

Supportive Residents and Carers Action Group Inc

SUBMISSION TO THE PRODUCTIVITY COMMISSION INQUIRY INTO MENTAL HEALTH

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WORKSAFE: COMPLEX CLAIMS PROCESS NEEDS FIXING

WorkSafe: complex claims process needs fixing

Monday 12 September 2016

ombudsman VICTORIAN

"We [The Ombudsman] found agents cherry picked evidence ...

- as little as one line in a medical report ...

while

disregarding

overwhelming evidence to the contrary"

We found agents cherry-picking evidence to support a decision to reject or terminate a claim - as little as one line in a medical report - while disregarding overwhelming evidence to the contrary. We found Independent Medical Examiners (IMEs) - whose opinions agents use to support their decision-making on compensation - receiving selective, incomplete or inaccurate information. We also saw evidence that some IMEs were used selectively to advantage the insurers - including those described by agent staff as 'good for terminations'.

Investigation into the management of complex workers compensation claims and WorkSafe oversight
September 2016

About us:

Our Association is under the patronage of a medical practitioner who was formerly a chair of the Queensland Crime and Corruption Commission's predecessor.

Our Association registers Whistleblowers with international law enforcement regulators such as the American SEC Office of the Whistleblower Program.

Our colleagues in California and Nevada in Maverick Ministries were published by the US Department of Justice Anti-Trust Division review on international cooperation between international law enforcement agencies in a climate where Whistleblowers tend to be vilified and victimised and discredited including by psychiatrists in Melbourne who ended up being investigated by the Victorian Ombudsman and now by Worksafe's Independent Medical Examiner Review.

Our spokesman has appeared on ABC TV business programs relating to the Royal Commission into banking and insurance scandals.

Our committee member and others have, alone or with politicians, appeared on television shows such as 60 Minutes' series on farm suicides/ANZ Landmark where the CEO of the ANZ apologised to the 85 year old farmer three years before the ANZ official was questioned about the scandal at the Royal Commission.

Our Association is one of the submitters that is referred to in footnote 372 of the Judgement of Victorian Supreme Court in "Commonwealth DPP v Brady & Others", which was the international bribery case which involved officials in the Reserve Bank's subsidiaries where those submissions properly reflect the same conclusion reached by Her Honour and expressed by US SEC Director of Foreign Corrupt Practices about the unfathomable light-on investigations by Australian law enforcement compared to investigations by international law enforcement agencies.

Our Association lobbied extensively for the Royal Commission into Australian banking in part due to the massive number of suicides by farmers who had lost all hope.

Our Association was published by the FSI Review into Australian banking problems which blossomed into the Royal Commission.

Our members have been published at the Banking Royal Commission, the Whistleblower Inquiry initiated by Independent Senators and many other Inquiries.

Our Association was formed in the late 1990s in response to Victorian State Government passing laws that rendered low care shared accommodation facilities financially unviable to keep intellectually challenged and brain-injured people under a roof with 3 meals and medication and washing dressing showering and bathing under the supervision of retired nurses.

Gas lighting:

Gas Lighters are mentally ill officials often in positions of power who seem to delight in employing a bullying tactic which belittles their victims. In our experience with numerous cases at the Financial Ombudsman Service it took a Royal Commission to uncover that FOS

had arbitrarily decided (possibly at the instigation of officials in a bank with support from officials in ASIC) to ignore one of their Terms of Reference which would allow predatory loans to be written off. You are welcome to cross-reference the evidence at the Royal Commission of their lead Ombudsman.

Hapless victims seemed incredibly traumatised when they know that the FOS has the power to return them to the original position they would have been in if they had never stepped into the bank, and the bank Ombudsman service mis-portrayed itself as independent and mis-portrayed itself as an Ombudsman whereas it turns out it is an arbitration scheme controlled by the banks and which arbitrarily decided to stop writing off predatory loans.

There will be many instances like this in many bureaucracies where the so-called helpful staff have hidden agendas.

Many stories abound for example about the Robocop at Centrelink issuing arbitrary and false demands for repayment of fictional debt.

The powerless invariably suffer mental health consequences, and one has to query whether mentally ill senior management come up with these ideas because senior management suffers mental illness themselves.

In the workers compensation field, we would specifically refer your attention to the entire report by the Victorian Ombudsman in September 2016 which reflects the alarming revelations of CBA Whistleblowers which featured on Four Corners regarding the Commonwealth Bank insurance scandal and falsification of medical records. The emails that featured on 4 Corners are appended.

Also appended are extracts from another CBA Whistleblower that appeared in Fairfax Newspapers and the Submission at Parliament where the Whistleblower states that a psychiatrist told him of concerns about being shot. The Submission refers to the stress the CBA Whistleblowers were under, one dying reputedly from stress at age 34 in his bed.

Other examples are cited as Fraud on the Court in the litigation field. In other words, are the mentally ill running the asylum? The cost to the economy must be monumental.

Victorian Ombudsman's investigation into faux-independent expert psychiatrists:

The productivity commission will undoubtedly be aware of the concept of doctor shopping.

Over November 2015 until September 2016 the Victorian Ombudsman found that some Independent Medical Examiners would appease their instructors from insurance companies and law firms by ignoring overwhelming evidence.

Victims would be traumatised all over again.

Many victims were police and ambulance professionals.

In July 2018 the Victorian Ombudsman required Worksafe to go through their faux-independent medical experts with the benefit of internal emails where instructors boasted

about reaching targets and earning bonuses while, of course, throwing their bully victims under a bus.

The productivity commission might like to contact Worksafe Victoria and/or the Victorian Ombudsman for further information.

Financial Ombudsman Service:

In the middle of 2014 our association's concerns about the bank -controlled Financial Ombudsman Service (FOS) were release by the FSI Review.

We posed the question How Much Evidence of Illegality On the Part of Australian Banks Does FOS Require?.

The same set of facts were submitted to US law enforcement, and the US Organized Crime Drug Enforcement Task Force found Reserve Bank of Australia documents were being passed through criminal networks to lawyers for credit card companies in circumstances that were so egregious and unethical that they were cited by US DOJ Prosecutors in the sentencing memorandum on the lawyer in New Jersey and by US Judges and the New York Supreme Court Disciplinary Committee.

In a nutshell, in the USA is unethical for criminals to collude over international bank evidence in bank cases against class-action retail stores. FOS and the Victorian Legal Services Board and Commission remarkably could not see what bank victims and US law enforcement could see.

In our experience from being inundated with elderly victims of predatory banking who were victims of FOS' refusal to return people to their original position, e.g. by cancelling predatory loans, it is quite disgusting to think that it took a Royal Commission and hundreds or thousands of farm suicides to get the powers-that-be questioned by the Royal Commission into Banking & Insurance.

The mental health consequences of institutionalised wilful blindness must be staggering on the entire economy.

The Culture of Cover-Up: Re-traumatizing victims.

Our Members and their affiliates in various associations attended rallies at Parliament and the Royal Commission into banking.

We believe that prevention is best, and we note for example that the Queensland Inquiry into Organized Crime in October 2015 found that the number of fraud squad police could be counted on one hand, and were greatly under resourced and unable to deal with the epidemic of bank fraud, child exploitation and organized crime and boiler room fraud operations. Traumatic Crime and corruption can bloom like a toxic bloom in a swamp.

The Productivity Commission should, we believe, recommend that whistleblowers services be funded so that the culture of cover-up is washed away.

Royal Commission into Abuse in Church Institutions, and the Pennsylvanian Grand Jury into Paedophile Priests:

The most senior levels of the church, apparently including the Vatican, maintained locked records of extensive Child abuse over many decades.

During the investigations, US law enforcement found that psychiatrists were used to discredit victims.

We believe the same practices were employed in Australia.

“The Doom Loop”:

We concur with our colleagues at the Banking & Finance Consumer Support Association who describe a ‘doom loop’. Complaints to bank regulators etc received letters that said the regulators couldn’t see any banking crimes. However the head lobbyist at the Bankers Association has stated in the newspapers that bankers fear that the Bank Royal Commission will recommend criminal charges be laid against banks or bankers. Victims feel traumatised at being fobbed off, ignored, labelled as nutters, and destroyed. They wouldn’t be traumatised if the law had been enforced.

Conclusion:

We are very concerned with so-called independent medical experts in Melbourne who were found to be not independent and little better than hired guns for very questionable people in the insurance and legal industry.

Yours faithfully

Wayne Styles and Spencer Murray

Committee,

Supportive Residents & Carers

Action Group Inc.

**EXTRACTS FROM THE VICTORIAN
OMBUDSMAN INVESTIGATION INTO
MELBOURNE'S 'INDEPENDENT'
MEDICAL EXAMINERS**

'... many of my clients perceive insurer action as another form of "bullying behaviours"... These exacerbate their original injury and injures them again on another, more toxic and permanent level.'

Email to VO from treating psychologist

Investigation into the management of complex workers compensation claims and WorkSafe oversight

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Figure 5: Email showing prizes offered to staff for terminations or return to work

MTR

MY TEAM RULES

Hi all,

As you are aware, a competition was rolled out within the 0-76 week branch between the 17 February 2015 to 31 March 2015 and I am pleased to announce the final results.

To take you back to the commencement of the competition which was endorsed with full support of the leadership team, the criteria was:

- Duration Tuesday 17 February 2015 to 31 March 2015
- Weekly prize - \$50 per team
- Balloons will be blown up for both Terminations(T) and RTW(R)
- Prize will go towards team lunch's
- Winner of each week will need to get the most Terminations/Non-Compliance/Warnings/NRCWE/RTW's claims. Need to be in the 13/52week CR's and RTWI 14/15 APA Measures

And the winners are.....

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"20% of overall claims go beyond a few isolated examples of bad behaviour"

'[Independent Medical Examiner X] strikes again. We need to use this guy more often.'

Internal email from agent manager advising staff member to issue a termination

The overall system is not broken, but the problems we identified in complex cases - some 20 per cent of overall claims - go beyond a few isolated examples of bad behaviour. They cannot simply be explained away as a few bad apples spoiling the barrel.

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319. Agents have manipulated claims data to maximise the financial rewards and avoid penalties. Manipulation of data has included agent staff recording false and inaccurate information on claims; falsifying documents or records; paying more or less compensation on claims so the claim would be eligible for the financial rewards; and delaying the payment of compensation.

320. Between 2002 and 2016, WorkSafe financially penalised CGU four times and Gallagher Bassett twice for manipulating data to maximise financial rewards.²⁴¹ Most of the manipulations involved mid-level management.

'The below listed claims may impact the 52wk ... [financial reward and penalty measure].

Before you process any payment for these claims between now and 01.07.2015, can you please speak to me first. If we can hold off until this date we can positively effect [sic] this measure.'

Internal email from an agent manager

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EXTRACTS FROM FAIRFAX/ 4 CORNERS' STORY ON COMMINSURE

Email as published on 4 Corners' episode:

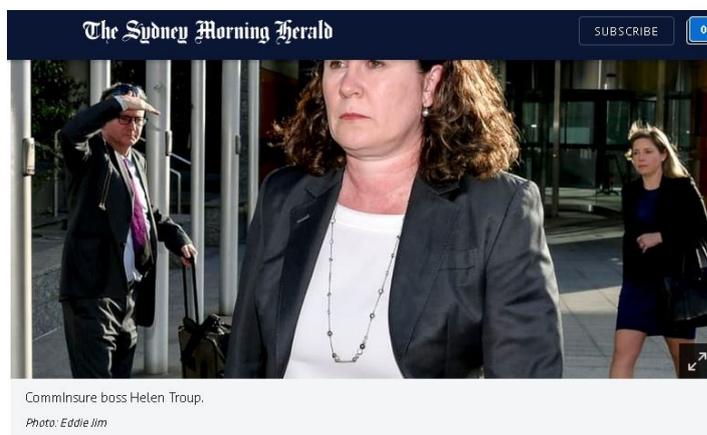
Sent: Saturday, 29 November 2014 4:22 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: Incident [Confidential]

Hi [REDACTED]

Can I get some guidance here please.

**"Everything
seemed to have
been *DELETED*"**

As you will see in the attached files, an opinion was made on 11 Nov 2014 (possibly around 3pm) and printed the same day. Everything seemed to have been deleted on 13 Nov 2014 around 10am when I last checked it. I have been in discussions with [REDACTED] who administers the database and he cannot explain the reasons for the incident. [REDACTED] has on the 13 Nov 2014 manually re-input the deleted opinion around 1130am. I believe he might have also locked this record now.



**"hiding and redacting
medical opinion
to *mislead*"**

**the bank sector
arbitration scheme
FOS"**

Troup's words sugarcoat what is tantamount to serious misconduct in the life insurance arm's dealings with the Financial Ombudsman Service (FOS). Dealings described by senior counsel assisting Rowena Orr QC as not being frank and open, and which included hiding and redacting a medical opinion to mislead FOS and failing to provide FOS with relevant information.

Email as published on 4 Corners' episode on CommInsure:

You and I had also discussed this matter in detail when we met recently on 1 Dec 2014. In our discussions, we noted that it was likely that no adverse impact had occurred for that specific case/incident in question (but such a view can only be truly verified once there is clarity on the IT side of the equation; a chicken-and-egg situation). Nonetheless, it does not negate the fact that it had occurred, and could occur again should the process/system remain unchanged given its inherent flaws/deficits. I am not persuaded that my perspective has ever shifted on the matter? I form the view that my perspective remains consistent. As previously expressed, if the actions are intentional (and not a system error), the unilateral human alteration of a documented medical opinion on file puts procedural fairness in jeopardy and may in some instances be considered fraudulent and criminal conduct.

"alteration of a documented medical opinion on file"

The recent CBA financial scandal provides a timely analogy where certain perpetrators were alleged to have maliciously altered documented notes on file. It was also alleged that notice of concerns raised to senior managers were left unheeded. Under my ethical, legal and risk duties, and as per CBA's staff conduct and Group security requirements, I have highlighted a deficit in the current system/process and have raised my concerns to you as my manager. I have taken this as far as I can from here. I will let you decide if [redacted] and/or [redacted] can/should take over [redacted] as appropriate. From my last instructions from you, I was to escalate this to IT. As intimated below, I have done so as instructed on 1st December (1st level HP staff) and again on 2nd December (2nd level HP staff). No further instructions to the alternative/contrary were provided by you until today. I was unaware that you had changed your mind, but for the fact the IT request remains unapproved since the 2nd December.

"IT"

Extract of CBA Whistleblower's Submission to the Whistleblower Protection Inquiry re traumatic alteration of evidence

***"systemic file
sanitation"***

SUBMISSION TO JOINT PARLIAMENTARY INQUIRY INTO
WHISTLEBLOWING BY JEFF MORRIS, CBA WHISTLEBLOWER

My Whistleblowing Experience

In October 2008 I was one of the "Three Ferrets" who sent a fax to ASIC about a high level management conspiracy at CBA to cover up for rogue financial planner and thereby defraud hundreds of his clients of the "tens of millions" compensation to which they were entitled for his gross malpractice. The cover up included systemic file sanitation and himself being brought back from suspension and promoted in order to dupe and deceive the victims.

***"defraud hundreds
of his clients of
....compensation"***

The second ferret had also left CBA, sick to his stomach of the whole business. He had endured six months of acute anxiety after "resigned", unable to sleep, having nightmares about coming for him with a sawn off shot gun.

I felt an obligation to remain in the hostile environment as long as possible in order to feed information to ASIC.

Just prior to the Enforceable Undertaking of October 2011, one of the crooked managers, , exited the CBA Group with a generous redundancy package. My ASIC contact told me they had put pressure on CBA to get rid of him.

At this point I think a decision was made by someone at CBA to finally get rid of me. I was dealing with this when in November 2011 I became aware by chance, via some loose talk by a CommInsure underwriter in relation to income protection claim on mental health grounds, that a psychiatrist treating him was concerned about threats made by to shoot the whistleblowers. The psychiatrist apparently felt a warning should be passed on but CBA management decided not to.

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OPINION BUSINESS BANKING & FINANCE BANKING ROYAL COMMISSION

The heartless core of CBA's insurance business laid bare

By [Adele Ferguson](#)

13 September 2018 – 12:00am



Regrettable, unacceptable, inappropriate. They were words wheeled out at various times by CommInsure boss Helen Troup in response to some disturbing behaviour going on inside the division.

The Commonwealth Bank financial planning whistleblower Jeff Morris has lodged a submission to the inquiry which is nothing short of alarming.



Commonwealth Bank financial planning whistleblower Jeff Morris. Photo: Rob Homer

What he went through reads like a Stephen King thriller. In it he talks about a decision by a certain person at CBA "to finally get rid of me". He wasn't referring to his job.

By chance, he heard from a psychiatrist that threats had been made about shooting whistleblowers at the bank - a group which included Morris.

The person who allegedly made the threats has been redacted from the submission.

"he heard from a psychiatrist that threats had been made about

shooting whistleblowers

at the bank

- a group that included Mr Morris"



Bank Reform Now

7 hrs · 🌐



Help get this important message to the Independents running in Queensland -

As a doctor I have seen far too many financially distressed victims of predatory banking practices. Suicides in the farming sector are averaging four a week. People are having their mental and physical health decimated by deceptive and unscrupulous bankers - and their henchmen in the judiciary. Something must be done now!



A moment of reflection outside the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry.

The Australian | 4:12PM July 6, 2018

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Save



MICHAEL RODDAN
Reporter | Sydney