section 45 Injury management plan for worker with significant injury

Insert after section 45(2)—

- (2A) The return to work duties and arrangements included in the injury management plan for the worker—
 - (a) must be endorsed by the nominated treating doctor as medically appropriate, and
 - (b) must not expose the worker to an increased risk of re-injury or aggravation.

No. 2 **Injury management plans—obligations of insurers**

Page 44, Schedule 2. Insert after line 6—

[1B] Section 45(5A)

Insert after section 45(5)—

- (5A) The insurer must—
 - (a) respond to enquiries from the injured worker or the injured worker's representative within 5 business days, and
 - (b) ensure the insurer's communications are courteous, accurate and transparent, and
 - (c) document all significant decisions or delays in complying with an obligation of the insurer to respond to enquiries or provide information or documents.

No. 3 **Injury management plans—obligations of insurers**

Page 44, Schedule 2. Insert after line 6—

[1C] Section 45(6A)

Insert after section 45(6)—

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- (6A) The insurer must not pressure the worker to accept an injury management plan that is inconsistent with a current medical certification relating to the worker's injury.
Maximum penalty—50 penalty units.

No. 4 **Injury management plans—obligations of employers**

Page 44, Schedule 2. Insert after line 30—

[2A] Section 46 Employer's injury management plan obligations

Insert after section 46(1)—

- (1A) The employer must—
- (a) respond to enquiries from the injured worker or the injured worker's representative within 5 business days, and
 - (b) ensure the employer's communications are courteous, accurate and transparent, and
 - (c) document all significant decisions or delays in complying with an obligation of the employer to respond to enquiries or provide information or documents.

No. 5 **Injury management plans—obligations of employers**

Page 44, Schedule 2. Insert after line 30—

[2B] Section 46(2A)

Insert after section 46(2)—

- (2A) The employer must not pressure the worker to accept an injury management plan that is inconsistent with a current medical certification relating to the worker's injury.
Maximum penalty—50 penalty units.

No. 6 **Injury management plans—compliance by insurers**

Page 44, Schedule 2. Insert after line 32—

[3A] Section 55 Compliance by insurers

Omit "100 penalty units" from section 55(2)(b). Insert instead "200 penalty units".

No. 7 **Injury management plans—compliance by employers**

Page 44, Schedule 2. Insert after line 32—

[3B] Section 56 Compliance by employer

Insert after section 56(2)—

- (2A) If the Authority is satisfied that an employer has persistently or repeatedly failed to comply with the requirements of this chapter without reasonable excuse, the Authority can impose—
- (a) a pecuniary penalty of up to an amount that is equivalent to 200 penalty units, or
 - (b) a pecuniary penalty of an amount by way of a premium surcharge payable by the employer in addition to any premium surcharge payable by the employer under subsection (2).
- (2B) Before the Authority takes action under subsection (2A), the Authority must give the employer an opportunity to make submissions to the Authority regarding the proposed action.

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- (2C) If, after considering any submissions made by the employer, the Authority decides to take the proposed action or other action under this section, the Authority must give the employer written notice of the action.
 - (2D) Any action taken by the Authority under subsection (2A) takes effect on—
 - (a) the day the Authority gives notice of the action to the employer, or
 - (b) if a later day is specified in the notice—the later day.
 - (2E) A pecuniary penalty imposed on an employer under subsection (2A)(a) may be recovered by the Authority in a court of competent jurisdiction as a debt due to the Crown.

No. 8 **Injury management plans—compliance by employers**

Page 44, Schedule 2. Insert after line 32—

[3C] Section 56(3) and (4)

Insert “or imposed under subsection (2A)” after “under the regulations” wherever occurring.

No. 9 **Period within which insurer must decide claim**

Page 46, Schedule 2[12], proposed section 280AC, heading, line 35. Omit “**42 days**”. Insert instead “**21 days**”.

No. 10 **Period within which insurer must decide claim**

Page 46, Schedule 2[12], proposed section 280AC(1), line 36. Omit “42 days”. Insert instead “21 days”.

No. 11 **Entitlements during determination period**

Page 47, Schedule 2[12], proposed section 280AD(1)(a), line 12. Omit “75%”. Insert instead “100%”.

No. 12 **Entitlements during determination period**

Page 47, Schedule 2[12], proposed section 280AD(1)(b), line 14. Omit “75%”. Insert instead “100%”.

No. 13 **Limit on multiple entitlements and compensation**

Page 50, Schedule 2[12], proposed section 280AJ(2), lines 6–14. Omit all words on the lines. Insert instead—

- (2) The worker can—
 - (a) recover damages under the stop bullying order in relation to the same conduct for which the worker is receiving or has received entitlements under the Workers Compensation Acts to the extent that the total amount of damages payable to the worker under the stop bullying order exceeds the total amount of entitlements payable to the worker under the Workers Compensation Acts, or
 - (b) recover damages under the sexual harassment order in relation to the same conduct for which the worker is receiving or has received entitlements under the Workers Compensation Acts to the extent that the total amount of damages payable to the worker under the sexual harassment order exceeds the total amount of entitlements payable to the worker under the Workers Compensation Acts, or
 - (c) receive entitlements under the Workers Compensation Acts in relation to the same conduct for which damages have been paid or are payable

to the worker under the stop bullying order to the extent that the total amount of entitlements payable to the worker under the Workers Compensation Acts exceeds the total amount of damages payable to the worker under the stop bullying order, or

- (d) receive entitlements under the Workers Compensation Acts in relation to the same conduct for which damages have been paid or are payable to the worker under the sexual harassment order to the extent that the total amount of entitlements payable to the worker under the Workers Compensation Acts exceeds the total amount of damages payable to the worker under the sexual harassment order.

No. 14 **Medical assessments of degree of permanent impairment**

Page 52, Schedule 2[29]–[33], lines 8–31. Omit all words on the lines.

No. 15 **Independent Review Officer**

Page 55, Schedule 3[2], lines 24–28. Omit all words on the lines.

No. 16 **Independent Review Officer**

Page 55, Schedule 3[3], lines 29–36. Omit all words on the lines.

No. 17 **Independent Review Officer**

Pages 55 and 56, Schedule 3[4], line 37 on page 55 to line 26 on page 56. Omit all words on the lines.

No. 18 **Independent Review Officer**

Page 56, Schedule 3[6], lines 29–39. Omit all words on the lines.