

Submission  
No 49

## FIRST REVIEW OF THE WORKERS COMPENSATION SCHEME

**Name:** Name suppressed  
**Date received:** 25 September 2016

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Partially  
Confidential

**The Director  
First review of the workers compensation scheme  
Parliament House  
Macquarie Street  
Sydney NSW 2000**

Dear Committee Member,

**SUBMISSION TO THE PARLIAMENTARY COMMITTEE**

1. I seek to provide information to the Parliamentary Committee in regards to the practices of the Insurer Employers Mutual and my former employer the New South Wales Police force in dealing with me after having made a claim under the Workers Compensation Scheme for injuries received by me while performing duties in the New South Wales Police Force.
2. My understanding is that the committee has been appointed to supervise the operation of the insurance and compensation schemes in New South Wales.
3. I understand the Committee is not making investigations into singular claims such as mine. At this stage I seek only to provide information about my particular set of circumstances in order to bring to the attention of the committee the unlawful practices, and familiar relationship between the Insurance company Employers Mutual and the New South Wales Police Force. I am willing to give evidence before any inquiry that may result from the Committees oversight of the Workers Compensation scheme.
4. In the interests of transparency I feel it necessary to inform you of the following: Certain allegations were made against me and a number of my former colleagues during a Police Integrity Commission inquiry in 2011. At the completion of extensive private hearings I was charged and subsequently pleaded guilty to two (2) counts of giving misleading evidence before the Police Integrity commission. I am in no way attempting to excuse my behaviour before the Police Integrity commission only to state at the time and now, I was, and still am suffering from a series of serious medical conditions both physical and mental. Further information regarding these allegations are contained in **Annexure 1. Complaint against the NSW Police Force Professional Standards Command, Injury Management Section, and Insurance Company Employers Mutual.**

5. I make this submission in accordance with the terms of reference **Part 1 (a) The Workers Compensation Scheme**.
6. My submission relates to the unlawful release and use of: Listening device product; evidence given before the Police Integrity Commission; evidence gathered by the Queensland Crime and Misconduct Commission; through the supply of disciplinary proceeding materials to the NSW Police Insurer, Employers Mutual by the New South Wales Police Force in order to delay or deny my workers compensation claim.
7. Annexure 1 details the information I wish to convey to the Parliamentary Committee. I also wish to put before you my interpretation of the actions of the New South Wales Police Force and the Insurer Employers Mutual. I have indicated which offences (the release of this information is a criminal offence.) were committed by each organisation in the Annexure 1.
8. The NSW Police Force has a Policy they often refer to as the Two horse race Policy. It relates to when a person has made a Workers Compensation claim and during the process of the claim an Internal Police Complaint is also commenced. The Policy stipulates that the two processes MUST run independent of each other and have no influence on the other. Time frames in the complaint process are to be adhered to.
9. The release of the information is in direct contravention to this Policy and a criminal offence under the Telecommunications(Interception and Access) Act and the Police Integrity Commission Act. The correspondence between the NSW Police Professional Standards Command, the NSW Police Workplace Safety Command and the Insurer Employers Mutual indicates the material was released purposefully by Workplace safety and Professional Standards Command to the Insurer for the purpose of it being used in the Arbitration hearing on the 24 May, 2013. The type of material contained in the Disciplinary Proceeding material is highly confidential and subject to secrecy provisions in the case of Police Integrity Commission Material and serious restrictions under the Telecommunications (Interception and Access Act). They may only be released for a 'permitted purpose' that is defined in each act. The use of this information in the Arbitration Hearing, or while assessing an Insurance claim is not a permitted purpose.
10. I have made a criminal complaint regarding the actions of the NSW Police Employees and the Insurance Company Employees and their Legal Advisors. The result of the complaint was that although the Police found a number of persons had acted unlawfully it was their advice that no criminal actions should be taken against any persons and the Assistant Commissioner [redacted] has decided to use his discretion and not recommend any charges be laid. ([redacted] was in charge of [redacted] at the time the restricted information was released by his officers.)

11. Much has been made recently of the treatment of injured workers by the NSW Police Force and the actions of the various Insurance companies contracted to administer the workcover scheme and Treasury Managed Fund. The supply of and use of prohibited and restricted information by the NSW Police Force and the Insurer Employers Mutual highlight the inappropriately familiar relationship between the insurer and the NSW Police when it comes to dealing with injured Police that area also the subject of disciplinary matters.
  
12. I have made these submissions based on documentary evidence I have in my possession and from a meeting I had with the NSW Police officers assigned to investigate my complaint. I make it in good faith and in the interests of the community of New South Wales that are adversely affected by the practices of participants in the administration of the NSW Workers Compensation Scheme.

24 September, 2016