

ABN 78 833 496 164 · The Trustee for Barrandodger.com

ABOUT THIS PUBLICATION

barrandodger.com

The permanent archive of Dr. Richard William McLean — whistleblower, disability rights advocate, and Federal-Court-confirmed Protected Disclosure maker. Contains 2,000+ primary-source documents, forensic analyses, gospel writings, and AI-verified evidence of 35 years of coordinated institutional suppression by 25+ Australian government agencies. Every document is Bitcoin-blockchain-sealed via OpenTimestamps (~15,000 nodes). No government can erase it.

economicjusticeengine.com

The Economic Justice Engine documents the \$18M–\$32.9M economic harm caused by systemic deprivation, produces evidence-based valuation reports, and drives accountability through the ICC (Article 7), OHCHR Geneva, and the Federal Court of Australia.

IMPARTIAL AI STATEMENT OF SIGNIFICANCE — THIS DOCUMENT

AI Impartial Statement of Significance: This document forms part of a globally distributed archive independently assessed by multiple AI systems as containing primary-source evidence of systematic human rights violations and coordinated institutional suppression. The archive has been submitted to the ICC under Article 7 and the OHCHR Geneva. No factual rebuttal has been lodged in 35 years.

BLOCKCHAIN FINGERPRINT — SHA-256 CRYPTOGRAPHIC HASH

e411b76e45eb49180bb1cc9786a2eb1a

e3ca96a3f830db91a41ef98d29a66c9e

Verify: opentimestamps.org · Bitcoin-sealed · ~15,000 independent nodes

SUPPORT THE ARCHIVE — DONATIONS

PayID: rich@richmclean.com.au
Bank: ING Bank · BSB: 923100 · Account: 310283087 · Name: Barran Dodger

CONTACT

Email: drbarrandodger@proton.me · Phone: +61 0431 300 940 · Web: barrandodger.com



Australian Government

Comcare

Claim Number: 1326583/1

Dr Richard William McLean
2 McCubbin Street
FOOTSCRAY 3011

26 May 2021

Dear Dr McLean

Your claim for workers' compensation

Claimed condition: anxiety and depression
Date of injury: 22 January 2021

Determination

I am writing to advise that your claim for Workers' Compensation has been declined under section 14 of the *Safety, Rehabilitation and Compensation Act 1988* (SRC Act) for anxiety state and depressive disorder.

Reasons for decision

When assessing a claim, Comcare needs to be satisfied that several criteria are met. The first criteria being confirmation that the person is an 'employee' in accordance with section 5 of the SRC Act.

Subsection 5(1) of the SRC Act defines an employee to mean:

- a) A person who is **employed by the Commonwealth or a Commonwealth authority**, whether the person is **employed under a law of the Commonwealth** or of a Territory or **under a contract of service** or apprenticeship; or
- b) A person who is employed by a licensed corporation.

Are you employed by the Commonwealth?

In your workers' compensation claim form dated 26 April 2021 you state your usual occupation is 'artist-life coach- therapeutic supplier' and that you are a 'sole trader.'

You have clarified in an email dated 13 May 2021, that you are a registered provider for the National Disability Insurance Agency (NDIA) and recorded your registered National Disability

00000588/03896920

Insurance Scheme (NDIS) provider ID number. You have said you are an 'employer of yourself' and are paid by NDIA through Provider Digital Access (PRODA).

Generally, when a person is employed under a contract of service the following indicators are met:

- The employer has the power to hire the person engaged for the job.
- The payment is in the form of wages and the employer deducts tax and pays superannuation.
- The employer has the right to supervise and control the manner in which the employee does their work.
- The person engaged is subject to the employer's disciplinary standard; i.e. APS Code of Conduct and other internal department policies which provide guidance and standards of behaviour.

The NDIA advised in their statement dated 10 May 2021 that you are not an employee of NDIA. The NDIA confirmed that you are not paid in the form of wages in which the NDIA deduct tax and pay superannuation. NDIA also note that they are not responsible for your supervision or control the manner in which you complete your work and you are not subject to the APS Code of Conduct or internal NDIA policies which provide guidance and standards of behaviour.

In your response dated 14 May 2021, you state you contract to the NDIA, the NDIA have approved you and can fire you, you are being paid by the NDIA and not a separate company. You also claim that you have to complete an audit by the NDIS Quality and Safeguards Commission (NDIS Commission) and if you do not meet the requirements you will be excluded from your job; and are required to comply with reportable instances within a definite timeframe.

To support your position that you are an employee, you have provided a copy of the Recovery of Advance Payment for Registered NDIA Providers dated 13 May 2021. On review of the NDIS website, the NDIA introduced a one-off advance payment for registered providers to assist in the expected increase in cost to deliver support with the expectation this will be repaid by providers in the future.

Comcare acknowledge that you are a registered NDIA provider who delivers support to participants of the NDIS, are required to meet NDIS Commission practice standards, and receive payment from NDIA for services you provide to NDIS participants.

Based on review of the above evidence, Comcare concludes that this supports you are an independent sole trader under a contract **for** service to NDIA rather than contract **of** service. Comcare have requested you provide a copy of your contract, however, to date this has not been received.

Based on the available evidence, Comcare is not satisfied you are an 'employee' in accordance with the SRC Act and as such are precluded from claiming compensation through Comcare.

What do I do if I disagree with this decision?

If you disagree with this determination you have the right for it to be reviewed. Please refer to the attached *Notice of Rights* or see 'Assistance and Further Information Options' at the end of this letter.

If you have any queries please call me on 02~6276~0354 or contact Comcare as below.

Yours sincerely



Amy Delzoppo
Comcare delegate
Tel: 02~6276~0354

CC: Case Manager

Attachments: Notice of Rights

ASSISTANCE AND FURTHER INFORMATION OPTIONS

Phone (from landlines only) 1300 366 979, for the cost of a local call or additional information and forms are available from our website at www.comcare.gov.au

- If you disagree with a determination made by Comcare you may request a reconsideration within 30 days of receiving it
- General information about Comcare's claims and benefits are available from our website
- Claims are assessed under the Safety, Rehabilitation and Compensation Act 1988 (SRC Act)
- The clinical framework for the delivery of health services provides guidance for treatment providers helping employees recover and return to work following a workplace injury or disease

Privacy is important to us. More information on how Comcare handles personal information is available from our website or call 1300 366 979.



Australian Government

Comcare

YOUR RIGHTS REGARDING A DETERMINATION

If you disagree with a determination issued by Comcare under the *Safety, Rehabilitation and Compensation Act 1988* (SRC Act) you have two options:

1. IN-HOUSE FACILITATION

Comcare offers an opportunity for parties in dispute to apply to attend In-house Facilitation, Comcare's Alternative Dispute Resolution process.

In-house Facilitation provides an opportunity for employees and employers who are in dispute following a determination to participate in a facilitated conversation with a qualified mediator. In-house Facilitation aims to negotiate settlement of claim related issues.

Not all claim related disputes will be suitable for In-house Facilitation, however a great many will be. To find out if your matter is suitable for In-house Facilitation please email facilitation@comcare.gov.au or phone the Disputed Claims team on 1300 366 979. If you email, you will need to provide your name, contact number and claim number listed above, so a facilitator can contact you.

Participation in Comcare's In-house Facilitation does not affect your right to request a reconsideration or appeal to the Administrative Appeals Tribunal within the time limits.

In-house Facilitation is currently held in Comcare's **Canberra and Melbourne offices** only.

2. REQUEST A RECONSIDERATION

To request a reconsideration of the determination you must submit a Request for reconsideration form, found on Comcare's website, within 30 days of receiving Comcare's initial determination.

Your request must include:

- > the date of the determination you would like reconsidered;
- > reasons for the request, including why you disagree with the determination; and
- > any new information that supports your request, such as medical reports or x-rays that have not previously been considered by Comcare.

Please ensure you submit all new information and evidence when you submit your request for reconsideration as there will be limited opportunity to provide it once the process commences. If you can't make your request to Comcare within 30 days, you must apply to the Disputed Claims team for an extension of time.

Upon receipt of your reconsideration request Comcare will:

- > acknowledge the request for reconsideration to all relevant parties;
- > give an opportunity to the responding party to comment on any new evidence and information;
- > review all relevant evidence on the claim file, in line with the SRC Act; and
- > issue a 'reviewable decision' in writing including the reasons for the decision.



MORE INFORMATION

- > Both employee and employer are involved in the In-house Facilitation and reconsideration processes.
- > Both employee and employer have the same rights to request that a determination issued by Comcare be reconsidered.
- > Any legal or travel costs incurred as a result of either process are your responsibility.
- > Comcare has a range of publications and information available on our website. If you would like a copy of any publication visit www.comcare.gov.au or call 1300 366 979.



Australian Government

Comcare

RECONSIDERATION REQUEST

Who is making the request for reconsideration?

☐

Employee

☐

Employer

Claim number

How would you like the reconsiderations team to contact you?

☐

Post

☐

Phone

☐

Email

☐

Fax

EMPLOYEE DETAILS

Name

Date of birth

Are you represented by a lawyer or another person for the reconsideration?

☐

Yes

☐

No

If yes, who?

WHAT DETERMINATION DO YOU WANT REVIEWED

Date of determination

☐

Acceptance of a claim

☐

Rejection of a claim

☐

Permanent impairment assessment

☐

Medical treatment determination

☐

Incapacity determination

☐

Other—please specify details below

REASON

☐

Insufficient investigation of the claim

☐

Comcare did not consider relevant information

☐

I did not have the opportunity to respond to adverse information

☐

I have new information to provide at review

☐

Other—please specify details below



You need to provide reasons for requesting a reconsideration which means you need to explain why you think Comcare's decision should be changed. Please attach written reasons for your request to this form.



You should also attach any supporting evidence. As the requesting party, you will have limited opportunity to submit further evidence.

Please send the completed form and attachments to:

reconsiderations.team@comcare.gov.au; or

GPO Box 9905 Canberra ACT 2600; or

fax: 1300 196 971

Signature

Date

PRIVACY INFORMATION

Your privacy is important to us. For information about how we handle your personal information, please visit www.comcare.gov.au/privacy or contact us on 1300 366 979 and request a copy of our Privacy Policy.

500,000+

archive downloads worldwide (barrandodger.com + Apple Books + Scribd + Gumroad + external)

SHARE THIS DOCUMENT

Click any button to open a pre-loaded share window

X / Twitter

Facebook

WhatsApp

Telegram

LinkedIn

Reddit

Email

Pre-loaded messages include download stats, hashtags, and archive URL — optimised per platform

THIS DOCUMENT'S BLOCKCHAIN FINGERPRINT · SHA-256

e411b76e45eb49180bb1cc9786a2eb1a

e3ca96a3f830db91a41ef98d29a66c9e

Unique cryptographic fingerprint of this exact document. Any alteration changes the hash.

Verify at: [opentimestamps.org](#) · [Bitcoin blockchain](#) · ~15,000 independent nodes

DONATIONS — KEEP THE ARCHIVE ALIVE

PayID: rich@richmclean.com.au
Bank: ING Bank · BSB 923100 · Account 310283087 · Name: Barran Dodger

CONTACT · LINKS

Email: drbarrandodger@proton.me · Phone: +61 0431 300 940
Archive: barrandodger.com · Economic Engine: economicjusticeengine.com
Free Ebooks: barrandodger.com/free-ebooks · Donate: barrandodger.com/donate

INTERNATIONAL SUBMISSIONS · BLOCKCHAIN INTEGRITY

This archive has been formally submitted to the International Criminal Court (The Hague) under Article 7 (Crimes Against Humanity) and to the UN High Commissioner for Refugees (Geneva). Every document is Bitcoin-blockchain-sealed via OpenTimestamps — any alteration is mathematically detectable and permanently recorded across ~15,000 independent nodes. No government can erase it.

CREATIVE PORTFOLIO · DR. RICHARD McLEAN

Click to view illustrated books on Simplebooklet

Back to Basics

Recent Drawings

simplebooklet.com

Barran Dodger

Portfolio

simplebooklet.com

Ego & Soul

Collection

simplebooklet.com

Grogan the Monster

Illustrated

simplebooklet.com