

Senate Standing Committee on Education Employment and Workplace Relations

**QUESTIONS ON NOTICE
Additional Estimates 2011-2012**

Agency - Comcare

DEEWR Question No. EW1110_12

Senator Bilyk asked on 15 February 2012 , Hansard page 71

Question

Comcare - office not open

Mr O'Connor: My understanding is that one of our executive team was in contact with the Sydney registry of the AAT to share the concerns that were discussed at the meeting at your office with the constituent and also that the concerns that the constituent had about Comcare not being open, honest, fair and reasonable in the tribunal processes were made clear. I understand that we also apprised the Office of Legal Services Coordination about that in accordance with the usual process. Senator BILYK: Would that advice have been in writing? Mr O'Connor: I can confirm that for you, Senator. Senator BILYK: If it is, can you also give me a copy of that? If it was not, I really would like to know why not. Mr O'Connor: I believe the correspondence I shared with your office highlighted that there was a telephone conversation. What I am not sure about is whether or not that telephone conversation was then followed up in a written note. Senator BILYK: But you will undertake to seek that out for me? Mr O'Connor: Yes.

Answer

Comcare has provided the following response.

Comcare's General Manager Ms Lesley Morrison, made telephone contact with the Executive Director of AAT Operations on 8 October 2011. She raised the constituent's concerns about Comcare not being a model litigant, specifically that she felt that she had been maligned on the public record, that her file contained inaccuracies which meant that the evidence presented was not factually correct and she believed Comcare's medical experts were biased in relation to the benefits of massage. The Executive Director advised that she did not consider that the factual inaccuracies in the evidence would have a material bearing on the decision, but noted the constituent's concerns and offered to remove the transcript.

These discussions were not confirmed in writing with the AAT Registry but were advised to Senator Bilyk's office on 13 October 2011.

On 18 October 2011, in accordance with Federal law, Comcare wrote to the Office of Legal Services Coordination (OLSC) advising a complaint had been received that Comcare may have breached model litigant processes.