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Amendments to the Workers' Compensation and Injury Management Regulations 1982

PTSD presumption for ambulance workers, firefighters, and DFES communications systems officers Fact Sheet

The regulations have been amended to implement a rebuttable presumption of work injury for certain workers who contract PTSD

Background

- In March 2021 the Premier announced the following election commitment:
Introduce a rebuttable presumption that ambulance workers who claim to suffer from PTSD have developed it in the course of their work. The definition of PTSD will be in line with reference to the Diagnostic and Statistical Manual of Mental Disorders (DSM-5) and the diagnosis approved by a Psychiatrist.
- This election commitment was implemented via an amendment to the regulations which took effect on 1 February 2022.
- As firefighters are exposed to similar traumatic events and there is sufficient scientific evidence linking firefighting and PTSD the Government determined to further amend the regulations to put firefighters and DFES communications systems officers on the same footing as ambulance workers.

Application of PTSD presumption

- Regulation 68(2) specifies post-traumatic stress disorder (PTSD) to be a prescribed disease for the purposes of s49F(1)(a) of the Act. A rebuttable presumption of work injury will apply to certain workers who contract PTSD in the following circumstances:
 - A diagnosis of PTSD is made by a psychiatrist in accordance with the Diagnostic and Statistical Manual of Mental Disorders, 5th edition, published by the American Psychiatric Association in 2013 (DSM-5).
 - The worker is working in prescribed employment (see below) when the worker suffers an injury by contracting PTSD or worked in prescribed employment at any time before suffering the injury.
 - The worker is first diagnosed as having PTSD on or after the relevant date for that class of worker (see below).

- If these conditions are met the prescribed employment will be taken to have been a contributing factor, and to have contributed to a significant degree, to the prescribed disease PTSD - unless the employer proves the contrary.
- Regulation 68(3) specifies the following occupational classes as prescribed employment for the purposes of s49F(1)(b) of the Act:
 - (a) employment as a paramedic - a person registered under the Health Practitioner Regulation National Law (Western Australia) in the paramedicine profession
 - (b) employment as an ambulance officer
 - (c) employment as an ambulance emergency communications officer – a person whose primary duties include —
 - (i) to receive telephone calls for emergency ambulance attendance; and
 - (ii) to provide instructions and advice, including first aid advice, prior to the arrival of an ambulance.
 - (d) employment by or under the Crown in right of the State —
 - (i) to which an industrial award or industrial agreement relating to firefighting applies; and
 - (ii) that is in a firefighter classification under the award or agreement (this includes District Officers, Area Officers, and Station Officers).
 - (e) employment as a DFES communications systems officer whose primary duties in that employment include to receive telephone calls and dispatch emergency services in response to incidents.
- Where the worker is an ambulance worker, the worker must first be diagnosed as having PTSD on or after **1 February 2022**.
- Where the worker is a firefighter or DFES communications systems officer, the worker must first be diagnosed as having PTSD on or after **6 May 2023**.

Claiming compensation

- Any claim can be lodged via the standard workers' compensation claim process by filling out a workers' compensation claim form and obtaining a First Certificate of Capacity from the worker's treating medical practitioner.
- If the PTSD presumption is to be relied upon by an ambulance worker making a claim on or after 1 February 2022, the diagnosis of PTSD must be made by a psychiatrist using DSM-5.
- If the PTSD presumption is to be relied upon by firefighter or DFES communications systems officer making a claim on or after 6 May 2023, the diagnosis of PTSD must be made by a psychiatrist using DSM-5.
- A psychiatrist means a person registered under the Health Practitioner Regulation National Law (Western Australia) in the medical profession who is registered under that Law in the speciality of psychiatry.

Further information

- Further information with respect to making a workers' compensation claim can be found at the WorkCover WA website: <https://www.workcover.wa.gov.au/> or from WorkCover WA's Advice and Assistance Service on 1300 794 744.