

Fact Sheet

Post-traumatic stress disorder (PTSD) presumption for career firefighters and DFES communications systems officers

The *Workers Compensation and Injury Management Act 20223* (the Act) provides a rebuttable presumption of work injury for certain workers who contract PTSD

Background

As firefighters may be exposed to traumatic events in the course of their employment, and there is sufficient scientific evidence linking firefighting and PTSD, the Act and the *Workers Compensation and Injury Management Regulations 2024* (the regulations) provide a rebuttable presumption to assist firefighters and DFES communications officers when making a workers compensation claim for PTSD.

Application of PTSD presumption

- The Act provides for regulations to prescribe specified diseases to be taken to be caused from certain specified employment (a rebuttable presumption). The regulations may impose conditions or limitations on the operation of the rebuttable presumption.
- The regulations specify PTSD to be a prescribed disease for the purposes of the Act. A rebuttable presumption of work injury will apply to 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 (see below).
- If these conditions are met the prescribed employment is taken to have been a contributing factor, and to have contributed to a significant degree to the PTSD unless the employer proves the contrary.
- Regulations specify the following occupational classes as prescribed employment:
 - (a) employment by or under the Crown —
 - (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).

(b) employment as a DFES communications systems officer, which means individuals who are –

- (i) employed by the department of the Public Service principally assisting in the administration of the *Fire and Emergency Services Act 1998*, and
 - (ii) whose primary duties in that employment include to receive telephone calls and dispatch emergency services in response to incidents.
- Regulations provide 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.
- For the PTSD presumption to be relied upon, the person making their claim on or after 6 May 2023, must be diagnosed with PTSD by a psychiatrist using DSM-5.
- A psychiatrist means a person registered under the *Health Practitioner Regulation National Law Application Act 2024* in the medical profession who is registered under that Law in the speciality of psychiatry.
- A claim that does not meet the above requirements may not necessarily be rejected. In these circumstances a worker simply cannot rely on the presumption provided in regulations and the claim would progress and be treated as any other claim to be accepted or not accepted on its merits in accordance with the Act.

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.