

Office of Fair and Safe Work Queensland

# ASIEQ Quarterly Forum & General Meeting Wednesday 6 August 2014

Waterfront Place  
1 Eagle St, Brisbane

**Rhett Moxham**

**Manager**

**Workers' Compensation Policy and Legal Services**

# Review of 2013-14

- Regulator commenced responsibility for fraud prosecutions on 29 October 2013
- Legal services unit initially:
  - attached to insurer services;
  - had one part time legal officer;
  - External counsel used to provide advice
- Legal services unit now:
  - attached to Policy unit;
  - has two legal officers;
  - Crown Law provides counsel advice.

# Review of 2013-14

- 8 open fraud referrals at 1 July 2013
- 35 additional referrals received
- 16 referrals finalised with decision not to proceed with prosecution
- 9 referrals filed for prosecution
- 2 successful prosecutions
- 1 unsuccessful prosecution
- 18 fraud referrals at 1 July 2014 still being investigated

# Making a Referral

- Referrals must be in an electronic format.
- The documents in the referral must be in chronological order with a short summary cover sheet.
- Insurers must send referrals by:
  - email to [wclegal@justice.qld.gov.au](mailto:wclegal@justice.qld.gov.au); or
  - by post (i.e. USB or CD) to the Workers' Compensation Regulator c/o The Manager, Workers' Compensation Policy and Legal Services, GPO Box 69, QLD, 4001.

# Managing fraud referrals

## The Regulator will:

- keep the referring insurer regularly informed;
  - Min. of first Monday of the month update.
- will give a reasonable opportunity to provide further information;
- will provide reasons to the insurer if a determination is made not to prosecute.

# Keeping Insurer Informed – Consideration Stage

The referring insurer will receive:

- Letter acknowledging receipt of referral;
- Telephone contact from LO responsible for the matter;
- Letter if referred to Counsel for advice;
- Email advice of any further investigations to be conducted and/or an ROI invitation;
- Advice on outcome of investigations and/or ROI;
- Monthly updates.

# Keeping Insurer Informed – Referrals assessed as low prospects

The referring insurer will receive:

- Email advice of low prospects of successful prosecution and invitation to provide additional evidence in support of referral within 14 days (either after first review or after receiving Counsel's advice);
- Letter from the Regulator attaching reasons for decision not to proceed with prosecution (after insurer has been given opportunity to provide further information).

# Keeping Insurer Informed – Prosecution commenced

The referring insurer will receive:

- Letter advising commencement of proceedings;
  - the call-over date;
  - copy of the filed complaint and summons;
  - If there are any allegations in the referral which are not included in the complaint, an RFD in relation to those allegations.
- Email advice outcome of Court appearances;
- Email advice of trial date/s & invitation to attend trial;
- Telephone call advising outcome of case;
- Letter confirming outcome, including orders;
- Letter advising of decision to withdraw the complaint prior to trial.



# Fraud Forum

- Fraud forum will be held in October
- Will cover issues such as:
  - Standard for making a referral;
  - Standard for commencing proceedings;
  - Managing fraud referrals;
  - Prosecution proceedings and court orders;
  - Review and case studies of successful prosecutions;
  - Review and case studies of low prospect referrals

# Further Information

- email enquiries:
  - [wclegal@justice.qld.gov.au](mailto:wclegal@justice.qld.gov.au)
- Phone enquires:
  - For a referred matter to the LO responsible for the referral;
  - General enquiries to the Manager – 3237 9802.
- Scheme information:
  - <http://www.justice.qld.gov.au/fair-and-safe-work/workers-compensation-and-rehabilitation>