

WORKERS COMPENSATION LEGISLATION AMENDMENT BILL 2025

Schedule of amendments referred to in the Legislative Council's message of 14 November 2025 AM.

- No. 1 **OPP No. 2 [c2025-261D]**
Page 3, Schedule 1.1[2], line 12. Omit “25%”. Insert instead “21%”.
- No. 2 **OPP No. 3 [c2025-261D]**
Page 3, Schedule 1.1[2], line 15. Omit “25%”. Insert instead “21%”.
- No. 3 **OPP No. 4 [c2025-261D]**
Page 3, Schedule 1.1[3], lines 16 and 17. Omit all words on the lines.
- No. 4 **OPP No. 7 [c2025-261D]**
Page 4, Schedule 1.1[6], proposed section 39A(2), line 3. Omit “25%”. Insert instead “21%”.
- No. 5 **OPP No. 8 [c2025-261D]**
Page 4, Schedule 1.1[6], proposed section 39A(2), note, line 4. Omit “25%”. Insert instead “21%”.
- No. 6 **OPP No. 11 [c2025-261D]**
Page 4, Schedule 1.1[7], lines 15 and 16. Omit all words on the lines.
- No. 7 **OPP No. 14 [c2025-261D]**
Page 5, Schedule 1.1[10], lines 8–14. Omit all words on the lines.
- No. 8 **OPP No. 16 [c2025-261D]**
Pages 5 and 6, Schedule 1.1[13]–[19], line 21 on page 5 to line 27 on page 6. Omit all words on the lines.
- No. 9 **LP No. 1 [c2025-298A]**
Page 32, Schedule 1.8[3], proposed section 8L, line 41. Omit “reasonable.”. Insert instead—
reasonable, and
(c) consideration must be given to the matters prescribed by the regulations.
Note— In applying an objective test under this section, the conduct that constitutes the act or omission is taken to occur in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, insulted, humiliated, intimidated or otherwise consider the act or omission to amount to being subjected to bullying, excessive work demands, racial harassment or sexual harassment.
- No. 10 **GRNS No. 27 [c2025-109E]**
Page 37, Schedule 1.9[20], proposed section 173AA, line 1. Omit “large”.
- No. 11 **GRNS No. 28 [c2025-109E]**
Page 37, Schedule 1.9[20], proposed section 173AA(1), line 3. Omit “A large”. Insert instead “An”.
- No. 12 **GRNS No. 29 [c2025-109E]**
Page 37, Schedule 1.9[20], proposed section 173AA(1), line 4. Omit “large”.
- No. 13 **GRNS No. 30 [c2025-109E]**
Page 37, Schedule 1.9[20], proposed section 173AA(1)(a), line 6. Omit “large”.

No. 14 **GRNS No. 31 [c2025-109E]**

Page 37, Schedule 1.9[20], proposed section 173AA(1)(b), line 9. Omit “large”.

No. 15 **IND No. 24 [c2025-269I]**

Page 37, Schedule 1.9. Insert after line 21—

[21] Section 195

Insert after section 194—

195 Insurers to certify reasonable prospects of success

- (1) This section applies if an insurer is a party to proceedings in the Commission, or before a court or tribunal, in relation to a claim.
- (2) The insurer must give to the Commission, court or tribunal, in accordance with the rules of the Commission, court or tribunal, a certificate signed by an Australian legal practitioner acting for the insurer that states—
 - (a) the insurer’s case has reasonable prospects of success based on—
 - (i) provable facts, and
 - (ii) a reasonably arguable view of the law, and
 - (b) the cost of the insurer’s action in commencing or defending the proceedings is proportionate to—
 - (i) the claim, and
 - (ii) the significance of the issues in dispute.

No. 16 **IND No. 26 [c2025-269I]**

Page 39, Schedule 1.10, line 10. Omit all words on the line.

No. 17 **IND No. 27 [c2025-269I]**

Page 39, Schedule 1.10, line 11. Insert “and” after “Schedule 1.4[15],”.

No. 18 **OPP No. 26 [c2025-261D]**

Page 40, Schedule 1.10, lines 23 and 24. Omit “Schedule 1.1[8]–[10]”. Insert instead “Schedule 1[8] and [9]”.

No. 19 **OPP No. 28 [c2025-261D]**

Page 41, Schedule 1.10, lines 21–32. Omit all words on the lines.

No. 20 **Latham No. 19 [c2025-268]**

Page 43, Schedule 1.10, line 26. Omit “scheme.”. Insert instead—
scheme, and

- (iii) ways of eliminating medical, legal and other forms of fraud impacting the scheme.

No. 21 **Latham No. 20 [c2025-268]**

Page 43, Schedule 1.10, line 30. Omit all words on the line. Insert instead—

- (b) 3 members of the Legislative Council consisting of—
 - (i) 1 Government member, and
 - (ii) 1 Opposition member, and
 - (iii) 1 crossbench member.

No. 22 **Latham No. 21 [c2025-268]**

Page 43, Schedule 1.10, lines 31 and 32. Omit all words on the lines. Insert instead—

- (3) The Chairperson of the Joint Select Committee must be the member of the Committee who is the crossbench member of the Legislative Council.

No. 23 **OPP No. 33 [c2025-261D]**

Page 51, Schedule 2[22] and [23], lines 22–30. Omit all words on the lines.

No. 24 **GRNS No. 1 [c2025-304A]**

Page 53, Schedule 2. Insert after line 42—

[40A] Chapter 7 New claims procedures

Insert before Chapter 7, Part 10, Division 2—

Division 1 Ministerial advisory group

375 Ministerial advisory group

- (1) The Minister must establish a Ministerial advisory group consisting of—
 - (a) a chairperson appointed by the Minister, and
 - (b) 3 members who are injured workers appointed by the Minister, and
 - (c) 1 member nominated by Unions NSW, and
 - (d) 1 member nominated by the Authority to represent the Authority, and
 - (e) 1 representative nominated by the Independent Review Officer to represent the Independent Review Officer.
- (2) The terms of reference for the advisory group must be determined by the Minister.
- (3) The advisory group's functions are to give advice to the Minister about the following—
 - (a) the needs of persons affected by serious work-related injuries,
 - (b) the development and review of policies, practices and strategies for liaising with, and providing information to, injured workers, ICNSW and the Authority,
 - (c) other matters requested by the Minister.
- (4) The advisory group must be established as soon as practicable after the date of assent to the *Workers Compensation Legislation Amendment Act 2025*.