



ACT
Government

Chief Minister, Treasury and
Economic Development

Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2023-137

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	19
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A

From: no-reply@act.gov.au
To: [CMTEDD FOI](#)
Subject: Freedom of Information request
Date: Wednesday, 19 April 2023 10:54:28 AM

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

Please find online enquiry details below. Please ensure this enquiry is responded to within fourteen working days.

Your details

All fields are optional, however an email address OR full postal address must be provided for us to process your request. An email address and telephone contact number will assist us to contact you quickly if we need to discuss your request.

Title:

First Name:

Last Name:

Business/Organisation:

Address:

Suburb:

Postcode:

State/Territory:

Phone/mobile:

Email address:

Request for information

(Please provide as much detail as possible, for example subject matter and relevant dates, and also provide details of documents that you are not interested in.)

In the orders made by Senior Member Hyman of the ACT Civil and Administrative Appeals Tribunal (ACAT) in [2021] ACAT 22 Phillips v AUSTRALIAN CAPITAL TERRITORY (AS REPRESENTED BY CHIEF MINISTER, TREASURY AND ECONOMIC DEVELOPMENT DIRECTORATE) (Discrimination), the member made the following order: "The ACT, in its role as insurer under the Safety, Rehabilitation and Compensation Act 1988 (Cth) and through its contracted claims manager and rehabilitation provider, must: (a) on the basis of the expert advice of a psychiatrist or clinical psychologist, provide training to those staff dealing with injured workers with a mental injury, so as to minimise the risk of triggering symptoms or otherwise exacerbating the injury; and (b) institute improved procedures for dealing with mental injuries aiming to: (i) avoid delays in processing of claims; (ii) provide timely responses to enquiries by injured workers; (iii) keep injured workers informed of progress on their claims; and (iv) provide timely advice to injured workers regarding any impediments to claims being processed. Complete the introduction of the changes set out in (a) and (b) above by 31 March 2022." I am seeking the evidence of

Under the Freedom of Information Act 2016 I want to access the following document/s (*required field):

training provided to those staff dealing with injured workers with a mental injury, so as to minimise the risk of triggering symptoms or otherwise exacerbating the injury, and to which position type this training has been provided (not individual names)

Furthermore, I request: 1. The number of claims lodged to the ACT in its capacity as an insurer under the Safety Rehabilitation and Compensation Act 1988 (Cth) on or after 31 March 2022 that contain a claim for psychological or mental health injury; and 2. The amount of time in days for each of these applications to reach a determination from the date of lodgement. I thank the Directorate for its attention to this matter.

I do not want to access the following documents in relation to my request::

I am not seeking claim numbers or any personal data. I would be happy for those claims meeting the requirements to be simply referred to as claim 1, claim 2 etc, and to prevent any risk of identifying any persons, the numbers not be in any specific order of the claims lodged order.

Thank you.
Freedom of Information Coordinator



FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 19 April 2023 in which you sought access to the following information.

On 8 May 2023, you amended the scope of your request to remove point 1, thus, this decision relates to the remaining two points of your request (as below):

1. *The number of claims lodged to the ACT in its capacity as an insurer under the Safety Rehabilitation and Compensation Act 1988 (Cth) on or after 31 March 2022 that contain a claim for psychological or mental health injury; and*
2. *The amount of time in days for each of these applications to reach a determination from the date of lodgment.*

Authority

I am an Information Officer appointed by the Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Timeframes

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application by 18 May 2023.

Decision on access

Searches were completed for relevant information maintained by CMTEDD, identifying answers to your request.

I have decided to grant full access to the available information. I have provided a schedule of the relevant information as **Attachment A**, and the corresponding material is released to you as **Attachment B**.

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below.

Statement of Reasons

As a decision maker, I am required to determine whether the information within scope is in the public interest to release. To make this decision, I am required to:

- assess whether the information would be contrary to public interest to disclose as per Schedule 1 of the Act
- perform the public interest test as set out in section 17 of the Act by balancing the factors favouring disclosure and factors favouring non-disclosure in Schedule 2

The public interest information under schedule 2 of the Act

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interest lies. As part of this process, I must consider factors favouring disclosure and non-disclosure.

Taking into consideration the information found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the 'public interest'.

Factors favouring disclosure in the public interest:

(a) disclosure of the information could reasonably be expected to do any of the following:

- (i) promote open discussion of public affairs and enhance the government's accountability.*
- (ii) contribute to positive and informed debate on important issues or matters of public interest.*

I have placed substantial weight on the above factors favouring disclosure. It is reasonable to expect that this information relates to a topic that many be of interest to the Canberra community. The release of this information can reasonably be expected to provide information that will inform the community, promote discussion and enhance debate, within the community.

I did not identify any factor favouring nondisclosure and have decided to release this information to you in full.

Charges

Processing charges are not applicable for this request because the number of pages released to you is below the charging threshold of 50.

Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application and my decision will be published on the CMTEDD disclosure log. Your personal contact details will not be published. You may view CMTEDD disclosure log at

<https://www.cmtedd.act.gov.au/functions/foi/disclosure-log-2023>

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
15 Constitution Avenue
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely,



Emma Hotham
Information Officer
Chief Minister, Treasury and Economic Development Directorate
17 May 2023



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST		Reference NO.
1.	<i>The number of claims lodged to the ACT in its capacity as an insurer under the Safety Rehabilitation and Compensation Act 1988 (Cth) on or after 31 March 2022 that contain a claim for psychological or mental health injury; and</i>	CMTEDDDFOI 2023-137
2.	<i>The amount of time in days for each of these applications to reach a determination from the date of lodgement.</i>	

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-4	CMTEDD's response: i. The number of number of claims lodged ii. The number of calendar days for each of these applications	May 2023	Full	N/A	Yes
Total No of Docs						
1						

ATTACHMENT B - CMTEDDFOI 2023-137

1. The number of number of claims lodged to the ACT in its capacity as an insurer under the Safety Rehabilitation and Compensation Act 1988 (Cth) on or after 31 March 2022 that contain a claim for psychological or mental health injury (based on the nature of injury) is 161; and

2. The number of calendar days for each of these applications to reach an initial determination of accepted or rejected from the date of lodgement can be found in the table below. Noting, not all claims from 1. will have a corresponding determination date.

Claim Id	Days between lodgement and initial determination date
Claim 1	33
Claim 2	48
Claim 3	59
Claim 4	7
Claim 5	48
Claim 6	6
Claim 7	2
Claim 8	3
Claim 9	4
Claim 10	3
Claim 11	52
Claim 12	58
Claim 13	51
Claim 14	58
Claim 15	59
Claim 16	42
Claim 17	59
Claim 18	46
Claim 19	57
Claim 20	85
Claim 21	55
Claim 22	52
Claim 23	57
Claim 24	59
Claim 25	52
Claim 26	58
Claim 27	56
Claim 28	55
Claim 29	60
Claim 30	83
Claim 31	58
Claim 32	57
Claim 33	58
Claim 34	53
Claim 35	7
Claim 36	56
Claim 37	59
Claim 38	58
Claim 39	56

Claim 40	56
Claim 41	53
Claim 42	46
Claim 43	6
Claim 44	58
Claim 45	54
Claim 46	57
Claim 47	54
Claim 48	41
Claim 49	57
Claim 50	47
Claim 51	58
Claim 52	21
Claim 53	57
Claim 54	51
Claim 55	55
Claim 56	79
Claim 57	59
Claim 58	51
Claim 59	11
Claim 60	57
Claim 61	21
Claim 62	21
Claim 63	6
Claim 64	47
Claim 65	58
Claim 66	57
Claim 67	56
Claim 68	57
Claim 69	55
Claim 70	57
Claim 71	58
Claim 72	59
Claim 73	58
Claim 74	59
Claim 75	56
Claim 76	56
Claim 77	7
Claim 78	57
Claim 79	58
Claim 80	37
Claim 81	59
Claim 82	59
Claim 83	7
Claim 84	80
Claim 85	55
Claim 86	56
Claim 87	59
Claim 88	57
Claim 89	51

Claim 90	57
Claim 91	56
Claim 92	59
Claim 93	52
Claim 94	57
Claim 95	58
Claim 96	56
Claim 97	55
Claim 98	7
Claim 99	56
Claim 100	55
Claim 101	49
Claim 102	59
Claim 103	59
Claim 104	52
Claim 105	57
Claim 106	51
Claim 107	49
Claim 108	42
Claim 109	12
Claim 110	51
Claim 111	59
Claim 112	48
Claim 113	54
Claim 114	7
Claim 115	56
Claim 116	41
Claim 117	7
Claim 118	40
Claim 119	53
Claim 120	58
Claim 121	59
Claim 122	56
Claim 123	24
Claim 124	24
Claim 125	57
Claim 126	59
Claim 127	55
Claim 128	7
Claim 129	59
Claim 130	59
Claim 131	58
Claim 132	59
Claim 133	59
Claim 134	59
Claim 135	58
Claim 136	57
Claim 137	26
Claim 138	56
Claim 139	7

Claim 140	7
Claim 141	57