

Date of Injury Limits Scope of Reasonable Administrative Action Defence

Krampe and Comcare (Compensation) [2026] ARTA 1317

Key points

- The Tribunal was tasked with determining whether the applicant's psychological injury arose from reasonable administrative action taken in a reasonable manner, and, if so, whether the respondent was entitled to rely on the exclusion under section 5A of the Safety, Rehabilitation and Compensation Act 1988 (Cth) (SRC Act).
- Ultimately, the Tribunal found that the applicant's injury arose on 15 April 2024 and that the respondent's handling and investigation of the complaint constituted reasonable administrative action taken in a reasonable manner.

Background

On 29 May 2024, the applicant lodged a claim for workers' compensation in respect of a *"psychosocial injury causing anxiety, headache, insomnia and disruption of interpersonal relationships"*. The respondent denied liability for the claim on 24 July 2024 pursuant to section 14 of the *Safety, Rehabilitation and Compensation Act 1988* (Cth) (SRC Act), finding that of the applicant's condition arose as a result of reasonable administrative action taken in a reasonable manner.

The reasonable administrative action concerned the respondent's handling and investigation of a complaint against the applicant, including providing Particulars of Complaint and conducting a fact-finding process in accordance with its Complaints and Alternative Resolutions Manual (CARM).

The applicant contended that the process was unreasonable, because the Particulars of Complaint lacked sufficient detail and the investigation was subject to unjustified delay.

The Law

Section 5(A)(2) of the ART Act provides:

(2) For the purposes of subsection (1) and without limiting that subsection, reasonable administrative action is taken to include the following:

- (a) a reasonable appraisal of the employee's performance;
- (b) a reasonable counselling action (whether formal or informal) taken in respect of the employee's employment;
- (c) a reasonable suspension action in respect of the employee's employment;
- (d) a reasonable disciplinary action (whether formal or informal) taken in respect of the employee's employment;
- (e) anything reasonable done in connection with an action mentioned in paragraph (a), (b), (c) or (d);
- (f) anything reasonable done in connection with the employee's failure to obtain a promotion, reclassification, transfer or benefit, or to retain a benefit, in connection with his or her employment.

Conclusion

The Tribunal deemed the date of injury ought to be 15 April 2024 being the date the applicant first attended his treating practitioner. Having regard to this date, The Tribunal considered that administrative actions taken after that date could not have caused the initial injury and there was no evidence to support an aggravation beyond the initial injury date.

The applicant argued that the Particulars of Complaint did not contain sufficient detail to afford him procedural fairness and there was an unjustified delay in the fact-finding process. The respondent submitted that the actions undertaken were reasonable and in line with the employer's CARM framework.

The Tribunal was satisfied that the Particulars of Complaint provided the applicant with sufficient procedural fairness. The Tribunal considered that the allegations identified in the Particulars of Complaint were sufficiently similar to those to be investigated to allow the applicant to understand the nature of the allegations against him. The Tribunal was satisfied that the respondent followed its relevant procedures and policies in undertaking the

administrative action and upon objective enquiry, found the action was undertaken in a reasonable manner.

Lessons learnt

- The date of injury can materially limit the scope of the section 5A inquiry. Once the Tribunal determined that the applicant's condition arose on 15 April 2024, the relevant administrative action was confined to conduct occurring up to that date, unless later conduct could be shown to have aggravated the condition.
- In considering the reasonableness of an administrative action, the actions of the employer do not need to be perfect but need to be reasonable, having regard to an objective enquiry of the policies and procedures of the employer.

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