

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Supplementary Budget Estimates 2016 - 2017

Agency - Comcare

Department of Employment Question No. EMSQ16-000831

Senator Paterson asked on 19 October 2016 on proof Hansard page 87

Question

Comcare - Approval of Cases

Senator PATERSON: Another one is the \$67,000 massage bill that Mr Towell documented on 27 July 2015. A public servant undertook quite a number of massages, evidently, and accrued quite a significant cost. Could you take me through what the decision was in this case and what happened with it?

Ms Taylor: I am not sure that I have the detail of that. Mr Watson?

Mr Watson: I do not have the detail of that particular case. We have had a number of cases like that where there has been a long period of massage that has been approved. We have been reviewing a number of those cases and looking to cease the treatment, relying on the legislation and guidance that the treatment needs to be reasonable and related to the condition. So we have actually reduced and ceased treatments like that in a number of cases. We have some success with those being upheld at the Administrative Appeals Tribunal on appeal, but we have also had some that we have lost.

Senator PATERSON: In this case it was 145 massages over a four-year period. That seems like a large number of massages and a long period of time. Is that a reasonable treatment option? We may not be experts in this area, but it does not sound to me like a reasonable treatment option over such a long period of time for an injury.

Mr Watson: Without commenting on the individual case—obviously every case is on its merits—the legislation and the guidance is pretty clear that a treatment like that needs to be therapeutic, it needs to be actually addressing the injury and seeking recovery. And where we see that it has become a pattern that is actually not going towards a therapeutic outcome, that is when we will intervene.

Senator PATERSON: Again, I am interested in the costs involved in Comcare in defending a case like that, in that case particularly. There was the 'soy milk in organic coffee' case. This is an interesting one, because it sounds like there were a range of issues with the performance of this employee. It was not due just to the long breaks she took to get soy milk in her organic coffee. Again, I would be interested in the costs that were incurred in Comcare defending that at the AAT.

Answer

For the matter documented on 27 July 2015: Comcare's legal costs of running that matter through the Administrative Appeals Tribunal were **\$31,842.42**.

For the 'soy milk in organic coffee' case: Comcare's legal costs of running that matter through the Administrative Appeals Tribunal were **\$63,836.78**.