

National approach: Presumptive Workers' Compensation Provisions for First Responders with Post-traumatic stress disorder

The National Approach, developed and agreed by the interjurisdictional First Responder Mental Health Working Group, provides a standard to ensure that all first responders with PTSD, regardless of jurisdiction, are able to access appropriate support, including treatment and leave, through workers' compensation arrangements.

The National Approach acknowledges the Senate Education and Employment References Committee 2019 report, *The people behind 000: mental health of our first responders* (the Senate committee report), and the current jurisdictional approaches to presumptive workers' compensation provisions for first responders with PTSD. The Senate Committee noted that first responders are most commonly professionals such as paramedics, police officers, firefighters and other emergency personal trained to provide assistance in time-critical, often life-threatening situations. This also includes volunteers and emergency control centre workers.

The First Responder Mental Health Working Group:

1. notes the findings of the Senate Committee report into the role of Commonwealth state and territory governments in addressing the high rates of mental health conditions experienced by first responders, emergency service workers and volunteers;
2. notes the evidence demonstrates the prevalence of PTSD in first responders is significantly higher than that of the broader community because of the nature of their work;
3. notes presumptive provisions which ensure that first responders with PTSD do not have to prove their condition was significantly contributed to by their employment, can expedite and improve the claims experience for first responders and support earlier access to treatment;
4. notes that there are differing approaches in place in the jurisdictions to support first responders with PTSD;
5. recommends jurisdictions consider how the workers' compensation arrangements could be improved to better support first responders with PTSD in their jurisdiction including through streamlining claims processes and/or introducing provisional liability and/or presumptive liability provisions;
6. recommends that if jurisdictions pursue presumptive provisions:
 - a. there is a clear scope of first responders covered by the presumption and at a minimum this would include those involved in an emergency response such as paramedics and ambulance officers, police officers and firefighters;
 - b. the presumption covers diagnosed PTSD;
 - c. the presumption be implemented through a mechanism appropriate to the relevant workers' compensation scheme, for example through legislation or other means;
 - d. consideration be given to the financial implications of introducing presumptive liability; and
 - e. the presumption is rebuttable and supported by robust case management practices;
7. supports the need to ensure first responders with PTSD are able to easily access appropriate supports and their entitlements under legislation, or other alternative pathways, for example early access to treatment and leave arrangements; and
8. acknowledges work to progress the recommended actions is subject to agreement from Ministers responsible for workers' compensation.