

c2025-278C
GRNS--The Greens

LEGISLATIVE COUNCIL

Workers Compensation Legislation Amendment Bill 2025

Second print

Proposed amendments

No. 1 **Amendment of Work Health and Safety Act 2011**

Page 56. Insert after line 39—

**Schedule 3A Amendment of Work Health and Safety Act
2011 No 10**

[1] Section 21A

Insert after section 21—

**21A Duties of persons conducting businesses or undertakings involving
digital work systems**

- (1) A person conducting a business or undertaking that uses a digital work system must ensure, so far as is reasonably practicable, that the allocation of work by or using the digital work system is without risks to the health and safety of a person.
- (2) Without limiting subsection (1), a person conducting a business or undertaking must consider whether using a digital work system creates or results in any of the following risks—
 - (a) excessive or unreasonable workloads for workers at work in the business or undertaking,
 - (b) the use of excessive or unreasonable metrics to assess and track the performance of workers at work in the business or undertaking,
Examples of excessive or unreasonable metrics— metrics that do not take into account the needs for breaks or the impact of external factors that may affect the performance of workers
 - (c) excessive or unreasonable monitoring or surveillance of workers at work in the business or undertaking,
Examples of excessive or unreasonable monitoring— monitoring workers in a way that is disproportionate to workers' job functions, including recording workers' conversations or tracking workers' social media
 - (d) discriminatory practices or decision-making in the conduct of the business or undertaking,

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- (e) allocation of work in a way that is not compliant with an industrial instrument applicable to workers.
 - (3) A person conducting a business or undertaking that uses a digital work system must inform workers of the nature of the digital work system, including—
 - (a) the types of data collected by the digital work system, and
 - (b) the basis on which decisions are made as a result of the use of the digital work system and the data collected by the system.
 - (4) This section is intended to have extraterritorial application so far as the legislative powers of the State permit.
 - (5) In this section—
digital work system means an algorithm, artificial intelligence, automation, online platform or software.

[2] Section 118 Rights that may be exercised while at workplace

Insert after section 118(1)(a)—

- (a1) access, inspect, observe, monitor, carry out tests on and record a digital work system, including training data and source code of the relevant technical information, relevant to the suspected contravention,
Examples— inspect and take copies of code or algorithms used in the digital work systems or performance metrics, records, data logs or audit trails produced by digital work systems

[3] Section 118(1)(a2)

Insert before section 118(1)(b)—

- (a2) require the relevant person conducting a business or undertaking to give the WHS entry permit holder reasonable assistance to access and inspect a digital work system relevant to the suspected contravention,

[4] Section 118(2A)

Insert after section 118(2)—

- (2A) The relevant person conducting a business or undertaking must not refuse to allow the WHS entry permit holder to take action under subsection (1)(a1), and it is not a reasonable excuse for subsection (3) for the relevant person to refuse or fail to comply with a requirement under subsection (1)(a2), on the basis the digital work system is commercial-in-confidence.

[5] Section 118(3)

Insert “(a2) or” after “subsection (1)”.

[6] Section 118(6)

Insert after section 118(5)—

- (6) In this section—
digital work system has the same meaning as in section 21A.

[7] Section 120 Entry to inspect employee records or information held by another person

Insert after section 120(2)(a)—

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- (a1) records or other documents that relate to a digital work system referred to in section 118(1)(a1) that are directly relevant to the suspected contravention, or

No. 2 **Long title—consequential to Amendment No. 1 which inserts schedule amending Work Health and Safety Act 2011**

Omit “and to make miscellaneous amendments to improve the effective operation of the workers compensation scheme”. Insert instead “to make miscellaneous amendments to improve the operation of the workers compensation scheme; and for other purposes”.