



## Standing Committee on Economy and Gender and Economic Equality

### **Inquiry into Annual and Financial Reports 2021-2022**

#### **ANSWER TO QUESTION TAKEN ON NOTICE**

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Asked by Mr Ed Cocks MLA on 3 November 2022: Mr Michael Young took on notice the following question(s):

Reference: Hansard [uncorrected] proof transcript 3 November 2022, page 19-20.

In relation to: PTSD Presumptive Cover for first responders

**MR COCKS:** Just—thank you for mentioning PTSD because I have had quite a number of conversations with people effected by, and their representation, their representatives. You have referred to presumptive coverage there, as I understand it, there is a difference in the scheme that covers firefighters compared with something that would cover our paramedics and other first responders, can you run me through what the difference is there?

**Mr Young:** In respect of post-traumatic stress disorder?

**MR COCKS:** Yes, that is right.

**Mr Young:** So at the moment, like any other form of disease, an ACT government employee can request worker's compensation in respect of that disease. In order to access worker's compensation they need to demonstrate on the balance of probability that their employment either caused or contributed to the disease or an aggravation of it.

Where presumptive arrangements are in place, that onus of proof is reversed so the claims can still be declined but it is a requirement for the insurer to demonstrate on a balance of probability that the condition was not work related. So having those presumptive arrangements in place are not a guarantee that liability will be accepted but they do provide a more streamlined pathway to compensation.

And the benefits of doing so are generally that it is a less adversarial process, that it can proceed more quickly. And in the case of PTSD then it does not require, necessarily, the person to relive their experiences in the process of making a claim. I think there have been some recent ministerial representations that go to the amount of time that it has taken in some limited number of cases to process those claims for post-traumatic stress disorder.

While I cannot speak to the specifics of actual claims, what I will flag is particularly in the case of PTSD it is important that there is an accurate diagnosis in place. So it is a requirement of our scheme that

for liability—for PTSD to be accepted, there must be a psychiatrist or other specialist that has diagnosed the condition. So where that diagnosis exists, at the time that the claim is made, it can proceed very quickly.

Where it does not, then the insurer will work with the person to put them in front of a specialist and to get a diagnosis. And one of the key factors that was discussed at that national officials working group that I referred to earlier, whilst the adverse consequences that can arise for people if PTSD is misdiagnosed. And we do need to be careful by setting up presumptive cover for PTSD that we do not set up some sort of perverse incentive to misdiagnose.

So getting that accurate diagnosis and correspondingly, the proper treatment in place as quickly as possible is the focus. So where delays do occasionally occur, at the moment, it is around accessing those specialists to do the assessment and diagnosis.

**MR COCKS:** Okay, so you have not come to the question which was the difference between a firey and a paramedic and the access to these schemes?

**Mr Young:** Sure, so there is an arrangement in place currently and I will provide a link on notice which describes the exact cohort of the ACT government workforce that is currently able to access the presumptive cover for PTSD, but it is essentially first responders, so fire brigades, emergency services workers. Defined in that online instrument are workers that have access to the presumptive cover, other employees seeking compensation for PTSD would go through the standard application where they would need to demonstrate on balance of probability that work caused the condition. So, all employees can apply for and receive compensation for PTSD, the pathway is somewhat accelerated for emergency services workers.

**MR COCKS:** Thank you.

**Mick Gentleman MLA:** The answer to the Member's question is as follows:–

The ACT Government has streamlined the workers' compensation claiming process for emergency services workers suffering from Post Traumatic Stress Disorder (PTSD).

Online information about the streamlined process and the classes of employee that have access to it is available here: [Making-a-workers-compensation-claim-for-post-traumatic-stress-disorder.pdf \(act.gov.au\)](https://www.act.gov.au/making-a-workers-compensation-claim-for-post-traumatic-stress-disorder)

Approved for circulation to the Standing Committee on Economy and Gender and Economic Equality

Signature:



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By the Minister for Industrial Relations and Workplace Safety, Mick Gentleman MLA