

# Workers' Compensation and Rehabilitation (Psychiatric Assessment Tribunal) Amendment Regulation 2024

Explanatory notes for SL 2024 No. 2

made under the

*Workers' Compensation and Rehabilitation Act 2003*

## General Outline

### Short title

*Workers' Compensation and Rehabilitation (Psychiatric Assessment Tribunal) Amendment Regulation 2024.*

### Authorising law

Section 492 of the *Workers' Compensation and Rehabilitation Act 2003* (the Act).

### Policy objectives and the reasons for them

The Medical Assessment Tribunals (Tribunals) are established under Chapter 11 of the Act to provide an independent and non-adversarial system of medical review and assessment of injury and impairment sustained by workers or other persons.

Section 138 of the *Workers' Compensation and Rehabilitation Regulation 2014* (the Regulation) prescribes the General Medical Assessment Tribunal (GMAT), the Composite Medical Assessment Tribunal and seven Specialty Medical Assessment Tribunals (SMATs) covering:

- cardiology,
- orthopaedics,
- dermatology,
- otolaryngology (ear, nose and throat),
- neurology and neurosurgery,
- ophthalmology, and
- disfigurement.

The GMAT is responsible for determining a range of general physical injuries. In addition, the assessment of medical matters relevant to workers' compensation claims for psychiatric or psychological injury is currently undertaken by the GMAT convening as the 'GMAT-Psychiatric'.

In recent years there has been an increase in the prevalence of psychiatric and psychological injuries within the workers' compensation scheme. This has resulted in a significant increase in the number of referrals for these injuries to the GMAT.

Scheme stakeholders, including Tribunal Chairs and peak medical bodies, have raised concerns regarding the classification and structure of the GMAT-Psychiatric and have advocated for psychiatry to be recognised with a specialty tribunal.

The *Workers' Compensation and Rehabilitation (Psychiatric Assessment Tribunal) Amendment Regulation 2024* (Amendment Regulation) recognises the importance of psychiatry as a medical speciality in the workers' compensation scheme by providing for the referral of psychological and psychiatric injuries to a dedicated SMAT.

## **Achievement of policy objectives**

The Amendment Regulation amends section 138 of the Regulation to prescribe an additional SMAT for psychiatry, to be designated the Psychiatric Assessment Tribunal (SMAT-Psych). This recognises the importance of psychiatry as a medical speciality in the workers' compensation scheme and is consistent with community expectations.

## **Consistency with policy objectives of authorising law**

The Amendment Regulation is consistent with the main objects of the Act, that is to establish a workers' compensation scheme for Queensland, including providing for the assessment of injuries by appropriately qualified persons or independent medical assessment tribunals.

## **Inconsistency with policy objectives of other legislation**

The Amendment Regulation is not inconsistent with the policy objectives of other legislation.

## **Benefits and costs of implementation**

There is no impact on workers with psychiatric and psychological injuries, as they will continue to be referred to, and attend, assessments by a panel of three clinical psychiatrists. In conducting assessments, the SMAT-Psych will apply the same assessment criteria and methodology as is currently used by the GMAT, ensuring consistency of outcomes.

There is no impact on insurers or employers within the workers' compensation scheme.

No cost impacts are anticipated noting Tribunal members are paid per-session and the work that will be performed by the SMAT-Psych is work already being undertaken by the GMAT.

## Consistency with fundamental legislative principles

The Amendment Regulation is consistent with the fundamental legislative principles set out in the *Legislative Standards Act 1992*.

## Consultation

Consultation was undertaken with the following:

- Australian Rehabilitation Providers Association
- Association of Self-Insured Employers of Queensland
- Australian Industry Group
- Australian Lawyers Alliance
- Australian Medical Association (Qld)
- Australian Psychological Society
- Australian Workers' Union
- Bar Association of Queensland
- Business Chamber Queensland
- Medical Assessment Tribunal Chairpersons
- Queensland Law Society
- Queensland Council of Unions
- Royal Australian College of General Practitioners, Queensland Branch
- Royal Australian and New Zealand College of Psychiatrists, and
- WorkCover Queensland.

No parties opposed the proposed amendment. No changes were made to the proposed amendment following consultation.