



Australian Capital Territory

Workplace Legislation Amendment Act 2025 (No 3)

A2025-30

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Australian Capital Territory

Workplace Legislation Amendment Act 2025 (No 3)

A2025-30

An Act to amend workplace legislation, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Workplace Legislation Amendment Act 2025 (No 3)*.

2 Commencement

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

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

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

- (2) Part 5 (Public Sector Workers Compensation Fund Act 2018) commences on 1 March 2026.
- (3) The remaining provisions commence on the 7th day after this Act's notification day.

3 Legislation amended

This Act amends the following legislation:

- *Dangerous Substances Act 2004*
- *Long Service Leave Act 1976*
- *Long Service Leave (Portable Schemes) Act 2009*
- *Public Sector Workers Compensation Fund Act 2018*
- *Workers Compensation Act 1951*
- *Work Health and Safety Act 2011*

Part 2

Dangerous Substances Act 2004

4

Inspectors
New section 207 (1) (c)

insert

(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.

13CB Consent to entry

- (1) When seeking consent to entry under section 13C (1) (c) (Powers of authorised officer to enter premises), an authorised officer must—
 - (a) produce the officer's identity card; and
 - (b) tell the occupier—
 - (i) the purpose of the entry; and
 - (ii) that anything found under this part may be used as evidence in court; and
 - (iii) that consent may be refused.
- (2) If the occupier consents, the authorised officer must ask the occupier to sign a written acknowledgment of consent stating—
 - (a) that the occupier was told—
 - (i) the purpose of the entry; and
 - (ii) that anything found under this part may be used as evidence in court; and
 - (iii) that consent may be refused; and
 - (b) that the occupier consented to the entry; and
 - (c) the time and date consent was given.
- (3) If the occupier signs an acknowledgment of consent, the authorised officer must immediately give a copy to the occupier.
- (4) A court must find that an occupier did not consent if—
 - (a) a question arises in a proceeding before the court about whether the occupier consented to the authorised officer entering the premises under this part; and
 - (b) an acknowledgment of consent is not produced in evidence; and
 - (c) it is not proved that the occupier consented to the entry.

13CC Power to obtain, inspect and copy information

- (1) An authorised officer may, in writing, direct a person to give the officer information, a document or other thing within a stated reasonable period if the information, document or thing is reasonably required by the officer for this Act.
- (2) An authorised officer who enters premises under this part may do 1 or more of the following in relation to the premises or anyone at the premises:
 - (a) examine anything;
 - (b) take images, make audio or video recordings or any other kind of record;
 - (c) if reasonably required by the authorised officer to exercise a power under this part, direct the occupier or anyone at the premises to do 1 or more of the following:
 - (i) give information, a document or other thing (including information, a document or a thing not at the premises);
 - (ii) produce a document or other thing (including a document or other thing not at the premises);
 - (iii) answer a question;
 - (iv) give the authorised officer reasonable help to exercise a power under this part.

Note The [Legislation Act](#), s 171 deals with the application of client legal privilege.

- (3) A person must take all reasonable steps to comply with a direction given under subsection (1) or (2) (c).

Maximum penalty: 50 penalty units.

13CD Abrogation of privilege against self-incrimination

- (1) If an authorised officer directs a person to answer a question or to give information, a document or other thing under this part, the person is not excused from complying with the direction on the ground that doing so may—
 - (a) tend to incriminate the person; or
 - (b) expose the person to civil penalty.
- (2) However, any information, document or thing obtained, directly or indirectly, because of the person's compliance with the direction is not admissible in evidence against the person in a civil or criminal proceeding, other than a proceeding for an offence arising out of the false or misleading nature of the information, document or thing.

13CE Warning to be given

- (1) Before directing a person under section 13CC, an authorised officer must warn the person about the effect of—
 - (a) section 13CC (3); and
 - (b) section 13CD.
- (2) It is not an offence for an individual to fail to comply with a direction on the ground that the question, information or document might tend to incriminate the individual, unless the individual was first given the 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.

Part 4

Long Service Leave (Portable Schemes) Act 2009

10

Who is an employer?

Section 7 (1) (a)

substitute

(a) either—

- (i) for the hairdressing and beauty services industry or the accommodation and food services industry—conducts business in the ACT for the predominant purpose of engaging in the industry; or
- (ii) for any other industry—engages, in any way and to any extent, in the industry in the ACT; and

11

Declarations by Minister—additional coverage of Act

Section 12 (4) (b)

omit

12

Warning to be given

Section 76B (1)

substitute

- (1) Before making a requirement of a person under section 76, an inspector must warn the person about the effect of—
 - (a) section 76 (3); and
 - (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)—

- if agreed between the worker and the authority—in the 14-day period before the day the long service leave starts; or
- 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.

19 Payments for leave—security industry
Schedule 4, section 4.10 (3)*substitute*

(3) The authority must pay an applicant any amount payable under subsection (2)—

- if agreed between the worker and the authority—in the 14-day period before the day the long service leave starts; or
- in any other case—within 21 days after the day the worker's application was made.

20 Dictionary, new definitions*insert*

accommodation and food services industry—see schedule 2, section 2.1 (1) (a) (iii).

hairdressing and beauty services industry—see schedule 2, section 2.1 (1) (a) (ii).

Part 5

**Public Sector Workers
Compensation Fund Act 2018**

21

**Payments from PSWC fund banking accounts
Section 12 (c)**

substitute

- (c) the reasonable costs of the PSWC commissioner in exercising the commissioner's functions under this Act, including costs of remuneration, allowances and office accommodation;

22

**Functions of PSWC commissioner
New section 19 (ca)**

insert

- (ca) conducting and supporting initiatives and activities to prevent 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.

- (2) An employer must, within 48 hours after the employer receives the application, give the application to the licensed insurer liable to indemnify the employer for the payment.
- (3) The employer must pay the family member the amount mentioned in subsection (1) within 7 days after the day the employer receives the application.
- (4) The employer may refuse to pay a family member if the employer has already paid a total of \$50 000 cpi indexed to other family members under this part.
- (5) In this section:
family member, of a deceased worker, means—
 - (a) any of the following people who, in the 6 months before the worker's death, lived with the worker:
 - (i) a domestic partner;
 - (ii) a child or stepchild;
 - (iii) a parent or step-parent; or
 - (b) any other person prescribed by regulation.

84C Effect of payment

A payment made to a person under this part—

- (a) is not an admission of liability by the employer or the insurer for the death of the worker; and
- (b) is not recoverable from the person, unless the person was not entitled to the payment; and
- (c) does not affect a claim for compensation or compensation 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.

275 Expiry—ch 22

This chapter expires 12 months after the day it commences.

Note A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](#), s 88).

29 Dictionary, definition of *inspector*

substitute

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;

Section 31

- (iv) the separation of skin from an underlying tissue, such as degloving or scalping;
- (v) a spinal injury, including a fracture of 1 or more vertebrae;
- (vi) a fracture of the pelvis, the skull or other facial bones;
- (vii) another serious bone fracture;
- (viii) a serious crush injury;
- (ix) the loss of a bodily function;
- (x) serious lacerations; or

- (c) a serious head injury or illness, including any head injury or illness resulting from—
 - (i) a significant blow, knock or other shock to the person's head, whether or not immediate treatment is sought; or
 - (ii) repeated blows, knocks or shocks to the person's head; or
- (d) an injury or illness for which the person seeks treatment from a relevant registered health professional within 48 hours after exposure to a substance; or
- (e) an injury or illness prescribed by regulation.

- (2) A regulation may prescribe that an injury or illness is not a serious injury or illness for this part.
- (3) In this section:
 - relevant registered health professional*** means—
 - (a) a doctor; or
 - (b) an enrolled nurse; or
 - (c) a nurse; or

(d) a person registered under the *Health Practitioner Regulation National Law (ACT)* to practise in the paramedicine profession (other than as a student).

37 **What is a *dangerous incident*—pt 3**

(1) In this part:

dangerous incident means any of the following incidents, in relation to a workplace, that immediately or imminently exposes a person to a serious risk to the person’s health and safety:

- (a) an uncontrolled escape, spillage or leakage of a substance;
- (b) an uncontrolled fire, implosion or explosion, including an electrical explosion or an arc flash explosion;
- (c) an uncontrolled escape of gas or steam;
- (d) an uncontrolled escape of a pressurised substance;
- (e) an electric shock;
- (f) the fall or release from a height of a thing;
- (g) the collapse, overturning, failure or malfunction of, or damage to, plant that is required to be authorised for use in accordance with a regulation;
- (h) a mobile plant incident;
- (i) the collapse or partial collapse of a structure;
- (j) the collapse or failure of an excavation or of any shoring supporting an excavation;
- (k) the inrush of water, mud or gas in workings, in an underground excavation or tunnel;
- (l) the interruption of the main system of ventilation in an underground excavation or tunnel;
- (m) a serious fall;

Section 32

(n) another incident prescribed by regulation.

(2) A regulation may prescribe that an incident is not a dangerous incident for this part.

(3) In this section:

mobile plant means plant designed to move or be moved, either autonomously or under the direct or remote control of an operator.

mobile plant incident means an incident in which—

- (a) mobile plant overturns or partially overturns; or
- (b) mobile plant collides with a person or thing; or
- (c) a person is pinned to the ground or another thing by mobile plant; or
- (d) a person is ejected from mobile plant; or
- (e) mobile plant malfunctions; or
- (f) mobile plant that is ordinarily controlled directly or remotely by an operator moves while not under control.

serious fall means a person falling, or the risk of a person falling—

- (a) from 1 level to a lower level; or
- (b) into a hole, trench, pit or void; or
- (c) into a body of water; or
- (d) onto a dangerous surface or object.

32

Duty to notify of notifiable incidents

Section 38 (1)

omit

arising out of the conduct of the business or undertaking

33 Section 39 heading*substitute***39 Duty to preserve incident sites and evidence****34 Section 39 (1) and note***substitute*

(1) The person with management or control of a workplace at which a notifiable incident has occurred must, so far as reasonably practicable, ensure—

- the site where the incident occurred is preserved until released by an inspector; and
- evidence of the incident, including electronic and digital records and witness details, is preserved.

Maximum penalty: tier D monetary penalty.

Note Strict liability applies to each physical element of this offence (see s 12A).

(1A) To remove any doubt, an inspector may release the whole or any part of the site under subsection (1) (a).

35 Section 39 (2)*omit**subsection (1)**substitute**this section,*

36 Section 39 (3)

omit

Subsection (1)

substitute

This section

37 Section 39 (4)

omit

38 New section 39A

in part 3, insert

39A Person conducting business or undertaking and person with management or control of workplace to notify each other of notifiable incidents

- (1) A person with a duty under section 38 must, immediately after becoming aware of the notifiable incident activating the duty, ensure a person with a corresponding duty under section 39 is notified of the incident.

Maximum penalty: tier D monetary penalty.

Note Strict liability applies to each physical element of this offence (see s 12A).

- (2) A person with a duty under section 39 must, immediately after becoming aware of the notifiable incident activating the duty, ensure a person with a corresponding duty under section 38 is notified of the incident.

Maximum penalty: tier D monetary penalty.

Note Strict liability applies to each physical element of this offence (see s 12A).

**39 Limitation period for prosecutions
Section 232 (2)***substitute*

- (2) A proceeding for an offence may be brought after the end of the applicable limitation period in subsection (1) with the leave of the court.
- (2A) The court may grant leave under subsection (2) only if satisfied that it is in the interests of justice.

40 Dictionary, note 2*insert*

- doctor
- enrolled nurse
- 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.

[1.4] Section 73 (1) (a)

omit

is

substitute

are

Explanatory note

This amendment corrects a minor typographical error.

[1.5] Section 76 (2), new note 2

insert

Note 2 The [Legislation Act](#), s 171 deals with the application of client legal privilege.

Explanatory note

This amendment inserts a standard note in line with current legislative drafting practice.

[1.6] Section 79H (2), note

omit

Explanatory note

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

[1.7] Section 79N (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.

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 12 November 2025.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Workplace Legislation Amendment Bill 2025 (No 3), which was passed by the Legislative Assembly on 28 October 2025.

Clerk of the Legislative Assembly

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