

2025

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Minister for Skills, Training and Industrial Relations)

# Workplace Legislation Amendment Bill 2025 (No 2)

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# **Workplace Legislation Amendment Bill 2025 (No 2)**

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## **A Bill for**

An Act to amend workplace legislation, and for other purposes

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

1	<b>Part 1</b>	<b>Preliminary</b>
2	<b>1</b>	<b>Name of Act</b>
3		This Act is the <i>Workplace Legislation Amendment Act 2025 (No 2)</i> .
4	<b>2</b>	<b>Commencement</b>
5	(1)	This Act (other than part 2) commences on the day after its
6		notification day.
7	<i>Note</i>	The naming and commencement provisions automatically commence on
8		the notification day (see <a href="#">Legislation Act</a> , s 75 (1)).
9	(2)	Part 2 (Evidence (Miscellaneous Provisions Provisions) Act 1991)
10		commences on the 7th day after this Act's notification day.
11	<b>3</b>	<b>Legislation amended</b>
12		This Act amends the <i>Evidence (Miscellaneous Provisions) Act 1991</i>
13		and the <i>Workers Compensation Act 1951</i> .

## Part 2 Evidence (Miscellaneous Provisions) Act 1991

### 4 Meaning of *sexual offence proceeding*—ch 4 Section 41, definition of *sexual offence proceeding*, new paragraphs (d) and (e)

*insert*

(d) a proceeding for an offence against any of the following provisions of the *Work Health and Safety Act 2011* if the offence involves a suspected or alleged sexual assault or any other act of a sexually offensive, intimidating or humiliating nature:

(i) section 31 (Negligence or reckless conduct—category 1);

(ii) section 32 (Failure to comply with health and safety duty—category 2);

(iii) section 33 (Failure to comply with health and safety duty—category 3); or

(e) a proceeding for an offence against the *Work Health and Safety Act 2011*, section 38 (1) if the notifiable incident involves a sexual assault incident, within the meaning of that Act, section 37A.

### 5 New section 41A

*in part 4.1, insert*

### 41A References to accused people—sexual offence proceedings under Work Health and Safety Act 2011

(1) This section applies to a proceeding mentioned in section 41, definition of *sexual offence proceeding*, paragraph (d) or (e).

- 1           (2) A reference to an accused person in the following provisions includes  
2           a person who is suspected or alleged to have committed the sexual  
3           assault or other act of a sexually offensive, intimidating or  
4           humiliating nature to which the proceeding relates:
- 5           (a) section 47 (1);  
6           (b) section 60 (6) (a) and (b);  
7           (c) section 68 (5) (a) and (b);  
8           (d) section 76 (2);  
9           (e) section 80C.

10       **6           Section 42, definition of *complainant***

11           *substitute*

12           ***complainant***, in relation to a proceeding for an offence—

- 13           (a) means a person—
- 14               (i) against whom the offence is alleged, or has been found, to  
15               be committed; and
- 16               (ii) for a family violence offence proceeding—who is also a  
17               family member of the accused person; and
- 18           (b) for a sexual offence proceeding for an offence against the *Work*  
19           *Health and Safety Act 2011*—includes a person against whom a  
20           sexual assault or an act of a sexually offensive, intimidating or  
21           humiliating nature is suspected or alleged, or has been found, to  
22           have been committed.

## Part 3 Workers Compensation Act 1951

### 7 Section 145K

*substitute*

#### 145K Requirement to hold self-insurer licence

- (1) An employer, other than a prescribed employer, must hold a self-insurer licence unless the employer holds a compulsory insurance policy with a licenced insurer.
- (2) A prescribed employer must hold a self-insurer licence for any workers who are not prescribed workers unless the prescribed employer holds a compulsory insurance policy with a licensed insurer for the workers.

### 8 Failing to hold a self-insurer licence Section 145S (1) (b)

*substitute*

(b) is not—

- (i) the holder of a compulsory insurance policy with a licensed insurer; or
- (ii) a prescribed employer that employs only prescribed workers; and

**9 Section 145S (1), note**

*omit*

**10 Compulsory insurance—employers  
New section 147 (2) (e)**

*before the note, insert*

- (e) the employer is a prescribed employer and employs only prescribed workers.

**11 Purpose of DI fund  
Section 166A (2) and note**

*substitute*

- (2) The DI fund must meet the cost of compensation to an injured worker if—

- (a) the employer of the injured worker does not have a compulsory insurance policy to cover the worker for the claim; or
- (b) the employer is a prescribed employer and the injured worker is a prescribed worker.

*Note* An injured worker who was a director of the employer at the time of the injury may not make a claim against the fund, unless the injured worker is a prescribed worker and the employer is a prescribed employer (see s 170 (3)).

**12 Section 166A (4) and note**

*substitute*

- (4) The DI fund must meet the cost of an employer's liability that arises independently of this Act in relation to an injury to, or the death of, a territory worker of the employer by paying an amount that satisfies or discharges the liability to a person entitled to that amount if—

- (a) the employer of the worker does not have a compulsory insurance policy to cover the liability; or



- 1 (b) the employer is a prescribed employer and the territory worker  
2 is a prescribed worker.

3 *Note* An injured worker who was a director of the employer at the time of the  
4 injury may not make a claim against the fund, unless the injured worker  
5 is a prescribed worker and the employer is a prescribed employer (see  
6 s 170 (3)).

7 **13 New division 8.2.2A**

8 *insert*

9 **Division 8.2.2A DI fund and prescribed employers etc**

10 **166J Determination about DI fund objects, prescribed**  
11 **employers and workers**

12 (1) The Executive may determine the objects of the DI fund  
13 for the purpose of an employer and worker mentioned in  
14 section 166A (2) (b) and (4) (b), including any requirements for the  
15 operation of the fund, including in relation to the following:

- 16 (a) the class of employer that may apply to be a prescribed  
17 employer;  
18 (b) the class of worker that is a prescribed worker;  
19 (c) how an employer may apply to be a prescribed employer;  
20 (d) the conditions with which a prescribed employer must comply;  
21 (e) the maximum period for which an employer may be a prescribed  
22 employer.

23 (2) A determination is a notifiable instrument.

24 **166K Determination of fees for prescribed employers**

- 25 (1) The Executive may determine fees payable by a prescribed employer  
26 in relation to the administration of the DI fund under this part.  
27 (2) A determination is a disallowable instrument.

- 1     **166L     Application to be prescribed employer**
- 2             (1) An employer who employs prescribed workers may apply to the
- 3                 Minister to be a prescribed employer for a particular period.
- 4             (2) The employer must give the Minister, with the application—
- 5                 (a) a statement of the employer's estimate for the particular period;
- 6                 and
- 7                 (b) any other information prescribed by regulation.
- 8             (3) In this section:
- 9                 *employer's estimate*, for the particular period, means the employer's
- 10                estimate of the following:
- 11                (a) the number of prescribed workers to be employed by the
- 12                employer in the period;
- 13                (b) the total wages to be paid to prescribed workers in the period;
- 14                (c) the number of paid and unpaid prescribed workers who will
- 15                work for the employer in the period;
- 16                (d) the approximate amount of time each paid and unpaid prescribed
- 17                worker will work for the employer in the period.
- 18     **166M     Assessment of application to be prescribed employer**
- 19             (1) The Minister must approve an employer's application to be a
- 20                 prescribed employer for a particular period if the employer—
- 21                 (a) employs prescribed workers; and
- 22                 (b) has given the Minister the information mentioned in
- 23                 section 166L (2).
- 24             (2) The period for which the Minister approves an employer's application
- 25                 must not be longer than the period mentioned in section 166J (1) (e).

(3) The Minister may decide that a prescribed employer is no longer a prescribed employer if the employer breaches a condition mentioned in section 166J (1) (d).

(4) The Minister must tell the employer, in writing, of their decision made under subsection (3).

#### **166N Application of amendments before commencement**

(1) This section applies if the Minister approves an employer's application to be a prescribed employer on or after the commencement day but before the end of February 2026.

(2) This Act, as amended by the *Workplace Legislation Amendment Act 2025 (No 2)*, part 3, applies to the prescribed employer and any worker of the employer who would on or after the commencement day be a prescribed worker in relation to an injury suffered by the worker.

(3) In this section:

*commencement day* means the day the *Workplace Legislation Amendment Act 2025 (No 2)*, part 3 commences.

#### **14 Who may make claim for payment Section 170 (3) (b)**

*substitute*

(b) the employer—

(i) did not hold a compulsory insurance policy that applies to the injured worker for the injury; or

(ii) is not a prescribed employer and the injured worker is not a prescribed worker.

2                    *insert*

5        ***prescribed worker*** means a worker who is determined to be a  
6        prescribed worker by the Executive under section 166J (1).

## 1 Presentation speech

## 2 Notification

### 3 Republications of amended laws

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).